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OFFICIAL REPORT
(HANSARD)

Tuesday, November 29, 2011

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, November 29, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

●(1005)
[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 10 petitions.

* * *

COMMITTEES OF THE HOUSE

NATURAL RESOURCES

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Natural Resources.

In accordance with the order of reference of Thursday, November 3, your committee has considered votes 1(b), 5(b), 10(b), 15(b), 20(b), 25(b) and 30(b) and agreed on Monday, November 28, to report it without amendment.

* * *

HOLIDAYS HARMONIZATION ACT

Ms. Chris Charlton (Hamilton Mountain, NDP) moved for leave to introduce Bill C-364, An Act respecting the harmonization of holidays.

She said: Mr. Speaker, it is my great pleasure to introduce a bill respecting the harmonization of holidays. This proposed enactment would entitle employees under federal jurisdiction to all the general holidays observed in the province in which they work.

A few years ago, the Ontario government created a new holiday known as Family Day. Employees in federally regulated workplaces in Ontario, however, are not currently entitled to that provincial holiday. As a result, we find ourselves in the curious situation where a worker in the federally regulated courier sector, for example, is forced to try to deliver packages to retail businesses that are closed because of the provincial holiday. Moreover, these workers are not

able to share the holiday with their family and friends despite the fact that they, too, work in Ontario. My bill would end this unintended disconnect between federal and provincial laws by entitling employees in federally regulated workplaces to all of the general holidays that are recognized in the province in which they work.

I will conclude by thanking Shaun Flannery from my riding of Hamilton Mountain for first bringing this issue to my attention. I met him while I was knocking on doors in his neighbourhood and I am delighted to be able to table this bill for him and for all the workers under federal jurisdiction who would benefit from this enactment.

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

* * *

[Translation]

COMPETITION ACT

Mr. André Bellavance (Richmond—Arthabaska, BQ) moved for leave to introduce Bill C-365, An Act to amend the Competition Act (inquiry into industry sector).

He said: Mr. Speaker, the Bloc Québécois is back with this bill. During the previous Parliament, my former colleague and the member for Shefford, Robert Vincent, introduced this bill. This is not the first time. This bill would give the Competition Bureau more teeth. Right now, there needs to be a complaint before the Competition Bureau will investigate price fixing by oil companies. There have been some striking examples of this, particularly in my region, in Victoriaville, but also in the surrounding area, in Thetford Mines, Sherbrooke, the Eastern Townships and all over. People have been found guilty of fixing the price of gas.

We want the Competition Bureau and police forces to have the power to conduct investigations without the need for a complaint. Back home, there was a complaint and there were some very good results: charges were laid in June 2008 and July 2010 against 38 people and 14 companies for fixing prices at the pump. This happened in Victoriaville, Thetford Mines, Magog and Sherbrooke. Eleven individuals and six companies pled guilty in this case, and they received fines totalling nearly \$3 million. Of the 11 people who pled guilty, six were given prison sentences that added up to a total of 54 months in prison. A complaint was necessary for this to happen.

Privilege

The purpose of this bill is to allow the Competition Bureau to use its expertise to initiate investigations without the need for a complaint. I think that this would greatly improve the situation with gas price fixing.

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

* * *

•(1010)

[English]

PETITIONS

PROTECTION OF CHILDREN

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I would like to bring to the attention of the House a petition I received that calls upon Parliament to enact stronger legislation to deal with child sexual abuse. Statistics show that 39% of those who possess child sexual abuse materials have images of children between the ages of 3 and 5 and 83% have images of children between 6 and 16 being sexually assaulted.

Section 163 of the Criminal Code currently allows sentences as little 90 days for making criminal child sexual material and only 14 days for the possession of criminal child sexual materials.

Well over 5,000 signatories of this petition are requesting stronger mandatory minimum sentences that would protect children, provide justice and deter pedophilia.

I should add in closing that the Canada Family Action, which is sponsoring the petition, applauds our government for addressing the issue in a meaningful way with our crime legislation, Bill C-10, which is currently before the House.

[Translation]

SAFE STREETS AND COMMUNITIES ACT

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I rise today to present a petition on Bill C-10 that has been signed by Canadians across the country.

[English]

Bill C-10 is the omnibus crime bill. The petitioners say that it crudely bundles together too many pieces of unrelated legislation, some of which makes sense and some of which does not. There is also a big problem with its implementation because Ontario and Quebec may refuse to pay for the costs of some of the measures in this bill that would be downloaded to them.

The petitioners call upon Parliament to separate Bill C-10 into its pieces and allow members to vote on each part separately.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise to present a petition today from Canadians, primarily from the Montreal and Ottawa areas, also concerned with Bill C-10, making the same point, that we have nine separate bills put together into this omnibus crime bill, the so-called safe streets and communities act, that many petitioners believe will not deliver safe streets in communities.

The petitioners ask that this House consider separating Bill C-10 into its component parts so that each part can be dealt with separately.

I present this petition in hopes that this House will still come to its senses and not pass the omnibus crime bill as drafted.

CANADIAN WHEAT BOARD

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, with pleasure I present this petition on behalf of prairie farmers. Their desire was to address it to the Minister of Agriculture and Agri-Food. The petitioners are requesting that he honour the democratically expressed wishes of western Canadian farmers.

We are all aware of what took place yesterday when Bill C-18 passed, which disagreed with what the prairie farmers were actually requesting. However, the petitioners still felt that it was important to table this petition so the Minister of Agriculture and Agri-Food would be aware of the fact that most farmers did not support Bill C-18.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

The Speaker: I understand that the member for New Brunswick Southwest will be responding to the question of privilege.

* * *

PRIVILEGE

TELEPHONE CALLS TO MOUNT ROYAL CONSTITUENTS

Mr. John Williamson (New Brunswick Southwest, CPC): Mr. Speaker, I rise today to respond to the supposed question of privilege from the hon. member for Mount Royal which was raised on November 16 and 23, along with the submissions made by the hon. member for Windsor—Tecumseh. I appreciate the time you have allowed to return with a response.

For the reasons I will put before you, Mr. Speaker, I believe you will find that there is no basis to conclude a prima facie breach of privilege has taken place.

[Translation]

The question at hand is related to the identification of voters by the Conservative Party of Canada in the riding of Mount Royal.

As members are aware, every political party in the House identifies its voters in one way or another. This is an important part of the political process. Talking to Canadians, discussing issues with them and asking them if they support our party is nothing new.

Ultimately, the resources used to make these calls did not belong to Parliament or to the government; they belonged to the Conservative Party.

•(1015)

[English]

To be clear, in no way was any parliamentary resource or time used to conduct a routine political activity. We are aware of numerous circumstances where the Liberal Party of Canada was, prior to the last election, making voter identification calls in various ridings across the country targeting seats held by Conservative members of Parliament.

I will also add that, at that point, the election timing was entirely speculative, there not being an election called or scheduled until after all the opposition parties joined together and voted on March 25 for an unnecessary early election. Did those calls impinge on the work of the sitting members? Did those calls prevent the MPs from doing their jobs? No, absolutely not. This is exactly what a political party is supposed to be doing: targeting ridings they believe can eventually be won.

The hon. member for Mount Royal indicated that his ability to do his job as a representative of the riding because of these calls was undermined. This is simply not the case. As the hon. member noted, he has many bills and motions on the Order Paper and Notice Paper. Moreover, I am told that he has been very active in recent meetings of the Standing Committee on Justice and Human Rights. Clearly, his work in this place has not been impeded in this regard.

Moreover, members have numerous tools provided by taxpayers to communicate with constituencies as a result of being elected to Parliament. These include householders and ten percenters, among other tools. Finally, a member of the House can simply make a statement to the press, which is what the hon. member did in this case to ensure his constituents are aware of his intentions. As well, he penned an op-ed in yesterday's *Montreal Gazette* to inform voters of the work he is doing on their behalf. I was impressed by the volume of his work and I am sure they were too.

It may be helpful to draw the Chair's attention to other cases of rumoured byelections.

[Translation]

In 2003, during the New Democratic Party's leadership race, Jack Layton did not have a seat in the House of Commons. On Friday, January 10, 2003, the *Toronto Star* wrote that Mr. Layton had not ruled out the possibility of holding a byelection in Ottawa Centre. The problem is that no byelection was held in Ottawa Centre. Yet, the *Toronto Star* wrote that Mr. Layton had not ruled out the possibility of a byelection to fill this empty seat.

The Liberal member representing Ottawa Centre at the time, who is today a Liberal senator, Mac Harb, never raised a question of privilege. He never said that his rights as a member of Parliament had been violated, and for good reason: his rights were not violated. Mr. Layton was merely responding to rumours that the Liberal member might soon be stepping down.

[English]

Mr. Speaker, I will draw your attention to a line that appeared in a recent news article from *iPolitics* with respect to the claims advanced by the hon. member for Mount Royal. It appeared on its online news site on Wednesday, November 16. It stated:

Privilege

While [the member for Mount Royal], who has an international reputation for his human rights work, has often been rumoured to be on the brink of quitting as an MP, in an interview with *iPolitics*, [the member for Mount Royal] said he has no plans to quit and has not been offered any positions or appointments.

[Translation]

I want to repeat that. The hon. member "has often been rumoured to be on the brink of quitting as an MP".

[English]

I will repeat that again. The hon. member has "often been rumoured to be on the brink of quitting as an MP".

I will restate the essentials. The Conservative Party calls people for the purpose of voter identification. It is an important part of the job of any political party to ask Canadians if they support the party in the event of an election or byelection. The hon. member has often been rumoured to be on the brink of quitting. It is hardly an intolerable leap to insert this in a call script to identify potential voters.

This is not a *prima facie* breach of his privileges or the collective privileges of the House. It is, in fact, routine political discourse. For members to find this objectionable is to be shocked, shocked to find gambling going on in this establishment. Some members might be stunned by routine political activity conducted by all political parties, or at least the successful ones, but that indignation is no more surprising than Captain Renault's feigned anger in *Rick's Cafe*.

I should correct myself. This activity did not happen in this establishment and was not done by anybody affiliated with Parliament or under the Speaker's supervision.

Mr. Speaker, I would ask you to be cognizant of free and robust dialogue and democratic activities enjoyed in Canada in respect of the election of members, whether it be as a candidate, a partisan or a voter, when you come to your decision.

•(1020)

[Translation]

Mr. Speaker, I would ask you to be cognizant of free and robust dialogue and democratic activities enjoyed in Canada in respect of the election of members, whether it be as a candidate, a partisan or a voter, when you come to your decision.

To find a *prima facie* question of privilege in these circumstances would, I suggest, place an unreasonable and unacceptable chill over political discourse in this country, and therefore should only be done in the most extraordinary of circumstances. Those circumstances are not present here.

[English]

To find a *prima facie* question of privilege in these circumstances would, I suggest, place an unreasonable and unacceptable chill over political discourse in this country, and therefore should only be done in the most extraordinary of circumstances. Those circumstances are not present here.

Accordingly, Mr. Speaker, I believe you will agree that it is clearly not a matter that the House should consider further given that there was no breach here whatsoever, and that you should rule that there is no basis for a *prima facie* breach of privilege.

Privilege

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, if you would look at my statement on this question of privilege, I said that I had no problem with people engaging in voter identification. I said I understood the practice of outreach. I said I understood that political parties, including ours, engage in issues of voter identification.

The issue is not that because of the calls themselves my work was impeded, calls regarding voter identification and the like. It was that in the course of those calls, my work became impeded by the false and misleading information contained in those calls. That is something very different.

The constituents were not asked, “Do you support or would you support the Conservative Party in a general election?” I could understand that, even though we just had a general election six months ago, but in the realm of political discourse, I could understand voter outreach being done all the time. That is fine. However, that is not how it was put.

My constituents were asked, “Will you support the Conservative Party in the pending or imminent byelection?” There is a fundamental difference. This is not normal political discourse, as the hon. member said. Clearly, this is false and misleading information because there is no pending or imminent byelection. When my constituents replied, “What byelection? We don't know of any byelection”, they were told that the member for Mount Royal had resigned or is about to resign.

That clearly comes within the breach of privilege of sowing confusion in the minds of the voters. It clearly comes within the breach of privilege with respect to prejudicing my standing with the electorate and not only causing confusion, but impeding my work because of the flood of phone calls and emails, et cetera, that my office received. People are asking about this pending byelection and when this imminent byelection was to take place. They are saying, “We didn't know that the member for Mount Royal was stepping down,” or, “We didn't know that he has already stepped down”. That is fundamentally different.

The fact is there may have been rumours, but after 12 years I am still here. In that article he quoted, I said that those rumours have been going on for 12 years. The fact that it emanates very often from the members opposite is something else. They are rumours. Rumours are rumours. I will just say that people can repeat rumours, but it is fundamentally different from a rumour to call constituents in a systematic way and specifically target those constituents, with the effect of sowing confusion in the minds of the electorate, impeding the member in the performance of his functions, and causing prejudice to his standing within the riding. These calls have not abated.

It is important that such a practice cease and desist. I do not think any member of this House should be subjected to those kinds of calls. It is not a matter of the party, although I will say that the former candidate in the riding of Mount Royal when asked if he was involved with this, said, “No, I had nothing to do with it. It was the party. It was the Conservative Party”. The Conservative candidate identified the Conservative Party as being involved. I believed him when he said he was not involved. I equally believed him when he said that the Conservative Party was involved. He identified the party.

Leaving that aside, the whole point here is that this was not in the course of normal outreach. This was a form of prejudicial misrepresentation of false and misleading information. As I said, it falls squarely within the criteria, and we quoted principles and precedents, as to what constitutes a breach of privilege. This is not chilling political discourse for you to rule, Mr. Speaker, that it was a breach of privilege; this will chill false and misleading information that tends to corrupt the political process.

That kind of constraint should be placed so that no member in the House should be subjected to false and misleading information. Again, it was not held out as a rumour. It was stated as a fact, a false fact, but it was held that the member had resigned or was about to resign.

There is not a byelection to be held at some point, as I said, let alone a general election. They were talking about a byelection. They said that a byelection is pending; a byelection is imminent. There was a series of ongoing false, misleading, prejudicial misrepresentations.

● (1025)

I think the Speaker should rule that it is a breach of privilege, not simply in my case, but to protect all members of the House from such false and misleading statements and innuendoes that should not be made inside or outside the House which could prejudicially affect members of Parliament.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have spoken once before on this question of privilege. However, after hearing the Conservative member and now the member from the Liberal Party, whose question of privilege this is, I want to draw to your attention the complaint which came from the member for Windsor West with regard to a ten percenter, because I think it is exactly on point and fully supports the argument we just heard.

In that case, it was a member from the Conservative Party who had sent a ten percenter, which of course is no longer allowed, into the riding of Windsor West accusing the member for Windsor West of supporting a particular position. I think it was on a crime bill. The person who sent it was Monte Solberg. At the time I think he was a minister, but if not, he was certainly a member of the Conservative Party. In the ten percenter he accused in very strong language the member for Windsor West of supporting a particular position. In fact, it was a position I had taken as the member for Windsor—Tecumseh. The member for Windsor West had not taken a position on it. I think he was on the other side of the issue at the time. The material that went into the riding in the form of the ten percenter was false and misleading in terms of the position that the member for Windsor West had taken, although he may not have taken any position at all.

It is exactly the same situation here. The allegations we have heard have been confirmed. I do not think there is much of a dispute over the facts. The phone calls were clearly false and misleading as to whether the member was going to retire or in some respect was leaving his position. As was the case with the member for Windsor West, that does have a negative impact on the member's ability to perform his duties. The same thing happened. There were all sorts of emails, letters and phone calls to his office asking why he had taken this position, when in fact he had not. That is a direct interference. It is false, misleading and has a negative impact on the ability of the member of Parliament to do his or her job.

The ruling by Speaker Milliken is exactly on point with the situation we have here. Therefore, Mr. Speaker, I would urge you to make a decision that would find a prima facie case. Let us investigate it at the procedure and House affairs committee. Let us deal with it in an appropriate fashion, as we did in the other case.

There were repercussions with regard to Mr. Solberg in terms of having to apologize, et cetera. The same thing needs to be done in this case.

• (1030)

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I do not want to repeat all the arguments that have just been made by the member before me and the member affected by this, the member for Mount Royal, however, I am extremely disappointed that the Conservative member who defended the Conservative Party's position in this matter did not have the class to say it was a mistake to do that. Instead of that, he justified the use of this tactic.

When I do something my wife finds unpleasant, and that is very rare, she asks me to put myself in her position. So I ask all the members here present, from all the parties, particularly the Conservative member who just spoke and his Conservative colleagues, to put themselves in the position of the member for Mount Royal.

In his riding, people are organizing and making telephone calls and doing polling, among other things, and clearly saying there is going to be a byelection. So that means the sitting member is getting ready to leave. Obviously this is a breach of the member's privileges, as I said the first time I spoke to this subject not so long ago, since a person or a company or an organization that wants to do business with their member and has a project in hand will wonder whether it is worth the trouble to go and meet him to get help with their project, since they have heard that the member might not be there soon. It spreads like wildfire and the media seize hold of it. Because of a few telephone calls, everyone is persuaded that the member is going to be leaving.

Obviously this interferes with how the member works. He has to answer all these questions in the media. He has to answer the voters. He goes to evening functions. We all do it. That is how we spend our time on weekends and during break weeks. We take part in a variety of activities, for example at senior citizens' clubs. I am sure that the member for Mount Royal is getting asked whether it is true that he is going to be leaving, because people have received a call about this. He spends his time refuting that argument, when he should be spending his time working on issues as we all do.

Privilege

I heard absolutely nothing from the Conservative member to say it was unacceptable to do this. If we accept this in the case of the member for Mount Royal, it will be accepted for everyone here. I have a team of several volunteers who make telephone calls. They could spread rumours about the Minister of Industry in the neighbouring riding and say that he is leaving because he has been offered a post as ambassador. I do not want to do it; I am just saying that this must not become a precedent.

[*English*]

Mr. John Williamson (New Brunswick Southwest, CPC): Mr. Speaker, I want to make a couple of points.

First, the ten percenter program falls within the purview of Parliament. Activities by political parties do not.

Second, members seem to be concerned about the tactics of political parties to identify votes or to win votes. Again, I submit this is of no business to the House.

Third, in this case with the hon. member, there is talk and ruour out there. He has put the situation to rest, and I accept that, but it is not unreasonable in a political discourse to have heard that and for it to be inserted into a script or used to explain why there are calls.

Good, strong political parties are ready for elections at any time. They will conduct work throughout the years, in this case four years, and not just wait until four weeks before the next election.

It is important that we separate these activities from the business of Parliament and the business of political dialogue outside this chamber that is legitimate and appropriate.

• (1035)

Hon. Irwin Cotler: Mr. Speaker, I think I should respond to the supplementary remarks of my colleague.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I am sure you will recognize the member for Mount Royal for closing summation comments.

I want to be very clear that the actions that occurred in the electoral district of Mount Royal are irrefutable. They are vile, corrupt and anti-democratic, and they happened. They happened in a way that was very consistent with previous actions of the Conservative Party of Canada using House resources to conduct a negative and false message targeted at a particular electoral district and a particular member of the House.

A professional polling firm, a corporate entity does not undertake this activity because of its own political philosophy or own personal actions. It does so for remuneration. Someone paid a company to conduct a false poll, a push poll, in the guise of a public relations survey, to convey a false message to the electors within the Mount Royal district.

There has been past activity which outlines that House resources were used to conduct that activity. That is irrefutable. What is also irrefutable is that this particular survey could just as easily have been conducted through one of two means. It could have been conducted using the research budgets of the Conservative Party of Canada, or through a subsidy from taxpayers.

Privilege

The bottom line is that it is not acceptable to any member that we simply whistle past the graveyard and ignore this issue. Mr. Speaker, there are precedents and rulings that if you were simply to find the basis for an investigation to find out the truth, not to whistle past the graveyard, given the fact that there is past activity which supports the notion that House resources were used to do this type of activity, that House resources could now be used to conduct this type of vile activity. To not refer this to committee, to not find a prima facie case of privilege in my opinion would be an offence to the House. We simply cannot walk past the graveyard on this. It is incumbent upon all of us to protect the rights of individual members.

I call on you, Mr. Speaker, to do the right thing and allow this matter to be properly vetted. Do not let even the perception or the reality of House resources, of the people's resources, be used for a false, corrupt message, which betrays the true character and integrity of a member of this House. It would be unacceptable.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, when I made reference to examples where personal privileges had been found to be violated they were not limited to the kinds of examples the hon. member for New Brunswick Southwest put forward. They were not limited to householders or matters within the purview of this House. They included misleading advertising in newspapers. Anything that leads to confusion about the role of a member of Parliament is against our principles and constitutes a personal privilege being breached.

I want to reinforce that what I heard from the member for New Brunswick Southwest falls short of a satisfactory response to this question of privilege.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the member for Mount Royal, in addressing the suggestions that there would potentially be a byelection in his constituency, has used some very strong language to describe these as misleading, wrong, untrue.

However when we go back to the original arguments the member made, we will recall that he said people received these calls and they were perplexed. They of course asked the question, "Why are you calling me?", a reasonable question to ask in the circumstances, since he is here.

The response that was given by the callers was, as the member said, that there was a possibility, rumours or suggestions that there would be a byelection. Well that response was, very interestingly, the truth.

What he is asking you, Mr. Speaker, to do here is prevent people from being able to speak the truth. When they were asked "Why are you making this call?", "There are rumours that there might be a byelection" was the true answer.

That is what prompted the political activity. It is something that he himself acknowledges has been out there, has been present for some 12 years. We are not talking about the past couple of weeks; we are talking about years and years.

Clearly, the basis for them answering the truth when asked that question is most reasonable. It is a reasonable part of speech. In this case what the Speaker is being asked to do is extraordinary. The Speaker is being asked to reach far outside this House, to make a

ruling that will affect every single Canadian. It will affect Canadians' freedom of speech, their ability to speak their minds, their fundamental charter rights and their fundamental democratic rights. That ruling would say that they are not able to comment or speculate on whether the member would be leaving his seat and whether there might be a byelection.

I think about the programs that I watch and the news stories that I read. There are continually items of speculation on whether particular individuals in this House might leave, might leave early, might retire or might resign.

Were you, Mr. Speaker, to find favour with the point as the member for Mount Royal is asking, you effectively would be making that type of speech illegal, as it would affect or offend the privileges of every member of Parliament if it ever happened. It is like putting the special cloak of protection around parliamentarians, insulating them from normal political and journalistic discourse.

Let us think of the logical outcome were you, Mr. Speaker, to find favour with the member for Mount Royal's suggestions. A political pundit might go on a panel on a television show and say, "We have heard that the member for York—Simcoe may want to return to the private sector soon. It is more lucrative anyhow. So there is going to be a byelection in that riding, maybe."

All of a sudden, that pundit, having speculated on that, is going to be found to have offended the privileges of the member, subject to a contempt of Parliament ruling, subject to the fairly extreme potential consequences that are available to the Speaker in that case. That seems to be very unreasonable.

The same would apply to any journalist who would engage in that kind of speculation, entirely normal freedom of speech and expression. The member for Mount Royal is asking the Speaker to suppress that. That is the logical outcome of his request.

There are fundamental rights that exist in a democracy. I can understand his concern about his privileges being offended, but to say that one cannot speculate on his future, that that form of freedom of speech should forever be suppressed, is to me an overreach that is far too great. It really reflects more his insecurity than a confidence in the robustness of our democracy, of our long political traditions.

I would be very concerned, Mr. Speaker, were you to go down that path and suppress democratic activity, suppress the freedom of speech, not just of political parties but of every single individual outside this place. It would, in effect, say to them that somehow we are beyond their ability to speculate or talk about, because if they say anything negative about our performance, if they say that we might leave, that we have other plans or that we are not working hard enough, they are somehow offending our privileges.

The member said that people are saying that, as he is leaving, he is not working hard enough and not doing things for them. People say that about members of Parliament every single day. Some people say it about every single one of us, that we are collectively not working hard enough.

That should not be found to be a breach of our privileges. That should be part of our challenge every day in this House and outside this House. That should be addressed as part of normal democratic discourse.

Mr. Speaker, I would caution you very strongly against taking the invitation that has been presented to you.

• (1040)

Chilling that freedom of speech and democratic discourse that exists in our society to allow members of Parliament to somehow be insulated from criticism of their performance and speculation of their jobs by anybody out there would be overreaching and unprecedented in my view. When this matter was first raised, I somewhat jokingly said that it was quite evident the member was still here. I do not think anybody is disputing that.

Sir John A. Macdonald, in his ear, faced this on a regular basis, almost every year. It was published in *The Globe* by George Brown, the proprietor and a member of the legislature, that his departure was imminent. Obviously, that did not happen for many decades, but it was published all the time.

Sir John A. Macdonald, in the greatest tradition of democracy, understood it to be part of normal discourse. We have seen no evidence that there were any concerns raised that his privileges were offended. He was willing to go out and address it by doing his job, and being part of the democratic process.

The fact is that this has been going on as long as politics in this country. It is a normal part of politics in this country and it is not a kind of speech that should begin to be chilled at this point.

• (1045)

The Speaker: I will allow the member for Mount Royal to respond and then I think we will move on.

Hon. Irwin Cotler: Mr. Speaker, I will respond to the two interventions from the other side.

Some references were made to ten percenters. Mr. Speaker, your predecessor ruled that there was a prima facie breach of my privileges because of false and misleading ten percenters that were targeting households in my riding, at that time targeting only the Jewish households in my riding.

It is part of a pattern. I know the Conservatives covet the riding. I know they would like to win the riding of Mount Royal, but they have to do so on their merits, not by false, misleading, and prejudicial information as took place in the ten percenters, which your predecessor ruled was a prima facie breach of privilege, and with a repetition now with these false and misleading phone calls.

This is not a question of rumours of a byelection. We are all subjected to that kind of thing. People in my riding or in any riding might be asking their member, "I heard you might be resigning" or "I heard you might be going elsewhere", or whatever. That is part of constituents sometimes asking a legitimate question to their member of Parliament. This is not what is being asked here.

These are constituents who have been told, in false and misleading phone calls, by an agency supported by the Conservative Party that there is an imminent byelection and that the member has resigned or

Privilege

is about to resign. It is not people coming up to me and saying they heard rumours as is part of the normal give and take. However, I should not have to be back in my riding this weekend and have people coming up and saying they were called and told that I had resigned or that they were called and told that there is an imminent byelection going on.

Under the principles of breaches of privilege, that is what is called "sowing confusion in the minds of the electorate". That is what is called "impeding the member of Parliament in the performance of his duties".

I can speak with my constituents in regard to rumour, but not when they are telling me that they are getting calls making statements of fact, when these are not statements of fact but false and misleading misrepresentations of fact. That is the fundamental difference. This is not a matter of chilling speech. The opposite member elevated this to absolute freedom of speech.

If we look at our whole constitutional law in this country, there is no such thing as absolute freedom of speech. We have laws with respect to limitations on speech with regard to perjury, so people can have a right to a fair trial. We have limitations on false and misleading advertising, directly on point, so the consumer can be protected against false and misleading advertising. We have laws against obscenity, so people can be protected with respect to their human dignity. I can go through the whole law of free speech. I happen to have a certain degree of expertise, having written on it and pleaded it before the Supreme Court.

This has nothing to do with free speech. This has everything to do with false, misleading, and prejudicial information held out in a representation to constituents and held out as if it were a statement of fact, clearly causing prejudice and clearly undermining the role of the member.

If the members opposite say that they are happy to see that I am very active and involved, yes I am active and involved. That is our responsibility as members, to be active and involved.

However, when constituents believe not only that we are not active and involved but that we are not even a member anymore, that we have stepped down or are about to step down, this transforms the entire relationship between the member and his or her constituents.

Equally, when I was asked this past weekend, after my constituents had heard that I had stepped down, I began to tell them about some of the things I was doing with respect to Bill C-10 in this House, which is somewhat ironic that we are speaking on this today or maybe not so ironic that we are supposed to enter into a discussion on Bill C-10. It is a nice diversionary approach on the government's part. However, let us leave that aside.

The point is that the members of my riding were not aware of the work that I have been doing and that was precisely what I said in my point of privilege. It is not only false and misleading but it overtakes and overshadows, and effectively obscures, if not excises, the work that I am doing and the opportunity to engage in what the government has called political dialogue. I would love to be in political dialogue. I do not mind criticism. I do not mind voters coming up and saying, "Your position on Bill C-10, we totally disagree with it".

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●(1050)

That is fine. That is fair comment. That is fundamentally different from a voter coming up to me and saying, “How come you are not even involved on Bill C-10? You are not even there”. That is where the prejudice is: the reduction of the member of Parliament as if he is no longer a functioning member of Parliament.

There is no knowledge of all the work that I have been doing in the last two weeks, whether it was standing in the House to speak to Bill C-304, a private member's bill on the issue of freedom of speech and hate speech, where I thought the intervention was important, or that I have undertaken the representation of an Egyptian blogger, a leader in the Tahrir revolution, now being played out in Egypt, to have been imprisoned for allegedly insulting the Egyptian military, a rather dramatically important case. My constituents had no knowledge of that. When I held a press conference in that case, the questions that I was asked by journalists were, “Are you resigning? Have you resigned? Is there a byelection?”

Therefore, it did interfere with my work. It interfered in my exchanges with the media. It interfered with my exchanges with my constituents. It interfered with the public perception of the work in which I was engaged.

I want to conclude by saying that there is no suggestion here that any speech be chilled or suppressed. What is suggested here is that I practised a misconduct that misrepresents matters that relate directly to the performance of members in their duties as members of Parliament.

To say that it does not address what is being done in this House, it addresses the capacity of members, not only me, to perform their duties in the House and as members of Parliament when outside the House with their constituents, among the public, the media and the like.

It has a pervasive and persistent prejudicial fallout impeding, if not prejudicing, the members in the performance of their duties. It comes directly within all the principles and precedents that I cited in my two statements respecting the request for a prima facie finding of a breach of privilege.

The Speaker: I thank the hon. member for his further interventions. I will take all the points made under advisement and come back to the House in due course.

GOVERNMENT ORDERS

SAFE STREETS AND COMMUNITIES ACT

The House proceeded to the consideration of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, as reported (with amendments) from the committee.

[English]

SPEAKER'S RULING

The Speaker: There are 88 motions in amendment standing on the notice paper for the report stage of Bill C-10.

[Translation]

Motion No. 58 will not be selected by the Chair, because it requires a royal recommendation.

Motions Nos. 4, 6, 10, 12, 14, 19, 54, 60, 61 and 88 will not be selected by the Chair, because they could have been presented in committee.

Motions Nos. 3, 7, 9, 11, 13, 15 to 18, 37, 40, 42, 44, 46, 48 to 50, 52, 55 to 57, 59, 63, 72, 74, 75 and 79 will not be selected by the Chair, because they were defeated in committee.

[English]

All remaining motions have been examined and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76.1(5) regarding the selection of motions in amendment at the report stage.

The motions will be grouped for debate as follows.

[Translation]

Group No. 1 will include Motions Nos. 1, 2 and 5.

[English]

Group No. 2 will include Motions Nos. 20 to 36, 38, 39, 41, 43, 45, 47, 51, 86 and 87.

●(1055)

[Translation]

Group No. 3 will include Motions Nos. 53, 62 and 64 to 69.

[English]

Group No. 4 will include Motions Nos. 70, 71, 73, 76 to 78, 80 and 81.

[Translation]

Group No. 5 will include Motions Nos. 82 to 85.

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

I shall now propose Motions Nos. 1, 2 and 5 in Group No. 1 to the House.

[English]

MOTIONS IN AMENDMENT

Mr. Jack Harris (St. John's East, NDP) moved:

That Bill C-10 be amended by deleting clause 1.

Ms. Elizabeth May (Saanich—Gulf Islands, GP), seconded by the member for Bas-Richelieu—Nicolet—Bécancour, moved:

That Bill C-10, in Clause 2, be amended by adding after line 10 on page 3 the following:

““terrorism” includes torture.

“torture” has the meaning given to that term in article 1, paragraph 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”

[Translation]

Hon. Irwin Cotler (Mount Royal, Lib.) moved:

That Bill C-10, in Clause 2, be amended by adding after line 6 on page 5 the following:

“(6) In any action under subsection (1), the defendant’s conduct is deemed to have caused or contributed to the loss of or damage to the plaintiff if the court finds that

(a) a listed entity caused or contributed to the loss or damage by engaging in conduct that is contrary to any provision of Part II.1 of the Criminal Code, whether the conduct occurred in or outside Canada; and

(b) the defendant engaged in conduct that is contrary to any of sections 83.02 to 83.04, 83.08, 83.1, 83.11, or 83.18 to 83.231 of the Criminal Code for the benefit of or otherwise in relation to that listed entity.”

[English]

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, we are now getting down to the later stages of the bill, the report stage, after having had a rather short time in committee to deal with it. It could have been shorter, but as we have seen with the list of amendments here at the report stage, it is pretty clear that nobody and no party was satisfied with the bill, either at second reading at committee or here at report stage. In fact, the government itself moved a series of amendments at report stage, clearly indicating that sufficient consideration had not been given to the bill either in its preparation for second reading or in committee.

We had one meeting devoted to one aspect of this nine-bill omnibus bill, the justice for victims of terrorism act. None of the amendments that the member for Mount Royal moved were accepted at the committee, yet we had five or six or seven amendments from the government at report stage in an attempt to fix what could have been fixed in committee.

Now this omnibus bill is being rushed through. My amendment, Motion No. 1, is to remove the short title. The short title is “safe streets and communities act”. We want to remove that title because, aside from the provisions having to do with sexual assault and offences against children, which we supported, every single expert who came before our committee essentially said that overall, the provisions of the bill were going to lead to greater crime in this country and to streets being less safe. These experts included anybody who had done any study and anybody who had any credentials based upon their work or their training, whether professors of law, professors of criminology, people who had studied this, or representatives from the Canadian Bar Association, who are experts in this field and represent both prosecutors and defence counsel. The Barreau du Québec was another group that came before us with criticisms of the bill.

We had strong representations from the Attorney General of Quebec, who spoke passionately about the experience in Quebec over the last 40 years in dealing with young offenders and about the principles Quebec operated on, principles that are being changed by this legislation. He said quite strongly that the changes being proposed here were so contrary to the experience and prospects of young people in the youth justice system in Quebec that he wanted them changed. He wanted the provinces to be able to make exemptions in the publication of young people's names, for example. He complained about the use of adult sentences. He complained

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about changing the principles of sentencing for the Youth Criminal Justice Act to add individual deterrence and denunciation as principles of sentencing, as opposed to rehabilitation. He talked about how successful they had been in Quebec in keeping young people out of jail, to the point that they have a greater success record than the rest of the country.

When we heard expert after expert telling us that the results of the sentencing changes, particularly the mandatory minimums and particularly the lack of flexibility in allowing judges to fashion sentences in extreme cases, we were overwhelmed, frankly, by the received wisdom of those experts saying that there was something wrong with the bill. We opposed it at second reading and tried to make substantive changes to the bill in committee, given the limited time that we had, but we were unsuccessful.

• (1100)

Not a single amendment proposed by any opposition party was accepted in the clause-by-clause study of the bill, yet some of the amendments proposed by the member for Mount Royal are mirrored in the amendments proposed by the government, but ruled out of order by the Speaker, at report stage.

We have a very difficult situation here. I realize it is symbolic to change the name of the bill. The government calls this piece of legislation the “safe streets and communities act”, yet it wants to limit debate to depicting itself as being tough on crime and the opposition as being sympathetic to criminals and wanting things to be a lot easier for them. That is the nature of the debate that the government has tried to foist upon Canadians, but the response from Canadians has been overwhelmingly critical of the government's approach to changing the fundamental aspects of our criminal justice system.

There are some exceptions. Not everything in the bill is negative or bad, and we supported many aspects of it, but to say that this piece of legislation is going to provide safer streets and communities is laughable. There are people who believe that criminals do not get heavy enough sentences for what they do; there may be selective ways of doing that, but the way the bill tackles this issue has resulted in the most consistent level of opposition that I have ever seen from those concerned about the nature of our criminal justice system.

Even those who support the bill have reservations. The Association of Chiefs of Police says it supports it in principle. Some victims of crime came forward to say they were concerned about not having tougher sentences, while others said they were more concerned about prevention and rehabilitation. There are those who think there should be stronger sentences, and our judges are listening to that. Parts of the bill deal with that issue, and we support that aspect.

As I mentioned, the government has called the bill the “safe streets and communities act”, yet expert evidence has indicated that the overall effects of the bill are more likely to lead to more crime, more recidivism or repeat offenses, more victims of crime and less safety for our streets.

Our Motion No. 1 is directed at doing just that.

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Motions Nos. 2, 5 and 8 in this grouping relate to what is called acts of terrorism against Canada and Canadians, but the bill really would establish a new tort to allow victims of acts of terrorism to bring civil suits against foreign countries or foreign agencies.

We have some problems with that bill. We do not have a problem with the approach, and there are a number of amendments try to fix the bill. The government has recognized at this stage, a little too late, that it should have been fixed, but that is an indication of how it has rushed this legislation and failed to give the proper amount of time to consider it.

It also underscores that for clearly political and ideological reasons, the bill is being lumped together with eight other bills to support the government's notion that it is tough on crime and the opposition is not. We are trying to improve the bill, make the criminal justice system fairer and more reasonable, and raise the point that changes have to be made to the bill but are not being made.

Even the United States, which probably has the highest rate of incarceration in the world, has safety valves for mandatory minimum sentences; this legislation has none.

There would have been an opportunity in committee to fix the bill if there had been more time. Many changes could have been made in committee. The Speaker ruled that the government's amendments are all out of order because they could have been presented in committee, so clearly the bill could have been fixed if we had had more time to do a proper job, and we argued for more time in the face of time allocation.

• (1105)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I want to ask a question about the hon. member for St. John's East's very last point.

It is very telling and important that we examine the problem of having rushed this bill through committee, but now we have the government amendments ruled out of order. These amendments, which opposition members would have supported, would have cleared the committee had they been presented then.

What are the member's thoughts as to why those efforts to fix the bill now have come too late?

Mr. Jack Harris: Madam Speaker, it is pretty clear that after the first day, when we had two hours of debate, the member for Mount Royal moved a substantial number of amendments. As he said, we were trying to fix and improve the bill. That is what clause-by-clause is for. However, it is clear the government did not really have enough time to consider the reasonable amendments. Some of the amendments the government put forward mirrored, or were slightly different, but properly considered ways of changing and improving the bill.

I am extremely disappointed, as I think Canadians are, that parliamentarians from both sides did not get an opportunity to do their job. We went into the second meeting with a motion that this would be done between 8:45 a.m. and midnight tonight or not at all. We ended up in a filibuster, but it was an attempt to focus attention on the problem and to try to solve it. Obviously this job was rushed.

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Madam Speaker, I thank the hon. member for St. John's East. Quebec and some of the other provinces do not want this bill. People have been protesting in a number of provinces, to indicate their opposition to the bill. Building expensive megaprisons will not make our streets safer. What are my colleagues thoughts on that?

[*English*]

Mr. Jack Harris: Madam Speaker, incarcerating more people may keep those individuals out of society for a period of time, but people who go to jail get out. They do not stay there for the rest of their lives.

The result of lengthy periods of incarceration will be full prisons that lack the ability of rehabilitation programs to better prepare people to return to society and be better members of society. That is one way that we will have less safe streets. A young person who might otherwise have been rehabilitated and avoided the criminal process may end up being a hardened criminal and lead a life of crime, inflicting harm upon society. The expertise has said that this would lead to less safe communities and streets.

The costs are enormous. The provinces do not want to bear those costs and they have their own views in many cases, particularly the youth justice in Quebec. As well, the use of adult sentences in some circumstances would be contrary to the experience in having a better youth justice system in other provinces.

Overall I think the effect of this is going to be less safe street. That is what the experts tell us. I know some people have an emotional reaction and lengthy sentences to crime gives some satisfaction. However, there are other ways to achieve safer streets, at which the government has not looked.

• (1110)

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Madam Speaker, I would first like to commend the efforts of the member for St. John's East on this file. What does the member think is the best way to achieve this bill's objectives?

[*English*]

Mr. Jack Harris: Madam Speaker, succinctly, greater effort on prevention and rehabilitation and more contribution to police services and enforcement is important.

There is a rate of 6% or 7% more aboriginal people in our prisons. Clearly there is something wrong with that. Significant efforts have to be made to work on prevention in aboriginal communities and fix our justice system.

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Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, it is with great pride that I rise today. The amendments put forward by me on behalf of the Green Party and by other members on the other opposition benches, the official opposition and the Liberal Party, speak to a desire of the majority of Canadians to see the bill fixed. I am particularly speaking to an amendment put forward under part I, the justice for victims of terrorism act.

I want to begin my brief remarks by paying tribute to one extraordinarily brave Canadian woman, Maureen Basnicki, whose great courage and perseverance in the face of losing her husband, Ken, in the disaster of 9/11 inspires us all.

I had a chance to talk to Maureen in the justice committee hearings. This was during the time we were transfixed by a government motion to end debate and push the whole bill through that day. She was disheartened, as an individual Canadian, that so much in the bill was caught up in an omnibus bill. As much as I support the efforts to allow Canadians, such as Maureen, who ever experienced the tragedy of personal loss to an act of terrorism overseas, and as much as it is quite right and appropriate, Canadians should be able to seek civil remedies overseas.

There is much in the bill that changes the characteristics of Canada and the values of Canadians in ways that do not reflect the kind of country we are. In fact, one of the trite things said after 9/11 was that if we abandoned civil liberties, if we changed what we were as a country, we had let the terrorists win.

To throw people in jail on mandatory minimums without the discretion of a judge who sees the person before him or her, without the opportunity of the criminal justice system to work toward restorative justice, without the opportunities that a compassionate justice system has to figure out if the person deserves jail time, or needs mental health facility where he or she can get the help needed, or is a victim of systemic racism or is someone for whom only criminal justice will work, needs revision. Putting forward my first amendment, which relates to the victims of terrorism act, is an important improvement in Canadian law and I support it. The amendment I have added today, should it be passed, will only expand the ambit of those Canadians who have been damaged by acts that fall well below the rule of law.

My amendment would add to the definition of terrorism that we would also recognize an act of torture to be something for which Canadians could seek redress overseas. It would apply to the case of someone like Mahar Arar. He was taken, in violation of all that is decent and in violation of all rule of law, not in recognition of his Canadian citizenship at all, and subjected to torture. He too would have redress to these civil remedies.

Since I have the opportunity to speak to the bill, as the hon. member from the official opposition has done, let me also speak to the broader problem. In the view of every criminologist, expert, academic who appeared before the justice committee and who commented on this through the media and in learned articles and so on, no one who has an experience of mandatory minimums believes they work. They do not believe they will reduce crime. They believe they will drive up the cost of our system and impose on the provinces. As has been so well pointed out by the provincial justice

minister for the province of Quebec, there could be untold billions of dollars in the cost of new prisons.

We already have overcrowded prisons. To crowd them further will impose other problems. The state of California needed a court order to release prisoners because the overcrowding constituted cruel and unusual punishment in violation of its bill of rights. We do not want that situation in Canada.

I want to raise a very specific point that did not come up in committee. I believe it is very important for all Canadians to recognize that every member of the House of Commons favours law-abiding citizens. Every member of the House of Commons wants to do better than the bill does in supporting victims of crime.

However, the legislation will not deliver safer streets. I cannot say that forcefully enough. One of the aspects of this, which I do not think has received adequate attention, comes from the experience in the United States, when the Americans removed judicial discretion with mandatory minimums and gave power in the hands of prosecutors to exact plea bargains.

● (1115)

Plea bargains have become far and away more common than criminal trials, which means that presumption of innocence goes out the window. There is generally a sense that if one insists on one's innocence and goes to trial, one will be punished down the road with a mandatory minimum. That is how prosecutors exact plea bargains. They say that if people go to trial, they will increase the offence. If they are found guilty, they will go to jail for 20 years instead of 2 years.

I will quote an article from the *New York Times*, on September 25, 2011, titled "Sentencing Shift Gives New Leverage to Prosecutors", and a legal scholar, who was a former conservative federal judge and prosecutor and now law professor. I want to emphasize this and I hope members of Parliament will reconsider it and give weight to this last moment we have at report stage to fix this bill and get rid of mandatory minimums.

This is what former judge Paul Cassell said:

Judges have lost discretion, and that discretion has accumulated in the hands of prosecutors, who now have the ultimate ability to shape the outcome. With mandatory minimums and other sentencing enhancements out there, prosecutors can often dictate the sentence that will be imposed.

The story goes on to say:

Without question, plea bargains benefit many defendants who have committed crimes and receive lighter sentences than they might after trial.

In other words, taking discretion away from judges does not guarantee, as those on the government benches so desire to see, that people who are guilty of crimes will be put behind bars. They may get the perverse result that I am sure they do not want, that mandatory minimums drive us to a completely new system in which prosecutors have the ability to plea bargain. In that process, people who would have been found guilty before a judge and jury, and be subjected to a harsher sentence, would get a lighter sentence.

Yes, we will overcrowd our jails. Without the safety valve provisions in the amendments that we will be reviewing today, without an ability to say "mandatory minimums should not apply here", without that, we will be crowding our jails.

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We know as of now we are not putting sufficient resources into programs for mental health or to help people with addictions. We know that so many of the problems that occur in crimes on the streets have to do with systemic problems of poverty, lack of access to mental health resources, treatment and care and addiction. If we are not dealing with those, we are merely throwing people from the streets, where there are problems, into jails. Jails are not a solution to mental health problems. Jails are no solution to the absence of affordable housing.

This is not legislation that will work for Canadians. It will not make safer streets; it will make meaner streets. This is not a bill that deals with Canadian values. This speaks to some other country that I do not know. I do not want to live in a country that thinks it is better to impose stark mandatory minimums rather than have a criminal justice system rooted in the rule of law that recognizes the primacy of the value that goes back to the times of common law, before the existence of our great country of Canada. We recognize the presumption of innocence. We must not lose that.

We must not live in a country where a member of a governing cabinet can look across the floor of the House and accuse an opposition member, as if it were a crime, to have worked as a lawyer for the defence. The defence of people accused of crime is essential in a criminal justice system. As we know from Donald Marshall Jr. and the Milgaard case, innocent people get accused of crimes. Those people who defend them in court are an essential part of the fabric of a civilized society that understands the rule of law.

I do not think I have ever been so deeply shocked by anything I have heard in the House of Commons as an accusation that the hon. member, who now stands as the official opposition House leader, was somehow a bad person because before entering politics, while practising law, he defended people accused of crimes. We should remember that when someone is accused of a crime we do not say a person is “defending criminals”. The presumption of innocence is an essential part of the fabric of a civilized society. I fear we are losing that.

● (1120)

The Deputy Speaker: Order. The hon. member may be able to continue her comments in questions and comments.

Questions and comments, the hon. member for Sudbury.

Mr. Glenn Thibeault (Sudbury, NDP): Madam Speaker, the hon. member talked about the important measures we are trying to bring forward with many of the amendments.

One of the issues that caught my attention in the member's speech relates to support for individuals with mental health issues. In my riding of Sudbury, the Canadian Mental Health Association does great work with those individuals. However, we are starting to see more and more individuals who require mental health services ending up in jails and not necessarily getting the services they need. What we do not want our prison system to become is the next system for individuals with mental health issues to get those services.

I would like to hear the hon. member's comments as to what we see coming forward for individuals with mental health issues and how the bill would do anything to change that or even support them.

Ms. Elizabeth May: Madam Speaker, it is clear there were attempts to amend this legislation. The witnesses appearing on behalf of the Toronto Lawyers Association and others on behalf of the legal community argued that this legislation should be amended to take into account mental health issues. That was not possible at committee. Those amendments were not given adequate opportunity to be discussed.

In this set of amendments, we are bringing forward a safety valve that deals with mental health issues.

This legislation would criminalize the mentally ill. We are not seeing the resources that are needed in prisons to help people with mental health issues, nor are the mental health issues on the streets being addressed. If we are not dealing with it and we are not helping those individuals, we are jailing them.

● (1125)

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Madam Speaker, we are dealing with a very complex bill, an omnibus bill. The Conservative government says it consulted families, but did it truly listen to the experts? We have no way of knowing.

My colleague proposed some amendments today. I would like her to remind us what she based those amendments on. Whom did she listen to in order to come to the conclusion that this bill needed some amendments?

Ms. Elizabeth May: Madam Speaker, I listened to every expert, witness, academic and legal expert.

[*English*]

There is a huge body of evidence that calls for this bill to be amended. Every criminologist is saying that mandatory minimums do not work and that we should not go down that road. In listening to them, I put forward amendments. I have a great hope that at this last minute members of the governing party will give them every consideration and consider changing the law to make our streets safer.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Madam Speaker, the member said that she has issues with the mandatory minimums. Does the member realize that they are minimums and that in the case of violent repeat offenders, rapists or murderers, a judge could hand down a greater sentence?

As well, could the member let the House know which of the mandatory minimum sentences she is against or feels is too long for some of these violent repeat offenders?

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Ms. Elizabeth May: Madam Speaker, the problem with mandatory minimums is not personal to me. Rather, it is a universal problem among the people who have seen how they operate. There could be higher sentences. I was giving an example from the United States. Former judge Paul Cassell said that what is happening, in which case it is not theoretical, is it gives greater discretion to the prosecutors. As these are not cases that get to court, there is a plea bargaining process that can provide lighter sentences for people who could have had their sentences increased had they appeared before a judge.

In summary, my amendments propose to delete all of the mandatory minimums for all of the offences, not because people should not go to jail, but because in each case a judge should decide how long each convicted person should go to jail.

Hon. Irwin Cotler (Mount Royal, Lib.): Madam Speaker, at this stage in the proceedings, the motions that I will be referring to relate to those in Group No. 1, Motions No. 2, 5 and 8 in particular.

In effect, what I will be doing is speaking to a set of motions that relate to one particular part of the bill at this stage in the proceedings, which is among those being addressed. That is the part with respect to justice for victims of terror and amending the State Immunity Act.

I also want to add my voice to the words of my colleague, the member for Saanich—Gulf Islands, in paying tribute to Maureen Basnicki. As a victim of terror, she has been advocating for this type of legislation for years, as has the Canadian Coalition Against Terror. I want to acknowledge their advocacy all these years, and pay tribute to them.

If we look at this piece of legislation, we will see, although it may not appear as such, that this is really transformative legislation. This legislation is historic, which is not a word I use lightly.

If one looks at our laws, particularly in the matter of giving civil remedies to victims of terror against the terrorist perpetrators, which do not exist, the reason they do not exist is that we have a State Immunity Act that immunizes the perpetrators of terror from any civil suit. This is the first time that we will be amending the State Immunity Act to give victims of terror a civil remedy against their terrorist perpetrators. That is why I supported this legislation. I support it in principle. That is why I am moving the amendments. They are not in opposition to the legislation. They are intended to help improve the legislation, to give victims a more effective voice against their terrorist perpetrators, and in fact, to hold the terrorists more expressly accountable for their terrorist acts.

That is the first point as to why this legislation is so transformative. For the first time, we will be amending the State Immunity Act to give victims a voice to hold terrorists accountable.

Second, we will be correcting a historical anomaly in our legislation. As it now stands, there is a commercial exception in the State Immunity Act. By a commercial exception I mean that if a Canadian victim has suffered damages by reason of a breach of contract, he or she will have a civil remedy, but if he or she is a victim of terror, he or she will not have a civil remedy.

We have a situation where our legislation gives an implied preference with respect to actions taken for breaches of contract as against actions taken by victims of terror.

This brings me to the third particular transformative dimension. This is the first time that we will be preferring victims of terror against their terrorist perpetrators, who up to now have been immunized by our law for their acts of terror against Canadians.

I have been framing this as a transformative piece of legislation for the reasons mentioned, and also the reasons I moved the amendments in this regard.

One of the things I find ironic and disconcerting is that such a piece of transformative legislation was bundled together with eight other pieces of legislation. I would have thought that the government would have wished to highlight such a transformative piece of legislation. I would have thought that a government that purports to always be wishing to give a voice to victims, and in this instance to victims of terror, would have wished to frame this as a centrepiece of its criminal justice approach, rather than bundle it together with eight other bills.

● (1130)

I would have thought that the government would have wished to have us consider this both in the House when the legislation was first tabled, and then in committee with all the attention, deliberation and discussion that it warranted for being such a transformative and historical piece of legislation. Accordingly, I supported this legislation. I even had a private member's bill which sought to give victims of terror a civil remedy. Therefore, I was pleased when the government introduced its legislation to do exactly that.

I found it ironic that my purported amendments would have been summarily rejected, since they were put forward for the purpose of improving the legislation that the government had introduced to give victims a voice. The representations made by the government when I put forward those amendments were that it was a filibuster. We had already had an abbreviated debate in the House on the tabling of all nine bills, and then we had an abbreviated debate at committee. I moved those amendments as quickly as possible in the abbreviated time that was provided, only to be told that we were filibustering and to be asked why we were considering this legislation again in this House.

It needs to be stated for the record that this is the first time this legislation is being considered in this House. It was never considered in this House. The government attempted to abbreviate discussion on this legislation, on the grounds that it had been discussed here before, which is not the case. Therefore, it warrants the fullest possible discussion.

I will limit myself now to the specific amendments that I put forward in order to improve the legislation.

Government Orders

The first was to give effective civil remedies to victims of terror against the perpetrators of terror. As this legislation now stands, it still would immunize state perpetrators of terror from any acts, injury or damages caused by their acts of terror, let alone the wrongful deaths that ensued. I find it surprising, and it is another anomaly, that this legislation would give victims a civil remedy against the agents or proxies of the state engaged in state terrorism, but not against the state itself. The situation of Libya and the Lockerbie bombing would have been okay under this legislation, if we could have found an agent or proxy of Libya that carried out the act, some terrorist organization acting on Libya's behalf. However, the victims could not have directly sued Libya because Libya would be immunized under this legislation. Similarly, we could not take an action now against Iran for any state act of terror but only against any of its agents or proxies, such as Hamas and Hezbollah, as listed as terrorist entities under Canadian law. I put forward this motion again in order to give victims an effective voice against a terrorist state.

The second is that it would not allow for an action to be taken against a non-listed terrorist entity in our law which is functionally associated with a listed entity. We should allow for that because terrorists can change names and we would not be able to sue.

The third is to give an effective remedy for purposes of execution of judgments by the plaintiff victims. We do not have the kind of effective remedies in that regard that we need.

Finally, giving the government the power to list the governments that seem to be terrorist states in this regard would be an arbitrary exercise of discretion that we should not give to states. Even the government's own witnesses said, "Don't go there. Don't give that arbitrary power of listing terrorists to the government".

• (1135)

Hon. John McKay (Scarborough—Guildwood, Lib.): Madam Speaker, I always learn something when I listen to the hon. member enter into a discourse with respect to pretty well any subject. I thought his speech was actually one of those ones where it was a very useful and a very thoughtful approach to actually making a remedy effective. I think the point that he was making was that, essentially, the civil remedy be extended, not simply to the agent, but to the state actor.

I was thinking, as a former practising lawyer, that it is great to have remedies but if there is no effective execution on the remedies, no effective ability to actually secure funding to satisfy the judgment, then the entire exercise is useless and quite costly, particularly in a civil context.

I would be interested in hearing his thoughts with respect to what appears to be an extension of the law, i.e. extending civil remedies to an agent, when, in fact, suing the Hamas is a total waste of time. or suing the agents of the Lockerbie catastrophe is also a total waste of time. What is useful is being able to get to the state.

Hon. Irwin Cotler: Madam Speaker, I always benefit from my exchanges with the hon. member for Scarborough—Guildwood, and here is yet another example. He is exactly right. This legislation does not give the victims of terror an effective remedy against the principals involved in the terrorist action. It would give them a more limited remedy only against their agents or proxies.

If we really want to give the victims of terror the voice that the government purports to wish to give them, then we need to authorize a civil remedy against the state, terrorist, perpetrator themselves. Otherwise, we would not only circumscribe but limit the civil remedy and, indeed, we would continue to immunize the terrorist state from liability.

• (1140)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I thank the hon. member for Mount Royal for a very thoughtful address and for focusing on his amendment.

However, I was taken by one thing he said as a, shall we say, newer member of Parliament in this place. Although it has been often repeated that the bill has been debated and debated in this place, he put forward that this is the first time the bill has come before the House of Commons.

I would be very grateful if he would expand on that because it is so often repeated that it is hard not to believe it is true. However, I also recognize that this is new legislation and we have not had adequate time to study it.

Hon. Irwin Cotler: Madam Speaker, this is the first time that it is being discussed and debated in this House. A similar piece of legislation was introduced in the other House and debated in the other House, but it was never introduced and debated in this House. The last I looked, we still have two chambers. In this chamber, in the House of Commons, this legislation was only tabled for the first time and debated for the first time in the House and at committee.

It is, as I said, such a piece of transformative legislation that it would have warranted debate, even if it were not for the first time, and extended debate both in the House and in committee.

However, this is the first time that we are debating it and it is bundled together with eight other pieces of legislation. I would say that each of the eight other pieces of legislation, individually and collectively, warrant their own differentiated discussion and debate. Regrettably, we do not have that. We are at least fortunate to be able to address this, albeit for the first time in this House.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I am pleased to participate in the report stage debate on Bill C-10, the safe streets and communities act.

This important crime bill continues to attract a lot of debate, both within and outside this chamber. Often, the debate focuses on misconceptions and falsehoods that have been spread through the fear-mongering of the opposition parties.

I welcome the opportunity to add my voice to the debate because I want to direct my remarks to clarify what is in the bill, what it would do and what other initiatives the government is taking to address the issues discussed in Bill C-10.

[*Translation*]

First, Bill C-10 does exactly what was promised both during the last federal election and during the Speech from the Throne in June 2011. It combines nine bills that were introduced during the last Parliament, but died on the order paper with the dissolution of Parliament for the general election.

*Government Orders**[English]*

Second, its objectives, as reflected in the short title, the safe streets and communities act, are clear and, in my view, should be easy for all to understand and support.

Part one of the bill seeks to support victims of terrorism by giving them new tools to hold those who commit acts of terrorism and those who support them, including listed foreign states, accountable.

[Translation]

Part two proposes changes that will ensure that consistent and appropriate penalties are imposed for serious crimes and that the penalties imposed reflect the serious nature of the crime. More specifically, the bill will ensure that those penalties are imposed for all sexual offences committed against children and not just for certain offences. It will ensure that anyone who commits violent acts or offences against property serves their sentence in prison and not in the comfort of their own home under a conditional sentence of imprisonment.

It will also ensure that the most serious drug-related offences, such as trafficking of cocaine or heroin, which generally involve organized crime or the use of violence and weapons and have a serious impact on the health and safety of communities, are punishable by consistent and appropriate penalties including a prison sentence.

- (1145)

[English]

Part 3 proposes numerous post-sentencing reforms to better support victims and to increase offender accountability and management. These reforms would include clarifying that the protection of society is of paramount consideration for the federal corrections process, the Parole Board of Canada and provincial parole boards, as well as give victims the right to make a statement at parole hearings and to receive certain information about the offender. They would also rename pardons as record suspensions, which better describes their real nature, and it would extend periods of ineligibility to apply for them as well as make certain offences ineligible to receive them.

Part 4 proposes to amend the Youth Criminal Justice Act to better deal with violent and repeat offenders. These reforms include ensuring that the protection of the public is always considered as a principle in dealing with young offenders and strengthening the pre-trial detention provisions to enable the detention of youth who are spiralling out of control and who would pose a risk to the public safety by committing serious offences if released while awaiting trial. Importantly, these reforms would also enable a court, in appropriate cases, to sentence a youth to custody for violent offences that involve a substantial likelihood of causing bodily harm to life or safety of others, and not just whether youth attempted to cause or threaten to cause bodily harm, as is currently the case.

Last, part 5 proposes immigration related reforms that would seek to protect vulnerable foreign workers against being exploited by unscrupulous Canadian employers.

[Translation]

Many witnesses appeared before the Standing Committee on Justice and Human Rights to express their opinions about Bill C-10. Most, if not all, of these witnesses supported the fundamental principles of Bill C-10. For example, everyone agreed that sexual exploitation of children is a serious crime and that child sex offenders must be treated seriously by the criminal justice system.

Everyone agreed that trafficking of heroin and cocaine, especially by organized crime, must be treated seriously. I believe that most, if not all, of the witnesses agreed to including a provision whereby a mandatory minimum sentence would not be served if an offender successfully completed a drug treatment court program. And I believe that everyone agrees that vulnerable foreign workers must be protected from exploitation by unscrupulous Canadian employers.

[English]

It seems to me that the only individuals who appear to be completely against the fundamentals of Bill C-10 are sitting on the other side of the House. Members from the opposition have continuously demonstrated that they are completely out of touch with what Canadians want.

During our study in committee and during the report stage of debate, the opposition members tabled amendments to the bill that would repeal the two year mandatory sentence for the importation of the hardest drugs in Canada. They table amendments that would mean that those who bring date rape drugs into Canada would be subject to lighter sentences. They table amendments that would allow an arsonist, who burned someone's house down, to serve their sentence in the comfort of their own home. They table amendments that would delete new offences that are essential to prevent child sex offences and protect children. And the list goes on.

[Translation]

Canadians are worried about crime. That is one reason why they gave our government a clear mandate to make our streets and our communities safer. Bill C-10, the Safe Streets and Communities Act, will also help deal with pedophiles and drug traffickers who import hard drugs, such as cocaine, heroin and methamphetamine into Canada.

These legislative reforms are desirable and necessary and are a crucial part of the solution to crime in this country.

[English]

It is important to remind members on the other side of the chamber that although the legislative changes contained in Bill C-10 are an essential part of the solution and do achieve exactly the goals I have described, they are not the government's only response to preventing some of these crimes.

Government Orders

The government is also tackling crime through non-legislative measures, including, for example, the national anti-drug strategy launched in 2010, which has invested \$588.8 million in three areas: prevention, treatment and enforcement, the last of which includes the reforms now proposed in part 2 of Bill C-10.

Second, the national crime prevention strategy is currently providing \$45 million per year through the crime prevention action fund, the northern aboriginal crime prevention fund, the youth gang prevention fund and the security infrastructure program.

Third, the national strategy to protect children from sexual exploitation on the Internet is currently providing \$71 million over five years, that includes supporting the RCMP's National Child Exploitation Coordination Centre and providing law enforcement with better tools and resources to address Internet-based child sexual exploitation. It also supports the operation of cybertip.ca, the national 24/7 tip line for reporting online child sexual exploitation. That is being funded by the Centre for Child Protection that houses cybertip.ca and that carries out public education and awareness on these three issues.

I think we can all agree that the issues covered by Bill C-10 are serious issues. Bill C-10 provides a commensurate but tailored response to these issues that builds on existing legislative and non-legislative responses.

It is time for the opposition to listen to the needs of Canadians from coast to coast, to stop their fear-mongering, read the bill and understand what it really would do. It is time to act together to support Bill C-10 and to make Canada's streets safer.

• (1150)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Madam Speaker, I thank the member opposite for outlining why the Conservatives think it is important to move forward with the bill. Of course it flies in the face of any kind of evidence that is emerging from countries, like the United States, that have taken this approach and are now backtracking because it simply did not work.

The member talked about crime prevention. I want to reference the University of Ottawa's Institute for the Prevention of Crime, which has posed a number of questions and I wonder if the member would be prepared to answer them. The institute talks about evidence-based approaches and it has four questions. I am sure the member will not have time to answer all of them but we should consider these four questions in the House. If we had full time for debate we would have done this. The questions are:

What is the evidence on proven or promising practices in this area?

What are the gaps in our knowledge (research priorities)?

How will the initiative be monitored and evaluated?

How will resistance to change be addressed?

I wonder if the member could address those questions in the context of crime prevention and the measures he has indicated that the government is prepared to take.

Mr. Robert Goguen: Madam Speaker, contrary to the opposition, we do not look to the south for solutions to preventing crime and predicting the most vulnerable elements of our society.

I am always bemused by the fact that the system that we are trying to put in place to protect the innocent people of Canada, the victim,

is compared to the United States of America. It is my understanding that we are always being compared to Texas. Texas does not have a parole system, so that is largely different from what we have here in Canada and what we are proposing in the legislation. We are not radically changing the whole system. We are trying to protect society from the most violent and repeat offenders.

As I understand it, Texas also has a death penalty. What can we really draw from Texas and the other 51 states of the United States of America that all have their own criminal code? In Canada, we have the benefit of having one Criminal Code to send a resounding message to all Canadians that we will protect them from the criminal element, and that is what we are doing and we believe it will work.

[Translation]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Madam Speaker, Quebec has made it clear that it does not want to foot the bill for Bill C-10, the omnibus crime bill.

When the office of the Minister of Public Safety was asked to clarify, the minister's spokesperson responded that it would be up to each province to allocate the resources of the Canada social transfer according to its priorities. If I understand correctly, the Conservative government is asking the Government of Quebec to cut the budgets for post-secondary education, social assistance, social services and early childhood services, since these are areas covered by the Canada social transfer, in order to pay for the megaprisons.

Is that what the Conservative government is telling Quebec, that it should make cuts in order to pay for the megaprisons?

Mr. Robert Goguen: Madam Speaker, the Government of Canada and the provincial governments, including the Government of Quebec, each have their own jurisdictions. It is certainly up to the provinces to decide where they should allocate the necessary funds, according to their priorities. It is not up to the federal government to tell the Government of Quebec where its priorities should be. We know very well that Quebec puts a great deal of emphasis on rehabilitation. There is nothing in Bill C-10 that in any way affects Quebec's ability to reform its system for rehabilitating offenders.

Government Orders

• (1155)

[English]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, this government focused on the serious issue of protecting victims and it campaigned on a promise to be tough on child sex offenders and to crack down on illegal drug trafficking, really unlike our colleagues across the aisle in the NDP. Could the parliamentary secretary please comment on what the bill does to protect children from these serious crimes?

Mr. Robert Goguen: Madam Speaker, obviously Bill C-10 focused, as I said previously, on the most vulnerable members of society, and those are the children. Everyone will agree that children must be protected from sexual exploitation and Internet crime. Obviously, anyone who does this and has this type of contact will be punished severely and be deterred from doing this by being placed in prison.

The people of Canada have asked for this, we have responded to it, and there is no surprise that there are provisions in there to seriously punish people who are in this field of criminal activity.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I am very pleased to speak today about Bill C-10, the safe streets and communities act, to highlight that this bill is a reflection of our commitment to tackling crime, increasing public safety, and restoring the confidence of Canadians in the justice system.

The people of Canada know they can count on us to deliver on our commitments. Bill C-10 includes nine bills from the previous Parliament. Many critics of the bill argued that the bill was too big and too difficult to understand. I would note that the bill has had a thorough review in the Standing Committee on Justice and Human Rights. There has been no difficulty at all in understanding what these reforms seek to do. While not all members share the government's approach, I think all members of the committee would agree that their voices have been heard and we have had a respectful exchange of views.

As has been noted many times, all of these reforms have been previously introduced in Parliament. Many were previously studied and some even passed by at least one chamber. These bills were at various stages in Parliament in the last session, have been debated and studied in this session, and the public and stakeholders as well as members of Parliament are by now very familiar with these proposals.

Despite this familiarity, it is worth noting the elements and the origins of Bill C-10, in other words, the nine bills that were introduced in the last session of Parliament. As the Minister of Justice indicated at second reading debate, some changes have been made to this bill due primarily to the need to co-ordinate the merger of several bills into one and make consequential amendments to effect these changes. In some cases, other modifications were made, all of which are consistent with the objectives of the bill as originally introduced.

The former bills now included in Bill C-10 are the following.

Bill C-4, which proposed to amend the Youth Criminal Justice Act to ensure that violent and repeat young offenders are held accountable through sentences that are proportionate to the severity of their crimes and that the protection of society is given due consideration in applying the act.

Bill C-5, Keeping Canadians Safe (International Transfer of Offenders) Act, which proposed to enhance public safety by modifying the circumstances that would permit an international transfer of an offender.

Bill C-16, which proposed Criminal Code amendments to prevent the use of conditional sentences, or house arrest for serious and violent offences.

Bill C-23B, Eliminating Pardons for Serious Crimes Act, which proposed to amend the Criminal Records Act to expand the period of ineligibility to apply for a record suspension, currently referred to as a pardon, and to make record suspensions unavailable for certain offences and for persons who have been convicted of more than three offences prosecuted by indictment.

Bill C-39, Ending Early Release for Criminals and Increasing Offender Accountability Act, which proposed amendments to the Corrections and Conditional Release Act, to support victims of crime and address inmate accountability and responsibility and the management of offenders.

Bill C-54, Protecting Children from Sexual Predators Act, which proposed Criminal Code amendments to better protect children against sexual abuse, including by increasing the penalties for these offences and creating two new offences aimed at certain conduct that could facilitate or enable the commission of a sexual offence against a child.

Bill C-56, Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act, which proposed to amend the Immigration and Refugee Protection Act to authorize immigration officers to refuse work permits where it would protect vulnerable foreign nationals against exploitation, including sexual exploitation.

Bill S-7, the Justice for Victims of Terrorism Act, which proposed reforms to allow victims of terrorism to sue terrorists and supporters of terrorism, including listed foreign states.

Bill S-10, Penalties for Organized Drug Crime Act, which proposed amendments to the Controlled Drugs and Substances Act to provide mandatory minimum penalties for serious drug offences, including when offences are carried out for organized crime purposes, or if they involve targeting youth.

• (1200)

The maximum penalty for the production of some drugs would also be increased. These amendments also proposed to allow a sentencing court to delay sentencing while the offender completed an approved treatment program.

Government Orders

Bill C-10 was studied by the justice committee over several weeks and over 90 motions to amend the bill were considered. While very few were passed and many were completely inconsistent with the principles underlying the bill, each motion was given due consideration.

I would also note that over 80 motions have been proposed at report stage. Many of these motions seek to completely undo or gut the proposed amendments.

As I noted at the outset of my remarks, Bill C-10 reflects our government's commitment to restoring public confidence in our justice system. Clearly, the motions proposed at report stage demonstrate that this commitment is not shared by other members of the House.

There has been a great deal of discussion about the elements of the bill that provide for mandatory minimum penalties and that restrict conditional sentences. The reality is that these reforms are carefully tailored and targeted to offenders who commit the most serious offences.

Should offenders convicted of arson receive a conditional sentence allowing them to serve out their sentence at home under certain conditions? Should an offender convicted of an offence with a maximum sentence of 14 years ever be permitted to serve that sentence in the comfort of the offender's home?

Even under the strictest of conditions I think all Canadians would agree that no matter what the conditions of house arrest may be, it is simply not appropriate for serious offences. Bill C-10 reforms will make that crystal clear.

I would note that motions to amend the proposed reforms to the conditional sentencing provisions were made at committee and again at report stage. Without going into detail, those motions sought to permit conditional sentences to be imposed without regard to any criteria to limit their imposition as long as certain other exceptional circumstances existed about the offender. Such sentences are not appropriate for some offences regardless of the offender's particular circumstances.

Conditional sentences were never intended to be used for the most serious or violent offences. Our reforms will clarify this once and for all and will provide the clear parameters for use of conditional sentences or house arrest.

As I noted, part 2 of the safe streets and communities act includes former Bill S-10, Penalties for Organized Drug Crime Act. These reforms have been introduced in three previous Parliaments and have been passed by both chambers but never by both in the same session.

Despite our repeated debates and committee study of these reforms, there still remains much misunderstanding about the mandatory minimums for serious drug offences. As noted by other speakers, the minimum mandatory penalties are tailored to serious drug offences where aggravating factors are present.

Importantly, the amendments include an exception that allows courts not to impose the mandatory minimum sentence if an offender successfully completes a drug treatment program or DTC, as it is referred to. The program works with individuals who have been charged with drug-related offences who meet certain eligibility

criteria to overcome their drug addictions and avoid future conflict with the law. It involves a blend of judicial supervision, incentives for reduced drug use, social services support and sanctions for non-compliance.

There are currently six drug treatment courts in Canada. They are located in Ottawa, Toronto, Winnipeg, Regina, Edmonton and Vancouver. The same exception applies for other programs, so that a court could delay sentencing to allow the offender to attend another approved treatment program.

This last point seems to have been overlooked by some members and we all share the concern about the need for mental health resources. However, the Criminal Code already permits a court to delay sentencing to permit an offender to attend an approved treatment program. This could be a program for mental health issues, anger management or other similar issues. This already exists in the code.

I will conclude by saying that the government is committed to public safety and improvements to the justice system, and will continue to deliver on the promises that we have made to Canadians.

● (1205)

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, the government is introducing a bill that will increase the prison population in federal institutions.

I have a few questions about that. Several federal penitentiaries are located in my riding. At present, the employees of institutions that house inmates already have many problems in relation to quality of life, health and workplace safety. These institutions are not even at full capacity, yet there are already problems.

Does my hon. colleague believe that the number of employees working in these federal penitentiaries will be increased? Is there anything in this bill to protect the employees already on the ground, given that the prison population will increase and more and more problems will arise in prisons?

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, one of the problems I am finding in this debate back and forth is that everyone keeps looking within the four corners of this particular comprehensive legislative package for all the answers. There are ongoing programs and ongoing dialogue with our provincial and territorial partners.

As we know, with the division of powers in Canada, the federal government is responsible for legislating on criminal law and the provincial governments for administering it. The conditions in prisons, how prisons are run and how staffing is done is part of an ongoing dialogue. These are things that continue to be worked on and those concerns will be brought forward in those dialogues.

Government Orders

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I have a question for the Parliamentary Secretary to the Minister of Justice. As elected officials and government members, they have a duty to base their decisions on experts' studies in order to create informed policies.

She said the bill aims to restore the confidence of Canadians in our justice system. What study is the member basing that statement on?

• (1210)

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, I do not know that one needs studies to know. I certainly heard it when I was knocking on doors during the last election campaign. As a lawyer of 30 years, I have been hearing for the last 30 years from members of the public that they do not understand why the punishment for certain crimes is not commensurate with the severity of the crime. They do not understand why someone convicted, not just accused but convicted, of serious and violent offences can serve some of that time or any of that time in a conditional sentence or in their own homes.

This is an ongoing problem in the public's mind and one that we are adamantly seeking to address with this legislation.

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the other parliamentary secretary made reference to the fact that we should be going across the country and listening to Canadians, not engaging in fear-mongering. I have gone across the country and I have listened to Canadians, both in my former capacity as minister of justice and now as an MP, on this bill.

I would like to put two questions. Is it fear-mongering to raise evidence-based critiques of mandatory minimums, some of which are based on evidence contained in Department of Justice publications, as I know them to be?

Second, is it fear-mongering to raise concerns about whether Bill C-10 comports with the Canadian Charter of Rights and Freedoms when the minister of justice, whoever he or she may be, has a constitutional duty to ensure that legislation comports with the Charter of Rights and Freedoms?

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, of course there is a duty on behalf of the Minister of Justice to put forward legislation that complies, in our view, with the Charter of Rights and Freedoms. However, as the hon. member said himself in the justice committee, there is also a constitutional duty for the minister in his portfolio to protect the public. That is exactly what this is aimed at doing.

A lot of rhetoric has been coming from the other side, most of it hysterical, and I do mean that in both senses of the word. There were 40 mandatory minimum penalties in the Criminal Code before this government took office that were either introduced by the Liberal Party, which he represents, or were not repealed by that party.

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, you surely will not be surprised or amazed to hear that the NDP supports criminals, especially those that are dangerous to our children. Yes, the NDP supports criminals. You will not be surprised to hear that because it is an argument that the Conservatives have made repeatedly for some time now. It is an

arrogant and inflammatory argument. I would say instead that it is precisely because we do care about the issue of crime that we are opposed to Bill C-10 as it stands.

If any member of the House truly believes today that I want to help criminals and encourage sex crimes against children, then he or she should rise, look into my eyes, and tell me that. Even the title of this bill is ridiculous: the safe streets and communities act. There is nothing that leads us to believe that mandatory minimum sentences or having no access to rehabilitation are really going to make our streets safer.

I want to speak about a report by the Standing Senate Committee on Human Rights entitled "The Sexual Exploitation of Children in Canada: the Need for National Action". This report illustrates the grave danger children face when it comes to sexual crimes. It is asserted, among other things, that most children who are sexually abused are victims of people that they know well, that they trust, and that are close to their family.

The report proposes a number of potential solutions to combat sexual crimes against children. It is suggested that helping children blow the whistle on their aggressors might put an end to their nightmare. By arresting criminals more quickly, it may be possible to prevent further sex crimes against children. It might be surprising to learn that the report does not speak of mandatory minimum sentences, but rather of education. Education can promote children's self-esteem and give them tools to communicate.

There is also the question of access to adults who can be trusted, perhaps soccer coaches or teachers. There are plenty of people in the circle of a sexually abused child who can help open the door at the right time and listen to a child's confidences. It is also a matter of giving children the confidence that they need to report somebody by giving them the services they need before and after they blow the whistle. When children are trying to report someone, they must get support. The family members must also get support so that they can help the child rebuild self-confidence.

Those are but a couple of tools that could justifiably be associated with the title "safe streets and communities".

There is no reference to mandatory minimum sentences in this report. The report is but one of many examples I can use to argue for my point of view: that supporting children can be a far more effective alternative to mandatory minimum sentences.

I can also speak about a strategy cited in a political statement by the Canadian Council on Social Development, which refers to crime prevention through social development. What does that mean? It is a tool, according to the CCSD, which would be a far more effective and less costly way of preventing crime. Early intervention prevents crime by helping those who otherwise may become criminals or victims.

Government Orders

It refers to risk factors, or what can lead a person to act in a certain way, to become a criminal or a victim. Once again, there is a surprise: it has nothing to do with mandatory minimum sentences. Criminals do not ask themselves if they are going to have to spend a certain number of years in jail. This does not necessarily influence their decision-making. This report talks about a number of risk factors such as poverty, inadequate parenting skills, addiction and alcoholism, dropping out of school, mistreatment, low self-esteem and negative peer involvement. These are problems that must be tackled in order to prevent crime and make streets and communities safe.

Bill C-10 is an omnibus bill that covers very different and diverse subjects and issues.

• (1215)

The bill would allow victims of terrorist acts to sue perpetrators of terrorist attacks or to sue states. The bill talks about mandatory minimum sentences, drugs and sexual crimes. It covers electronic surveillance of offenders and the codification of victims' rights. It talks about applying for a pardon, or rather a record suspension, which would be much more difficult to obtain. It talks about a criminal justice system for youth. It talks about work permits for foreign nationals who run the risk of being mistreated.

All these issues are very important and certainly deserve our attention, but they are all grouped together in one bill that must be discussed all at once. Thus, there are not many opportunities to debate these matters in the House. This is also the case for experts, for those who have dedicated their lives to justice and fighting crime, and who are not even given the time to provide their opinion and their expert advice to the government, which will make decisions without really listening to them.

Speaking of experts who testified before the Standing Committee on Justice and Human Rights, the following are a few who appeared on October 18.

Mr. Gottardi, vice-chair of the national criminal justice section of the Canadian Bar Association said:

The bill takes a flawed approach to dealing with offenders at all stages of their interaction with the criminal justice system, from arrest, through to trial, to their placement in and treatment by correctional institutions, and to their inevitable reintegration back into society.

Another expert, Mr. Jackson, who is a member of the committee on imprisonment and release of the national criminal justice section of the Canadian Bar Association stated:

This road map ignores 150 years of correctional history. It pays no attention to previous recommendations or royal commissions. In its 200 pages there is not a single reference to the Charter of Rights and Freedoms, or to decisions of the Supreme Court. It is legally illiterate, and yet it is the brainchild of the amendments that you have before you and upon which you are asked to hear.

Clearly, the witnesses who appeared before the Standing Committee on Justice and Human Rights are not all in favour of what has been presented.

Furthermore, Mr. Gottardi expressed his disappointment at being given only five minutes to speak before the committee. Imagine that. He has devoted his whole life to justice and the fight against crime and was given only five minutes before the committee to address such an important piece of legislation. I am sorry to say to

Mr. Gottardi that, regardless of whether you were given five minutes or five hours, it would not have made a very big difference because the Conservatives likely would not have listened to what you had to say.

Today, 88 amendments are being presented, which is a significant number. What work was done in committee? Did the committee truly listen to the members and witnesses? I highly doubt it.

In closing, this government boasts that it listens to families, which is commendable. It is important to listen to Canadians and to react to what they have to say. They do not understand our justice system, so why not explain it to them better? They are frustrated and they are calling for justice because they think that criminals are not serving long enough sentences. It is a matter of vengeance and the families' pain and suffering. Perhaps, we could help them in some way other than to simply agree with them and introduce mandatory minimum penalties.

We could also listen to the experts who have a lot to say on this subject. For example, the West Island CALACS, which is known for its work to combat violence against women and domestic violence, has told us that it disagrees with the general thrust of this bill because it opens the door to additional repression. Repression does not give victims any real power.

So, let us listen to these experts and the people who deal with violence and the lack of safety on the streets every day. Let us listen to their suggestions and have a real discussion in order to create a bill that is far more respectful of the real needs of all Canadians.

• (1220)

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, last Sunday, under the Access to Information Act, *The Canadian Press* obtained an internal report by the federal Department of Justice. The report raises doubts about the effectiveness of harsher sentences, the linchpin of the Conservative government's tough-on-crime policies. To quote the author of the study, André Solecki, "There was no evidence to suggest that the imposition of a fine or imprisonment had any effect on the likelihood of whether an offender would re-offend or not."

Thus, I have a question for my hon. NDP colleague about the following observation. Either the Conservative government does not read its own internal reports, or it ignores any reports that it does not agree with, stubbornly sticking to its ideology and forsaking all expert opinions that call for more emphasis on prevention and rehabilitation than on harsher sentences.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I thank my hon. colleague from Chicoutimi—Le Fjord for the example he gave. Indeed, the studies conducted by experts have called on the government to focus more on prevention. I have several examples here today. I already mentioned the CALACS and quoted a few reports. In particular, some studies involving a meta-analysis show that incarceration does not reduce recidivism. I could also talk about the University of Ottawa's Institute for the Prevention of Crime, which found that a number of prevention policies and practices have been proven to reduce crime and victimization and to improve general well-being.

Government Orders

So, yes, there are tons and tons of examples of people who are saying that Bill C-10 is the wrong way to go.

• (1225)

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, there is a term that I quite liked in the hon. member's speech and that is "risk factors". It is very interesting. The idea is that all of us here are in favour of virtue and reducing crime, especially violent crime, as the hon. member put it so well. In the meantime, we all have different approaches.

The Minister of Justice often cites a poll from Quebec that says that every Quebecker is in favour of harsher sentences, but there is more to it than that. This does not necessarily mean they support the measures in Bill C-10, because that bill has a number of problems.

I would like the hon. member to say a few words about the fact that when we talk about risk factors, we are talking about issues in our society such as health and education. Now, not only are those issues not being addressed in order to reduce crime, but the provinces are being asked to dig into their budgets for these programs, to pay for this bill.

I would like the hon. member to elaborate on this problem.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, allow me to share some of my experience to comment on this. I used to be a primary school teacher. Let me tell you, if every time a student did something the teacher did not like and the teacher turned around and gave that student lines to copy out, or some other form of punishment, that would not solve the problem in the long term, neither in the classroom nor in the school. Instead, young children need to be taught social skills. They need to be shown how to study, how to ask questions and how to express frustration. Indeed, repression is not the only method and it has also been proven not to be the most effective method. That is my comment.

[*English*]

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, I am pleased to join in today's debate on Bill C-10.

As members are aware, the bill has been criticized on a number of grounds. One of the most frequent criticisms aimed at the bill was the fact that there were several amendments proposing mandatory minimum penalties, MMPs, for serious drug offences under the Controlled Drugs and Substances Act. No doubt, in part as a result of these criticisms, this part of the bill was subject to the greatest number of motions to amend. As we can see, in the end, that part of the bill was amended only once in committee.

As parliamentarians we have engaged in an impassioned debate on the issue of mandatory minimum penalties. In fact, for many parts of the bill the justice committee has spent 67 days hearing from 363 witnesses over the course of the last four years. That does not include the marathon sessions we spent at clause-by-clause consideration. I believe all members of the committee should be congratulated for their hard work. They put in a lot of hours and they worked very hard on this particular bill.

As I have just indicated, the minimum penalties for serious drug offences were often criticized. Some of the criticism appeared in the media and some was stated by witnesses appearing before the

committee. I would like to take a few moments to deal with some of these criticisms.

One of the recurring criticisms of the mandatory minimum penalty provisions is that a person in possession of marijuana would receive a minimum penalty. I have to say that I found this particular criticism the most surprising. This is the fourth time that the Controlled Drugs and Substances Act, in relation to provisions of the bill, has been before Parliament.

These provisions have been exhaustively examined by the Senate Standing Committee on Legal and Constitutional Affairs and by the House of Commons Standing Committee on Justice and Human Rights and they are clear. The Minister of Justice has appeared before these committees and he has repeatedly stated that these proposals do not apply to simple possession. He has frequently stated that the proposed mandatory minimum penalties would only apply to the most serious drug offences.

It is difficult to make it clear which offences do not fall under the ambit of these provisions, and yet this particular criticism continues to reappear. At this point I am forced to conclude that anyone who makes this criticism is of bad faith and that the criticism is only being made to suit other purposes.

Another criticism that is directed at the mandatory minimum provisions is the suggestion that someone who simply gives a joint of marijuana to a friend would be at risk of receiving the minimum penalty provided by the new provisions in the bill. The definition of trafficking in the CDSA includes giving a drug. Therefore, as a result, giving a joint would be necessarily caught by these new mandatory minimum provisions.

While it is true that giving a drug is included in the definition of trafficking, the provisions of the bill are clear. In order for the mandatory minimum provisions to apply to the offence of trafficking, there must exist one of the aggravating factors listed in the new provision dealing with trafficking. Here again the Minister of Justice has been clear: The application of mandatory minimum penalties would occur only if one or more of the listed aggravating factors were present during the commission of the offence.

A variation of this criticism has been that if a young adult were to give a marijuana joint to a friend while at school, the person giving the joint would be liable to a minimum penalty of two years' imprisonment. The argument here is that one of the aggravating factors is present, that trafficking has occurred in a school, and therefore the minimum penalty must apply.

Here again, the criticism is misplaced. Clause 39 of the bill at the very outset states that paragraph 5(3)(a) is subject to paragraph (a.1). Paragraph (a.1) provides a penalty of anyone trafficking in cannabis in an amount that is equal to or less than three kilograms. That penalty is a maximum term of imprisonment of up to five years.

The net effect of paragraphs 5(3)(a) and (a.1) taken together is to remove the offence of trafficking in amounts of three kilograms or less from the ambit of the minimum penalties for the offence of trafficking found in paragraph 5(3)(a). Therefore, a young person who gives a joint to a person while at school, were he or she to be prosecuted, would be liable to the ordinary penalty found in paragraph 5(3)(a.1) and not the minimum penalty of two years.

Government Orders

●(1230)

I would also like to say a few words about one of the motions directed at clause 43. This clause proposes a new subsection 10(4) to the CDSA which will allow a court to delay the imposition of the sentence so as to enable the offender to participate in a drug treatment program approved by the Attorney General, or to attend a treatment program under subsection 720(2) of the Criminal Code.

A significant number of individuals applying for admission into drug treatment courts are individuals who have committed prior serious drug offences, most notably trafficking and possession for the purposes of trafficking. These offenders would receive minimum penalties if the proposed mandatory minimum penalty regime is implemented.

Clause 43 creates an exemption from the application of mandatory minimum penalties for offenders who participate in treatment programs. These provisions will enable a judge to delay the application of the penalty while the offender participates in a treatment program, and will allow a judge to impose a penalty other than the minimum penalty if the offender successfully completes the treatment program.

The motion that I wish to comment on proposes adding a paragraph to clause 43. The new paragraph would add that the judge could delay sentencing for the offender convicted of a drug offence so he or she could attend and receive treatment for mental health issues, or attend a mental health treatment program approved by the Attorney General.

While I believe that this motion was well intentioned, I would like to point out that the provision being proposed in clause 43 is not necessarily for the treatment of drug-specific problems at the exclusion of all other problems that a drug offender may have. Indeed in my view, the reference to a treatment program under subsection 720(2) would allow a judge to permit the offender to attend any approved treatment program, including a program for mental health issues, provided of course there are treatment programs available and approved.

Our government recognizes that serious drug crimes, including marijuana grow operations and clandestine methamphetamine labs, continue to pose a threat to the safety of our streets and communities. Bill C-10 contains significant elements forming part of our strategy to address this problem.

The bill proposes amendments to strengthen the Controlled Drugs and Substances Act provisions regarding penalties for serious drug offences by ensuring these types of offences are punished by an imposition of mandatory minimum terms of imprisonment.

With these amendments, we are demonstrating this government's commitment to improving the safety and security of communities across Canada. Canadians want a justice system that has clear and strong laws that denounce and deter serious crimes, including serious drug crimes. They want laws that impose penalties that adequately reflect the serious nature of these crimes.

●(1235)

[Translation]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, my Conservative colleague on the other side spoke about the treatment offered to prisoners, in particular for addiction. I like this approach that the government is looking to include. However, I do have some concerns. Correctional investigator Howard Sapers said that only one in five inmates has access in prison to programs for anger management or substance abuse.

I would like my Conservative colleague to tell me whether the government plans on expanding the measures in the crime bill to ensure that addicts have access to programs that will help them and will make our streets safer.

[English]

Mr. Dave MacKenzie: Mr. Speaker, that is an interesting question. I would say to my colleague across the floor that in the last session of Parliament the public safety committee toured the prisons across this country, not all of them, but a number of them. We found that in fact there was a whole raft of programs available to people in prison.

If my colleague had had the opportunity to sit through the committee, he would have heard from other sides, not just Mr. Sapers, for whom I have a great deal of respect, but also from others. According to people who work inside the prison system, a number of prisoners refuse to take treatment.

In many cases, treatment is being offered, but it also has to be accepted. It is like the old adage that we can lead a horse to water, but we cannot make him drink. In the case of the federal prison system, we have increased mental health treatments in the facilities.

I am sure there is more to be done, and as we move forward, things will be done.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, there is a lot that I would like to say but I know that time is always our enemy here.

This government has invested a lot in the skills link program to keep youth from crime and to help re-educate folks who are dealing with a past conviction. Through the National Crime Prevention Centre, we invest a lot. My hon. colleague mentioned the significant investment in the institutions themselves in order to give programs to people to help them get back on track and be contributing citizens. At both ends, in fact, we are investing a lot of money.

My hon. colleague knows this file well and I appreciate his great work. Even where we have clearly underlined that the minimum sentences are for serious drug crime, for serious violent crime and for repeat crime, are these people also not able to apply for parole after one-third of that five year minimum and are they not also subject to release after two-thirds of that time unless the Parole Board deems that they should not be released? Is that not the case?

Government Orders

Mr. Dave MacKenzie: Mr. Speaker, in this country we do have parole systems and we do have systems that work to rehabilitate those people who are sent to prison. That is one of the interesting things. We frequently hear about the difference between what is happening in some jurisdictions outside of our borders where they do not have a parole system. We do have a parole system that works very well.

In some cases, we appreciate that we do need to make some changes with respect to the parole system, perhaps tighten it up and make the rules a bit different and a bit tighter. However, people need to understand that when individuals are sentenced to prison there is a certain prison term involved and it is not eliminated because of extremely early parole.

Although we have a parole system and it works very well, there are jurisdictions that are frequently related to that do not have a parole system. I think we should be proud of our system. It works to rehabilitate individuals who are sent to prison for serious crimes.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am rising to speak to Bill C-10, the safe streets and communities act. The New Democrats have put the safety of our communities as a top priority, but I feel that what gets lost in much of this discussion is that there are many roots to safety in our communities.

This bill has bundled together a number of previous pieces of legislation that were before the House and much has made about the fact that they were before the House, but it is important to remind members that roughly one-third of the members currently sitting in the House today did not have an opportunity to engage in debate and discussion when those bills were previously introduced. Part of our role as parliamentarians is to practise due diligence, as well as to scrutinize legislation that comes before us very thoroughly and ensure that Canadian interests are being broadly served.

I want to touch for a moment on the whole issue of safe streets and communities and refer to an article on November 14 in the *Toronto Star*. This was written by the Canadian Bar Association and it is entitled, "Ten reasons to oppose Bill C-10". I will not go over all of the reasons because I think a number of members have ably outlined them. However, I will touch on a couple of points. It starts by saying:

Bill C-10 is titled The Safe Streets and Communities Act—an ironic name, considering that Canada already has some of the safest streets and communities in the world and a declining crime rate. This bill will do nothing to improve that state of affairs but, through its overreach and overreaction to imaginary problems, Bill C-10 could easily make it worse. It could eventually create the very problems it's supposed to solve.

Bill C-10 will require new prisons; mandate incarceration for minor, non-violent offences; justify poor treatment of inmates and make their reintegration into society more difficult. Texas and California, among other jurisdictions, have already started down this road before changing course, realizing it cost too much and made their justice system worse. Canada is poised to repeat their mistake.

Earlier today, in response to a question I asked, I heard one of the members opposite ask why we would look south when we have our own justice system here, and so on. Of course, he is absolutely correct. We do have our own justice system here. However, I would argue that we should look at other countries that have tried similar strategies to see what the outcomes were. If the outcomes did not work in other countries, I cannot imagine why we would think they would work here.

The Canadian Bar Association went on to outline its 10 reasons and I will touch on a couple. It states:

1. Ignoring reality. Decades of research and experience have shown what actually reduces crime: (a) addressing child poverty, (b) providing services for the mentally ill and those afflicted with fetal alcohol spectrum disorder, (c) diverting young offenders from the adult justice system, and (d) rehabilitating prisoners, and helping them to reintegrate into society. Bill C-10 ignores these proven facts.

Number 4 on its list of 10 is as follows:

No proper inspection. Contrary to government claims, some parts of Bill C-10 have received no previous study by parliamentary committee. Other sections have been studied before and were changed—but, in Bill C-10, they're back in their original form.

Number 9 on its list reads:

Victimizing the most vulnerable. With mandatory minimums replacing conditional sentences, people in remote, rural and northern communities will be shipped far from their families to serve time. Canada's aboriginal people already represent up to 80% of inmates in institutions in the Prairies, a national embarrassment that Bill C-10 will make worse.

Number 10 reads:

How much money? With no reliable price tag for its recommendations, there is no way to responsibly decide the bill's financial implications. What will Canadians sacrifice to pay for these initiatives? Will they be worth the cost?

In its conclusion, it said:

Canadians deserve accurate information about Bill C-10, its costs and its effects. This bill will change our country's entire approach to crime at every stage of the justice system. It represents a huge step backwards; rather than prioritizing public safety, it emphasizes retribution above all else. It's an approach that will make us less safe, less secure, and ultimately, less Canadian.

The Canadian Bar Association very ably outlined the concerns of many in the opposition and many people across this country.

A rally was held outside of my constituency office in Nanaimo last Thursday. I was in the House and was not able to speak to the people who were meeting but, contrary to what the Conservatives say, there are many Canadians who are absolutely concerned about the repercussions of this bill. This rally was about supporting people who are speaking out in opposition to Bill C-10. I have received hundreds of emails. In some of the side conversations that go on in the House, I have heard Conservative members say that they have had virtually no opposition to this bill and yet I can tell people that I have received hundreds of emails in opposition to this bill.

● (1240)

I want to touch for a moment on crime prevention because that is also one element that is lacking in this bill, not only crime prevention but the funds for crime prevention. I heard a previous member rhyme off a number of programs but the reality of it is that there is a link between poverty and crime. However, I do not want to underestimate the fact that there are many people who are not poor who commit crimes. We have had some very high-profile Canadians, one in particular who has been doing time in a U.S. jail for white collar crime. I just want to point out that poverty does not necessarily mean that one will end up committing a crime.

Government Orders

There is an article that was put together about child and youth crime prevention through social development. This paper very strongly urges the Government of Canada, this Parliament, to invest in children and youth as a crime prevention strategy. This paper was developed through the CCSD, the Canadian Council on Social Development.

The council says:

Crime prevention reduces the risks for future crime and victimization. But many of the assumptions we make about what works to prevent crime are ill-founded.

A landmark report prepared for the U.S. Congress concluded that some of the most common efforts to stop crime—such as boot camps, police Neighbourhood Watch programs, and drug education classes for children—don't even come close to reaching their objectives.

However, interventions focused on changing the underlying social conditions of children and youth—such as nurse visits to “at risk” families with infants, parenting classes, availability of recreational programs, and a focus on social competency skills in school, to name just a few—were found to decrease crime. This kind of approach is called crime prevention through social development.

It is a very lengthy report and I will not have time to read all of it into the record. I just want to read some excerpts from it. It has another section titled, “When kids flourish, crime doesn't”. It reads:

Social conditions such as housing, family income, and education leave their deepest marks on children and youth. Improvements in the social conditions have been shown to open up new vistas for young people who might otherwise end up behind bars.

Evaluations done in Canada, the U.S., Europe and other countries demonstrate that certain social interventions work, they are cost effective and they provide social benefits. Researchers now conclude that social intervention can yield positive, measurable benefits within three years, with reductions in crime of 25% to 50% within 10 years.

I will say those numbers again because I think they are important. An investment in children and youth can result in crime reduction rates of 25% to 50% within 10 years. Rather than subjecting people to crime, victims of crime, and families to all of that chaos that results when a family member commits a crime, surely that investment would be worth it for the health, safety and overall well-being of our communities and our country.

One study found that it costs taxpayers seven times more to achieve a 10% reduction in crime through incarceration rather than through a social development approach. Again, the council goes on to list the fact that if we invest in housing, education, clean drinking water, all of those things which I think every member of this House would acknowledge that if people have safe, clean, affordable housing, if they have good employment, if they have access to education, if they have all of that kind of social capital that we talk about, their chances of getting into trouble are greatly reduced.

In my closing minute I will touch on the fact that one of the other places where we need to invest is early childhood education. The University of British Columbia has a study that says for every dollar we invest in early childhood learning and care, we save \$7 in the long run. That \$7 is saved in the criminal justice system, in education, in income assistance and in health.

It is unfortunate that we are having a conversation in this House about a tough on crime bill that purportedly will make our communities safer when all of the evidence flies in the face of that.

I would urge this House to reconsider this action and that we talk about these investments in our communities instead so that we can

actually prevent crime from happening and that our communities do become safer, healthier, happier places in which to live.

● (1245)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like the member to expand on how this bill protects children or fails to protect them. I note that some of the strong critics of the bill with concerns have included the Canadian Paediatric Society, and the Canadian Council of Child and Youth Advocates, particularly looking at the changes within the Youth Criminal Justice Act.

How do we ensure that we protect our young people, as everyone here wants to? We do not want children at risk from sexual predators. We do not want children at risk from exploitative child pornography. However, neither do we want to have a bill passed that the experts in child welfare find so badly wanting.

● (1250)

Ms. Jean Crowder: Mr. Speaker, I will quote again from the report about early childhood and education, ECE. It states:

Studies have repeatedly shown that high-quality ECE reduces the delinquency rate among disadvantaged children and increases their success rate in completing high school and obtaining employment. In fact, quality ECE benefits all children, regardless of social class and parental employment. One reason for this is that ECE provides the opportunity for early identification and intervention in cases of children with special needs.

Again, we need to talk about the root causes of crime, which does not seem to be on the government's agenda. We need to talk about that early intervention. We need to talk about providing those supports to children, whether with special needs, learning disabilities or those who do not have all the supports they need at home. We need that early intervention to help these children stay out of the criminal justice system.

As the article points out, this is for children from all social classes. This is not just with respect to poor children.

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, it seems as though the government did not think through some parts of this bill. I would like to hear what my colleague has to say about that. For example, the provinces will end up with overcrowded prisons and the justice system will no longer function because thousands of people will be put into the system unnecessarily and will turn into career criminals. That will force the provinces and local governments to find ways to try to control the situation.

Crown prosecutors will be tempted to drop charges for more serious crimes. We may see a lesser charge being prosecuted to avoid exposing the accused to penalties that are too harsh. The justice system itself may try to lessen the impact by not laying charges with too big a sentence. This simply may not work at all.

Government Orders

[English]

Ms. Jean Crowder: Mr. Speaker, that is a very complex question. Sadly, I probably have less than a minute to respond, so I will focus on one brief aspect of it.

The Parliamentary Budget Officer has estimated that costs for prison construction and per cell will rise substantially over the coming years. With this legislation, it is anybody's guess as to how much it will actually cost.

I have heard members opposite say that they already provide money to the provinces through the Canada social transfer. Unless there will be a significant boost in that social transfer, provinces will have to make decisions about whether they pay for health care, education and some of those other social benefits in their provinces or whether they build prisons. Again, in the context of what I talked about with respect to prevention, that simply does not make any sense.

We need to rethink the impacts of this legislation and invest in those kinds of prevention strategies that I mentioned.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I am honoured to speak today in the debate on Bill C-10, the Safe Streets and Communities Act. I am going to limit my remarks to the changes this bill makes to the Youth Criminal Justice Act. These changes were previously incorporated in Bill C-4, or what was known as Sebastian's law. Those proposals are now in part 4 of Bill C-10, clauses 167 to 204.

The former bill, Bill C-4, was first introduced on March 16, 2010, and was being reviewed by the House of Commons Standing Committee on Justice and Human Rights when the opposition caused Parliament to dissolve on March 26, 2011. Sixteen meetings had been held to study Bill C-4 and over 60 witnesses had already appeared before the committee.

The problems with our current youth criminal justice system were recently highlighted by the results of four months of observation by the *Toronto Star* of a typical Canadian youth court. I will briefly quote the conclusions reached, which state:

Changes to youth sentencing law in 2003 were supposed to fix an overreliance on custody. Instead, serious offenders are thumbing their noses at the courts because they know they will be treated lightly. Victims feel their voices are not heard. Kids who violently break the law, many from broken homes, are reoffending.

Our government invests significantly in crime prevention and rehabilitative measures and in restorative justice, but a balanced approach to criminal justice requires that we also pay due regard to protecting the public and victims of crime against violent youth offenders and repeat youth offenders. This is what Bill C-10 targets.

A number of amendments to the youth justice provisions of Bill C-10 were tabled by both NDP and Liberal members of the standing committee during clause-by-clause consideration and I will comment on some of the more significant of those.

One proposed amendment relates to protection of the public, specifically calling for the reinsertion of "long-term" ahead of the phrase "protection of the public" in the overarching principles of the Youth Criminal Justice Act. In highlighting protection of the public in the Youth Criminal Justice Act, the government has responded directly to recommendation 20 of the Nunn commission report.

The Nunn commission was a Nova Scotia public inquiry, which examined the circumstances surrounding the tragic death of Theresa McEvoy, who was struck and killed by a youth driving a stolen vehicle. Justice Nunn concluded that highlighting public safety as one of the primary goals of the act was necessary to deal with this small group of repeat offenders that was spinning out of control.

We agree with the conclusion drawn by Justice Nunn that the current provisions of the Youth Criminal Justice Act are not sufficient to deal with this small group of dangerous and repeat offenders. It is simply wrong to suggest that by removing the adjective "long-term" from ahead of the phrase "protection of the public", we are forbidding consideration of long-term factors. No, by removing a restrictive adjective, we are merely restoring the phrase "protection of the public" to its true meaning. In doing so, we are allowing judges to consider all factors relating to public protection, including short-term and long-term considerations.

It is also very important to note that, just as it was before Bill C-10, protection of the public will continue to be simply one principle of the act, alongside and equal to other principles, such as emphasis on rehabilitation in section 3(1)(b), fair and proportionate accountability in section 3(1)(c) and special consideration for young persons in section 3(1)(d) of the Youth Criminal Justice Act.

Another motion to amend called for the removal of specific deterrents and denunciation from the sentencing principles in the Youth Criminal Justice Act. That is proposed by clause 172 of Bill C-10.

By allowing judges to consider specific deterrents and denunciation in sentencing, and I say only allowing, not requiring, we increase confidence in the youth justice system. We simply give judges the right to choose the tools they feel necessary to deal with the needs of the differing young persons who come before them.

In proposing this amendment, the government is not abandoning the current sentencing principles in the legislation. It is instead giving judges an additional tool to help deal with that small group of repeat and violent offenders where it is reasonable to consider specific deterrents, or even denunciation, for the benefit of the young person and in order to maintain the public's confidence in the administration of justice. Even this provision would be limited in its effect because the application of these provisions, specific deterrents and denunciation, would be subject to the principle that the sentence must be proportionate to the gravity of the offence and the degree of the responsibility of the offender.

Government Orders

●(1255)

Another of our proposals that was discussed quite extensively at the justice committee was the test for publication in clause 185 of Bill C-10. The opposition proposed to amend this clause to basically make this test optional rather than mandatory.

The wider circumstances under which publication bans may be lifted, proposed by clause 185, fulfills our government's commitment to Canadians to ensure that young offenders will be named when the circumstances of their offence requires it. In our view, it would be inappropriate for this provision to be optional when the very purpose of the amendment is to protect the public, and that is not optional. The government is not calling for unlimited publication, but merely equipping judges with an additional tool for circumstances that require it.

In fact, it should be noted that this provision would only make it mandatory for judges to consider, to think about, publication. They are not be required to order publication in any particular case.

The threshold for this is also significant. The judge is required to consider the purpose and principles set out in sections 3 and 38 of the Youth Criminal Justice Act and the judge must decide that the young person poses a significant risk of committing not just any offence but a violent offence and that the lifting of the ban is necessary to protect the public against that risk. If there is no significant risk of violence or if any other solution makes publication unnecessary, then publication remains banned. Furthermore, the onus of convincing the court of these matters remains on the prosecutor.

Our government recognizes the importance of our youth criminal justice system and as such we propose changes in Bill C-10 to address the many concerns that Canadians have expressed about the shortcomings of the current system.

Our government responded to calls for change from several provinces asking for modifications to the former Bill C-4. Manitoba, Alberta and Nova Scotia officials appeared before the commons committee in June 2010 and subsequently provided suggested amendments in relation to pretrial detention, adult sentencing and deferred custody and supervision orders.

Our government considered these submissions and made changes to the applicable provisions found in clause 169 and subclauses 174 (2) and 183(1) of Bill C-10. These changes have been well-received by the provinces that proposed them and would ultimately strengthen the youth justice system.

●(1300)

[*Translation*]

At clause-by-clause consideration, the government also proposed changing clause 168, by replacing the verb “encourager” with the verb “favoriser” in the French version of paragraph 3(1)(a)(ii) of the act. That is a change Minister Fournier from Quebec had requested.

[*English*]

This government is committed to the protection of our communities and to tackling crime committed by young persons. Our view is that this can be achieved without compromising the use of

measures outside the judicial process, while still preserving non-custodial sentences for the vast majority of cases where such measures are appropriate.

Part 4 of Bill C-10 would provide judges and others working in the youth justice system with tools needed to deal appropriately with the differing needs of young people who come before them, including the needs of repeat and violent offenders who have not responded well under the current system. Such changes would restore public confidence to our youth criminal justice system.

I invite all the members opposite to join us in these efforts by supporting this bill. Let us join and together take arms against a sea of troubles and, by opposing, end them.

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the Canadian Bar Association joined its voice to that of the NDP MPs in September when it issued a press release on its concerns about a number of aspects of the bill introduced by the government, including mandatory minimum sentences, overreliance on incarceration, and constraints on judges. Does the government have any intention of listening to the Canadian Bar Association?

●(1305)

[*English*]

Mr. Stephen Woodworth: Mr. Speaker, what one would find if one examines this legislation is that mandatory minimum penalties are required only in cases which are particularly egregious. For example, there will be a mandatory minimum penalty for drug traffickers who engage people under the age of 18 in their business of trafficking drugs.

There will be a mandatory minimum penalty for drug producers who set up a grow op in a residential neighbourhood thereby causing a danger of fire or otherwise to communities.

There will be mandatory minimum penalties for drug traffickers who are engaged in organized crime.

These offences are all specifically targeted. Canadians would want us to impose jail sentences on these offences. The government is going to pursue those remedies.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the government's agenda behind Bill C-10 is clear. The government is trying to give Canadians the impression that it is concerned about crime, and that this legislation would put a lot more people in jail and minimize the amount of crime on our streets.

Preventing crimes from taking place in the first place is, I believe, the priority of people living in Winnipeg North and anywhere in Canada for that matter. That should be the government's number one priority in terms of addressing the crime front.

Does the member believe the government should take some of the resources that it is going to allocate to super jails modelled after the United States and invest those resources in things such as community policing or after school programming for young individuals? Does he not think that would have more of an impact in terms of getting young people involved in more positive things in our communities thereby reducing the amount of crime on our local streets?

Government Orders

Mr. Stephen Woodworth: Mr. Speaker, one thing is for sure. The money that we are going to save on the wasteful and ineffective long gun registry that the member supports is going to be put into policing and into things which really will make our communities safer.

I happen to know from my own riding the amount of money that our government continues to devote to rehabilitation and prevention. For example, just to name one or two programs, our government has invested heavily in an anti-gang strategy. My own community received \$3.5 million under that. It is in one community after another all across this country with a view to keeping vulnerable young people from being lured into gangs.

My community of Kitchener developed a curriculum called the high on life curriculum, which is being used in schools now, at least all across Ontario if not Canada, to help convince young people that they do not have to do drugs to get high on life.

Our government has promoted other measures and will continue to promote measures, but it is simply not enough that we only do that. We are the only government that has a balanced approach to crime, balancing prevention and rehabilitation with appropriate respect for law and order.

[*Translation*]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I stand here to voice my opposition to the proposed omnibus bill in its current form. Just a few short years ago, these same measures were voted down, and in a moment of hubris and zeal, the Conservatives introduced this bill again, with the argument that Canadians gave them a strong majority—with 39% of the popular vote.

We have been hearing that everyone supports this bill for weeks now. I would like to take a few minutes of my time to read some comments that I have received from the people of Notre-Dame-de-Grâce—Lachine.

A few days ago, I received an email that was very perplexing.

I am an ex-convict, and I am close to receiving a pardon. But a bill like this one would lower my chances of starting over. I have not committed a crime in over 10 years. Do you think that I deserve to be labelled my whole life? I earn a living and have a family. These mistakes of the past are far behind me. We cannot pass regressive legislation. We are a progressive country and that is how we should remain.

I would like to thank my constituents for participating in democracy in our country by sending emails to me and to other members of Parliament to tell them exactly what they think about these bills. Here is another email that I received:

I think that we should use an approach based on evidence and on practices that have been proven by our justice system. We should be committed to preventing crimes. We should support restorative justice that meets victims' needs and that contributes to the well-being of the community.

It goes on:

• (1310)

[*English*]

I believe that we should use an evidence-based approach to justice. We should be committed to preventing crimes, and to restorative justice that meets the victim's needs and helps the community to heal. We need to focus on the causes of crime, instead of paying endlessly for the consequences.

[*Translation*]

Like my colleagues, I have received hundreds of emails like these, telling us why we should oppose this bill in its current form. Neither my party nor I have anything against punishing wrongdoing. In fact, I have great respect for our justice system and the individual judges who do such great work every day. I have worked in a prison; I taught French and math there. I firmly believe that our current justice system meets our needs. We are elected as members of Parliament to make our systems work more efficiently. We are not here to destroy a functioning and coherent justice system.

No fair-minded Canadian wants an ideological law that is not supported by the facts. We are not elected to ignore facts and to do as we please. It is extremely crucial that this important debate is not carried out behind ideological lines. I firmly believe that, because I want our society to be just, equal, and safe. I also believe that we can make this happen by building the laws of our society on truth and fairness.

This omnibus crime bill is a step backwards for our country, or if you will, a step towards the failed penal system of the United States. It should be noted that the crime rate in our country is at the lowest it has been in 40 years. Does this not show that our justice system is working? Why is this not something that we should be building upon?

If our approach is working and our crime rate is the lowest it has been in 40 years, we need to find a way to strengthen the system instead of changing everything. I simply cannot vote in favour of the ideas proposed in this bill, since they have proven ineffective in the fight against crime.

In 2006, the justice department prepared reports on minimum sentences for the former justice minister. It indicated that minimum sentences did not have any special deterrence value, or even educational value, and that they were not any more effective than lesser sanctions. In fact, the justice department indicated that mandatory minimum sentences had no discernable advantage in terms of public safety. The former justice minister had previously stated that all the evidence clearly showed the effectiveness of mandatory minimum sentences even though that was false. A study conducted by the justice department showed that South Africa, Australia, England and the State of Michigan had all backed away from mandatory minimum sentences. Statistics for the Northern Territory of Australia show that its inmate population rose by 42% when mandatory minimum sentences were imposed and that the crime rate did not decline. This drain on the entire economy does not bode well for a society where too many people are in prison.

We are living in a very fragile economy, as our friends opposite keep repeating. Canada's performance is expected to deteriorate in the next few months. We are now losing jobs. We have to deal with these problems. We cannot rest on our laurels while people are being sent to jail, instead of looking at what is important for Canada's economy.

Does it really help the unemployed in our country to tell them not to worry because Canada is doing much better than the United States?

Government Orders

In recent weeks, the Minister of Finance has accused us of wanting to increase taxes in order to spend extravagantly, whereas it is his party that is continuing to bring in bills such as the one before us, implement its Conservative agenda and cost Canadian taxpayers millions of dollars.

We know very well that a number of provinces have already refused to pay the bill. We are not paid by Canadians to create diversions that will hide major problems. This omnibus bill will be nothing but a drain on our economy. The proof is that case studies show that these measures will not even improve our safety.

The government is repeating history and not disclosing the cost of this excessively expensive program. In an interview with a journalist, the Minister of Justice did not want to disclose the costs associated with passing this bill. The only thing he said to the public was that the cost would be sustainable. If the cost is sustainable, then why is he afraid to tell Canadians where their tax dollars will be going?

Conservative Senator Boisvenu has estimated the cost to be \$2.7 billion over five years. That is a major expense for something that will not create more jobs and will not stimulate our economy, but will instead put more people behind bars. I sincerely hope this is not the government's plan for lowering the unemployment rate. I do not understand why we are heading toward an American-style justice system.

Why should the United States be taken as a successful model of crime prevention? If we look at the statistics compiled by the Organization for Economic Co-operation and Development, in 2011, the number of people incarcerated in the United States was astronomical compared to the number in Canada.

• (1315)

In the United States, 760 out of every 100,000 people are in prison, while in Canada we are lucky, at least for now, that only 116 out of every 100,000 people are incarcerated.

I do not want the government to waste piles of money on a system that will not even reduce the crime rate. That has been proven. This money will come out of the taxpayers' pockets. Do we really want to live in a society that is harsh for no reason, spends money unnecessarily and does nothing to prevent crime? We are debating this bill in order to make communities safer. Every member of the House agrees that we want to make our communities safer, but we will not do so by always putting people in prison. There is nothing in this bill to prevent and reduce crime.

In the House, we are finding it difficult to properly fund our public broadcaster, the CBC, because the government says it has to make budget cuts. However, this same government introduces a bill that will cost millions of dollars for prisons. That is hard to understand.

I would like to come back to the minimum sentences I referred to earlier. Mandatory minimum sentences can result in an over-representation of aboriginal people and other minorities in the prison population, as is the case in other areas of the world, such as the United States, where minorities account for a high percentage of the prison population. People should not be put in prison for the fun of it. We have to devote our resources to helping people get out of poverty, helping single-parent families, the poor, minorities and

those who are mentally ill. I do not see anything in this bill to help prevent crime.

Before I finish my speech, I would like to give several reasons as to why I cannot in good faith support this bill. According to a study conducted by the *Canadian Journal of Criminology and Criminal Justice*, which many have read, the longer adolescents remain in prison, the higher the probability that they will reoffend. The expression is well known: prison is a school for crime.

There is a clause in this bill that stipulates that young offenders can be tried as adults. As I have already said, I worked in a prison for a long time and I can tell you that it is true. If someone is put in prison for a minor crime, he will come into contact with many people who have committed much more serious crimes and he may learn to commit those types of crimes.

We must take into account the amendments that were proposed by all the parties on this side of the House, focus more on prevention and help people in need before sending them to prison.

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I would like to thank the hon. member for Notre-Dame-de-Grâce—Lachine for her very compassionate speech focused on prevention.

As a former teacher, I can testify to the positive contribution made by social workers, community organizations, CLSCs, psychoeducators and psychologists who help those with difficulties. Often, it is the most underprivileged people in our society who have problems and they do not really know how to deal with them, so they end up committing certain minor crimes.

I would like the hon. member to explain how prevention initiatives for these people could help to reduce the number of crimes and victims and the number of prison sentences.

• (1320)

Ms. Isabelle Morin: Mr. Speaker, I would like to thank the hon. member for her question. Part of the bill deals with drugs. I am astonished to see the government put forward a bill that would imprison those who abuse drugs or marijuana. In my classes, approximately one out of five students had access to an addiction specialist who could tell them how to reduce their use, what help was available and who could help. This is just one of many examples.

I am appalled that there are no prevention specialists and that the focus is only on healing. And we know healing is not always complete. We have to invest in prevention so that experts can help people in need rather than sending them to prison and forcing Canadian taxpayers to pick up the bill.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I thank my colleague for her speech, which was very representative of reality, especially in her riding, and also across Quebec.

Government Orders

Members know that Quebec has a somewhat different approach to the justice system. Last week, Quebec's justice minister came to see his federal counterpart to propose amendments to Bill C-10. Unfortunately, those amendments were not taken into consideration.

Since Quebec's justice system is working well at this time and the crime rate is going down, what does the member think about the scientific data that Minister Fournier brought forward to support his points of view, and, on the other hand, what does she think about the government, which is using personal experience as its basis? What does she think about this with respect to Bill C-10?

Ms. Isabelle Morin: Mr. Speaker, I thank my colleague for her question.

Indeed, Minister Fournier came last week to present the amendments proposed by Quebec, which refuses to pay for this bill. Over 50 amendments show that this bill must be based on facts. I did not attend all the meetings of the Standing Committee on Justice and Human Rights, but I did attend two meetings, and I know that witnesses came to present facts and to say that increasing minimum penalties will not prevent crime and will not make society safer. A large number of experts came to share their opinions, which were backed up by scientific data. The government continues to say that this is what it believes it must do, based on its experience.

To answer my colleague's question, I think it is time for the government to look at the real facts and to accept the proposed amendments to this bill.

[*English*]

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, I am pleased to rise in the House today to continue debate on Bill C-10.

It was my pleasure to be a member of the Standing Committee on Justice and Human Rights and extensively review this legislation in committee. I am pleased that it is now coming back to the House.

I want to point out that while the bill's provisions dealing with amendments to the Controlled Drugs and Substances Act were amended only once in committee, there were a considerable number of motions by Liberal and NDP members that attempted to weaken sentences that we had targeted at organized crime.

I am pleased to say that members of our caucus in the committee worked very hard. I have to say that in the waning hours of the committee's discussions, government members treated us to some of the most cogent, informative and at times passionate debate that has been seen in our committee. In this regard, I want to congratulate all of my colleagues on the committee for their passionate debate.

The bill proposes a number of amendments to strengthen the provisions in the Controlled Drugs and Substances Act regarding penalties for serious drug offences by ensuring that these types of offences are punished by an imposition of mandatory minimum terms of imprisonment.

With these amendments we are demonstrating the government's commitment to improving the safety and security of our communities across Canada.

During the review of the bill, the Standing Committee on Justice and Human Rights heard from the Minister of Justice, the Minister of

Public Safety, government officials and a range of stakeholders, including many representatives of law enforcement who repeated over and over again to the committee how long they have been calling for these types of measures.

As I have mentioned before, our government recognizes that not all drug offenders and drug trades pose the same risk and danger of violence. That is why Bill C-10 provides a focused and targeted approach. Accordingly, the new proposed penalties would not apply to possession offences, nor would they apply to offences involving all types of drugs. That is contrary to what we hear from the members opposite.

What the bill does is focus on the most serious drug offences involving the most serious drugs.

Overall, the proposals represent a tailored approach to the imposition of mandatory minimum penalties for serious drug offences such as trafficking, importation, exportation and production.

It would operate as follows: for Schedule I drugs, such as heroin, cocaine or methamphetamine, the bill proposes a one-year minimum sentence for the offence of trafficking or possession for the purpose of trafficking in the presence of certain aggravating factors.

These aggravating factors would include the following: if the offence was committed for the benefit of or at the direction of or in association with organized crime; if the offence involved violence or the threat of violence, or weapons or the threat of the use of weapons; if the offence was committed by someone who was convicted in the previous 10 years of a designated drug offence or if youth were present. If the offence occurred in a prison, the minimum sentence would be increased to two years; in the case of importing, exporting and possession for the purpose of exporting, the minimum penalty would be one year if these offences were committed for the purposes of trafficking; moreover, the penalty would be raised to two years if these offences involved more than one kilogram of a Schedule I drug. A minimum of two years would be provided for a production offence involving a Schedule I drug.

Again, we are talking about drugs such as heroin, cocaine and methamphetamine.

The minimum sentence for the production of Schedule I drugs would increase to three years if aggravating factors relating to health and safety were present.

These factors would be as follows: if the person used real property that belonged to a third party to commit the offence; if the production constituted a potential security, health or safety hazard to children who were in the location where the offence was committed, or in the immediate area; if the production constituted a potential public safety hazard in a residential area; or if the person placed or set a trap.

For Schedule II drugs such as marijuana, cannabis resin, et cetera, the proposed mandatory minimum penalty for trafficking and possession for the purpose of trafficking would be one year if certain aggravating factors were present, such as violence, recidivism or organized crime.

Government Orders

If factors such as trafficking to youth were present, the minimum would be increased to two years.

• (1325)

For offences of importing or exporting and for possession for the purpose of exporting marijuana, the minimum penalty would be one year of imprisonment if the offence was committed for the purpose of trafficking.

For the offence of marijuana production, the bill proposes mandatory penalties based on the number of plants involved. Production of six to 200 plants, again if the plants were cultivated for the purpose of trafficking, would carry a penalty of six months. For the production of 201 to 500 plants, it would be one year. For the production of more than 500 plants, it would be two years. For the production of cannabis resin for the purpose of trafficking, the sentence would be one year.

I should mention that the government amended clause 41, which deals with a nine-month mandatory minimum penalty for the offence of producing one to 200 plants inclusively if the production was for the purpose of trafficking and certain aggravating factors were present. The adoption of this motion narrowed the offence such that the mandatory minimum penalty would now apply to instances in which more than five plants but fewer than 200 plants were produced, the production was for the purposes of trafficking, and certain aggravating factors were present. The minimum penalty would no longer apply to the production of five or fewer plants.

If there were aggravating factors relating to the health and safety of the production of schedule II drugs, the mandatory minimum sentences would increase by 50%. The maximum penalty for producing marijuana would be doubled from 7 to 14 years of imprisonment.

Amphetamines, as well as the date-rape drugs GHB and Rohypnol, would be transferred from schedule III to schedule I, thereby allowing the courts to impose higher maximum penalties for offences involving these drugs.

I am pleased that Bill C-10 has been thoroughly examined by the Standing Committee on Justice and Human Rights and that we are rapidly approaching our goal of seeing this legislation passed into law.

Our government's message is clear: drug lords should pay with jail time. Canadians can count on us to continue to stand up for law-abiding citizens.

Finally, there are provisions in the legislation for it to be reviewed. I know that members opposite have been voting against this bill consistently. I would invite them to reconsider that position, based on the fact that there are review provisions in the legislation. I hope we have their support when we vote on this later.

• (1330)

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I have a question for the member across the floor.

Can he show us at least two expert studies that prove that this bill will significantly reduce crime—which is already at the lowest rate

Canada has seen in 40 years—more effectively than a nation-wide prevention program?

[*English*]

Mr. Kyle Seeback: Mr. Speaker, I think the question actually presents the opportunity to explain and contrast clearly the differences between the members opposite and the members on this side of the House.

I sat through every piece of testimony from every witness in committee. The people who are on side and support the bill, who say that it is necessary, are people like chiefs of police, victims organizations and victims themselves. Those are the people who think the legislation would make a difference and those are the people we are proud to stand with in presenting the bill.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member made reference to minimum penalties. I was interested in an article that made reference to minimum penalties and will quote from it. It said:

A pedophile who gets a child to watch pornography with him, or a pervert exposing himself to kids at a playground, would receive a minimum 90-day sentence, half the term of a man convicted of growing six pot plants in his own home.

I would ask the member to provide comment on that.

Also, would the member acknowledge that while many states in the Deep South felt at one point that the best way was to build more prisons and keep people in jail longer, most of the advocates of that system and that style of fighting crime are now on the other side, saying that they made a mistake?

It seems to me that the Conservative government in Canada is the only one in North America that has put all of its marbles in the area of getting tough on crime into putting people in jail and keeping them there.

Mr. Kyle Seeback: Mr. Speaker, I am pleased to rise to educate my friend on a couple of points that he has raised today.

First, I will deal with mandatory minimum sentences with respect to drug trafficking. My friend does not talk about that. The section is trafficking. It is the production of marijuana plants for the purpose of trafficking.

Police chiefs came and spoke at our committee. They were begging us to get this legislation passed because they need to get these people off the street, and off the streets longer, so that they are not poisoning our children with their drugs.

The other fallacy that we have heard today is that we are somehow following the U.S. model. My friend opposite knows that the incarceration rates, even as they are reducing sentencing in the U.S., are nowhere near what they are in Canada. They are far higher because the American sentences are still far longer, for every single offence, than they are here in Canada. There is no comparison.

People on that side of the House who continue to stand up here and say that know that they are not telling the truth, and they should be ashamed.

Government Orders

● (1335)

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the member spoke primarily about the part of the bill that deals with drugs. He spoke at length about marijuana and the fight against drug lords. There are many drug lords in Canada. First of all, these drug lords come from other countries. Also, this omnibus crime bill, which has absolutely nothing to do with drugs, is all over the board. The Conservatives want to criminalize anyone who has at least six marijuana plants for the purpose of sale. Those are minor offenders, not drug lords. Drug lords traffic in cocaine and drugs that are a lot harder than marijuana. The members opposite should not get carried away.

[English]

Mr. Kyle Seebach: Mr. Speaker, once again I am happy to provide some information for the members opposite who do not seem to have a clear understanding of this legislation.

When we are talking about dealing with people who are growing six plants, it is for the purpose of trafficking. Somebody who is producing six marijuana plants in their basement will produce hundreds of marijuana joints. These are not some poor individuals who are growing plants in their basement for personal use.

This legislation is targeted for people who are trafficking in drugs. I hope that with these explanations our friends on the opposite side of the floor can rise and support this legislation when it comes back to this House.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, I am pleased to add my voice to the rising opposition to Bill C-10, which is perhaps best characterized as the Conservatives' most recent piece of dumb on crime legislation.

Our understanding of crime and the appropriate way to handle those who transgress the rules of our society has evolved over the past 400 years. We have moved from a time when criminality was commonly associated with witchcraft to a society that far better understands the root causes of crime and better ways to handle criminals.

I am truly dismayed to see the government completely ignore the work being done on these important topics. It seems to be taking us back to the middle ages. That is not just empty rhetoric. Why do I say that they are taking us back to the middle ages?

First, it is obvious that the government cares not a whit about policies to fight the ultimate cause of crime. Second, it does not care about deterrence. If it did, it would have paid attention to a recent study by its own Department of Justice that was released a week or so ago, which provided evidence that longer sentences are not an effective deterrent to crime. Indeed, the results from that study are consistent with international evidence on the topic.

If the government does not care about fighting the ultimate cause of crime, if it does not care about deterrence, what is left? The only thing the government cares about is the principle of retribution or vengeance, and that is why I make the statement that it is taking us back to the middle ages.

[Translation]

The notion of fighting the underlying causes of crime is not at all important to the Conservatives. At the same time, for the reasons I just explained, the principle of deterrence also appears irrelevant to the Conservatives. All that matters to them is the principle of retribution or revenge. In that sense, this bill takes us back to the Middle Ages.

● (1340)

[English]

Nobody in the House would deny that protecting the citizens of Canada from harm is the most important objective of government. In fact, the government is granted a monopoly on the use of force for just that purpose, but with that power comes the responsibility to act in an appropriate manner that benefits society.

Our country was founded on the principles of peace, order and good government, and good government means examining all the facts and opinions. It means talking to experts and making public policy decisions that are based on evidence, not knee-jerk ideological desires. Good government also means respecting Parliament's role in public policy debates.

My opposition to this bill stems from its ineffective and ideological nature, and from the government's inability or unwillingness to work with Parliament on this major issue of public policy. I can already hear that familiar refrain from the other side, soft on crime, soft on victims' rights.

Victims' rights and crime are very important and I find the constant use of victims as a shield for this ideologically-driven agenda to be offensive. I believe nobody in the House is opposed to supporting victims of crime. To suggest otherwise is simply insulting to the intelligence of Canadians.

Indeed, I might mention the case earlier today regarding my colleague, the member for Mount Royal, when he presented amendments that would strengthen the provisions in this bill to support victims of terrorism and add to the remedies against those who commit terrorist acts. It seems the government is not going to accept that amendment, but that is a concrete example of Liberals supporting remedies for those who are victims of crime or terrorism.

What does it mean to support victims of crime? It must certainly mean doing our best to ensure that crime does not happen in the first place or that those who break our laws should be treated in a way that will minimize recidivism. That is how we stand up for victims, by working to ensure that we reduce crime as much as possible and also through measures such as proposed by my colleague from Mount Royal.

Government Orders

I have spoken about the Conservatives' crime agenda in general, but I also want to spend some time on this bill in particular. My primary concern with this bill is that it is fundamentally ineffective. According to Statistics Canada, crime is going down both in volume and severity. This should be trumpeted as a success. Crime is going down. Is that not our objective? When the government should be saying the evidence is saying its policies work, it instead says it does not believe the statistics. It claims the numbers do not matter, but they do matter. For the benefit of my colleagues on the other side of this place, I will go over a few of the facts that they choose to ignore.

As I said before, crime is down. Locking people up for longer does not necessarily make them less likely to reoffend, as I said just a few minutes ago. That is confirmed by a very recent study by the Department of Justice that was acquired through access to information. When we are dealing with young offenders, the negative effects of prison are only multiplied.

What the government needs to understand is that this is not just Liberal nonsense or lefty soft on crime rhetoric. Look at our neighbours to the south. The U.S. incarceration rate is 700% higher than ours. It has very nearly reached a point where fully 1% of the U.S. population is in prison. What does that mean for the U.S.? It means it continues to have higher crime rates than we do. It continues to spend billions more on prisons than we do. Some states, such as California, actually spend more on prisons than they spend on schools. Prisons are not the perfect solution to crime. That is simply outdated 18th century thought and nothing more.

For many criminals, prisons have not proven the palaces of reform that the Conservatives promise they will be. For many, it is simply a school for crime. Our prison system is already at its limit. This plan to dump thousands of new offenders into the system will simply break it. Low level offenders will enter the system after convictions for petty crimes and will leave having made new criminal connections and having learned the skills of the trade. That should never be the outcome of our justice system.

• (1345)

Despite all of this tough talk, one of the things we will not hear the Conservatives talking about during this debate is the mental health of our prisoners. It is widely understood by those who study crime that mental health issues are one of the biggest driving factors of criminal behaviour. Taking care of the mentally ill among us has been a failure of all levels of government for decades now.

As of 2007, 12% of the federal male prison population had a diagnosed mental illness. That is a 71% increase over 1997 and those figures are even worse for female inmates. Our prisons are not supposed to be substitute mental hospitals. In fact, I struggle to find a worse place for a mentally ill person.

Currently, aboriginals are incarcerated at a rate nine times that of non-aboriginal people. I believe that is simply unacceptable. Like most prisoners, they are in prison for non-violent property or drug offences. Time and time again we have seen that the solution to this vicious cycle is not more prisons.

I have covered some of the negative social costs of this dumb on crime agenda, but it is also important to talk about the fiscal costs.

The opposition has been asking the government for detailed cost estimates for its crime agenda. We have received nothing from the government except empty rhetoric. This is unacceptable. Parliamentarians are both policy-makers and the ultimate keepers of the public purse. We have a right to know the costs of the legislation that we are asked to support.

There is another consideration, and I will borrow a term from American politics: unfunded mandate. Yes, there will be significant federal costs, but we cannot ignore the impact these changes will have on provincial governments. These legislative changes, taken in concert with previous changes, will lead to many new provincial inmates at costs borne solely by the provinces.

The government has shown little respect for Parliament and its role, and it is also showing very little respect for provincial governments and their budgets.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I would like to thank my colleague for sharing his thoughts on the bill that the Conservative government has introduced to amend the Criminal Code.

A little earlier, my colleague opposite said, with respect to the legislation concerning marijuana plants, that somebody who is producing six marijuana plants in their basement will produce hundreds of marijuana joints, whereas it is our understanding that when people sell to others, it usually consists of enormous quantities.

I would like to know what he thinks about this provision of the bill. Does he feel that it is logical to consider six plants as contraband?

Hon. John McCallum: Mr. Speaker, I thank my colleague for her question and I would raise two points.

First, we are opposed in principle to mandatory minimum sentences. Therefore, we are opposed to all the mandatory minimum sentences in this bill because we believe that judges should have discretion when making their decisions. As other members have said, mandatory minimum sentences can have the opposite effect because of negotiations between lawyers in the courts. Therefore we are opposed to this principle in the case she has mentioned as well as in general.

Second, in my opinion, six plants is not a huge number.

In more general terms, we are opposed to the principle of mandatory minimum sentences.

Government Orders

[English]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I listened to my friend across the way intently. I am a member of the justice committee and I want him to know that I am interested in what he has to say, but for the most part he is talking about costs to implement the bill.

I am wondering if he has had an opportunity to speak to victims and to ascertain the cost if the bill is not imposed, if we continue to have high amounts of violent crimes in this country, if we continue to have loss of property through damage committed by youth, if we continue to have psychological damage to individuals needing treatment, and the cost to society as a whole when some crime gets out of control.

Has he looked at those costs, the real costs that victims are concerned with? They are not concerned with the cost of implementing the bill. The only time it is concerned with that cost is when it is not actually affected by any crime.

We have heard from Canadians. They are impacted by crime. They want it to stop, and they want the bill and these laws to go forward.

• (1350)

Hon. John McCallum: Mr. Speaker, I do not accept this principle that the Conservatives have a monopoly on caring about victims. Our view is that this bill would create more victims because when we send young people into jail they learn to become criminals and when they get out they are more likely to reoffend. The Department of Justice has said that longer sentences do not deter crime. The best way to help victims is to reduce crime and the essential point of my remarks is that this law would not reduce crime. It would more likely increase crime and that cannot be good for victims.

My colleague from Mount Royal has proposed amendments to this legislation which would strengthen the provisions that would help victims of terrorism. If the government cares about victims, I hope it will accept the amendments proposed by the member for Mount Royal.

[Translation]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to ask my colleague from Markham—Unionville to talk about crime in the province of Ontario. Government members have spoken about the situation in their ridings. They have shared what Canadians have told them. I would like my colleague to tell us about the views of the people of Markham—Unionville and, more broadly, of Ontario.

Hon. John McCallum: I thank my colleague for asking this good question. I am very lucky because Markham, part of the York region in Ontario, has one of the lowest crime rates in Canada. The police officers in this very multicultural community are extremely effective. The chief of police is well connected with all the cultural communities. The system works very well. In my riding, we certainly do not need this bill.

[English]

The Acting Speaker (Mr. Bruce Stanton): Before we resume debate, I need to tell the hon. member for Fort McMurray—

Athabasca that I will need to interrupt him at about seven minutes into his speech for statements by members.

The hon. member for Fort McMurray—Athabasca.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, thank you for the advance warning of my cutoff.

I have had an opportunity to practise criminal law in Canada for some period of time under the Criminal Code. In fact, I practised law for over 10 years in northern Alberta in a very busy criminal practice. Therefore, I speak to this matter first-hand. I want to let the previous member know that I saw the rotating door of the criminal justice system in Canada, especially in relation to youth offences, and I take exception to his statements relating to more crime. We heard some witnesses say that, but it is utterly ridiculous that if we send people to jail for more time there will be more crime. I do not think any normal Canadian would accept the premise of that member's comments.

However, I am very pleased today to talk about the important changes to the Youth Criminal Justice Act that are included in the safe streets and communities act. I think the title of this particular bill, the safe streets and communities act, is actually the purpose of the bill and exactly what the bill will accomplish once it becomes law. I am very proud to be part of that.

The proposed amendments to the Youth Criminal Justice Act are found in part 4 of Bill C-10, with a few exceptions. The proposals that are in the bill very much mirror the changes that were proposed in the former Bill C-4, Sebastian's law, which, of course, members are familiar with. This was introduced in the House of Commons on March 16, 2010. It was before the Standing Committee on Justice and Human Rights when Parliament was dissolved just prior to the May 2011 election.

The proposed changes to the Youth Criminal Justice Act reflect the concerns that I have heard clearly in committee and that I have heard for years from Canadians who have expressed concern about violent young offenders. When we think of our youth, we do not usually think of violence, but there is a certain minority of the population under the age of 18, youth, as our courts see them, who have no concern for society as a whole and who do commit very violent offences without thinking about the ramifications.

It also deals with youth who may be committing non-violent offences that, frankly, are spiralling out of control. I saw this time and time again. When we would look at a docket in Fort McMurray on a Wednesday, we would see the same names, not just for one week or two weeks but it would be a constant situation of young people who would be before the court on a continuous basis over the same issues. I do not think that is acceptable and I do not think Canadians find that acceptable because we continue to hear from them on that.

The package of Youth Criminal Justice Act amendments also respond to some other issues, particularly those issues that other Canadians and provincial Attorneys General raised with the Minister of Justice in his cross-country consultations.

Statements by Members

I want to take a moment to compliment the minister for going door to door throughout the country, city to city, and talking to Canadians first-hand to find out exactly what they were interested in so that we, as a government, could do exactly what we are supposed to do, which is to reflect the priorities of Canadians. This bill would do exactly that.

These amendments also take into account and are responsive to key decisions of the courts, and these are courts right across Canada, provincial courts, territorial courts, superior courts of the provinces, and the Supreme Court of Canada, because, of course, the courts would reflect that, too, but it is ultimately our job as legislators to do that.

These positions also reflect what witnesses have told us. Victims groups and victims came forward and applauded this government on the bill and on specific things that we would bring about in this bill.

The reforms reflect the widely held view that, while the Youth Criminal Justice Act is working well in dealing with the majority of youth who commit crimes, there are concerns about the small number of youth who commit crime. It is a small number but it does not mean it is any less serious, in fact, it is even more serious because if we have an opportunity to deter these people early on in life they can then go back into society as a whole and become good citizens and contribute to society. However, these are people who, as I mentioned before, are repeat offenders and commit serious violent offences.

The proposed changes to the Youth Criminal Justice Act would do several things. First, they would amend the act's general principles to highlight protection of the public. That is very important because the judges, when they look at the act themselves, they can see that one of the primary concerns, which would seem fairly trite, would be to protect the public.

Second, the amendments would clarify and simplify the provisions relating to pre-trial detention, which is very important as well but has become quite cumbersome and complicated in the past years.

• (1355)

The third is to revise the sentencing provisions to include specific denunciation and deterrence factors as sentencing principles. Sentencing principles means that the judge takes that into consideration in the totality of the evidence put before him or her. This would broaden the range of cases for which custody will be available as well. Again, we heard clearly from Canadians that that is what they want.

Fourth is to require judges to consider allowing publication in appropriate cases where young persons are found guilty of violent offences. If we were to read the specific statute regarding this, we would see that it is very difficult for a judge to make that decision, but it is available to the judge if he or she feels it is in the public policy to do so, with some other criteria set out in the act itself.

Fifth is to require police officers to keep records of any extrajudicial measures they use in response to alleged offences by young persons.

Sixth is to define "violent offence" as an offence in the commission of a crime in which a young person causes, attempts

to cause or threatens to cause bodily harm and includes conduct that endangers life or safety. It is hard to believe that these particular factors as set out in the Criminal Code were not there before, but this adds that criteria to the sentencing provisions of the judge and the considerations for him or her.

Seventh is to respond to the Supreme Court of Canada's 2008 decision *R. v. D.B.* by removing the presumptive offence and other inoperative provisions from the Youth Criminal Justice Act and by clarifying the test and onus requirements related to adult sentences.

Finally, eighth is to require that no youth under 18 sentenced to custody will serve his or her sentence in an adult prison or penitentiary. That is very important.

• (1400)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Fort McMurray—Athabasca will have three minutes remaining for his speech and five minutes for questions and comments when the House resumes debate on the motion.

STATEMENTS BY MEMBERS

[*Translation*]

UYGHUR COMMUNITY

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, Amnesty International is warning of the assimilation policy the Uyghur community is being subjected to in the Xinjiang region of northwestern China. Apparently, any attempts by the Uyghur people to assert their linguistic, cultural and religious rights are being violently repressed through arrests and brutal detentions.

The Uyghur communities of Quebec and Canada have informed me that the Chinese government has even banned their language from universities and closed their mosques without any warning. They have also reported that a Canadian citizen of Uyghur origin, Hussein Celil, is currently being detained in China for trying to have their rights recognized. He has no access to his family, to legal counsel or to consular assistance.

Rebiya Kadeer, president of the World Uyghur Congress, has met with the Prime Minister in order to inform him of the realities facing her community, but no action has been taken. I invite all parliamentarians to stand in solidarity with these people and to denounce this unacceptable situation.

* * *

[*English*]

CANADIAN WHEAT BOARD

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, a number of constituents from Souris—Moose Mountain visited Parliament Hill yesterday to witness the historic vote ending the Canadian Wheat Board monopoly and allowing marketing freedom to western Canadian grain farmers.

Statements by Members

Dale Mainil, who farms thousands of acres of land near Weyburn, Saskatchewan, was delighted with the outcome. He, along with his wife Deana and family, carry on the tradition of hard work and enterprise of their parents Jerry and Orlanda Mainil.

With him was Herb Axten of Minton, Blair Stewart from Fillmore and Allan Johnston from Welwyn. They all see the great potential and opportunity that was released by freeing up farmers from being compelled to sell to the Canadian Wheat Board.

Blair Stewart, with experience as a processor of specialty crops, and Allan Johnston, a grain and specialty crop broker, see great potential for increased returns and value-added opportunities.

To them and the many others who supported the cause, I hope and trust that the next generation of young farmers will be able to reap the benefits of their action and unwavering determination.

* * *

CHILD POVERTY

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, 22 years ago this month, Mr. Ed Broadbent introduced a landmark motion to end child poverty by the year 2000. His motion received unanimous support in the House, but over two decades later, the number of children living in poverty today is at almost the same level as it was in 1989.

In fact, out of the 24 richest nations in the world, Canada ranks 17th in caring for its children in poverty and 38% of food bank users are children. There are more food banks in Canada today than there are McDonald's. One in nine Canadian children lives in poverty. My province of British Columbia just took the dubious honour of having the highest rate of child poverty in Canada for the eighth year in a row.

Research by the Canadian Centre for Policy Alternatives in B.C. shows the cost of poverty is between \$8.1 billion and \$9.2 billion every year. Investing in a poverty reduction plan would cost only half of that.

This holiday season I urge all members to support organizations of their choice, such as local food banks or the United Way, but if we want to give true meaning to the spirit of Christmas, then we need to act here in Parliament right now to end poverty.

* * *

LONDON KNIGHTS

Mr. Ed Holder (London West, CPC): Mr. Speaker, Canada's 10th largest city is home to the London Knights hockey team and its legendary coach Dale Hunter.

The London Knights have long been a cornerstone of both the London community and southwestern Ontario. Head coach Dale Hunter is a name synonymous with the triumphs of the Knights, today rated the number one hockey team in the Ontario Hockey League. He led the team to its 2005 Memorial Cup win, four straight season titles, and has the distinction in his era of coaching more players who have gone to the NHL than any other junior coach. They have included Corey Perry, John Tavares, Rick Nash, Pat Kane and Nazem Kadri, to name but a few.

Dale himself is a former NHL superstar who, as team captain, brought the Washington Capitals to the Stanley Cup finals. Now, after 11 years with the London Knights, Dale returns to the Capitals as head coach.

We will miss Dale behind the Knights' bench, and Londoners wish him every success.

This is just one more example of a great Canadian export to help the United States.

On behalf of all Londoners, I thank Dale Hunter. It has been a great ride.

* * *

GERALD VANDEZANDE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I rise today to place into our national record my commendation of a very extraordinary Canadian, a man who was not only a champion of justice, a voice for the voiceless, a man of deep and compelling faith, but a mentor and cherished friend.

His name is Gerald Vandezande. Sadly, Gerry passed away on July 16. The catalogue of his achievements and contributions to his community and his country is far too long to list in a short time.

He was called "Canada's unassuming prophet". He was the founder of the faith-based organization known as Citizens for Public Justice, a group that advocates for those in our society who are easily forgotten, children, the poor, and on many other issues of social justice on which our faith in God and faith in the dignity of humankind calls us to act. In his book *Justice, Not Just Us*, Gerry expands on the intersection of faith and politics.

For his work, Gerry received the Order of Canada and the love and incredible respect of his friends and colleagues.

Gerry loved the prophet Micah: seek justice, be merciful, and walk humbly with God.

On behalf of all parliamentarians, I offer my love and condolences to Gerry's wife and his family.

* * *

● (1405)

22 WING CFB NORTH BAY MUSIC BAND

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Mr. Speaker, Lieutenant-General Charles Bouchard, commander of the NATO military mission in Libya, is living proof that we have some of the best military personnel in the world. Besides their military responsibilities, our people in uniform contribute so much to their communities across this great nation.

Statements by Members

Such is the case with Warrant Officer Dale Kean from my riding of Nipissing—Timiskaming. Twenty years ago he established the 22 Wing CFB North Bay Music Band, a group of 65 military personnel of auxiliary volunteer musicians. This talented group has performed in over 1,000 military ceremonies and events across Canada. He and the 22 Wing do this for the love of music, the love of our people, the love of our community and their love of Canada.

Warrant Officer Kean is a shining example of the community spirit in our Canadian military. On behalf of the people of Nipissing, I salute him and his band for the wonderful work they do.

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[*Translation*]

CANADIAN HIV/AIDS AWARENESS WEEK

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, today I wish to recognize Canadian HIV/AIDS Awareness Week, which runs from November 24 until World AIDS Day on December 1. This is an opportunity to acknowledge and celebrate the invaluable work of health professionals and agencies such as COCQ-SIDA and the Canadian AIDS Society in raising public awareness about the risks related to this devastating disease and how to prevent it from spreading. Despite such efforts, there are still more than 3,000 new cases of AIDS in Canada every year. We must recognize the important contribution of those who help people who have HIV/AIDS, their families and their loved ones.

I was saddened to learn that because of this government's inaction, funding for these agencies is in jeopardy. Many will no longer be able to continue their activities or pay their employees beyond March 31, 2012. We must continue to support research into finding a cure and support the various stakeholders who work on prevention and awareness, since contracting HIV/AIDS is preventable. I hope the government will do the right thing.

* * *

[*English*]

FREEDOM OF SPEECH

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, "I may not agree with what you say, but I will defend to the death your right to say it". These were the words of Voltaire, and it is in this spirit that I would like to voice my support for private member's Bill C-304, titled "An Act to amend the Canadian Human Rights Act" put forward by the member for Westlock—St. Paul.

Similar private members' bills have been introduced in the past. Keith Martin and the member of Parliament for St. Catharines deserve note.

Freedom of speech is a fundamental right that all Canadians should be able to exercise without a government watchdog. Many Canadians in the past have fought and died for our free speech. Many have already criticized section 13 of the Canadian Human Rights Act for its subjective and ambiguous nature.

Therefore, I encourage all parliamentarians in the House of Commons to support Bill C-304 and allow for true freedom of speech.

THE ENVIRONMENT

Ms. Michelle Rempel (Calgary Centre-North, CPC): Mr. Speaker, as the Durban climate change conference begins, let us review the record of the NDP and Liberals on climate change policy.

Under the Liberals, Canada's GHG emissions increased by 27%. Canada's carbon dioxide emissions rose between 1997 and 2005. They proposed a carbon tax, a tax on everything, which was rejected by Canadian voters.

The NDP members support a tax scheme that would hike gas prices by 10¢ per litre. They voted against investing hundreds of millions of dollars to support tangible action to address climate change.

In stark contrast, our government is balancing the need for a cleaner environment with protecting jobs and economic growth. We are taking action to reduce Canada's GHG emissions by 17% below 2005 levels by 2020, and we are making good progress.

* * *

● (1410)

INFRASTRUCTURE

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I am so proud to represent the wonderful riding of Halifax, a hub of creativity and innovation. Investing in cities like Halifax makes good economic sense. It is an essential part of our long-term plan for community development.

Beyond wanting to ensure that our cities are vibrant, green and healthy places to live for future generations, infrastructure investments in our cities create jobs and increase our quality of life through increased public transport, better housing and the green projects needed to transition Canada to the economy of the future.

The numbers prove it. While corporate tax cuts result in only a 30¢ return on the dollar, infrastructure investments contribute more than \$1.50 in additional GDP for every dollar invested.

Public consultation is an indispensable part of determining what investments should be made. I am proud to point to the consultations carried out in the design of Halifax's new public library, which have resulted in a multi-purpose, forward-thinking community-designed hub that meets our community's needs.

It is time to invest in Halifax and time to invest in our cities.

*Statements by Members***VIOLENCE AGAINST WOMEN**

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, Canada and the world are marking 16 days of activism against gender violence.

Gender-based violence has many faces. Anyone can be a victim, regardless of their age, income level or where they live. It can be verbal, physical, emotional, psychological, sexual or financial.

Physically, it can be a threat or a slap, being choked or beaten. The effects can be bruises, broken bones or worse, even death. Other injuries, while hidden from view, are no less devastating.

Our government is taking concrete steps to help improve the safety of women. This includes actions against human trafficking and providing support to its victims, the majority of whom are women and girls. Stopping violence against women and girls is up to all Canadians. By working together, we can all be part of the solution.

* * *

[Translation]

HELP CENTRE FOR VICTIMS OF SEXUAL ASSAULT

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, the Centre d'aide et de lutte contre les agressions à caractère sexuel, a sexual assault help centre located in my riding, is celebrating its 25th anniversary. I would like to express my support for the efforts by the centre's workers to combat sexual assault.

When these very capable people come to me and share their indignation about the government's plan to abolish and destroy the long gun registry, I listen to them. The government should do the same. Clearly, this government is not listening and is not hearing anything.

Congratulations to the help centre on its work and its commitment.

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[English]

NEW DEMOCRATIC PARTY OF CANADA

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, the NDP again voted against marketing freedom for western Canadian farmers.

This comes on the heels of the NDP voting against helping the manufacturing sector; against small businesses hiring more people; against new tax credits for families, like the family caregiver tax credit and the children's arts tax credit; and against the volunteer firefighters tax credit.

The NDP is opposed to mining, sealing, forestry, auto manufacturing and trucking. The NDP even goes abroad to attack hundreds of thousands of Canadian jobs in the energy sector.

The NDP opposes creating jobs and then drives the point home to go abroad and attack Canada. The NDP chooses to side with a small group of radical activists protesting against our energy resources.

The NDP also wants to hit families and job creators with a job-killing tax hike that will kill jobs, hurt our economy and set families back.

* * *

CHILD AND YOUTH NUTRITION STRATEGY

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, almost three years ago the Toronto Foundation for Student Success asked staff and principals of schools in an at-risk community what help they wanted to deal with issues that were the result of poverty and gun violence.

The foundation expected requests for after school activities and security supports, but the unanimous request was food for kids. Really, it was simple: hungry children cannot learn. Hungry children have concentration issues. Children with concentration issues have behavioural issues. Hungry children have a myriad of health issues.

Right across the country, in provinces and territories, communities are asking for federal leadership to develop a comprehensive pan-Canadian child and youth nutrition strategy and to fully fund on-reserve aboriginal student meals. This makes good economic sense from the perspective of reduced health costs, lower crime rates and increased revenue for Canadian farmers.

Let us stand together and take care of Canadian children.

* * *

● (1415)

JEAN CASSELMAN WADDS

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, one of Canada's female political pioneers, Order of Canada recipient Jean Casselman Wadds, of Prescott, in my riding of Leeds—Grenville, passed away November 25.

Mrs. Casselman Wadds became an MP in a byelection following the death of her husband, A. C. Casselman, who was MP from 1921 until 1958.

She and her father, the Hon. Earl Rowe, remain the only father and daughter ever to sit as MPs in the same session. Mrs. Casselman Wadds became the first woman in Canada to be a parliamentary secretary.

She was the first woman appointed by the Canadian government as a delegate to the United Nations and in 1979 she was the first woman appointed Canadian High Commissioner to Great Britain.

Prime Minister Trudeau credited Mrs. Casselman Wadds as one of three key women responsible for the repatriation of the Canadian Constitution, along with Queen Elizabeth and British Prime Minister Margaret Thatcher.

She was always kind to me, and I offer my condolences to the family of Jean Casselman Wadds, her daughter Nancy and son Clair, and the community she served so well for so long.

Oral Questions

[Translation]

ATTAWAPISKAT

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, today we are witnessing the danger that comes with having a Prime Minister who is out of touch, who feels that his government is not responsible for helping to lift Canadians out of poverty.

It has been one month since the community of Attawapiskat requested emergency assistance to provide housing for families as winter approaches. It is a horrible situation. Families are being forced to live in deplorable conditions, in shelters that are not insulated and have no running water. Some families are living in trailers with no bathrooms. What does this out-of-touch government do? It blames the community.

If the Prime Minister is wondering what to do, he should follow the example of our leader, the hon. member for Hull—Aylmer. She is currently in Attawapiskat with the hon. member for Timmins—James Bay. She is meeting with members of the community. She is listening to them and trying to come up with solutions. She is showing them that there are people in Canada who are there for them in such times of crisis. She is doing what the Prime Minister should be doing, the work he refuses to do. Why? Because that is real Canadian leadership.

* * *

[English]

TAXATION

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, the interim Liberal leader has called for an end to tax credits for children, transit users and workers. The Liberals also continue to call for higher taxes on job creators, despite the current global economic uncertainty. The member for Vancouver Quadra is calling for Canada to impose European-style carbon taxes, and the member for Saint-Laurent—Cartierville wants a global carbon tax.

If the Liberals had their way, Canadians would be paying substantially more for gas for their cars, electricity for their homes and everything else they have to pay for.

[Translation]

The Liberals' carbon tax plan would kill jobs and hurt Canadian families and job creators. Clearly, the Liberal Party does not have any original ideas; it simply focuses on raising taxes. We cannot wait—

[English]

The Speaker: I am afraid the hon. member is out of time.

Oral Questions. The hon. member for Burnaby—New Westminster.

ORAL QUESTIONS

[English]

THE ECONOMY

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the OECD warns of troubled global financial markets and

family debt levels of Canadians are bad news for our economy. It says that the outlook for the Canadian economy has worsened significantly. The OECD predicts growth for next year almost one full percentage point below budget projections and below the minister's recent revision.

Canada lost 72,000 full-time jobs last month. Canadians' wages are plummeting. How much more evidence does it take for the government to act? How much more evidence does it take to make the next budget an investment budget for Canadians?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, first of all, the OECD's projections are actually very close to the government's in the economic and fiscal update. The policies that we have followed have created nearly 600,000 jobs in Canada. It is one of the best records in the world. That includes some significant investments that the NDP voted against.

Let me be very clear that the things the NDP advocates for the Canadian economy, such as raising taxes, shutting down industries blocking trade, will never be the policies of this government.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, bogus figures do not help.

Slumping growth is not the only wake-up call today. Canada has a whopping record deficit in its balance of payment. It is among the worst of all industrialized countries. This is evidence of a failed export strategy. Canadians have already borrowed more than \$39 billion from offshore this year to finance that deficit.

The government does little to boost our value-added exports that create good jobs right here in Canada. No wonder we are in trouble. Canadians work longer for less under the Conservative government.

Where is the plan to turn things around? When are the Conservatives going to learn from their mistakes instead of covering them up? Where is the jobs plan? Where is the value-added—

● (1420)

The Speaker: The hon. minister of state.

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, in fact there was a plan. I would remind the hon. member that he voted against it. In fact, every time we bring a plan forward to help create jobs, to help reduce taxes for businesses that actually do create jobs in this country, the NDP members stand up and vote against it. Then they stand up and ask us to extend the programs that they voted against. I am a little unsure of what they are going to ask next.

[Translation]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the NDP voted against the government's failures, and there have been many.

Oral Questions

Unfortunately, under the Conservatives, Canada's trade deficit has increased from \$16 billion to \$81 billion: fail. Household debt has reached a record high: fail. Last month, 72,000 jobs were lost: fail. Two million Canadians are out of work: fail. Wages are decreasing: fail.

Will the Prime Minister hear the alarm bell? Will he finally wake up and take care of Canadian families by creating an employment plan and thus turn this government's failures into successes?

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the only alarm Canadians are hearing is when members of the opposition vote against things. Two Mondays ago, they voted against job creation tax credits for small businesses. That is a failure. They voted against the family caregiver tax credit, another failure of the NDP. They voted against the children's arts tax credit. I could go on and on of all the things the NDP has voted against.

There are almost 600,000 more Canadians working than there were at the end of the recession. That is success for those people.

* * *

ABORIGINAL AFFAIRS

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, it has taken a month-long state of emergency for the government to finally wake up to the crisis at Attawapiskat. Children and entire families are living in tents and dilapidated sheds with no heat and are now exposed to dropping temperatures. Attawapiskat families have lived like this for years. They need more than band-aid solutions.

Why will the government not work with the community on a long-term infrastructure solution before winter sets in, right now? Why is it letting the Red Cross do the job?

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, reasonable Canadians agree that the people of Attawapiskat deserve warm, dry and safe shelter. Since coming to office, our government has invested over \$92 million in Attawapiskat. That is \$52,000 for every man, woman and child. We are not getting the results that we thought we should get.

I have officials in the community, and they are making progress to ensure people are appropriately housed.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, last week that minister was blaming the Attawapiskat community for the problems.

[*Translation*]

The crisis in Attawapiskat is just one example of what happens when the government turns its back on the first nations.

Half a million people live on reserves and many of them do not have heat or running water. The AFN estimates needs at \$160 million a year.

Why does this deficit exist? Where is the plan to help Attawapiskat and other first nations communities?

[*English*]

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, we have invested in water infrastructure across the country in an unprecedented fashion. We have spent \$2.5 billion since we formed government on water and waste water systems.

We will be tabling legislation in this House to make sure we have enforceable standards and regulations for water and waste water. We are developing a plan that will take care of people in Attawapiskat in the short term, and that is what is needed.

• (1425)

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, there are 19 families living in tents and sheds with no running water. There are 122 families living in condemned housing. There are 96 people living in a large trailer.

The Red Cross has gone up there and is due to arrive in the community. It will be providing generators, heaters, winter clothing and insulated sleeping equipment. The Government of Ontario has sent teams from the emergency management scheme in the province.

I would like to ask the Prime Minister, how does he feel about this complete failure of federal responsibility with respect to the people who are living in Attawapiskat at present?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the minister already pointed out, since coming to office, this government has spent some \$90 million just on Attawapiskat. That is over \$50,000 for every man, woman and child in the community. Obviously, we are not very happy that the results do not seem to have been achieved for that. We are concerned about that. We have officials looking into it and taking action.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in fact, the number the Prime Minister is using also includes the cost of all education in Attawapiskat.

It would seem that the implication of what the Prime Minister is saying is that it is the people of Attawapiskat who are responsible for the problems they are facing. That is a disgraceful response from the Government of Canada.

When will the government start taking responsibility for this deplorable situation, which is an embarrassment to the reputation of the entire country?

Right Hon. Stephen Harper (Prime Minister, CPC): What I am saying, Mr. Speaker, is that the Liberal Party's suggestion of simply throwing money is not the solution.

This government has made significant investments and has taken its responsibility seriously. This government will continue to do so. We will make sure we get the results we need.

Oral Questions

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, it is disgraceful for a government to waste money like the Conservatives did to host a party for representatives of visiting countries when there are people with nowhere to live, no heat and no work. They do not have the absolute basic living conditions that everyone in Canada should have.

When will the government accept the responsibilities it has under the Constitution and its moral obligations with regard to the conditions that exist in our country's major cities?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, when this government spends \$50,000 for each person in the community for a total of over \$90 million, it is not wasting money. We expect to achieve results and we will work with communities to ensure that we do.

* * *

[English]

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, yesterday the South African high commissioner spoke about the reports that Canada may be withdrawing from Kyoto. She called the move disturbing and disappointing. She said it will undermine the negotiating process at Durban because Canada has not only planned a withdrawal, but has actively lobbied other countries to do the same.

The minister has admitted he has no intention to negotiate a new climate deal, and he has not denied his intention to withdraw from Kyoto. At the same time, the minister has said that his intentions in Durban are not to derail the negotiations on climate. Will the minister tell us what his intentions really are?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, instead of talking about intentions, let us talk about real action with regard to climate change: \$250 million to support regulatory activities to address climate change and \$86 million to support clean energy regulatory reforms. New Democrats voted against this.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, why do I not take a crack at deciphering what the intentions are?

We know that the Conservatives are waiting until December 23 to announce their withdrawal from Kyoto. If a country withdraws from the agreement, it does not take effect for one year. That means that Canada can try to sabotage the negotiations this year in Durban and next year in Qatar.

It is this kind of behaviour that denigrates and undermines Canada's reputation internationally. Will the minister admit that this is his plan?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, agreements that do not include major emitters like China and the United States will not work. That is why we remain committed to reducing Canada's greenhouse gas emissions by 17% below 2005 levels by 2020. We are making good progress through tangible action that we have taken here at home. We are proud of this record.

● (1430)

[Translation]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, by neglecting the environment, this government is jeopardizing the health of our families and of the economy. The Conservatives are turning their backs on the international community so that they do not have to be accountable for their greenhouse gas emissions. Reneging on their commitments to Canadians and other countries is a strategy that hurts everyone.

Why is the government refusing to table a credible plan that takes the environment and the economy into account?

[English]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I am glad my colleague opposite has acknowledged a fundamental point. We need to balance our environment and the economy and this is what we are doing. This is a principle that the opposition would gladly throw to the wind when it denigrates our oil sands sector.

Our government's sector-by-sector approach, which is being developed by a robust consultation process, is designed to meet a tangible target of reducing greenhouse gas emissions by 17% below 2005 levels by 2020, while being cognizant of Canada's economic growth. This approach is prudent and action focused and we are proud of it.

[Translation]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, after seeing the Conservatives drag their feet for six years, major trade partners are slamming doors in our face. They disapprove of the government's environmental choices. Not only are the Conservatives isolating us from the rest of the world, but their inaction is costing us jobs here in Canada.

Why does this government refuse to understand that it is possible to create good-quality jobs while investing in clean energies, as our partners are doing?

[English]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, \$40 million for Sustainable Development Technology Canada was included in this year's budget. Again, our government is committed to clean energy and the New Democrats keep voting against measures to support it.

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CANADA-U.S. RELATIONS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, Conservatives are not only dropping the ball internationally but also here at home.

Under the secret deal the government is negotiating, Americans will have new powers to track Canadians. The government is keeping us in the dark about what this means for Canadians' privacy. The Privacy Commissioner is calling for more transparency, saying we should enter into the border deal with both eyes wide open, but the government is pulling the wool over the eyes of Canadians.

Oral Questions

When will it tell us what is on the table?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, work is in progress with the Obama administration to try to establish an agreement that protects and promotes jobs in this country. We want more economic growth, and we do not want the border to become a wall. We want more trade and more jobs here in Canada. That is important for every part of this country, but nowhere is it more important than in Windsor, Ontario, where the auto sector desperately needs less congestion at the border.

We are committed to continuing to fight for jobs in Canada and we are committed to working with the Obama administration.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, we all know that when the government negotiates with Americans, it is Canadian families that lose, and jobs that are lost.

Protecting Canadians does not mean hiding the truth from them. However, that is what the government is doing, in softwood lumber, buy American, thickening the border, and the list goes on and on. Now our privacy is at risk. Why can the government not come clean with Canadians and show what is being negotiated away in the secret deal?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, this is a work in progress. Work continues and when we have an announcement to make, I will certainly do that.

Let me say this. We strongly believe in the rights of Canadians, in Canadian sovereignty and in privacy. These are the types of values we bring to the negotiating table. What is beyond dispute is that we have to protect Canadian jobs, and we have to promote policies that will help job creation and economic growth. That is why this government is focused like no other government among the G7; it is getting results for the economy. We are going to continue to work hard to protect Canadian jobs.

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JUSTICE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the government's prisons agenda in Bill C-10 is being rammed through despite overwhelming opposition from all sides. Police chiefs say it is unbalanced. The Canadian Bar Association and crown prosecutors say it will overload our justice system. The provinces are unable to pick up the tab. Even the government itself recognized flaws and proposed amendments here today, which were ruled out of order.

Why is the government's approach to go it alone? Why do the Conservatives refuse to work with others on crime prevention and insist on rushing through this flawed bill?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): First of all, Mr. Speaker, when we want to talk police officers we only have to consult with our own caucus here because of all the police officers who are part of the Conservative caucus.

That being said, as long as the hon. member is raising the matter, Chief Vern White, from the Ottawa Police Service, said, "We do believe that minimum sentences in relation to the charges or offences identified in this legislation would assist us".

Superintendent Don Spicer, from the Halifax Regional Police, said, "The current sentencing norms simply do not reflect the public's expectations and the only way for Parliament to achieve balance is through mandatory minimums".

This should have the support of the hon. member and everyone in this House.

• (1435)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the opposition has put forth practical amendments that will make our communities safer. Why will the Conservatives not vote for these? Why are they barreling ahead on this unbalanced approach of going it alone? Where is the commitment to the police chiefs who are calling for a balance, to our provincial partners and to families who want to see more front-line police to keep our streets safe?

How much are taxpayers going to have to pay for this prisons agenda just because the Conservatives are incapable of working with others?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the hon. member never asked what victims will have to pay if we do not change the laws.

The NDP has trouble with the idea of going after violent criminals and child pornographers and those who molest children. Why do they not stop attacking farmers who want to sell their wheat or have a long gun? Why not start attacking violent criminals just to mix it up for a change?

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, they will say just about anything. We have already voted for harsher sentences for pedophiles.

By going against the recommendations of the provinces and experts, the Conservatives are preparing to throw hundreds of millions of dollars out the window, not to mention putting all those people in jail without it having a deterrent effect. To act in this way is to ignore Quebec's 40 years of expertise in rehabilitation. The government claims to be tough on crime, but imposing this bill will only make the situation worse and will stick the provinces with an enormous bill.

Will this government realize that this money does not belong to it but to Canadians?

Oral Questions

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, we recognize that Quebec has jurisdiction over criminal justice and can take action with regard to rehabilitation. In fact, Minister Fournier came to see us and we agreed to one of the three recommendations he made. What is more interesting is that Premier Charest sent two of his ministers to try to discuss the necessary amendments.

Why did he not have faith in the NDP opposition?

* * *

[English]

THE ENVIRONMENT

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, this fall the minister said inaction on greenhouse gas emissions would lead to a “cataclysmic day”. Despite this understanding, all the government has done on climate change is slash programs and take Canada backwards.

Now we learn that the government is signalling its withdrawal from its international climate obligations. If the minister accepts that climate change is real, as he claims, and the government promises accountability and transparency, why is it planning to withdraw after the Durban conference?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, let us talk about something that is cataclysmic: signing on to an international accord with no plans to implement it. That is what a Liberal government would do.

Let us talk about its record. Under the Liberal government, Canada's carbon dioxide emissions rose between 1997 and 2005. We have a plan, an action plan and it is working.

[Translation]

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, to distract us from the minister's incompetence and to counter its miserable record on the environment, this government has announced with gusto a paltry \$120 million annually to fight climate change in Canada. In the past three years, Quebec alone has invested almost twice that amount, \$200 million per year.

Do the Conservatives really believe that such a pittance will make us forget the six years of inaction, obstruction, ignorance and bad faith?

[English]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I would encourage the colleague opposite to actually read the budget before voting against it. What is included in the budget is \$252 million to support regulatory activities to address climate change and air quality. I could go through the list of the hundreds of millions of dollars that we have prudently invested to take care of Canada's environment, a record of which we are proud.

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CANADA-U.S. RELATIONS

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, disturbing details indeed are emerging about the perimeter security deal that the

Prime Minister will sign next week with President Obama. Reports show data on the travel movements of Canadians will be routinely shared with United States authorities. Personal information on Canadians will be given over to a foreign country.

Will the Minister of Foreign Affairs confirm that if John Doe from Hunter River, P.E.I., travels from Charlottetown to London, England, this information will indeed be shared with the United States? Will he be honest and confirm that this is true?

• (1440)

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, work is still under way regarding this issue. When there is an announcement to be made on an agreement to protect Canadian jobs and to promote economic growth, we will certainly make that.

Concerning Canadians travelling abroad, obviously whenever we travel to a foreign country, we have to bring a passport, and that is important for international security. I can assure the member opposite that we will work to protect Canadian sovereignty and to protect Canadian privacy. We will work to ensure that we do the best thing for the Canadian economy to help create more jobs, more hope and more opportunity.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the former chair of the Immigration and Refugee Board is pointing to an alarming trend in tribunal decisions. Ninety per cent of appointments were made by the Conservatives. We have the lowest rate of refugee approvals in Canadian history. Refugee cases should be based on merit and need, but the former chair is accusing the Minister of Citizenship, Immigration and Multiculturalism of injecting partisan politics into the judicial process.

Why is the government tainting a system that should be independent and fair?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): To the contrary, Mr. Speaker, this government put in place by far the most rigorous pre-selection and screening process for appointees to the IRB in the history of our asylum system. Only 10% of the people who apply for membership in the IRB make it through the independent and arm's-length pre-screening process. I can attest to the quality of those individuals. I have been responsible for recommending over 140 appointments or reappointments and all of these individuals have made it through this rigorous, independent pre-screening process.

Oral Questions

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, maybe the Minister of Citizenship, Immigration and Multiculturalism should stop recommending, because more than half of current IRB members have either failed the qualifying exam or been screened out for incompetency. This is a former chair of the IRB who is speaking out. He said the IRB is “not fully independent” and the minister’s improper criticism of refugee claimants is “unprecedented” and its rulings are causing division in the Federal Court.

When will the Minister of Citizenship, Immigration and Multiculturalism start doing his job, put competence ahead of politics and ensure that we have a fair IRB process?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, again, 90% of people who apply for membership in the IRB do not make it through the pre-screening process. Only 10% are recommended. That is one out of every ten.

An hon. member: They’re all Conservatives.

Hon. Jason Kenney: No, Mr. Speaker, they are not. In fact, I am aware of I think 2 out of 140 who have any association with the Conservative Party, unlike the Liberals who appointed the spouses of members of Parliament, the spouses of Liberal senators and failed campaign managers. The Liberals used the IRB as a partisan dumping ground. We have respected its role as an independent, quasi-judicial organization.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, on Friday we learned that the government plans to slash \$31.5 million from immigration settlement services in Ontario. Community organizations are already struggling because of similar cuts last year and the year before. Ontario remains the number one destination for immigration in Canada. Why is the government making it harder for newcomers to access the services that they need?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): To the contrary, Mr. Speaker. We are now providing three times more in funding for immigrant settlement services in Ontario than was the case under the previous Liberal government. Next year, Ontario newcomers will receive more than was the case in 2005. It is true, however, that the number of immigrants settling in Ontario has declined quite significantly, from 64% to 52% of newcomers. They are going to other provinces; it is only fair that the settlement dollars follow the newcomers and that we have fair funding across the country.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, the minister says he is doing better than bad. I guess that is the level that the government has set for itself.

With this shuffling of funds, we are still looking at an overall cut of \$6 million and \$45 million in cuts from two years ago, but the number of newcomers is at an all-time high. Pitting province against province is not going to solve the deficit.

This decision to cut services in Ontario was done without planning and with no warning. New Canadians are huge contributors to prosperity in this country. Will the minister maintain the key supports and services they need to thrive in this country?

•(1445)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the premise of the question is completely inaccurate. There has been a great deal of planning by my officials over the course of two years to ensure that the adjustment in funding from Ontario to provinces with growing immigration numbers happens in an orderly fashion.

In terms of giving people notice, we just gave notice this week to the small number of organizations in Ontario that will be affected at the beginning of the next fiscal year. We have given them several months’ notice.

The question is, why does the member think that newcomers to Ontario should be receiving \$4,000 per capita in settlement services but that those in the rest of the country should receive only \$3,000? We believe that newcomers all across Canada deserve the same support.

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CANADIAN WHEAT BOARD

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, our government has always believed that western Canadian grain farmers deserve marketing freedom. We have always believed in property rights and that farmers deserve to determine how and when they will market their produce.

Yesterday was third reading of Bill C-18, the marketing freedom for grain farmers act.

Farmers want freedom. Could the Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board please inform the House how our government is delivering on its promise to bring marketing freedom to western Canadian grain farmers?

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I thank my colleague from Yorkton—Melville for his great work on this issue.

Yesterday history was made in the House when members of Parliament passed Bill C-18, the historic marketing freedom for grain farmers act. Once Bill C-18 receives royal assent, western Canadian grain farmers will be able to determine where and when and to whom they sell their grain. They will finally have the choice of a voluntary Canadian wheat board or the open market.

Oral Questions

Bill C-18 is now with the Senate. Senators know its swift passage will finally grant western Canadian grain farmers the marketing freedom they so richly deserve.

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ROYAL CANADIAN MOUNTED POLICE

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, the government's out-of-touch management has brought the RCMP to a crisis point. There was bullying of the provinces in contract negotiations, there were allegations of pervasive sexual harassment, and now there are questions about whether there are enough front-line officers to protect Canadians.

The RCMP's annual budget has doubled over the last decade. RCMP headquarters is bursting at the seams. Why has the growth in front-line officers not kept pace?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I might remind the member that it was our government that hired 1,800 new front-line RCMP officers and provided \$400 million to provinces to recruit officers. The former Liberal government took the irresponsible step of shutting down the RCMP depot in Regina.

We are examining all government spending across the board, particularly in headquarters staff, to ensure taxpayers get the best value for their dollars, and the RCMP is no different in that respect.

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, the lines prepared for the minister do not conceal the reality. The government's plan includes cuts to the RCMP. This has been confirmed by the Auditor General. The government's aggressive approach has already forced the RCMP to make cuts to investigations into organized crime, drug traffickers and white-collar criminals. The government's plan for the RCMP does not make sense.

Why sacrifice the quality of police services in Canada? Why ask the RCMP to do more with less?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, perhaps I could repeat again that it was our government that hired 1,800 new front-line RCMP officers. We provided \$400 million to provinces in terms of their responsibilities to hire and recruit officers; as I pointed out, it was the former Liberal government that shut down the RCMP training depot.

When we came into office, we went from 300 officers a year in terms of training to 1,800 a year. We are committed to front-line policing.

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NATIONAL DEFENCE

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, Conservatives' lack of transparency on spending reached a new low this week. When the media asked how much the Department of National Defence's HQ renovation would cost, the government responded by saying, "Go file an access to information request".

Now we find out that this paranoid government had the number of \$623 million all along but would not release it to the public, so I ask the minister this question: what could possibly be the justification for keeping this number secret?

• (1450)

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, yes, in fact, the Department of National Defence and the public works department are collaborating to consolidate the workforce of national defence here in the nation's capital. We are moving forward with a plan to have those consolidated workforces go from 48 different buildings to 7 in the national capital. An independent third-party analysis has looked at this plan and has come back with the numbers. There will be a cost saving, a long-term ongoing savings, estimated at around \$30 million a year. This is good news for taxpayers, and I know the member opposite will want to support it.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, we will deal with the issue of whether or not we are getting value for dollars afterwards, but right now I would like an answer to the question of why the government felt it was necessary to keep a number that it already had secret from the media, secret from the public and secret from this Parliament.

What is the justification for the secrecy?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I thank my friend for his question, albeit in a rant. I will answer the question again. This is a good move for the Department of National Defence. It will see us consolidate our headquarters at the Nortel campus, which was purchased, I again repeat, to save money. This was done looking at the spending levels that were recorded.

Where were they recorded? It was at a Senate hearing some nine months ago.

Where were they recorded? I spoke about this in transcript at the Standing Committee on Government Operations and Estimates, of which the member opposite was a member.

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[*Translation*]

JUSTICE

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, all of the available evidence, including evidence from the Department of Justice, shows that mandatory minimum sentences are excessive, ineffective, disproportionate, costly and do nothing but increase prison populations.

Will the Minister of Justice present to the House the evidence on which he based his decision to support mandatory minimum sentences?

Oral Questions

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, this matter has been the subject of extensive debate, not only in the House, but also in committee. All documents indicating the costs involved have been tabled. As we know, victims are the ones who bear the cost of crime. We are talking about a total cost of \$99.6 billion, 83% of which is borne by the victims. We support the victims, while they support the criminals.

[English]

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the justice for victims of terrorism act would give victims of terror a civil remedy against their terrorist perpetrators, but it would limit the remedy by immunizing the state perpetrator of terrorism, allowing the remedy to be used only against proxies or agents of the state sponsor.

Why is the government denying Canadians an effective remedy against states that support terrorist proxies or that commit the terrorist acts themselves?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I know the member has been working on this file for a long time, and we appreciate the support that he has provided in giving us advice.

We have proceeded in the way that we have in the bill because of the advice we received from various organizations. We believe that this is the most effective way to ensure that terrorists are held accountable and that victims have a remedy in situations where they would otherwise not have a remedy.

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AVIATION SAFETY

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, 17 people died on March 12, 2009, when Cougar flight 491 went down after loss of oil pressure. Less than a year before, the same thing happened to an Australian helicopter, but Transport Canada failed to take action.

After the Newfoundland tragedy, the Transportation Safety Board recommended that all Cougars must be able to run dry for 30 minutes, but the Sikorsky still fails the test.

Why are we giving the Cougars a free pass at the risk of the lives of offshore workers?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, this was a very tragic accident. My thoughts are with the victims and their families.

My department continues to work toward addressing the recommendations of the Transportation Safety Board. We will also continue working with our international partners to develop a coordinated approach that would help prevent these accidents from occurring in the future.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, families of the victims who died in a Cougar helicopter crash off Newfoundland want to know why the faulty Cougar gearbox was certified.

The minister will not answer. The sole survivor of the crash wants to make sure all helicopters in the air now can run dry for 30 minutes. The Transportation Safety Board agrees with that recommendation.

Why does the minister continue to allow these faulty, unsafe helicopters in the air? Why is the minister ignoring the safety of Canadians?

• (1455)

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the safety of the public is very important to us.

We do not use these events to play politics. This is a very tragic accident. Our condolences go out to the victims and their families.

I can confirm that Transport Canada has received notification that the litigation against it relating to this accident has been discontinued.

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FIREARMS REGISTRY

Mr. John Williamson (New Brunswick Southwest, CPC): Mr. Speaker, Canadians gave our government a strong mandate to end the wasteful and ineffective long gun registry once and for all. That is exactly what we are going to do.

However, today the members from Western Arctic and Skeena—Bulkley Valley caved to pressure from their big city elite union bosses and showed up at the public safety committee to attempt to gut our legislation.

Could the Minister of Public Safety please comment on the action of these two members of Parliament?

The Speaker: I am afraid that question has nothing to do with the administration of government. We will go on to the hon. member for Vancouver Quadra.

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GOVERNMENT COMMUNICATIONS

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the government said it did not order public servants to replace the term “Government of Canada” with the Prime Minister’s own name.

However, records show that is just not true. As one Industry Canada official noted in an email, he was forced to use the PM’s name “as per our directive from PCO”.

This Soviet-style politicization of Canada’s bureaucracy is unethical, and it breaks the government’s own rules. Why force neutral public servants to do the Prime Minister’s partisan bidding? Why cover it up?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I have been called a lot of things, but never “Soviet-style”. This is a first for me.

Oral Questions

I want to assure the hon. member that in fact there is no need for a directive that she seems to believe in, because it has been a long-standing practice across various governments. In fact, when the Liberals were in government, they used the term “Chrétien government”, “Martin government” and similar variations in official government communications.

The proof is in the pudding. This terminology is widely used by journalists and by the opposition parties. If the circumstances permit, those are the circumstances in which we would use that term.

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PENSIONS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, the government says it is still committed to improving the Canada pension plan and the Quebec pension plan because that is the favourite option of Canadians.

Unlike the government's pooled pension scheme, the CPP and QPP are inflation-proof, provide a guaranteed defined benefit, and cost less.

Canadians are not that concerned with voting records; what they want to know is whether the Minister of Finance will guarantee to the House that the CPP expansion is on the agenda for the upcoming December meeting of the federal, provincial and territorial finance ministers.

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, in talks on the Canada pension plan with our partners, the provinces, we continue to discuss any enhancements that may be appropriate at this time, but I would remind the hon. member that there was consensus, unanimous support, among the federal, provincial and territorial finance ministers to pursue the framework for a pooled registered pension plan.

That is why we tabled it in this House. We continue discussions. We continue to develop the regulations around it to make an effective retirement plan for the 60% of Canadians in the workforce who do not have a pension plan right now.

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INTERNATIONAL TRADE

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, small- and medium-sized businesses employ nearly half of all working Canadians.

Our Conservative government recognizes that when we create new opportunities abroad, we create jobs and prosperity for Canadian small businesses and their workers and families. That is why our government is moving forward on our job-creating pro-trade plan.

Can the Minister of International Trade and Minister for the Asia-Pacific Gateway tell the House about the recent report received from the Small and Medium-Sized Enterprises Advisory Board?

• (1500)

Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I thank the member for Niagara West—Glanbrook for his hard work on behalf of businesses in his riding.

This morning I met with small and medium-sized business leaders and they strongly support our pro-trade plan.

Here is what the president of the Canadian Federation of Independent Business, Catherine Swift, had to say:

It is encouraging to see the government taking small-business issues into account when negotiating trade agreements.... The government's pro-trade plan will benefit not only Canadian SMEs looking to expand into new markets like Europe but also the Canadian economy as a whole

This Conservative government is working hard—

The Speaker: The hon. member for Vaudreuil-Soulanges.

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[Translation]

CANADA POST

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, the Conservatives are currently jeopardizing the delicate economic situation in the regions. Cuts to several post offices in Quebec are completely destroying postal services in rural areas. Postal services are essential to our communities and contribute to their economic development.

Will this government finally act responsibly and come up with ways to develop the services, instead of making them disappear?

[English]

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, the volume of mail fluctuates from province to province and year to year. Canada Post makes decisions on the number of hours worked based on those fluctuations. People who have a permanent job with Canada Post will keep their job with Canada Post. There are no job reductions, as the member has stated.

We are committed to ensuring that all Canadians get the postal service they deserve.

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THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I wonder if the hon. Prime Minister recalls being present when the former prime minister, Brian Mulroney, cited, as the scientific consensus on climate change, that:

...humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequences could be second only to a global nuclear war.

The Minister of the Environment said that Kyoto is in the past.

I would ask the Prime Minister not to leave Canadian leadership in the past and show one fraction of the commitment of the former prime minister, Brian Mulroney, to address this crisis.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, one thing is for sure. We do need to have leadership in the economy, and that is what this government stands for. We balance the economy with environmental protection. That balance is achievable, and we have a plan to achieve that.

That is why Canada has a very strong action plan that is focused on reducing our emissions by 17% of 2005 levels by 2020. That is real leadership.

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POINTS OF ORDER

DECORUM IN THE HOUSE

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, yesterday we all participated in a vote for which there was a very substantial demonstration on the side of the government, as well as a very substantial demonstration in the gallery—

Some hon. members: Oh, oh!

Hon. Bob Rae: Mr. Speaker, I can see the demonstration has not entirely stopped.

Somebody just said, “You got that right”. I think I do have it right and that is why I am asking the question. I would ask, Mr. Speaker, if you would take note of the extent of the demonstration.

I also think it is fair to say that the member for Churchill was excoriated by the members opposite because of the fact that there was one sole demonstrator on the other side of the House with which she had nothing to do. However, the demonstrators—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Toronto Centre has the floor and we will have a little order.

Hon. Bob Rae: Mr. Speaker, the people who were demonstrating throughout the vote, members of Parliament were encouraging them with respect to their own response to the vote that was taking place.

All we are asking for is that fair is fair with respect to the conduct of votes that take place and what demonstrations are permitted by the Speaker and what demonstrations are not permitted by the Speaker. If there is going to be decorum on one side of the House, there needs to be decorum on every side of the House and that has to be the rule every day.

• (1505)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I listened to the leader of the Liberal Party and I think we must have been in a different chamber yesterday. I did witness a number of people in the gallery. They were peaceful, law-abiding people, which is all one would expect from people seeking their basic freedom and rights.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I wish the Prime Minister would respect the rule of the House. If we go by the rule of the House, the invited guests who are in the gallery are not supposed to stand and clap their hands. He is approving what they did. That is the rule of the House, and the Prime Minister should respect that.

The Speaker: In light of the events over the last few days, the Chair will come back to the House with an analysis of what happened both last week and this week.

Speaker's Ruling

GOVERNMENT ORDERS

[English]

WAYS AND MEANS

MOTION NO. 6

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC) moved that a ways and means motion to introduce an act to amend the Financial Consumer Agency of Canada Act be concurred in.

The Speaker: Is that agreed?

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

* * *

PRIVILEGE

STANDING COMMITTEE ON PUBLIC ACCOUNTS—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on November 23 by the hon. President of the Treasury Board concerning modifications made to the transcript of the November 2 meeting of the Standing Committee on Public Accounts and the impacts these changes have had on his ability to perform his duties.

[Translation]

I would like to thank the minister for having raised this issue, as well as the hon. House Leader of the Official Opposition for his intervention.

The minister explained that allegations that he and his staff had caused changes to be made to the published committee evidence of his testimony to the committee were false, as his office had made no such requests for the committee transcript to be altered. He claimed that these allegations were a breach of his privileges, and impeded his work as a member and a minister.

[English]

For the benefit of members, I will begin by making a few comments about the production of the *Debates* and committee evidence. First, it is important to note that *Debates* and committee evidence are not, in fact, verbatim transcriptions of what is said, but rather a report of the proceedings that House of Commons editors have edited for clarity, grammar and syntax. There is, however, a distinction between the processes followed for the production of the *Debates* as opposed to committee evidence. In the case of the *Debates*, there is a formal process in place for individual members to consider corrections and minor alterations to their interventions as transcribed in the unedited version of the *Debates*, commonly referred to as the “blues”. There is, however, no exactly comparable process in place for individual members to review the transcripts of committee evidence. This does not mean that members do not have an opportunity to propose changes to the unedited transcript.

Speaker's Ruling

[Translation]

House of Commons Procedure and Practice, Second Edition, at page 1219, clearly sets out how corrections and alterations are made to committee transcripts:

Unedited transcripts of committee proceedings, known (as with the Debates) as “blues”, are made available to users of Intraparl, Parliament’s internal Web site, usually within 24 hours after a committee meets. Traditionally, minor corrections can be effected by submitting the proposed change to the editors; corrections of a more significant nature are made by the committee itself as a *corrigendum*. Should this happen, the electronic version is expeditiously updated.

[English]

When this question of privilege was raised, the Chair asked for a report on the editing process followed on the particular transcript now at issue. I can assure the House categorically that no members or members' staff submitted proposed changes to the transcript. The changes made were the result of normal editing protocols being followed. I would like to explain.

Due to stringent timelines and voluminous amounts of text, the technical task of editing is frequently parcelled out to multiple editors whose collective work for a given meeting is then reviewed by a senior editor. These senior editors look at the full context of the preliminary verbatim transcript, including the intonation of the person speaking, in order to accurately convey the intended meaning in the final transcript. Thus, they routinely authorize the removal of redundant words, false starts, hesitations, words that might lead to confusion as to the true intent of the statement, and so on. Sometimes entire sentences are restructured for clarity. Even within the testimony of a single witness or member speaking, it is not unusual for words to be removed in one place and retained in another if the editors judge that, in the latter case, the words do not lead to confusion or convey an unintended meaning.

● (1510)

[Translation]

Needless to say, the editing of the transcripts of proceedings, whether in the House or in committee, is a difficult and demanding task that our editors and senior editors take very seriously. Ultimately, however, authority for the final version, as I have just indicated, rests with the committee, and it is of course free to issue a *corrigendum* if it so wishes.

[English]

The question remains whether the rendering of the transcript in the manner shown has, in and of itself, impeded the President of the Treasury Board in the performance of his duties to the point of warranting a finding of prima facie privilege. The Chair must remind the House that the Speaker generally does not rule on matters relating to proceedings in committees. As this matter deals with the committee evidence of a meeting of the Standing Committee on Public Accounts, and in the absence of a report from the committee on the matter, it would be premature for the Chair to make a determination on the matter at this time. The Chair will leave it to the committee to determine how to address any issues arising out of the manner in which the testimony of the minister has been transcribed.

There can be no doubt that the minister feels aggrieved by the interpretation being given to these events. However, as presented to the Chair, and again, in the absence of a report from the committee

on the matter, I cannot find that this is sufficient grounds to establish that the minister has been impeded in the performance of his parliamentary duties. Therefore, I cannot find that a prima facie question of privilege exists.

[Translation]

I thank hon. members for their attention.

[English]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I thank you for your careful review of this matter and I am pleased that you have been able to clear up this controversy. I also thank you for the helpful information you have provided.

I would say that it is very unlikely the NDP did not know that the House of Commons transcription services routinely make inconsequential amendments to the official report. Many of those members have been around for many years—

The Speaker: Does the hon. President of the Treasury Board have a point of order to make?

Hon. Tony Clement: Yes, Mr. Speaker, I will make that point of order now.

With your ruling today, I would sincerely hope that the member for Timmins—James Bay will reflect on his actions. He made these accusations against me both inside and outside this place and I request that the member for Timmins—James Bay apologize for his baseless smear on my reputation as soon as possible.

The Speaker: I did not hear a point of order in that.

* * *

SAFE STREETS AND COMMUNITIES ACT

The House resumed consideration of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, as reported (with amendments) from the committee, and of the motions in Group No. 1.

The Speaker: The hon. member for Fort McMurray—Athabasca has three minutes left to conclude his remarks.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I appreciate the opportunity to conclude my remarks because this is a very important bill for Canadians, who have expressed their desire to have us pass this into law as soon as possible.

Speaker's Ruling

I want to address something that I heard recently with relation to complaints from some quarters, in fact the opposition primarily, that there has not been sufficient time to study Bill C-10 in its entirety. If we look at the history and examination of the charges as they relate to the Youth Criminal Justice Act, we will see how very wrong that is. As I briefly outlined a minute ago, the proposed reforms to the Youth Criminal Justice Act that are contained in part 4 of Bill C-10, being made after consultations with a broad range of stakeholders and members of the public, are in response to key court decisions, such as the Nunn commission of inquiry, an extensive parliamentary study, and indeed, input from provincial and territorial partners.

First, most of us will know that the former Bill C-4 was extensively studied by the House of Commons Standing Committee on Justice and Human Rights prior to the dissolution of the previous Parliament. The committee actually held 16 meetings on that bill and heard from over 60 witnesses. I do not know how anyone in this place or elsewhere can say it was not properly consulted.

Second, prior to introducing former Bill C-4 in March 2010, the Minister of Justice undertook a comprehensive review of the Youth Criminal Justice Act. In February 2008, the Minister of Justice launched that review with a meeting he held with provincial and territorial attorneys general who, I would suggest, know much more than the opposition does in relation to the Youth Criminal Justice Act. They discussed the scope of the review to encourage provincial and territorial ministers to identify the issues that they had, that they had heard from their Crown prosecutors and others relating to the youth justice system, and that they considered the most important. That is very important.

Finally, in May 2008, the Minister of Justice, as I said previously, undertook a series of cross-country round tables usually co-chaired by provincial and territorial ministers in order to hear from youth justice professionals, front line youth justice stakeholders and others around this country about areas of concern and possible improvements regarding the provisions and principles of the Youth Criminal Justice Act.

To say it was not properly consulted and that we did not spend enough time is simply ludicrous. We have heard from Canadians and they have clearly outlined what they wanted us to do. We have consulted with stakeholders, including the provinces, members of the government and the public and, most importantly, victims. We are listening to victims.

The Nunn commission itself convened on June 29, 2005 and heard from 47 witnesses, with over 31 days of testimony. We are listening to Canadians, reflecting the society that they want, and moving forward on keeping all Canadians safe.

● (1515)

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, the member said that victims groups support Bill C-10. But I have a letter from the West Island CALACS that says that “the Regroupement québécois des CALACS supports the preventive approach, rather than repressive measures that have not yet been proven to be effective.”

Could the member tell me whether it is because he has not listened enough to Canadians and groups, or is it because he does not listen to people who do not share his opinion?

[*English*]

Mr. Brian Jean: Mr. Speaker, I appreciate the member's concern with this and I agree that prevention is very important. That is why we are going to ensure that people who commit serious crimes actually do time, that they are kept in jail where they cannot be sexual predators of minors, where they will not be able to do the things they were doing because the parole system in this country was not working properly.

We are going to ensure that Canadians and victims are listened to, and indeed, that the people who commit crimes, especially violent sexual offences, actually do the time and stay in jail where they will have an opportunity to be rehabilitated but will not have a chance to reoffend.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have this question for the member. Will he not recognize and acknowledge that it is only the Conservative government here in Canada that seems to take this approach that the best way to prevent crime from happening is to build mega jails? It is something which has not worked in the United States.

In fact, what we see now in the United States is an attempt to get more people back into the communities. The best way to prevent crimes from happening is to put in place programs that will ensure that there are alternatives for youth to participate outside of gangs and things of that nature.

I wonder why the government does not recognize the value of crime prevention. Preventing crimes from taking place in the first place, I would ultimately argue, is indeed Canadians' greatest priority, more so than keeping people in jails for extended periods of time where it is not justified.

We understand and appreciate that at times there is a need to keep people in jail. However, quite often we would be better served by having more programs that would facilitate individuals becoming full participants in society in a positive way.

● (1520)

Mr. Brian Jean: Mr. Speaker, I know that some people have actually expressed that, as the member says, it is not justified. However, that is a small minority of people. It is criminals and the Liberal Party of Canada.

I do not agree with that. I think, frankly, people who commit serious crimes should do serious time because they have taken away something from people. They have violated society as a whole and public policy.

There is no question in my mind that a small minority of criminals get caught, but when they are caught, most of the punishments are, frankly, quite laughable. I have had an opportunity to see it first-hand.

We are not going to take the laughable position of the Liberal Party of Canada, or the laughable position of criminals for that matter.

Speaker's Ruling

Hon. Wayne Easter: On a point of order, Mr. Speaker, I take great offence to the fact that the member opposite lumped us in with criminals and not worrying about the subject. We worry about it.

I am a former solicitor general. However, we look at facts when we are trying to rehabilitate people. Just throwing people in jail does not make them better. Just penalizing them does not make them better. They need programs to be rehabilitated.

The member should not lump Liberals in with criminals in his statement. It is wrong and he should apologize.

Mr. Brian Jean: Mr. Speaker, I too take offence that the member would take the position of criminals instead of law-abiding citizens and the Conservative Party of Canada that wants to protect Canadians and society as a whole.

The Speaker: I will take a look at what was said. I did not hear what the exact wording was, but there have been rulings before about members implicating other members being supportive of criminals or criminal actions. I will take a look and come back to the House.

There is enough time for a very brief question and comment.

The hon. member for Saanich—Gulf Islands.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the hon. member for Fort McMurray—Athabasca has made reference, as many Conservative members have, to the report of Justice Merlin Nunn of Nova Scotia. Is he not aware that Merlin Nunn spoke to the press in Nova Scotia and said he was troubled by the fact that this bill moves away from the principle that jails should be the place of last resort for young offenders? He was also troubled by provisions that would allow teenagers as young as 14 being tried as adults.

Mr. Brian Jean: Mr. Speaker, I appreciate my friend's intervention. The Nunn commission actually called on 47 witnesses over 31 days of testimony. I agree with the member, we do want to prevent crimes, and that is exactly what we are going to do with this legislation. We are going to ensure we send a clear message to people who would commit crimes to let them know that if they are going to commit crimes, they are going to do serious time.

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, I stand in the House today in opposition to Bill C-10, the omnibus crime bill.

As I stated in a September speech in this House, I do not stand in opposition to every part of the bill. Indeed, some parts of Bill C-10 are worthwhile.

As a father, I have no objection to protecting children against pedophiles and sexual predators, of course not, even though the Conservative government would have people believe otherwise. That is the rub with Bill C-10 which throws so many pieces of legislation, nine bills, aboard the one bus, aboard the one omnibus bill.

I may agree with coming down hard on pedophiles, but I do not agree with filling prisons with people who probably should not be there, like the student who gets caught with six marijuana plants. What will throwing that student in jail do for him or her, or for

society in general besides costing us a fortune in new human cages? My answer is nothing. It will do absolutely nothing.

Steve Sullivan, an advocate for victims of crime for almost two decades, wrote a piece earlier this month for the *National Post*. A particular quote stuck with me. He wrote:

Few of us lose sleep over child-sex offenders spending more time in prison. But some of the reforms will toughen the sentences for low-risk offenders, with low rates of recidivism. They won't make children safer, but will cost five times more than what is being invested in Child Advocacy Centres that support abused children.

Bill C-10 is also known as the safe streets and communities act, but mandatory minimum sentences are not so much tough on crime as tough on Canadians suffering from mental illness, addictions and poverty. In fact, poverty will be punished even more than it is now. The bill targets youth for harsher punishments and will put more aboriginal people in prison.

One of the pillars of the omnibus crime bill is mandatory minimum sentences. The Conservative omnibus bill will dramatically expand mandatory minimum sentences, limiting judicial discretion to levels unseen before.

Experts say taking away discretion from judges clogs up the judicial system. That is not all that it will clog up. The provinces are particularly rebelling against this new crime bill. They charge it will clog up the prison system. The provinces say it will put increasing pressure on a prison system that is practically busting at the seams.

Experts say the omnibus crime bill will increase the country's prison population by untold thousands. As for the cost of housing that many more inmates, estimates range up to \$5 billion a year. That is more than double the current expenditures for the corrections system alone. And that is a conservative estimate, not a Conservative government estimate. The Conservative government has not put a price on the omnibus crime bill, which makes no sense.

Yesterday, I stood in this House and debated the bill to kill the Canadian Wheat Board, which ended up passing even though the Conservative government failed to carry out a cost benefit analysis. How is that good governance, good fiscal governance, in these scary unpredictable times? I do not get it. Canadians do not get it.

Ontario Premier Dalton McGuinty has warned the Conservative government that provinces across the country will not pick up the tab for any new costs associated with the omnibus crime bill. Quebec has essentially said the same thing.

In my home province of Newfoundland and Labrador, the main prison is Her Majesty's Penitentiary in my riding of St. John's South—Mount Pearl. Her Majesty's Penitentiary dates back to Victorian times. The original stone building first opened in 1859. The pen is an aging fortress that has been called an appalling throwback to 19th century justice, which sounds like Bill C-10.

● (1525)

Felix Collins, the Progressive Conservative justice minister for Newfoundland and Labrador, has had this to say about the omnibus crime bill:

Most groups, most experts and most witnesses who have given presentations on this bill would advocate that the federal government is proceeding in the wrong direction, and that this procedure has been tried in other areas before and has proven to be a failure...Incarcerating more people is not the answer.

Speaker's Ruling

That quote pretty well sums it up. When Felix Collins, Newfoundland and Labrador's justice minister, speaks about the procedure being tried in other jurisdictions and failing in other jurisdictions, he is probably talking about Texas. Conservative Texas has warned us not to follow a failed fill-in-the-prison approach to justice.

The Canadian Bar Association, representing 37,000 Canadian legal professionals, has said the bill would, "move Canada along a road that has failed in other countries, at a great expense".

The *Vancouver Sun* ran a story yesterday with the headline, "Conservative crime bill is a costly mistake for Canada". The story reads:

When Canada has some of the safest streets and communities in the world and a declining crime rate, why is [the] Prime Minister...pushing his omnibus crime bill through in such a machiavellian way? Many jurisdictions, including Texas and California, have warned this crime agenda not only doesn't work, but it doesn't make economic sense. Costing roughly \$100,000 per year to incarcerate a person, mandatory sentences will raise taxes, increase debt, or force us to cut spending on essential programs like health and education. Bill C-10 arrogantly ignores proven facts from decades of research and experience.

Again, that about sums it up.

This is a quote I received from a constituent:

Who is helped by having a student, a future doctor or engineer, thrown in jail for a year and a half because they decided to make some hash for their own personal use? In what universe does that make sense? Stop wasting money on cages and start spending it on hospital beds and textbooks.

The line that sticks is, "Stop wasting money on cages and start spending it on hospital beds and textbooks".

If the omnibus crime bill goes through, provinces like Newfoundland and Labrador will have less money to spend on health and education, let alone rehabilitation and preventative programs.

I will quote from an editorial in the St. John's edition of *The Telegram*, the daily newspaper where I come from. It states:

The provinces have been raising two kinds of concerns: one is that tough-on-crime laws don't actually achieve their stated ends, because rehabilitation actually decreases crime rates in a way that longer incarceration does not. The second concern is far more pragmatic: while the federal government is making laws that extend prison terms, it doesn't seem to be in any rush to help with the additional anticipated provincial costs connected to longer jail sentences and increased court time (increased court time, because it will be less attractive for criminals to plead guilty at early stages in a prosecution).

Who will say they are guilty if they know that "mandatory minimum" means they will definitely be going to prison?

Bill C-10 will not make Canada a better place to live. It will change Canada. It will change how we see ourselves as Newfoundlanders and Labradorians and Canadians and how we are seen on the world stage.

• (1530)

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, I listened to the member and I am not certain whether he is ill-informed or needs to do some more research.

Earlier we heard the member for Oxford talk about his committee travelling to different institutions across the country and how there was a robust offering of different programs for those inmates who were willing to reform and to be contributing citizens.

I mentioned earlier a number of programs that are outside of the bill through HRSDC's skill links program through the National Crime Prevention Centre. These programs keep youth away from crime. They help them stay away from gangs, et cetera. Yet all of this seems to be outside the purview of the opposition when it addresses these issues in the bill.

The real thing I want to question the member on is this. He talked about minimum sentences. Is he aware that a prisoner only has to serve one-third of his or her sentence before being eligible for parole and after two-thirds, the individual has to be released unless the National Parole Board says he or she has to be confined? Is he aware that the five year minimum could be quite possibly only twenty months when applying for parole?

Mr. Ryan Cleary: Mr. Speaker, the member's question was in two parts. I will not have time to answer both parts so I will answer the first part.

The member mentioned the committee that travelled to Oxford. My recommendation is that a Conservative committee should travel to Newfoundland and Labrador. I quoted from the Newfoundland and Labrador justice minister and I repeated it a second time. I am not sure if the hon. member actually listened, so I will read it a third time and maybe a bit slower. He said:

Most groups, most experts and most witnesses who have given presentations on this bill would advocate that the federal government is proceeding in the wrong direction, and that this procedure has been tried in other areas before and has proven to be a failure...Incarcerating more people is not the answer.

• (1535)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, would the member for St. John's South—Mount Pearl like to comment on the fact that one of the aspects of the bill is to remove the possibility of a pardon from everybody? It does that by getting rid of the word "pardon" and calls it a "record suspension". It seems to me that would remove the possibility of redemption or the interest that someone might have in clearing his or her name with a pardon and take away from the rehabilitative effects.

Does my colleague have any comments on that?

Mr. Ryan Cleary: I do not agree with that, Mr. Speaker. Removing pardon is the wrong way to go.

I believe in judicial discretion. This omnibus crime bill would take away judicial discretion. That is the wrong way to go. What this omnibus crime bill is missing is common sense. There is no common sense.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, my question for the member relates to his comments with respect to the impact on provincial treasuries.

Speaker's Ruling

What will invariably happen is more people will be in provincial institutions and that will result in charter challenges based on the overcrowding of jails or a dramatic strain on provincial budgets. The charter challenge will result in guilty parties going free. Therefore, what we are faced with in terms of the downloading is the exact opposite of what the Conservatives' intend, or tough choices within provincial governments.

Could the member comment on that?

Mr. Ryan Cleary: Mr. Speaker, the justice minister of my home province of Newfoundland and Labrador has said that if the omnibus crime bill passes, our prison capability within Her Majesty's penitentiary in St. John's South—Mount Pearl cannot handle the increase in prisoners. The system cannot handle an influx of more prisoners.

On the one hand, we have been after the Conservative government for years for a new prison for Newfoundland and Labrador. The answer has been no. On the other hand, the government is pushing through an omnibus crime bill that is going to increase the number of prisoners in Newfoundland and Labrador's prison system. That makes no sense.

Is my province going to find it hard to pay for this? Of course. My province does not know where the money is going to come from. That is the question the Conservative government has yet to answer.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, it is indeed an honour for me to rise to speak to Bill C-10 at report stage, a bill that I have become quite familiar with as a member of the justice committee. As the House knows, the justice committee vetted the bill for many hours in the last few weeks.

I am pleased to speak specifically with respect to the supporting the victims of terrorism aspects of Bill C-10.

However, before I talk about a couple of amendments at the committee stage, I would like to review the essential thrust of the bill as it relates to victims of terrorism.

Reducing domestic crime is important and is part of the strong mandate that Canadians gave to our government. However, in our desire to keep our streets and communities safe from criminals, we must not overlook the need to protect Canadians from the dangers of terrorism. Those dangers are very real.

A few months ago, Canadians observed the tenth anniversary of September 11, 2001, when 24 Canadians lost their lives on that terrible day that will live on in infamy. Suddenly, terrorism had struck close to home. It was no longer a distant threat that could be ignored. Yet the reality is that terrorism has never been far away. Let us not forget that the plot that took the lives of 329 passengers on Air India Flight 182 was planned and executed in Canada. Therefore, we are not immune from terrorists, nor have we ever been.

We must always stay vigilant of the threats lapping at our shores. That is why our government carefully studied the commission of inquiry's final report into the Air India bombing. In response to that report, the government released the Air India inquiry action plan last December. This plan will help us address the outstanding security issues highlighted by the commission.

Certainly, the commission of inquiry illustrated that time did not diminish the demand for justice. The victims of terror and their families need to see that justice is served. They need to know that terrorists cannot pursue their radical goals with impunity.

The notion of accountability lies at the very heart of Bill C-10. To put the proposed amendments in context, let me highlight the provisions that relate specifically to the fight against terrorism.

First, the proposed legislation will give victims of terror a greater voice. By their very nature, acts of terrorism often have victims feeling powerless. All too often, they are effectively silenced. Our government is determined to give victims back their voice.

Bill C-10 would empower victims to take the perpetrators of terrorism and their supporters to court. In practical terms, this would mean victims could file a civil suit against those who committed terrorism. This would include individuals, terrorist entities listed under the Criminal Code, or listed states that supported a terrorist act.

If the act of terrorism has taken place outside Canada, victims would either need to be a Canadian citizen or a permanent resident or would need to demonstrate a real and substantial connection between the incident and Canada.

In support of this provision, the bill would amend the State Immunity Act to create a list of states that support terrorism. Lifting the immunity of a state is a serious matter. The bill proposes a robust process, whereby the Minister of Foreign Affairs and the Minister of Public Safety will have to satisfy the Governor-in-Council that the state should be listed as a supporter of terrorism. Furthermore, the state's alleged support for terrorism must be in relation to a listed entity pursuant to our Criminal Code. The evidence must be weighed carefully and set against the diplomatic consequences that may come from lifting an immunity.

At the same time, the list should always be a work in progress. Every two years, the two aforementioned ministers would examine the list to carefully determine if new states ought to be listed.

By the same token, if listed states can show that they have ended their support for terrorism, then we should remove them from that list. However, if a state is removed from the list while litigation is ongoing, the state would not benefit from the immunity in such case.

It is not enough to give victims their day in court. Nor is it enough to enable victims to become successful plaintiffs. If the court's judgment is against a foreign state, then the plaintiffs need additional support to ensure that justice is served. For that reason, Bill C-10 would empower the Minister of Finance and the Minister of Foreign Affairs to help identify and locate the property of that foreign state.

To sum up, Bill C-10 would give the victims of terrorists back their voice. It would support legal redress against terrorist entities. It would offer support to successful plaintiffs. At the same time, it would weigh the consequences of these actions carefully to protect Canada's relations in the global community.

• (1540)

I would now like to direct members' attention to the two amendments made at committee which I referenced at the beginning of my remarks. I would suggest to the House that the amendments made at committee will make this bill even stronger. Members will know that our government has already passed these amendments related to the justice for victims of terrorism act.

The first amendment our government passed will help to lighten the burden of victims of terrorism. Defendants would be presumed to be liable if they supported a listed entity that caused or contributed to the loss or damage subject to a cause of action. The defendant could always refute the claim.

The second amendment passed at committee will make it possible for a court to hear a matter based solely on the plaintiff's Canadian citizenship or permanent residency. This would hold true even in cases where there is not a real and substantial connection between the action and Canada.

It is the government's hope that this bill will be passed at report stage, that the amendments made at committee can be approved by the House and, in so doing, all parts of Bill C-10, including the justice for victims of terrorism act, the offences with respect to organized crime, sexual predators and drug offences can be passed. My constituents, police officers and all Canadians have asked for this type of legislation to be part of the toolbox in the ongoing fight against crime.

• (1545)

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, the hon. member made reference at the beginning of his comments to such terrorist acts as the Air India disaster. If this law had been in place then, what would have been different for the victims of the Air India disaster?

Mr. Brent Rathgeber: Mr. Speaker, the Air India disaster was a black mark not only in Canadian history but also in global history. In many ways, as I indicated in my opening comments, the resulting inquiry into the Air India incident formed the impetus for the part of Bill C-10 with respect to victims of terrorism. As the hon. member will know from his review of the legislation, this bill gives victims of terrorism a cause of action against terrorists that they can prove caused the damage and losses to their family. This type of legislation would have been of great value to victims of terrorism such as those who suffered severe losses in the Air India incident.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am sure the member would recognize that there would be a substantial cost to the implementation of Bill C-10, if it passes. We do not know what those costs would be. The Liberal Party has attempted to obtain the actual costs from the government, but we are beginning to believe that the government has no idea of the costs. We do know there are provinces that have great concerns in regard to the implementation costs and the ongoing costs of Bill C-10.

Speaker's Ruling

What would the member suggest to provinces that are having a difficult time trying to provide programs and services to prevent crimes from taking place? The programs and services are being imposed by Ottawa initiatives. They would cost them a great deal of money to implement. The Conservatives' proposals include such things as building prisons and large jails.

Mr. Brent Rathgeber: Mr. Speaker, the member for Winnipeg North will be happy to know that with respect to the provisions of Bill C-10 that deal with amendments to victims of terrorism and state immunity, there would be no costs to the government.

With respect to his broader question, members of the opposition are fond of talking about the costs of implementing our safe streets and safe communities agenda. They fail to realize the cost of crime which is borne by victims. Victims bear the majority, I think it is 80% of the estimated \$100 billion, of the cost of crime to Canadians annually. Those costs are in terms of increased insurance premiums, lost wages, lost property, and of course the immeasurable damages when an individual loses his or her life. The costs of crime are much broader than simply the cost to the justice system. The portions of the cost of crime that are borne by the victims are often lost on the opposition.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, if my insurance goes up because someone steals the member's car, that is part of the cost of crime in his calculations. That is interesting.

The member talked about the anti-terrorism legislation. The biggest criticism is with regard to the state list. We know, for example, that the Americans took Libya off the state list when they were rebuilding their relationship with Libya.

Is that not a problem with our bill, too, that the state list depends on the politics of the government of the day?

Mr. Brent Rathgeber: Mr. Speaker, I enjoy working with the hon. member on the justice committee.

As the hon. member knows, the issue of listing the states is complicated. There has to be a balance between the evidence of terrorism and what it will do to international relations with respect to those countries.

The remedy is that the list will be reviewed every two years by two ministers, the Minister of Public Safety and the Minister of Foreign Affairs. This will ensure that the list is updated periodically, to make sure that it adequately reflects the risk of certain states in their promotion of terrorism.

• (1550)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I rise to speak to Bill C-10, which is described as the safe streets and communities bill. I am rising today in my role as the critic for aboriginal affairs and northern development.

A number of members speaking to this bill have raised concerns that this approach does not fully respond to the concerns that have been raised over the decades by the courts, corrections officers, legal experts, corrections experts, and by the aboriginal community itself.

Speaker's Ruling

The aboriginal community in Canada is less than 3% to 4% of the total population, yet tenfold more aboriginal Canadians are incarcerated. As National Chief Shawn Atleo has pointed out, aboriginal youth are more likely to be incarcerated than to graduate from high school.

The number of aboriginal women prisoners is growing and is more than the number of other Canadian women prisoners. Of the women in maximum security, 46% are aboriginal. There has been a 20% increase in the incarceration of aboriginal women just in the last five years.

I will give examples at the provincial level. In Saskatchewan provincial jails, 87% are aboriginal. In Manitoba, 83% are aboriginal. In Alberta, 54% are aboriginal. This is absolutely reprehensible. Surely this should have raised a red flag with the government. In coming forward with these proposals to address crime, to reduce crime and consider victims, surely the government should have considered this. However, that is not apparent on the face of the bill or in the debate.

Why is there a higher rate of aboriginals incarcerated? The reasons I mentioned have been reiterated in countless studies, court decisions, determinations by coroners, and so forth. The Auditor General has raised concerns about this and about the discriminatory treatment of aboriginals in more than 30 reports over a decade.

The coroner's report on the sad rate of suicide at Pikangikum raised the broader issues of concern as to why there are suicides and why there is a high rate of crime within the aboriginal communities.

The reasons have been stated decade after decade as discrimination against aboriginals in education, housing, sanitation, poverty, opportunities to engage in the economy. This has resulted in despair, gang membership, domestic disputes and intoxication-related crimes.

The cost of Bill C-10 for Canadian aboriginal communities will be far greater than just the price of expanding jails. The price to the aboriginal community will be an increasing loss of opportunity for aboriginal youth to have community supports, to continue their education, to participate in the economy, and to have the support of their families to become contributing members of society.

A good number of the witnesses on this bill raised the particular concern of the blanket policy of minimum sentences. Many legal experts testified on the government bill in the last Parliament and the current bill. They stated that the threat of minimum sentences will have a negligible deterrent effect for the majority of aboriginal offenders. Why? Because the majority of offences are related to: addictions; violence associated with intoxication; interpersonal violence; a sense of hopelessness; the legacy and impacts of residential schools; and adoptions away from their community. They also have been the unwitting victims of committing the crime or victims of the crime related to street life.

The experts are telling us that minimum sentences will do nothing to address the root causes of aboriginal offences. If the very purpose of the bill, as the government professes, is to deter further crime and to avoid further victimization, then clearly if the majority of people in our prisons are aboriginals, there is a problem. Where is the

analysis of whether or not these measures will genuinely deter aboriginal criminals and reduce their crime rate?

● (1555)

The only predictable result of these measures would be the increased percentage of aboriginals in our jails, the increased probability of denied pardons, as they are currently called, and the increased number of aboriginals outside the economy. The government speaks all the time of the need to get our aboriginals engaged in the economy; this would have the opposite effect.

The Supreme Court of Canada has made very strong observations through its decades of experience in hearing cases involving aboriginal offenders. It raised very serious concerns about the overrepresentation of aboriginals in Canadian courts and the inability of the current court system to address the question of aboriginal offenders.

As legal and correctional experts have testified, aboriginal overrepresentation speaks to the failure of the Canadian criminal justice system to address the root causes of aboriginal offending. The point they make is not that no aboriginal should ever be jailed, but rather that due consideration should be made to any evidence of an inequitable effect of any laws or policies on aboriginal Canadians, and that when such an effect is found, those policies should be adjusted.

A year ago, the government finally signed on to the UN Declaration on the Rights of Indigenous Peoples and thereby committed to removing any discriminatory policies and practices and laws that would discriminate against aboriginal Canadians. There is no evidence of that kind of due consideration in the bill that the government has brought forward. There is no evidence that it has given consideration to experts' testimony and submissions made on this aspect of their bill. Study after study, including royal commission reports, judicial inquiries, reports by Correctional Services, coroners' reports, Auditor General reports and recommendations in decisions at all levels of court have urged action on overrepresentation of aboriginals in Canadian prisons.

More aboriginals would be removed from the influence and support of their families and communities. We only need to look at the effect of these measures on the community of Nunavut. Those who are automatically incarcerated under the minimum sentence would be moved a long distance from their community. There has been evidence brought forward that the prisons are already overcrowded, but they would be moved to communities far from their community, thus removing any potential for family or community support or rehabilitation.

In the last Parliament and in this Parliament, we have heard about the cuts over time to community support programs. There have been cuts to the healing centres and to rehabilitation, and closure of the prison farms.

Nowhere is this mistaken path more evident than in the case of the Samson band in Alberta. The Samson band had come to the federal government begging for support to build a centre for its youth so that the youth would be diverted away from increasing engagement in gang violence. There have been sad cases over the last several years of children and community members being killed. The band undertook the effort to do a major review with the RCMP, community leaders and leaders outside the community. The top recommendation was to build a centre and put the programs in place to get the kids off the street and divert them from crime. Instead, very close to them is a prison; that is simply where the youth will continue to be diverted, and crime will continue in their community.

We even had the United Church of Canada calling for greater attention to the discriminatory effect of this law on aboriginal Canadians.

Therefore I call upon the government to rethink and to give consideration. The federal government has unilateral responsibility for first nations Canadians, and I believe it is incumbent upon the government to give closer consideration the discriminatory effect its measures will have on aboriginal Canadians.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, I have been reviewing some of the costs that we are coming to now. A single new low-security cell will cost a quarter of a million dollars, a single new medium-security cell almost half a million dollars and a high-security cell \$600,000. The total annual cost per woman inmate is \$343,000, and for a male it almost \$225,000. This is at a time when we could be investing in children.

As you may know, Mr. Speaker, and as I know the hon. member from Edmonton knows, we are spending less than half on each aboriginal student in Canada. Certainly that is true in Ontario.

Does this make any sense when, for a small investment in education and a small investment in feeding programs in the schools, we could be preventing future costs of such magnitude?

•(1600)

Ms. Linda Duncan: Mr. Speaker, I would like to thank the hon. member for his astute question.

We heard only today in the House, during question period, the reply by the Minister of Aboriginal Affairs and Northern Development when concerns were raised about the slow pace of response to the crisis in Attawapiskat. His response was that he is concerned that despite the spending a lot of money in this community, the problems have not been solved.

The amount of money that the minister raised pales in comparison to the money being spent on the imprisonment of our aboriginal population. It pales in comparison to the moneys we are spending on the education of our aboriginal youth.

As the national leader of the Assembly of First Nations has pointed out, if we do not turn the corner, we are still going to be incarcerating more youth and we are going to be graduating them from high school.

I will share the quote from the Supreme Court of Canada in the Gladue case:

Speaker's Ruling

These findings cry out for recognition of the magnitude and gravity of the problem, and for responses to alleviate it. The figures are stark and reflect what may fairly be termed a crisis in the Canadian criminal justice system. The drastic overrepresentation of aboriginal peoples within both the Canadian prison population and the criminal justice system reveals a sad and pressing social problem.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I thank the hon. member for her presentation and for focusing on the impact on our aboriginal communities.

It strikes me that when the only implement in the tool box is a sledgehammer, everything starts to look like a rock.

I would seek the hon. member's comments on a more sophisticated approach to reforming our criminal justice system, as opposed to the one before us in the bill, and in particular with respect to the misplaced emphasis on retribution versus crime prevention and a focus on the root causes of crime.

Ms. Linda Duncan: Mr. Speaker, the member's question basically sums up the concerns that have been raised on this side of the House.

Canada has been renowned for having a justice system that tries to balance the scales. What is more important is that if the government is, as it professes to be, concerned about the victims of crime, then surely our focus should be on the prevention of crime and the prevention of victimization of youth.

One part of the bill that members on this side of the House fought very hard to have separated out of it and expedited in the last Parliament is the sexual exploitation of children. I notice that Senator Patrick Brazeau has authored a piece talking about the fact that nowhere is the devastation of sexual exploitation more pervasive than among aboriginal children and that they represent as much as 90% of those being exploited. Senator Brazeau is calling for programs to deal with this and to prevent the sexual exploitation.

Surely that makes sense. Surely we need to pool our resources and move towards addressing this critical discrimination of the victims being aboriginal children.

The Acting Speaker (Mr. Bruce Stanton): 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 Beauharnois—Salaberry, Health; the hon. member for Halifax, The Environment; and the hon. member for Cardigan, Fisheries and Oceans.

* * *

[Translation]

MESSAGE FROM THE SENATE

The Acting Speaker (Mr. Bruce Stanton): Before we resume debate, I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-16, An Act to amend the National Defence Act (military judges).

Speaker's Ruling

● (1605)
[English]

SAFE STREETS AND COMMUNITIES ACT

The House resumed consideration of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, as reported (with amendments) from the committee, and of the motions in Group No. 1.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, it is my privilege to speak in favour of Bill C-10, the safe streets and communities act, during this report stage. I am particularly pleased to support the amendments that would strengthen this important bill.

Before speaking to the proposed amendments, I would like to put them into a larger context.

After 20 years of police work and working within the justice system, I often hear great frustration with our justice system. Even when violent criminals are put behind bars, they never seem to complete their sentences, and before we know it, they are back on the street committing crimes. Meanwhile, the rights of the victims are overlooked and forgotten.

There is something wrong with that picture. Canadians know it, and so does our government.

When we first took office, we identified greater safety and security for Canadians as a priority. For the past six years, we have moved decisively on our law and order agenda. We have invested substantial resources to help law enforcement agencies do their jobs better. We have passed laws to ensure that offenders do serious time for serious crime. We have supported crime prevention to help keep youth away from gangs, drugs and violence. We have pursued these efforts with one overarching goal: to make our streets and communities safer.

I am proud to say that Bill C-10 is a natural extension of these efforts. The proposed legislation before the House would go a long way toward protecting the most vulnerable of our society, as well as victims of terrorism. It would hold offenders and supporters of terrorism more accountable for their actions.

Let me highlight exactly how it would do that.

First, the bill would continue the work begun with the serious time for serious crime act. To that end, it would establish or increase mandatory minimums and increase maximum sentences for various serious offences, particularly those related to children and youth. Offenders convicted of child exploitation would no longer be eligible for a conditional sentence or house arrest, and drug dealers involved with organized crime who target youth could also expect harsher sentences.

As well, we not willing to wait until a crime is committed before taking action. Police would be given the tools to be proactive rather than reactive. The bill would require judges to consider putting limits on suspected or convicted child sex offenders. It would empower police to arrest, without a warrant, offenders who are in breach of the conditions of release. In other words, the bill would put the rights of

victims ahead of the rights of offenders, which is where they should be.

In the same vein, Bill C-10 introduces new measures both to increase the accountability of offenders and to strengthen the voices of victims.

Under the new legislation, offenders would be required to have a correctional plan that laid out clear expectations of behaviour. This would include, for example, a requirement to meet court-ordered obligations to repay victims or to pay child support.

The legislation also introduces new penalties for inmates who display disrespectful or intimidating behaviour, whether it is directed at staff or at other inmates.

The bill would also make an important change in exchanging the word “pardon” for the phrase “record suspension”. We want to send a clear message that closing off a criminal record from the public eye does not forgive the offence. The offences committed by these individuals can often scar victims for a lifetime, and we believe it is important to recognize that fact.

What is more, we would make it impossible for certain offenders to apply for a record suspension. In the government's view, anyone convicted of a sexual offence related to a minor does not deserve a record suspension.

In the interests of public safety, child molesters, even after release, should carry the history of their offence with them for all time, not as an extra punishment but to protect the safety of the most vulnerable in society, our children.

● (1610)

By the same token, the bill would allow the minister to refuse an offender's transfer from a foreign prison back to Canada if there was any risk to the public and, in particular, to the safety of a child. Offenders should serve the time in the country in which they were convicted.

Victims are generally kept in the dark about an offender's life in prison. They do not know whether offenders are taking part in rehabilitation programs, if they have been absent from institutions temporarily, or if they are being transferred to a minimum security facility. Victims deserve more, plain and simple. Therefore, Bill C-10 would give them the right to take part in conditional release board meetings, and to be in the loop about the behaviour and handling of offenders.

Speaker's Ruling

I have spoken up until now about keeping our streets and communities safer from crime, but there are other risks and other types of victims. I am speaking, of course, about terrorism and its victims. Just as victims of crime deserve a greater voice, so too do victims of terrorism acts. Bill C-10 would allow victims to seek redress in the courts against the perpetrators of terrorism and their supporters. It would set in place a rigorous process for the listing of state sponsors of terrorism by the Government of Canada.

Our government is determined to do everything in its power to protect Canadians and make our streets and communities safer for all. To achieve that goal, we want to make this legislation as strong as possible. I am proud that the government passed four amendments at the committee stage and has introduced another at report stage. I would like to add my support to the amendment proposed today and to the two passed by committee pertaining to public safety.

The initial legislation proposed that victims should be able to sue foreign states for supporting terrorism. The government has proposed today that victims should also be able to sue foreign states for having directly committed an act of terrorism. I am proud to support this proposed amendment. I am equally pleased to support the two amendments related to public safety passed by the committee. The first would help lighten the burden on victims of terrorism, while the second would allow a court to hear a matter based solely on the plaintiff's Canadian citizenship or permanent residency.

I want to add my thanks to the committee members for their good work. I must add that for all the hours I sat there, they did an unbelievable job on both sides. In recognition of the committee's close scrutiny of the bill, I urge all members to join me in supporting these amendments. Together, we can make our streets and communities safer for all Canadians.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, in no less than six months I have bought 13 copies of the book *The Spirit Level* by Wilkinson. I have given them away and I will buy more because it is a scientific work that shows how in the 33 richest, most developed countries, the four best countries in the world with outcomes including crime are the Scandinavian countries. The U.S. is the worst with these parameters and Canada is sliding toward the American model.

My question for the member is this. Instead of investing, as the U.S. has foolishly done and is now starting to see the error of its ways, when are the Conservatives, and hopefully the member, going to invest in education, health care, treatment for mental addictions, and especially work toward reducing the growing gap in income in some of the worst developed countries in the world?

Mr. David Wilks: Mr. Speaker, as a former police officer, there are a number of programs that are instituted by not only the RCMP but countless provincial and municipal police organizations that work toward trying to keep youth out of the system. We are pretty successful at it, but there is that segment of society that we cannot control. For those people, there needs to be a movement toward incarceration. It is unfortunate that has to occur, but it is part of the process.

● (1615)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to pause for just a moment to thank the hon. member for Kootenay—Columbia for the non-partisan way he credited members on both sides of the committee. This bill has been so filled with rancour in the debate that that was a nice departure.

However, I do find it worrying that there is a lot rhetoric about how the bill supports victims, but there is very little in the bill that actually does support victims. I was taken with the evidence of the Ottawa Victim Services director, Steve Sullivan, who asked, "Where is the support here for women who have been victims of sexual violence"? Where is the support, the counselling, the help for victims who need funding to be able to manage when they have been assaulted and cannot get to work? Where is the tangible help for victims because I do not see it in this legislation?

Mr. David Wilks: Mr. Speaker, there are victim support groups throughout the provinces, and I will speak about British Columbia and specifically, my constituency of Kootenay—Columbia.

Victim support is part of the provincial court system that allows victims to go and seek redress for whatever type of requirement they need, whether it is for, as the member indicated, trying to get here and there to a doctor's appointment or to a counselling appointment. It provides opportunities for people to find programs that are available to help them move forward after the crime has been committed and the perpetrator has been dealt with.

I believe we are doing an excellent job with regard to crime prevention programs and support for victims of crime.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, for the benefit of those who are looking in on this particular debate today, there is some context to it. We talk about a balanced approach from the government with respect to how we deal with the criminal justice system. In budgets past we have made tremendous investments, multi-million dollar investments for that matter, in measures to prevent crime, to get to the at-risk youth. How did the opposition members vote on those? They opposed them, notwithstanding what they say today.

We have measures to put more front line police officers on the beat, working in the community to find those who are involved in crime and to work with community groups to keep people away from crime. How did they vote? They voted against it, notwithstanding what they say about prevention today.

Is not what we are dealing with today what the opposition has also stalled in previous Parliaments; that is, measures to rebalance the criminal justice system to deal with the public safety threats that are out there and it is reluctant to deal with? Would the member comment on that?

Speaker's Ruling

Mr. David Wilks: Mr. Speaker, we have been trying our best to move forward with Bill C-10 to ensure that the victims of crime are the ones that are recognized as the actual victims here. We have to ensure that those that commit the crimes do the time. I believe that Bill C-10 does that. I believe that we are heading in the right direction and I am all for this one.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I rise today to speak at report stage of Bill C-10, the Conservative omnibus bill. The bill is actually made up of nine bills combined into one. It is a bill that the Conservative government is ramming through the House without proper scrutiny. We do not even know how much it is going to cost. Witnesses were barely given time to speak as they were forced through committee so quickly.

New Democrats proposed to the government that the bill be divided, so that the parts which would improve public safety and help protect our children could be passed at all stages immediately. I am the father of two young children. I know how important it is to protect our children. Unfortunately, the Conservative government rejected our proposals.

We also proposed amendments to the bill, which the Conservatives flatly rejected at committee. The Conservatives do not want to debate the real problem with this legislation or any other legislation they put in front of Parliament.

Every day in the House the Conservatives undermine democracy by shutting down debate prematurely without reason. New Democrats tabled a motion in the House last Friday in a last attempt to stop this because this is a democracy and Canadians deserve a real debate.

The Parliamentary Budget Officer estimated that Bill C-10 would cost the federal government \$5 billion over five years and the provinces and territories somewhere between \$6 to \$10 billion. The Parliamentary Budget Officer is working to complete more detailed projections; however, he has to work basically in the dark because not all of the facts and figures have been provided to him by the government. The government has not provided adequate information so he can do his work.

Many critics suspect that the government's refusal to produce realistic costing documents is because it has no idea what the real price tag for Bill C-10 is going to be. Worse yet, the government wants to force this legislation into law before we have a chance to find out how much it is going to cost Canadian taxpayers.

Since the introduction of this controversial omnibus bill, we have seen a groundswell of concern from across this country. Opposition to the Conservative crime agenda has been steadily mounting. Experts from across the political spectrum have urged the government to rethink the sweeping changes to the criminal justice system that are contained in Bill C-10.

We have heard repeated warnings about huge costs to taxpayers, the crippling impact on our courts, and the enormous pressure that will be put on our already struggling corrections system. These serious warnings are simply being dismissed by the Conservatives without any explanation.

In response to questions about Bill C-10, the Minister of Justice recently commented, "We're not governing on the basis of the latest

statistics". Clearly, facts and evidence, and research were not a priority when the government was drafting Bill C-10, but neither was the cost to taxpayers.

Provincial leaders spoke out in committee against the bill. They have been very clear that they are not ready to bear the costs of the government's political agenda, nor do they agree with many of the measures contained in the bill.

● (1620)

The Canadian Association of Crown Counsel has spoken out and has said that Bill C-10 will overload prosecutors and jam our already stressed court system.

This so-called tough on crime agenda has already failed across the border in the United States, where governments are moving away from the same approach that the Conservatives are now proposing. States like Texas are now abandoning the mandatory minimum and three strikes policies that lead to ballooning prison costs, populations and skyrocketing costs to the taxpayers. States have found that these approaches have actually done little to prevent crime, but do a great deal toward bankrupting the states.

Canada should be learning from the mistakes of our neighbours, not repeating them. We need practical solutions on crime that improves safety in our communities, not old strategies that are expensive and proven to be failures.

There are some measures in the bill, like provisions that toughen laws around child luring, sexual exploitation of children, that we as New Democrats fully support, but there are also those that will do nothing to make our streets and communities safer places.

New Democrats believe that the primary goal of any legislation, any changes to our criminal justice system, should be public safety, safer streets and to protect our families and communities. A major way to accomplish this is by supporting cost effective crime prevention programs that really make a difference, something which the government has failed to address.

I spoke up about a program last week. There is a society in my constituency whose funding is being cut and it actually helps at-risk youth, educating them about self-esteem and getting back into school. The funding for this program is being cut by the Conservatives.

Our communities would be safer if the government focused on goals like putting more police on the streets and stopping gangs from recruiting our youth.

Conservatives always talk about how they are investing into policing, the front line officers. The facts are that the Auditor General, in the last report in June, pointed out that police officers were woefully underfunded to fight against gangs and crime. We need more front line police officers. Not only do they help prevent crime, but they help to deter crime. That is a good way to go about preventing crime in our communities.

Speaker's Ruling

We should ensure that our corrections system has rehabilitation programs that reduce the rate of re-offending. Unfortunately, the government is cutting funding to prevention programs like the Pathfinders about which I talked. Youth gang prevention programs are critical to the future of our children and the safety of our communities.

This Conservative approach is not smart on crime. Canadians deserve better. I urge the government to reconsider the real concerns of Canadians expressed by members of the opposition and people across the country.

At the last stage of the bill, I urge the Conservative members to consider the amendments proposed by New Democrats and I urge it not to push the bill through.

• (1625)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I listened to my colleague's comments and am very interested to hear his viewpoint on a couple of things he brought forward.

First, he said that there was a groundswell across Canada against this bill. I was actually one of the members of Parliament who had a protest outside my office. There were 10 people and the majority of them were affiliated with special interest groups, some involved with the New Democratic Party and some with, let us say, original points of view on drug use.

The member said that we needed more police officers on the streets. Members know that we provided money for 1,800 more front-line officers, but the NDP voted against it. I know the gentleman is a new member, but he does not realize that his party's stance on this is way out of touch with Canadians.

He talked about the program cut in his community. We established these programs, but they are not meant to exist forever. Then New Democrats want us to extend programs that they have already voted against.

Could he address the fact that there are differences in the criminal justice system? There are hard-nosed criminals who repeat offences and the best thing we can do for victims is keep them off the street instead of allowing them back on the street and coddling them.

• (1630)

Mr. Jasbir Sandhu: Mr. Speaker, I may be new to the House, but I know what has been going on in the community. I have been listening to my constituents and there is huge support for the proposals that New Democrats are making. In fact, I have heard from many of my constituents who are dead set against this approach to the crime and prison agenda.

I do not have to look at the Conservatives' facts. I can look at the facts that are provided by the Auditor General. The Auditor General, in his June report, stated that the RCMP was woefully underfunded by the government and that we needed more front-line police officers so we could deter crime from happening in the first place.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, my question for the hon. member relates to the impact of this bill on the provincial coffers. In my province, provincial institutions are already strained. This will add an additional strain, yet apparently

there is no compensation that comes with it. We have heard from the Canadian Association of Crown Prosecutors that there is a lot of money for police and prisons, but in between there is a system that is stressed to the max and that system is largely the responsibility of provincial governments.

Could I hear from my hon. friend with respect to the impact on provincial governments?

Mr. Jasbir Sandhu: Mr. Speaker, we heard from a number of ministers at committee. We heard from Quebec, B.C. and a number of other provinces. The fact is this is basically offloading a federal cost to the provinces. I read in newspapers this morning that B.C. was already running a very high deficit. This is going to add additional costs to the provinces. Some of the programs that the provinces are responsible for, such as education, health care and schools, are going to be chopped as a result of the federal government bill.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, I have heard the Conservatives talk repeatedly about police officers. I am a former police officer. Is our hon. member aware that before he was elected, the NDP asked repeatedly for thousands more police officers? We just heard a member say that there was money for police officers and prisons. Unfortunately, it is only prisons.

Is he aware that New Democrats have been asking for more police officers and that the need has not been met?

Mr. Jasbir Sandhu: Mr. Speaker, I have worked with police officers for 14 years. A number of them were my colleagues and I worked side by side with them in my former job at the Justice Institute in New Westminster. I have talked to many police officers over the years. As part of my former job, I did training with police. Many police officers have said that the number one thing they need is more front-line officers on the streets.

They have been asking for additional police officers and New Democrats have been asking for additional police officers. In fact, one of my first questions for the public safety minister was about getting more police officers on the streets.

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, I am grateful for the opportunity to speak on Bill C-10, Safe Streets and Communities Act. I welcome all of the proposals in the bill. I believe their enactment, both individually and collectively, will make a significant contribution to safeguard all communities across Canada.

I will first address the impact for victims of violent crime.

In my riding of Etobicoke Centre, there is a family named Cikovic. The parents are Vesna and Davorin. Vesna is a piano teacher and Davorin works at CBC-Radio. Their son, Boris, attended high school in Etobicoke at Scarlet Heights.

Speaker's Ruling

The Cikovic family were refugees from war-torn Sarajevo, with Boris arriving in Canada as an infant. This family worked to escape the horrors of a war where former neighbours preyed upon each other and visited atrocities upon each other in every form imaginable. The family settled in Canada, grateful for the new start they had and grateful for the opportunities that Canada had provided their son.

As Boris grew up in Canada, he became the all-Canadian kid, an athlete and gifted hockey player, a leader on the ice, helping less skilled players score and achieve rather than allow his own talent to dominate. He mentored his teammates. At so young an age, he showed maturity and wisdom that was returned by his large circle of friends with great affection and strong bonds that developed in elementary school and endured through high school and what would have appeared to be beyond university and throughout life. Boris was a leader and one that this close circle rallied around. He was a natural and his future appeared limitless. Then, on a night in 2008, Boris and his friends were transiting a local park, were accosted and he was shot and killed while being robbed of his backpack and valuables.

The Cikovics are victims, devastated by the tragic loss of their only son who had natural gifts and talents and was on his way to becoming a model Canadian success story.

What of the Cikovic family in this? Do is care that Statistics Canada says that crime is down, as the members opposite often cite? I asked the Cikovics that and their response was a resounding no. I challenge any member opposite to look that family in the eye and quote that statistic. The Cikovics are not vengeful people, but they are entitled to justice for their son.

Of the many provisions in Bill C-10, victims of crime would have the ability to present statements at Parole Board hearings. If attending the hearing, the victim may comment on the harm or damage resulting from the offence and its continuing impact, including concerns for his or her safety and the possible release of the offender. Even if the victims does not attend, the Parole Board may authorize presentation of the statement in an alternative format.

Also authorized to present a statement are the persons described to have been harmed or suffered a loss due to the act of the offender. This includes any safety concerns and concerns regarding the offender's potential release. This provision provides victims with empowerment and a role in the corrections process.

Other areas include the elimination of pardons for violent crime and measures that protect the public from violent and repeat young offenders.

Today I speak for a family that has been tragically victimized and I speak in the name of Boris Cikovic who can no longer speak for himself, but today in the House his voice is heard.

I will focus my remaining remarks on Bill C-10 proposals that address child sexual exploitation and violent crimes in part 2 of the bill.

As members know, these proposals were originally introduced as Bill C-54, protecting children from sexual predators act and with all party support had been passed by this chamber in the last Parliament.

Bill C-10 has reintroduced these proposals with some additional sentencing enhancements that are consistent with and reflect the overall objectives of these reforms.

Part 2 seeks to better protect children and youth from sexual predators in two ways: first, by proposing sentencing enhancements to ensure that all sexual offences involving child victims are consistently and strongly condemned; and second, by creating new offences and measures to prevent the commission of a child sexual offence.

Bill C-10 has been reported back to the House of Commons after having been thoroughly studied by the Standing Committee on Justice and Human Rights, without any amendments to its child sexual exploitation reforms. Indeed, part 2 proposals received strong support by witnesses appearing before the justice committee, including the Canadian Association of Chiefs of Police, the Canadian Police Association, the Kids' Internet Safety Alliance, KINSA, as well as the minister of justice and attorney general for New Brunswick who said:

I believe strongly that crimes against children deserve strong sentencing. We believe the changes proposed in this crime bill will make it possible to achieve that objective.

I could not agree more.

Bill C-10 proposes to enhance the sentencing or penalties for sexual offenders involving child victims in two ways. It proposes to impose seven new and nine higher mandatory minimum penalties as well as higher maximum penalties for four child specific sexual offences.

● (1635)

These amendments are needed because, currently, the Criminal Code only imposes MMPs on 12 child specific sexual offences and none at all in the general sexual offences where the victim is a child. For those offences that already impose MMPs, these are inconsistent or simply inadequate. The effect of imposing MMPs in only some but not all sexual offences sends an inconsistent message that not all child sexual offences are serious and perhaps even that some child sexual assault victims are less victims than others.

Imposing inconsistent and inadequate MMPs is equally problematic. For example, currently the Criminal Code imposes a mandatory minimum penalty of 45 days for the offence of sexual interference of a child, even though the maximum penalty or indictment is 10 years. Bill C-10 proposes to fix this by increasing this MMP to one year.

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To my mind, and I think to all of us here, the current inconsistent and inadequate approach to sentencing in child sexual abuse cases is wrong. Who among us does not agree that children are the most vulnerable in our society and that all children are deserving of equal protection against all forms of child sexual exploitation? As I noted earlier, Bill C-10 also seeks to prevent sexual assault against children. It proposes two new offences criminalizing sexual assault against children that police witnesses were particularly against.

The first new offence would prohibit anyone from providing sexually explicit material to a young person for the purpose of facilitating the commission of a sexual offence against that young person. Child sex offenders often use adult pornographic material to groom their victims, for example to lower their victims' sexual inhibitions with a view to making it easier to sexually exploit them. Though any such use of child pornography is already prohibited, this is not the case for adult material. Accordingly, this new offence would fill a gap. The proposed new offence would impose a mandatory minimum penalty consistent with other parts of the bill.

The second offence proposed by Bill C-10 would prohibit anyone from using telecommunications to agree or make arrangements with another person to commit a sexual offence against a child. This offence is modelled on the existing "luring a child" offence of the Criminal Code that prohibits the use of a computer system to directly communicate with a child for the purpose of facilitating a sexual offence against that child. However, as the "luring a child" offence only applies when communication is with the child victim, this new offence closes the gap where the communication is between two other persons to facilitate the commission of a sexual offence against a child. This offence would also impose a mandatory minimum penalty.

As well, Bill C-10 would impose a condition on convicted child sex offenders or on suspected child sex offenders, a recognizance or peace bond under section 810.1, prohibiting them from having any unsupervised access to a young person or unsupervised use of the Internet. Preventing a known or suspected child sex offender from having the opportunity and tools to commit a child sexual offence should protect other children from being victimized.

I urge all members to support the swift enactment of Bill C-10 so that Canada's children will be protected against sexual exploitation.

• (1640)

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, my heart goes out to the family of Mr. Cikovic, to whom the member referred earlier. We certainly do not disagree that we on both sides of the House would like to prevent crimes such as this. I guess that leads me to my question.

How would this bill do anything to prevent what happened to the Cikovics from happening again? Could the member explain that for me, please?

Mr. Ted Opitz: Mr. Speaker, it would assist in preventing further crimes because mandatory minimum sentences would be imposed on a lot of these crimes within Bill C-10, which would add a further deterrent to criminals contemplating perpetrating this form of crime, especially a violent crime in this case. If a crime, in this case as it has been committed, is perpetrated, it also would allow the victims a

form of redress and being able to access the parole system and to have an ability to impact on the offender's incarceration.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I just want to follow up on that last answer. The suggestion from the hon. member is that the mandatory minimum sentence would provide a deterrent and yet there is no evidence for this. In fact, there is evidence in the United States to the contrary.

My question is whether the member's view of the criminal law is that the right way to go is "an eye for an eye and a tooth for a tooth", or does he subscribe to a more enlightened view based on proportionality?

Mr. Ted Opitz: Mr. Speaker, Bill C-10 is a made in Canada law. It is not a made in the United States law. We are not looking at the United States, we are looking at us.

Canadians have given this government the very strong mandate to enact the laws. We made a promise that we would pass Bill C-10 with strong laws involved and ensure that serious offenders are jailed for the appropriate length of time. The bill also would ensure that our victims feel that justice has been rendered. It is not an eye for an eye thing. It is an ability for the victims to be able to redress the crimes that have been perpetrated against them and to ensure that the criminals are incarcerated for an appropriate period of time, although rehabilitation still happens. It provides comfort to those victims that these criminals will not be released too early and that their rehabilitation time will have time to take root.

• (1645)

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I listened to the question from the Liberal member opposite. I had an opportunity to practice criminal law and to actually be in the trenches in this kind of situation. I had a client who received two years less a day for sexually assaulting two of his daughters over a seven year period of time. He was able to serve that sentence in a house. I was ashamed of getting that sentence. I was, quite frankly, surprised that that sentence was available, first of all, which was about eight or nine years ago, but it is still available today, and we are taking away that opportunity.

Does the member think it is reasonable that a person who would do that to his daughters, two family members, over any length of time, if at all, would do any time or any punishment in their own home? Is that a reasonable disposition as is allowed today under the Criminal Code?

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Mr. Ted Opitz: Mr. Speaker, it absolutely is not a reasonable time. Any offence against a child, whether it is a person's own child or someone else's, is absolutely reprehensible. However, when they are someone's own children who should feel safe and secure with their parents in their own home and they do not, and they are victimized by their own parents and then that parent is only sentenced to the absolute minimum possible term, that continues to victimize those children again because that individual will be released in two years less a day or less than that even. That will cause further harm to those children down the road because of psychological impacts and because justice will never have been fully rendered in their case.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to stand today to talk about Bill C-10. Bill C-10 would have a very profound impact. I think, in good part, it would set the stage in terms of different ways in which we ought to be able to deal with crime in our country, not only for today but well into the future. It is nice to use this particular bill as a bill that clearly illustrates the difference between the Conservative government and the Liberal Party of Canada or even, to a certain degree, the New Democratic Party.

On the one hand, we have a government that is very determined to give the impression to Canadians that it will be tough on crime and that by supporting the Conservatives somehow the crime rate in Canada will go down. Over the years, the Conservatives have been going out of their way to give that impression.

For me, personally, and I believe for the Liberal Party, the real push should be on how we can prevent crimes from taking place in the first place.

I want to go back to what real people are saying on our streets and in our communities across Canada. I represent Winnipeg North, which is a beautiful area of Winnipeg. It has great attributes and characteristics. It has a great deal of history. It has a modern suburban area. I was touched by the comments made by one constituent living in and around the Selkirk-Pritchard-Arlington area. She told me that she did not feel that she was safe enough during the nighttime to be able to go to sleep, that she preferred to sleep during the daytime because she felt it was safer. One of her comments was that she was also scared to go outside her home at night, even into her own yard. In essence, she was saying that when the sun goes down she becomes confined to staying in her own home. I was very concerned about that particular constituent.

Throughout the campaign, whether it was the byelection of last year or the general election of this year, in the door knocking that I conducted, I found that the whole issue of crime and safety was one of those issues of concern. It did not matter which door I knocked on, if I were to raise the issue, the residents were more than happy to give an opinion on their concern about the issue of crime and safety.

We could talk about defence spending, health care or many other different issues that were out there but the only issue I found that was consistent, no matter what door I knocked on, was the issue of crime and safety. What that one elderly lady had raised with me was not the only instance where something really struck me. I remember talking with another senior gentleman who was living in an apartment unit. He told me about the two wallets he carried when he walks around.

The reason he carried two wallets was that in case he was mugged he would give the empty wallet and then he could continue on his way.

That starts to cause a great deal of concern as the local member of Parliament as to why it is that people get these opinions and feel that insecure when they go out into our communities.

• (1650)

I could give many other examples that were raised. My overriding concern is that I want to be able to make a tangible difference in the community in which I live and the community I represent. I believe, for the most part, that other members of Parliament would like to do the same. They want to deliver for their constituents. They want to ensure that their constituents feel secure in their communities.

As I indicated, Winnipeg North is a wonderful area. I am proud of the fact that I come from Winnipeg North. I want seniors in my community to feel comfortable, and for the most part, they do. We recognize the richness of our community. However, a lot needs to be done to make our seniors and others feel safer in their environment.

I get a bit frustrated when I look at this legislation. The Conservatives' agenda on crime is not necessarily going to deal with the issues that concern my constituents. My constituents want the government of Canada to prevent crimes from happening. That is what they really want.

Naturally, they want to see a consequence for a crime. All of us recognize that there needs to be a consequence when someone commits a crime. We do not question that. My constituents want a government that is caring and compassionate and delivers. They want safer communities.

Let us take a look at Bill C-10 and what it purports to do.

Bill C-10 is a huge bill. It easily could have been broken into eight or nine other bills but the government has compiled everything. There are some good things in the legislation, but its overall tone is not good.

I would suggest, and I made reference to this when I was asking questions earlier, that the focus of the bill seems to be on building more jails, a superjail complex. A number of American states experimented with this concept years ago.

Some individuals in the late 1970s and mid-1980s discussed building more prisons and keeping prisoners in jail. They felt that crime on the streets would go down. Those very same states have now recognized that they were going in the wrong direction. They are now starting to recognize the greater value in programs that make a difference in preventing crimes. They are starting to recognize that individuals do not necessarily have to be kept in jail for 5, 15, 20 years.

I would challenge the government to talk about other jurisdictions that are moving in the same direction. Most modern western countries are moving toward rehabilitation and crime prevention. People are more proactive within their communities. The government quite often responds by saying people have to be kept in jail because of the victims.

Property crime is far more frequent than violent crime. There is a lot more interest in violent crime in terms of making sure there is some form of adequate jail time. Judges have done a good job in using that discretion.

• (1655)

The government needs to recognize that it is a balancing act. Our priorities need to be that we either create the additional jails or invest in ways to keep people out of jails. I think we would be much better off if we put the focus on the latter, because there is a finite amount of resources. When there is a finite amount of resources, it becomes an issue of prioritizing. I believe the priorities of the government on fighting crime are going in the wrong direction.

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, some of the community workers in my riding consistently gave me really interesting figures. For example, for every \$5 invested in prevention, there is \$95 spent incarcerating an individual.

There is nobody in this House who does not agree with stiff sentences for people who harm children. There is nobody who does not agree with stiff sentences for people who take people's lives. In my riding, a mother lost her son to three young individuals who beat him to death. My heart goes out to her. For her, justice needs to be served.

However, we are talking about people who grow a little pot and are thrown in prison for a year and a half. Prison can be a very scary place, but it can be a very educational place. After that year and a half when those young people get out, they are hurt, they are bitter, they are messed up and they will take that out on society.

I would like my hon. colleague to comment on how this helps keep crime off the streets by creating better criminals.

• (1700)

Mr. Kevin Lamoureux: Mr. Speaker, I was a provincial justice critic for many years. One of the biggest things we wanted to establish was that the best way to fight crime and prevent crime was to invest money up front. Investing money up front in programs that will steer people away from committing crimes is far more effective. At the end of the day, we will have less crime on our streets and better and safer communities.

I appreciate the comments by the hon. member. I must say I also concur with his comments. Because I do not support the bill does not mean in any fashion whatsoever that I do not believe there needs to be a consequence for many of those crimes, such as pedophilia and so forth.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, I have been listening to the member opposite. I served as a police officer for a number of years and I recognize the reality of the balanced approach. We do have to have prevention, treatment and rehabilitation. Like most Canadians, I certainly do not have difficulty with that.

However, we also have to recognize there is an element of society, unfortunately, that is dangerous. These people need to be isolated from the public as a matter of protection.

I am just hearing about money for jails. I am wondering how many opposition members have actually visited some of our penal

Speaker's Ruling

institutions. Many of them, quite frankly, are archaic. They are barbaric. There is no possibility, or even facility, for rehabilitation and/or self-improvement. We have to bring things up to a level of accommodation where we can provide that balanced approach.

We do need protection and prevention, but it does take all. The bill obviously does not deal with the total scope. There are other bills that deal with prevention as well, but this deals with protection and victim protection.

I hope the opposition members would recognize that and in due course give the bill support, because of those principles.

Mr. Kevin Lamoureux: Mr. Speaker, Gary Kowalski was a wonderful police officer. He and I served in the Manitoba legislature. Gary Kowalski said that if we wanted to deal with youth, we should get involved in youth justice committees. That way, we would be able to deal with preventing crimes.

In the last number of years, especially in the province of Manitoba, the youth justice committees and the roles they have played have actually deteriorated.

It is an issue of priorities. If those were the government's priorities, then we would see better results at the end of the day and less crime on our streets.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I want to compliment my colleague on his passion when he speaks in the House. He should win the award for the most passionate speaker on many issues, frankly.

A lot of us share concerns about wanting to have a balance in this bill. On the issue of the mentally ill and how they are treated, I wonder if there has been enough discussion and debate. Is there anything in Bill C-10 that is really going to speak to those who are mentally ill when it comes to crime?

Mr. Kevin Lamoureux: Mr. Speaker, the member brings up an exceptional point. Whether it is mental illness or disorders such as fetal alcohol syndrome, there are issues that have a profound impact on what individuals are doing in our communities. If we do not allocate the necessary resources to support better programming, at the end of the day we are going to end up spending more money on our jails and there will be more crime on the streets.

I know this is a point that I hammer home every time I speak, but for me it is all about reducing crime on our streets. That is one of the reasons why I find it so difficult to support this bill. If we invested a little more in things like the member just made reference to, trying to address mental illness, it would do far more than this bill would do in terms of reducing crime on the streets.

*Government Orders***ROYAL ASSENT***[Translation]*

The Acting Speaker (Mr. Bruce Stanton): Order, please. I have the honour to inform the House that a communication has been received as follows:

Rideau Hall
Ottawa

November 29, 2011

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of November, 2011, at 4:15 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The schedule indicates the bills assented to on Tuesday, November 29, 2011, were Bill C-22, An Act to give effect to the Agreement between the Crees of Eeyou Istchee and Her Majesty the Queen in right of Canada concerning the Eeyou Marine Region, Chapter 20; Bill S-3, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law, Chapter 21; and Bill C-16, An Act to amend the National Defence Act (military judges), Chapter 22.

* * *

• (1705)

*[English]***MESSAGE FROM THE SENATE**

The Acting Speaker (Mr. Bruce Stanton): I have the honour to inform the House that a message has been received from the Senate informing the House that the Senate has passed the following bill: Bill S-206, An Act respecting World Autism Awareness Day.

GOVERNMENT ORDERS*[English]***SAFE STREETS AND COMMUNITIES ACT**

The House resumed consideration of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, as reported (with amendments) from the committee, and of the motions in Group No. 1.

Mr. Ryan Leef (Yukon, CPC): Mr. Speaker, we are told that the safe streets and communities act will harden criminals and increase recidivism, yet experts agree that rehabilitation strategies work. Many of these programs occur within the correctional environment and the length of a sanction should be proportional to the offence, and must consider the victims of crime who are all too often ignored.

The bill has many facets designed to protect the rights of victims by enshrining a victim's right to participate in parole hearings and address inmate accountability. At the same time, the bill will allow

judges to defer sanctions for offenders enrolled in drug and alcohol treatment programs. Our government continues to invest in prevention strategies which are critical in ensuring safe streets and communities.

A key pillar of our national anti-drug strategy is prevention and treatment for those with drug dependencies. Since 2007 the health portfolio has invested \$577 million over five years for the strategy's prevention, treatment and enforcement activities.

Our government has made significant treatment investments to strengthen existing treatment programs through the treatment action plan. Communities can celebrate funded health promotion and prevention projects for youth through the drug strategy community initiatives fund with over 100 approved projects across Canada. This represents approximately \$40 million in multi-year community based investments. The national crime prevention strategy's priorities include: addressing early risk factors among vulnerable children, youth and young adults; preventing recidivism among high risk offenders; fostering crime prevention in aboriginal and northern communities; and preventing youth gang and drug-related crime. It also includes the SNAP Girls Connection program.

All too often, the message of media fixates on the silos of government. When one looks across departments, there are tremendous and well-balanced approaches to safer streets and communities.

We continue to hear the NDP bring up Texas. I fundamentally disagree with any comparison between the Canadian correctional system and the Texas model. Texas has a population nearly equivalent to Canada in its state alone, yet it incarcerates its citizens at a rate five times higher than Canada.

The NDP quoted a recent article, but experts from Texas failed to mention that its relative crime rate has actually gone up for offences of murder, forceable rape, robbery and burglary, despite its enlightened approach to crime and sanctions. Texas still boasts the death penalty and has eliminated last meal rights for the condemned. Texas crime rates have fluctuated up and down since 1960 and will continue to do so. Texans will certainly be left scratching their cowboy hats when their rates continue to fluctuate over time. I encourage members opposite when discussing Canadian realities to remember these facts and to please not mess with Texas.

In respect to marijuana grow operations, there has been a tremendous amount of fearmongering and misinformation around this aspect of the bill. First, one must consider the volume and value six plants of marijuana can create. The proliferation of the idea that it is just six plants, meaning no harm can be caused, is both irresponsible and wrong. Once again, there is failure on the part of critics to consider victims and innocent people.

Government Orders

Take for example drug endangered children. Carbon dioxide enhances plant growth, but poses serious health risks to humans. High concentrations can displace oxygen in the air, resulting in oxygen deficiency, combined with effects of carbon dioxide toxicity. Grow operations contain high levels of humidity and are prone to build-up of various moulds which can damage human health, causing aggravating immunological diseases such as hay fever allergies, asthma, infections, and even cancer. The likelihood of a house fire is 24 times greater in a home with a grow operation compared to an ordinary household.

Drug endangered children are at greater risk of neglect, domestic violence, pre and postnatal alcohol abstinence syndrome, and sexual abuse. Grow operations are often linked to criminal activity and organized crime. The environment is also very high risk for physical assault, home invasions, gang violence and homicides. Increasing liberal attitudes toward marijuana has led to an increase in the number of child neglect and abuse cases that can be directly attributed to marijuana, according to Lori Moriarty at the Stafford conference.

There is also a misnomer that this bill creates new criminals, when in fact all of the offences dealt with are criminal, and our government is committed to dealing with the most reprehensible crimes in our society. One is protecting children from sexual predators.

• (1710)

One is protecting children from sexual predators. This point I find particularly positive considering the recent RCMP intelligence report, which stated, "The availability of child sexual exploitation material for purchase, over the Internet, remains a problem".

Penalties for organized drug crime and protecting the public from violent and repeat young offenders are others. I emphasize the words "violent" and "repeat".

Another is preventing trafficking abuse and exploitation of vulnerable immigrants.

Corrections Canada applauds the bill's efforts to address inmate accountability, responsibility and management under the Corrections and Conditional Release Act, which protects and encourages inmates engaged in a rehabilitation program.

On the topic of new prisons, initial projections of population increases from past legislation has not been realized. There is no link between new prisons and this legislation. New prisons are required to reflect the rehabilitative and corrective model essential to achieving objectives of health, hope and healing of inmates.

The opposition criticizes new prisons yet presses for more programming and single cells for inmates. It fails to realize the intrinsic link between the building of new correctional facilities with cleaner, safer environments with more room and controls in order to allow staff and inmates the best possible environment to engage in rehabilitative programs.

The Yukon corrections model is an excellent example of moving from a close supervision model to a direct supervision model, which will be greatly enhanced with the move to its new correctional facility in 2012.

When one considers the cost of correctional facilities in housing offenders, it must be remembered that the tangible costs of crime on victims is much higher, 80% of which is borne by the victims themselves. The Canadian Bar Association stated:

This bill will do nothing to improve that state of affairs, but, through its overreach and overreaction to imaginary problems, Bill C-10 could easily make it worse. It could eventually create the very problems it's supposed to solve.

If there are imaginary problems, then we will not see the contradictory message it is suggesting of an increased prison population as there will not be imaginary criminals, imaginary trials, and imaginary sentences that would have such a result.

We do know that the problems are real and I would invite the Canadian Bar Association to write to the community of Citadel, which was devastated when an illegal grow operation caught on fire and damaged seven neighbouring homes. It should also write to the province of Alberta, where the ALERT organization dismantled 200 grow operations in Calgary, seizing nearly 70,000 plants. Of those grow operation locations, 151 were unfit for human habitation. In 2011, almost 46,000 plants worth \$56.3 million has been taken off the streets of that province. That is not imaginary.

According to a justice department study, only one in every six individuals convicted of running a grow operation in B.C., Alberta and Ontario, between 1997 and 2005 actually served time in prison.

The killer of RCMP officer Dennis Strongquill, Laurie Ann Bell, was an impulsive drug-addicted alcoholic whose contempt for the courts had shown little remorse or understanding for the impact of her crime. According to National Parole Board records, whose hands were tied under the current legislation, she was released after serving less than seven years. Corporal Brian Auger, Strongquill's former partner, was not told of Bell's impending release. "Nobody ever spoke to me", he said. "They should maybe talk to the people that were involved and get a better idea or understanding as to what the victim goes through."

Bill C-10 will do just that and enshrine victim participation in Parole Board hearings and keep victims better informed about the behaviour and handling of offenders.

Perhaps the Canadian Bar Association and the NDP would like to reaffirm their positions to Corporal Auger and Dennis Strongquill's family that our government is reacting to imaginary problems.

Under this government, we have another 1,000 RCMP officers on the front line and we have invested \$400 million to help the provinces and territories recruit more police officers.

Government Orders

The 9/11 attacks claimed 3,000 people including Canadians. The 2002 Bali bombing attack was the deadliest attack in the history of Indonesia. That killed Canadians as well. Were these imaginary problems?

On a personal level, I have engaged youth in the communities to deliver teamwork, leadership, health and anti-bullying workshops which have engaged youth and community leaders, and increased self-esteem in both the boys and girls who have participated. This demonstrates what we can do as individuals to raise a respectful, healthy, law-abiding community.

Therefore, when we step outside the silos we create and see the bigger picture beyond the body of legislation, our government is achieving the right balance between victims' rights, crime prevention and rehabilitation for a better Canada.

• (1715)

BILL C-10—NOTICE OF TIME ALLOCATION MOTION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I rise on a point of order. In the last election the Conservative Party received a mandate to take action with tougher sentences for child molesters, tougher sentences for drug dealers, and tougher sentences for organized criminals. All of those measures are included in Bill C-10, the bill the House is currently debating, which the government committed to passing within 100 sitting days.

With that in mind, I must advise that an agreement has not been reached under the provisions of Standing Order 78.(1) or 78.(2), concerning the proceedings at report stage and third reading of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

Under the provisions of Standing Order 78.(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at those stages.

REPORT STAGE

Mr. Jack Harris: Mr. Speaker, I would like to seek unanimous consent to move the following motion:

That, notwithstanding any Standing Orders or usual practices of the House, proceedings at report stage of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, be discharged and that the bill be immediately referred back to the Standing Committee on Justice and Human Rights for the purpose of more fully conducting clause-by-clause consideration of the bill, and that it not be reported back to the House in fewer than 15 sitting days.

We are proposing this motion in order to ensure that this bill receives proper consideration. We saw at report stage this morning, half a dozen or more amendments by the government itself that were ruled out of order because they could have been, I think in the words of the Speaker, presented at committee. That is what the Speaker said in his ruling this morning.

It seems pretty obvious that the government itself now recognizes that there was not sufficient time at committee to give consideration to proper amendments, that the bill is flawed, and that the way to resolve this is to send it back to committee. So I am assuming that we will have unanimous consent from members opposite for this motion.

• (1720)

The Acting Speaker (Mr. Bruce Stanton): Does the hon. member have unanimous consent to propose the motion?

Some hon. members: No.

The Acting Speaker (Mr. Bruce Stanton): There is no consent.

Questions and comments, the hon. member for Thunder Bay—Superior North.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, we heard a lot of words about how spending on prisons is somehow going to help children. It was a little lost on me, but I noticed an interesting story from the member for Winnipeg North about two wallets. It seems to me the Conservatives do have two wallets. They have a bulging wallet of about \$3 billion a year in burgeoning prison costs, but there seems to be little or nothing in the wallet for school nutrition programs, dental care for children, early childhood education, a national child care program, and elementary and post-secondary education.

I would like to ask the hon. member, if he really does care about children, why is there no investment in that wallet?

Mr. Ryan Leef: Mr. Speaker, I am not sure that the hon. member's comments were directly related to the bill at hand, but let us talk a bit about that wallet that we are carrying, including \$577 million over five years for the strategy, prevention, treatment and enforcement activities, our anti-drug strategy.

Our health portfolio has invested millions of dollars. It is the one thing I commented on in that speech about not operating in silos. When we look at our investments in education, health, sport and recreation, across all those pillars, our government is making exceptional investments in the people of our country.

It is when we just look at the one bill and if this were the only strategy we had for improving the lives of Canadians, I would agree that this would be problematic. However, it is one tool in a whole host of tools we are using to improve the lives of Canadians.

I do take exception to the fact that the member said there was any link, or I made any suggestion in my speech, to how prisons were going to help children because nowhere in my speech did I mention that.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, we recognize that we have provincial governments and we have many professionals across Canada who have expressed great concern in regard to Bill C-10. Close to one third of our chamber, I believe, is made up of new members of Parliament. Yet, we just had the government House Leader stand in his place and move yet another motion of time allocation thereby preventing many members of Parliament from being able to speak to the bill and provide comment on the bill as to what their constituents might have to say and so forth.

Government Orders

Why is the government so focused on taking away the ability of members to contribute to the debate on Bill C-10? Why is the government so focused on ignoring the professionals across Canada and the many different provincial jurisdictions that say that this is a bad bill? Why are the Conservatives doing it?

Mr. Ryan Leef: Mr. Speaker, it is no wonder there are other organizations and jurisdictions concerned about this. A large part of that has to do with the tremendous amount of misinformation and fear-mongering that has been done by the members opposite.

It has been outstanding to hear the comparisons to a Texas model, the warnings to people that we will be throwing six year olds in jail over two marijuana plants growing in their basement and all kinds of misinformation.

What we are doing during this debate is correcting the record. We have heard time and time again that many of these bills that are now combined into one to make it more efficient were already passed and presented were it not for an untimely election that we were thrust into, courtesy of the Liberal Party that is now relegated to the back benches.

• (1725)

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, it was a pleasure to listen to the member for Yukon. I appreciate his experience as a former RCMP officer.

I have met with corrections officers who are very pleased with the provisions in this bill as they would allow accountability for inmates who often before had no consequences for their activities in correctional facilities.

Could the member address the positive measures in this bill that corrections officers and the correctional system can use to ensure that inmates are accountable for their activities when they are in prison?

Mr. Ryan Leef: Mr. Speaker, having been a deputy superintendent of operations at a correctional facility in Yukon, I can say that when inmates have a plan and when that plan is worked with case managers and there are goals and objectives, we can find correctional environments to be a place of help, hope and healing.

Recidivism programs, the opportunity and time for them to work on things that have brought their criminality to the point where they are in jail, are very important locations for them to do that. The investment in new facilities, clean environments, safe places where staff and inmates can interact together are very important to close that gap so that we actually can work on those recidivism programs and truly reduce crime in this country.

The Acting Speaker (Mr. Bruce Stanton): Before I recognize the hon. member for Halifax, I will have to let her know that we only have three to four minutes remaining. We will get started just the same and I will give her an indication when there is one minute remaining. Then we will have to go to the next order of business.

The hon. member for Halifax.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I am disappointed by that timing, but I will be back tomorrow, hopefully, to finish my speech, because it is really important for me to get on the record about this bill.

I have been thinking about the omnibus crime bill a lot. It comes to mind whenever I have a moment to think, like on the plane from Ottawa to Halifax, or on the walk to the office. In fact, it came to mind last week in church, because last Sunday, November 20, at the Cornwallis Street Baptist Church, together with community members and descendants, Reverend Rhonda Britton and Dalhousie president Tom Traves, we celebrated not only the life but the legacy of James Robinson Johnston, the legacy that he left for Nova Scotia and for all of Canada. It was at this commemorative service that I started to think differently about Bill C-10. I will explain that.

James Robinson Johnston enrolled in Dalhousie University at the age of 16. He received his Bachelor of Letters degree in 1896 and his Bachelor of Law in 1898. He was the first member of Nova Scotia's black community to graduate from university and then, also, from law. He blazed a path for many to follow. His work in the African Nova Scotian community made a profound impact on the progress of African Nova Scotian communities today.

In 1991, a James Robinson Johnston chair in Black Canadian Studies was established at Dalhousie University to commemorate and deepen the link between the African Nova Scotia community and the academic study that takes place at universities.

Last Sunday, at the Cornwallis Street Baptist Church in my community, we not only remembered James Robinson Johnston, but we also had the opportunity to welcome the new JRJ chair in Black Canadian Studies, Dr. Afua Cooper. In her address, Dr. Cooper noted that James Robinson Johnston, along with many members of our African Nova Scotian communities, was a descendant of the 2,000 black refugees who fled the United States after the War of 1812 and settled in Nova Scotia.

The War of 1812 caught my attention, and it made me stop to think about the government's recent decision to commemorate the War of 1812, and spending millions of dollars to do so. It also made me stop to think about how our government is spending millions of dollars to commemorate a moment in history when free slaves came to Canada and how we are, at the same time, debating a bill in the House that would see thousands more Canadians in our jails, added to a prison population that is already disproportionately African Canadian.

I was sitting there thinking about this and trying to figure out if it was ironic or if it was just plain shameful, and a young woman named El Jones stood and took the stage. She is an amazing spoken word artist. I have seen perform many pieces about the realities of our community. Her performances are always thoughtful, provocative and truthful. In her piece about James Robinson Johnston, she said one line that crystallized what I was thinking about. In describing some of the needs of the black communities in Canada, she said, "Because we need black lawyers and judges to advocate for us, reforming the courts where we are disproportionately jailed".

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That is it. We have failed to apply a racial lens to these bills. My NDP colleague from Edmonton—Strathcona eloquently spelled out the potential impacts of this bill on first nations, Inuit and Métis people earlier this afternoon. She was exactly right. Who is our system failing? All we need to do is look in our prisons and we will see who our system fails.

I look forward to the next opportunity in this House to finish my speech.

• (1730)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Halifax will have six minutes remaining and five minutes for questions and comments when the House next returns to debate on this motion.

It now being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[English]

EMPLOYMENT INSURANCE ACT

Mr. Richard Harris (Cariboo—Prince George, CPC) moved that Bill C-316, An Act to amend the Employment Insurance Act (incarceration), be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to move Bill C-316, an act to amend the Employment Insurance Act (incarceration).

Simply put, the bill would ensure that a convicted criminal would not have preferential access to EI benefits compared to law-abiding Canadians. The bill would remove the extension to the qualifying period and the benefit period under the employment insurance program that is currently equal to a time a convict spends in prison.

As we speak, convicted felons have the ability to extend their qualifying and benefit periods up to a maximum period of 104 weeks as opposed to 52 weeks for a law-abiding citizen who is out of work. People out there do not know this. It is a section of the Employment Insurance Act that must be changed. Given these extensions are not available to law-abiding claimants who are actively looking for work, this is simply not fair. Bill C-316 would remove the extension of the qualification and benefit period for the time someone spends in jail.

The Minister of Human Resources and Skills Development has indicated that the government would like to move two friendly amendments, and I certainly support these amendments.

The first amendment would ensure that my bill would only remove the extension of qualification and the benefit periods for individuals who have actually been convicted of a crime and are in jail. This would ensure that individuals held in pre-trial custody but who are subsequently found innocent would not be affected by this bill.

The second amendment would have the bill coming into force on a Sunday. This would align the implementation date of the bill with

the employment insurance calendar, which works in two week increments starting on a Sunday.

I will quickly reflect on how the current employment insurance system works and what motivated me to move the bill.

Currently, when an individual applies for employment insurance they are evaluated as to whether they have worked enough hours in the qualifying period to receive benefits. The standard qualifying period is 52 weeks in length. The qualifying period can only be extended under four circumstances under the act and can only be extended only to a maximum of 104 weeks. I will read them to give some context as to why I feel the exemption related to prison must be removed.

The first extension for being incapable of work is because of prescribed illness, injury, quarantine or pregnancy. The second extension is being confined in jail, a penitentiary or a similar institution. The third applies if one receives some assistance under employment benefits, such as a plan from one's previous employer. The fourth relates to receiving payments under a provincial law on the basis of having ceased to work because continuing to work could result in danger to an unborn child or a child for whom a woman might be breastfeeding.

It is the second provision related to jail that I am seeking to amend because it relates to circumstances under the control of the individual. I will provide an example of how the exemption works.

Under our current legislation, a convicted criminal could be in jail for one year, come out of jail, apply for EI and the hours worked in the last two years would be considered qualified for employment insurance. A law-abiding citizen who applied at the same time would only be able to count the hours worked in the last year. In other words, a convicted criminal who spent a year in jail would have 104 weeks to apply for a 52-week qualification period. It is as if the prison time simply did not count. However, a person who took a year off for family reasons or to pursue some other interest would only have a 52-week period. This is not fair.

• (1735)

A similar situation could occur with the benefits period. Typically, an individual can only receive regular employment insurance benefits for 52 weeks after the date of applying. There is an exemption if someone has been in jail or prison, like I just mentioned. Someone coming out of prison would be allowed an extension of 104 weeks in which he or she could take employment benefits. It would be as if the 52 weeks spent in jail did not happen and he or she would start on 52 weeks. That is not fair.

It is particularly unfair because any regular EI benefits that a law-abiding citizen applies for but does not take within 52 weeks of filing disappears once that 52 week period expires. This is in contrast to a convicted felon who could collect benefits for up to 104 weeks after making a claim, depending on the time spent in prison.

Private Members' Business

This is all in contrast to the law-abiding citizen who started receiving the same length of benefits as the convicted criminal. The law-abiding citizen would lose his or her benefits, while the convicted criminal would retain his or her benefits because of being in prison. It is just not fair.

Someone convicted of a crime should not receive preferential access to employment insurance benefits. Individuals choose to commit crimes. Why should those individuals receive preferential treatment over law-abiding citizens who choose to take time off and as a result would lose the benefit period? It is simply not fair.

It is one thing if someone is unable to work because of sickness. It is another matter entirely if someone convicted of a crime has greater access. That is the basis of my bill. That individual chose to break the law.

To be clear, this is not about punishing criminals further. Our justice legislation is clear about what the punishment for crime should be and thanks to a strong, stable, national Conservative majority government what the punishment will be.

The bill is about ensuring that convicted felons are forced to live by the same rules as law-abiding citizens. What Canadian would agree that a convicted felon should receive preferential treatment with regard to employment insurance benefits? No right-thinking Canadian would support that for a second.

People who choose to break the law and lose their jobs because of it is no different than people being fired for just cause. Those individuals made a choice to act in some way that ended the employment, whether they committed a crime and went to jail, or whether they committed some other offence on the job that caused them to be fired. They made a choice and they should not receive preferential EI benefits over a hard-working, law-abiding Canadians who lose their jobs through no fault of their own. It should not happen, and that is the purpose of my bill.

The bill is about fundamental fairness when it comes to accessing employment insurance benefits. Canada probably has the most generous and most helpful employment insurance programs than any other country in the world. We only have to look at the last couple of years when we were going through the recession. One only has to look at the bills our government brought in, such as the extended work benefits and job sharing. We have done everything we can, something unheard of in most other countries. This government believes in fairness. We are being fair to the law-abiding people who work our country. As I said before, the issue is fairness.

• (1740)

Should a convicted felon found guilty of wilfully committing a criminal act be given preferential access to employment insurance benefits simply for being confined to a jail? Members on this side of the House say a resounding no, that this should not happen. As I said, any clear-thinking Canadian would come up with the same response, no.

Therefore, I ask my colleagues in this place to support the bill in principle and pass it at second reading because it is the right thing to do. Who in the House can successfully argue that someone who has wilfully committed a crime and gone to jail should all of a sudden be eligible for preferential treatment under the EI program? I suggest no

one can. I am afraid, given the NDP's soft on crime ideology, that there will be some arguments, but it is beyond me how it will be able to justify that.

I am sure that people watching this at home tonight never knew that people who went to jail because they had committed crimes would have preferential treatment. They are probably wondering how that could possibly happen. It happened years ago when the Employment Insurance Act was written. I do not know what government it was under, but somehow the provision was put in that allowed for this.

I ask my colleagues in this place to support this bill at second reading. It is a good bill. It is a bill that needs to be passed to clean up that portion of the act that is simply not fair.

Our government has clearly shown that it cares about people who go through hard times because they lose their jobs. We have expanded the access to Canadians who have found themselves in that position. It is only right for a caring government to do that. This government cares about working Canadians and their ability to provide for their families through their jobs. We will always be there for Canadians, but we must not allow people who wilfully put themselves in positions where they are convicted of crimes and go to jail or who wilfully get fired from their jobs to have preferential treatment over people who are hard working and lose their jobs through no fault of their own.

• (1745)

[*Translation*]

Mr. Claude Patry (Jonquière—Alma, NDP): Madam Speaker, I would like the hon. member to explain how they are going to manage this when we know that a person can be incarcerated, in remand, for up to a year and a half before his trial takes place and he is acquitted. According to the bill, we would no longer be talking about 104 weeks but only 52 weeks. Thus, the person would not be entitled to any benefits at all. How will they manage this?

[*English*]

Mr. Richard Harris: Madam Speaker, I thought I was quite clear about who this bill would target. It targets individuals who have committed crimes, are convicted and sent to jail. People in preventive custody are not the same. That is the difference. If people are arrested for committing crimes, detained until trial, subsequently go to court and are found innocent, it does not affect them. It does not apply to people in institutions for health reasons, which are not jails or prisons.

I thought I was quite clear about that, but I can assure the hon. member that this is specifically targeted at convicted felons who are in jail and who receive preferential EI treatment because they went to jail.

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Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, I would like to get a little more clarity on that issue. Maybe the best way to do that is to give a tangible example.

If John Doe collects employment benefits today and for whatever reason is remanded into custody and it takes two or three months to ultimately go to trial, what specifically happens to his cheques? Does he continue to receive the cheques until he goes to trial and a determination is made?

There might be other financial responsibilities for that individual who is, for all intents and purposes, innocent until proven guilty. Those financial responsibilities could include children, spouse, parents or whatever it might be.

Could the hon. member provide 100% clarity? Does the person continue to receive employment benefits if he is held in custody?

Mr. Richard Harris: Madam Speaker, I thought I just dealt with a situation like that. If people are being held in custody pending trial, they are not yet a convicted felon, therefore it would not apply to them. That is why the government put these friendly amendments forward, which I support. It was to take care of a situation like that.

It want to be clear that getting rid of this extension, this preferential treatment, applies only to someone who is a convicted felon who goes to jail.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, I applaud my colleague for this very important bill. Could he please tell the House why he is so passionate about this bill?

Mr. Richard Harris: Madam Speaker, it is not hard to get passionate about fairness or passionate about correcting an unfairness, which is the case now.

As I pointed out earlier, this is about people who wilfully commit crimes, go to court, are convicted, are sent to jail and have preferential EI benefit treatment, as opposed to people who work very hard providing for their family, are law-abiding Canadians and for reasons of their own they want to take some time off to spend with their families or pursue other interests. They do not get the same treatment as someone who has been in jail. They would lose their benefits for that period. For someone who is in jail, it is like a period in time that never happened. That person is eligible immediately.

• (1750)

[*Translation*]

Mr. Claude Patry (Jonquière—Alma, NDP): Madam Speaker, today, I would like to express my indignation about Bill C-316. I strongly recommend that members of all parties vote against this absurd and completely useless bill.

Hon. members are aware that the public's cynicism about the political work that we are trying to do is growing every day, and this bill simply adds to it. According to the Conservatives' twisted logic, if inmates are entitled to a privilege to which pregnant women are not, then the government should take that privilege away from inmates rather acting in a logical manner and helping pregnant women get access to it. We need to keep in mind that the people in our ridings are not stupid and that they will harshly judge any politicians who cultivate this cynicism by voting in favour of Bill C-316.

I would like to take a moment to explain why Canadians who spend less than one year in prison are entitled to an extension of their qualifying period, which is defined as the period in which a worker qualifies to receive employment insurance benefits. This is the period preceding the loss of employment, during which a person must have worked a certain number of hours in order to qualify for benefits. That number varies depending on the regional rate of unemployment. The qualifying period is usually 52 weeks.

When a worker files a claim and has worked a sufficient number of hours during his qualifying period, the benefits to which he is entitled can be paid over a maximum period of 52 weeks. That does not mean that the person will receive 52 weeks of benefits; it means that he has 52 weeks after losing his employment to receive employment insurance benefits.

The Conservative member is simplifying the facts and distorting the truth. He is giving the impression that prisoners receive benefits while they are in prison, which is not the case. The people who benefit from this special measure are those who have worked enough to qualify for benefits and, as contributors to the EI program, deserve to get those benefits when they get out of prison. This applies only to people serving a one-year prison sentence. Those serving more than a one-year sentence do not receive EI benefits.

Bill C-316 amends the Employment Insurance Act in order to repeal the provisions that allow for qualifying periods and benefit periods to be extended as the result of time spent by the claimant in a prison, detox centre or other similar institution. The Conservatives are trying to eliminate an exception that helps former inmates return to the workforce, regain some self-confidence and access paid job training. Unfortunately, the Conservatives have not proposed any solutions to help pregnant women who are being treated unfairly in this file.

The Conservatives and anyone who plans to support this useless bill should be ashamed of themselves. The question here is not about the equality of Canadians within the EI system or the supposed preferential treatment of prisoners in the EI system. Rather, it is a question of making the necessary changes to a law that is unfair and correcting a situation that is biased against women on maternity leave. I feel it is my duty to point out the Conservative government's incompetence in this area, even though it claims to stand up for family values.

The Conservatives are blinded by their obsession with law and order, and we absolutely must prevent them from casting a shadow on the future of thousands of people who could use a second chance.

Recently, the Conservatives have been trying to score political points on the backs of offenders by introducing bills that seem increasingly arbitrary, making no distinction between types of crime, leaving no room for rehabilitation and proposing nothing but imprisonment to prevent recidivism. In Canada, however, all the numbers show that our social reintegration model is working and that crime rates are dropping steadily in most provinces.

Despite what the hon. member for Cariboo—Prince George might say, helping inmates break the cycle of crime has always worked well in Canada and we are now reaping the benefits. It is thanks to these often exceptional measures—like the one we are debating today—that we have built this solid, yet imperfect, but well-meaning system that is a little like us.

Many former inmates have a great deal of difficulty finding work once they leave prison. Incarceration has a lasting negative impact on an individual's income, to say the least. Generally speaking, a person is sentenced to less than one year in prison because it is his first offence and he deserves a second chance. What is more, former inmates are more likely to be unemployed or hold low-paying jobs than before going to prison.

Extending the qualifying period and the benefit period for workers who spend less than one year in prison helps support the former inmate and his family when he is looking for employment after leaving prison.

However, a person incarcerated for more than one year cannot receive benefits until he has accumulated enough hours of insurable employment after leaving prison, while a person incarcerated for less than one year could qualify for employment insurance with the hours worked during the extended qualifying period.

• (1755)

Employment insurance also provides access to job training and officers who can assist in the job search. In many cases, the employment insurance program changes lives for the better.

It is also interesting to note that a person suspected of committing a crime can be detained pending the outcome of his trial. This means that an innocent person might be incarcerated while awaiting a verdict that would clear his name. Under Bill C-316, a person charged with a crime he did not commit who is imprisoned could not receive employment insurance benefits upon his release. Repealing the provisions that allow for qualifying periods and benefit periods to be extended does not just concern criminals; it concerns the innocent as well.

The solution to the inequalities in the employment insurance program is not to abolish an exceptional measure that helps inmates, but to make a clear change to the legislation as to the maximum number of weeks of regular and special benefits. The Employment Insurance Act has to allow new mothers and workers who lose their jobs to use sick leave benefits when they need them. It has to allow a mother on parental leave to have the same extended qualifying period and benefit period as an individual who has been incarcerated, and not the reverse.

Instead of eliminating this exceptional measure, why not extend it to others? I would like to add that in our 2011 election platform, the NDP made a commitment to guarantee that parents who take

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maternity leave or parental leave would not be penalized in terms of benefits once they return to work. The Minister of Human Resources and Skills Development recognized that there was a problem interpreting the Employment Insurance Act in the case of women on maternity leave and access to special illness benefits and regular benefits. She must now undertake to rectify a situation that is unfair to Canadian working women, rather than seeking out senseless solutions just to please the Conservative hard-liners on crime.

I am asking my fellow members to not pass this absurd and mean-spirited bill, which is not in keeping with the values of the Canadians who elected us. Why harm rather than help? Why penalize rather than support? Let us concentrate on the real priorities of Canadian families: employment, health care, quality of life and workers' rights. Logic dictates that we vote against Bill C-316.

I would like to close by speaking about something that I feel is very important. A person who is incarcerated for more than one year is not entitled to employment insurance. Eighty-eight percent of female inmates are incarcerated for committing economic crimes, most of which are motivated by poverty.

The NDP will be voting against Bill C-316.

[*English*]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, I look forward to joining this debate. I was a little late and did not hear the entire speech of the presenter. He made reference to a couple of friendly amendments being proposed by the government. I have not had an opportunity to see those amendments, but I will see what kind of impact they would have on the legislation.

I come here with some skepticism. This bill would have an impact in very few instances. It would not have a far-reaching impact in the broader scheme of things. Certainly for the individuals on which it would have an impact, it would be a negative impact.

My friend is a long-time member of Parliament and is a very eloquent orator. During his speech he said that he did not think people would support prisoners receiving EI benefits. Members should know full well that prisoners currently do not receive EI benefits. That is not what this legislation is about. It is about eligibility. I want to ensure that we are debating exactly what is being put forward.

The jurisdictional split occurs at two years. If someone is going to prison for longer than two years, the sentence will be served in a federal institution, whereas a sentence of under two years will be served in a provincial institution. The current EI extension clause only benefits individuals who serve less than two years in jail. For those serving time in federal institutions, the legislation would not have an impact. The current EI extension clause for the most part only deals with individuals who are being released from non-federal prisons, those who are serving time in provincial institutions.

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With respect to the suggestion that the two opposition parties are soft on crime, I think there is probably a little more in the messaging. That may be the skeptic in me thinking that way, but there is a bit more in the messaging in this piece of private member's legislation than what is fact.

According to the numbers for 2008-09, which are the numbers we had access to, there were 37,000 inmates in federal prisons. Of course, that number will go up considerably in the next number of years, even with the decrease in the crime rates in the country. There were 24,000 in the various provincial institutions across the country. Of those, 56% were on remand. They were not convicted criminals; they were on remand, waiting for trial or sentencing.

In many cases charges were dropped or persons were found to be innocent. We see variations of this. The vast majority were people waiting for trial. Of course, under the laws of this nation, those people would be considered innocent until proven guilty. This bill would disadvantage the people who are waiting for trial.

Three out of 10 cases were resolved by being stayed, withdrawn or dismissed. Another 3% of the cases resulted in acquittal of the accused, and 1% of the cases had other decisions. Thirty-three per cent of those cases would not result in a guilty verdict.

● (1800)

Some individuals charged with an offence can make bail, some cannot. Some are remanded because they cannot make bail. They may be innocent and waiting for an opportunity to prove their innocence, but because of their socio-economic situation, they are unable to post bail, so they find themselves incarcerated. This bill disadvantages those particular people.

In the omnibus justice bill that has been put through the House, the approach to justice issues is a step back for our nation. Although there has been a decrease in crime rates in this country, we are seeing a government propensity to grow the number of prison cells and to put people behind bars for longer periods of time.

We have seen that model unfold in Texas and in California. For the most part, California is bankrupt right now because of its approach to these justice issues. Some of the leading judicial minds in Texas are saying to Canada, "Do not do that; we have been there, done that and gotten the T-shirt, and we have the state debt to prove that it is not the way to go".

The rates of recidivism have certainly not gone down. We see that repeat offenders become professional criminals once they are put into institutions and behind bars. That is the experience south of the border. That is what we have learned from that approach to dealing with crime south of the border.

A lot of these people come from fractured homes and are dealing with mental health issues and addiction issues. If they are behind bars, it is in our best interest as law-abiding citizens to try to help them. We need to try to help through education and by allowing them to grow as persons in understanding where they went wrong.

When these people are released, the single best thing that could happen is for them to come out as better and more understanding people, with a willingness and a desire to be better citizens. If we throw them out of jail and put them on their own without any great

hope for employment or an income, we are doing them a huge disadvantage.

I like the way the law works now. The way the law works now makes sense. Simply, if someone opens up an EI claim and is eligible for 48 weeks of employment insurance, and then two weeks into that claim, when there are 46 weeks left, the person goes to jail, that person does not receive benefits while in jail. It may be a single mom who is trying to care for her kids and who perhaps has a delinquent husband who does not provide for them, and she gets caught stealing. We can name the scenario.

When she comes out of that institution, she is going to be cast back into poverty, but if, after that six months in jail, she is able to pick up those next 46 weeks of employment insurance, then as a nation and as Canadians we have done her a great service. It is not like winning the 6/49. I know that EI benefits have been referred to as very generous, but they are not very generous.

The scope of this bill is not large, and the number of people it impacts is not a huge number. After these people come out of incarceration, we can give them a chance so that they do not return to a life of crime and their families do not have to live in poverty.

I think the way the laws stand now makes sense and works. I will look at the friendly amendments being put forward by the government, but right now I think the rules as they stand serve all Canadians well.

● (1805)

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, I rise before the House today to support Bill C-316, An Act to amend the Employment Insurance Act (incarceration), presented by my colleague from the riding of Cariboo—Prince George. I want to commend this member for all his hard work on this bill.

I can also indicate that our caucus will be supporting Bill C-316 with two friendly amendments. The first amendment would narrow the scope of the bill to remove the extended qualifications and benefits period for those convicted of a crime. The second amendment would create a coming into force date on a Sunday to synchronize the bill with the typical administration of employment insurance benefits. As previously mentioned by the member for Cariboo—Prince George, he supports these amendments.

I am pleased to support Bill C-316 because the bill addresses something that is fundamentally unfair, namely that convicted criminals currently have preferential access to employment insurance benefits over law-abiding citizens.

To properly understand the inequity addressed by Bill C-316, we need to look at the context. Under the Employment Insurance Act, prisoners cannot collect EI benefits while incarcerated. Therefore, this bill only addresses employment insurance benefits granted after an individual leaves prison.

The purpose of the employment insurance program is to provide temporary income to replace lost employment income while claimants are looking for work.

Private Members' Business

[Translation]

The system also provides assistance to workers who are sick, pregnant women, parents taking care of a newborn or adopted child, and family members taking care of loved ones who are seriously ill.

● (1810)

[English]

This second group of benefits can largely be summed up as being unavailable for work because of circumstances beyond the individual's control.

When an individual applies for benefits, there are two key time periods: the qualifying period and the benefits period. The qualifying period is a period in which an individual must have worked a minimum number of hours in order to qualify for a benefit under the program. The benefit period is the period of time during which claimants may collect the benefits for which they have qualified. No benefits can be received after the end of the benefits period. Simply put, the benefits period can be thought of as a cut-off date; all benefits must be taken before this date or else be lost.

In most cases, both the qualifying and benefit periods are set at 52 weeks. There are, however, exceptions to the 52-week limit. These allow for the extension of the qualifying period and the benefits period for up to 104 weeks if an individual is on sickness leave or workers compensation. Currently there are also extensions to both periods for the time an individual spends in prison or jail or a similar institution.

The member for Cariboo—Prince George has already gone into some depth about those exemptions and has demonstrated how these benefits predominantly are related to situations out of the control of the individual. This bill deals only with the extensions of the qualifying period and the benefits period for individuals in a prison, jail or similar institution.

Currently the existing extensions ensure that convicted criminals who serve less than 52 weeks in jail merely have their full 52-week qualifying and benefits period interrupted, with no repercussions because of their jail sentence. This potentially allows them twice the period of time available to a law-abiding citizen to collect benefits or to count hours of work to qualify for benefits.

[Translation]

The provisions of the law that set out such measures have been in place for some time, but they are creating a rift. They favour some people, at the expense of the majority.

[English]

Convicted felons should not receive preferential access over law-abiding citizens and as a result increase the cost of the program to hard-working Canadians. To be clear, we are all in agreement on the extensions individuals should be granted for life circumstances beyond their control, such as illness or injury. However, this is not the case with crime. To be convicted of a crime, an individual made a choice to commit that criminal act. This choice is within the control of the individual.

[Translation]

Why should inmates have privileges that the rest of the population cannot have? To us and to all hard-working, law-abiding Canadians, this does not make sense.

[English]

As a government, we understand the importance of providing former inmates with every opportunity to reintegrate into society. Correctional Service Canada already offers a number of programs to inmates during their incarcerations that are aimed at helping them reintegrate into society by providing them with employment training and helping them to acquire the skills they need to improve their employability. Correctional Service Canada also offers employment services that help prisoners find a job once they are released. Finally, Correctional Service Canada works in partnership with community colleges and industrial organizations to offer a large array of certification programs and works with recognized employers and industry associations.

[Translation]

These measures do not reward crime. They help people get back on the right track.

[English]

Canadians have a right to expect that their government is just and fair when defining and adopting laws that govern our lives. It is a fundamental principle of democracy. This bill would ensure that convicted criminals have to play by the same rules as law-abiding citizens. If their EI benefits lapse because they are in jail, that is not the responsibility of Canadian taxpayers to fix; it is the responsibility of the guilty party for making the choice to commit a criminal offence.

[Translation]

It is a matter of justice and fairness.

[English]

The Deputy Speaker: Resuming debate.

Seeing no one rise, the hon. member for Cariboo—Prince George for his right of reply.

Mr. Richard Harris (Cariboo—Prince George, CPC): Madam Speaker, as I mentioned earlier, this bill is about fairness. It is about removing a preferential benefit that is supplied under the EI act now to people who spend a year or less in prison. It allows people who have been released from prison to have an extended benefit that is not offered to law-abiding citizens who, through no fault of their own, lose their jobs or make a choice to take time off work.

There was some concern by my hon. colleague across the way about people being released from incarceration losing the money that EI would provide under this preferential treatment. In fact, as my colleague pointed out, a myriad of benefits are offered through the federal corrections system, halfway houses and organizations that help previously incarcerated people get jobs and get back into society.

Adjournment Proceedings

Those things are available, but this bill is not about them. It is about removing a preferential EI benefit provision that applies to people who have committed crimes and are incarcerated for a year or less. That does not apply to average, hard-working Canadians who take time off their jobs to pursue other interests. They lose that benefit period, but people who go to jail do not. That is unfair, and we want it removed from the act.

I ask my colleagues across the way to gain a real understanding of this bill and the unfairness of that EI provision.

• (1815)

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.

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:

The Deputy Speaker: Pursuant to Standing Order 93, the division stands deferred until Wednesday, November 30, 2011, immediately before the time provided for private members' business.

Mr. David Sweet: Madam Speaker, I think if you were to seek it you would find unanimous consent to see the clock at 6:30 p.m.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

HEALTH

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Madam Speaker, Canada missed an important opportunity to make a positive contribution on the international stage during the World Conference on Social Determinants of Health, which took place in Brazil from October 19 to 21. In fact, the Minister of Health did not believe it was necessary to participate in this event, where 118 countries came together to establish an action plan.

Nevertheless, in Canada, 20% of health care expenditures are attributable to social issues that affect health, such as homelessness

and unemployment. When I asked the minister to explain why she did not attend this important meeting, she was unable to provide an answer. Finally, she responded that she was attending other international meetings.

Clearly, the minister was completely unaware of this conference on the social determinants of health or it was not one of the priorities of the Conservative government, which has demonstrated a complete lack of leadership on this issue. I will explain why this conference should have been a priority for Canada. First, according to the World Health Organization:

The social determinants of health are the conditions in which people are born, grow, live, work and age, including the health system.

These circumstances are shaped by the distribution of money, power and resources at global, national and local levels, which are themselves influenced by policy choices.

The social determinants of health are mostly responsible for health inequities—the unfair and avoidable differences in health status seen between industrialized and the least fortunate countries and even within industrialized countries. Canada, which is part of the G8, should thus have been concerned about this issue and participated in this meeting.

From what I know, even here in Canada, people are still suffering as a result of poverty, social exclusion, stress, unemployment, homelessness and malnourishment, just to name a few of the most important social determinants of health. Here are a few concrete examples of the direct impact these social determinants can have on health.

According to a 2003 WHO study by Wilkinson and Marmot, those living on the streets suffer the highest rates of premature death. Homelessness is still a relevant issue these days, as was highlighted during the 22nd edition of the Nuit des sans-abri on October 21, 2011, in Quebec. Do my colleagues know that it costs the Quebec health care system about \$24,000 to take care of a homeless person, whereas if community services received adequate funding to fight homelessness, it would cost the federal government half as much? I think that some strategic choices need to be made.

In 2004, the Canadian Institute of Child Health stated that the lower the household income, the higher the incidence of emotional and behavioural problems in childhood. As a teacher who worked in a disadvantaged area, I can confirm that children who grow up in an unsafe environment with low levels of stimulation are unfortunately more affected by learning difficulties and behavioural problems. There are plenty of studies to corroborate that.

More recently, a number of health care experts testified before the Standing Committee on Health, and they all agreed that seniors who are isolated are more likely to develop mental health problems. They also said that low-income seniors are not able to buy fruits and vegetables, which are a nutrition staple, and that this often leads to problems. Those are just a few examples.

Every day, 21,000 children in the world die before their 5th birthday. All of these alarming facts and figures are from the WHO.

If health is one of this government's priorities, why was it missing in action in Brazil?

Adjournment Proceedings

• (1820)

[English]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Madam Speaker, I disagree with the premise of the member's statements here in the House but I do appreciate the opportunity to respond to her question this evening.

Canada actually played an important leadership role at the World Conference on Social Determinants of Health.

[Translation]

The delegation was led by Dr. David Butler-Jones, Canada's Chief Public Health Officer.

[English]

The conference provided an important opportunity to work with Canadian and international partners to identify actions that can be taken on these challenges. Over 1,000 attendees representing more than 125 world health organization member states participated in the Rio conference. It brought together Canadian and international partners to develop strategies for reducing health inequalities internationally, share experiences, knowledge and build on existing initiatives.

The major conference outcome was the Rio political declaration on social determinants of health, which was supported by all member states, including Canada. Why is this declaration important? It signalled that countries supporting the declaration were on the same page, understanding the need to look at whole of government collective solutions.

• (1825)

[Translation]

The Government of Canada looks forward to continuing to work with these organizations in the wake of the Rio conference. In Canada, relevant measures have already been implemented, as evidenced by the recent announcement of investments in 11 new research programs to improve health fairness.

[English]

We have also created the Canadian reference group on social determinants of health, a unique group of NGO and academic leaders in the field of environment, labour, social development and business, to help build momentum for efforts at the local level. Global action is making a difference.

I will take a moment to highlight an important meeting the minister attended in September in New York. She attended a conference on non-communicable diseases. The minister signed the UN Declaration on Preventing and Controlling Chronic Diseases. This important declaration addresses the growing threat of chronic diseases around the world. Countries agreed that they must take effective action to reduce their risk factors.

That is why our government has taken action on many things. For example, on reducing tobacco use and promoting healthy living. We also made significant investments in all of Canada's disease specific strategies. These include the Canadian partnership against cancer, the Canadian diabetes strategy, the aboriginal diabetes initiative, the

national lung health program and the Canadian heart health strategy and action plan.

Our government's participation at these international conferences are important. They not only help to improve the health of people in Canada, they also help to improve the health of people around the world. Canada will continue to be a leader in the world at these conferences.

[Translation]

Ms. Anne Minh-Thu Quach: Madam Speaker, she was in New York, but the Minister of Health was here during the Rio conference. She did not seem to know anything about the conference, because she was unable to answer the question and she shifted her response to another subject. If taking action on the social determinants of health that create health inequalities were truly the government's priority, the minister would not have been here and the parliamentary secretary could have answered the question.

It is fine to say that this is important, but action must be taken. They must walk the talk. Consequently, if 20% of the health envelope is slated for social determinants, we must examine what has been done about homelessness and what is being done in the area of social housing.

[English]

Mr. Colin Carrie: Madam Speaker, our government has been working very hard on the social determinants of health. The problem is that every time we bring things forward to improve the situation, the NDP constantly votes against them.

[Translation]

The World Conference on Social Determinants of Health in Rio was an important opportunity for member states of the World Health Organization.

[English]

It was also important for non-governmental organizations, stakeholders, academics and other UN agencies. The conference involved a discussion on strategies and action for reducing health inequities at the national and international level. It also provided a unique venue to work with Canadian and international partners to identify actions that can be taken to address the underlying environmental, social and economic conditions that affect the health and well-being of Canadians.

Dr. David Butler-Jones, Canada's Chief Public Health Officer, had the opportunity to highlight the significant steps Canada has taken in addressing social determinants.

Our government's commitment to this issue is underscored by the Minister of Health's recent announcement. Canada recognizes the complex causes of health inequalities among indigenous populations.

[Translation]

Canada also underscored that it will continue to work with partners to develop, test and document—

Adjournment Proceedings

• (1830)

The Deputy Speaker: Order. The hon. member for Halifax.

[*English*]

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, the hole in the ozone over the Arctic has grown to record size. As we have heard in the House, it is now twice the size of Ontario. Reports are that it could take about four decades to repair. This hole poses major long-term health and environmental concerns related to ultraviolet rays and it represents a massive environmental, social and financial debt that will be paid forward to our children and grandchildren.

That is why it was so concerning when this summer the government announced cuts that would affect Canada's ozone programs. These programs are world-renowned. They are made-in-Canada solutions. People from around the globe rely on the information that these programs gather.

On September 23, in the House, I asked the minister about cuts to the ozone monitoring program. I specifically asked about the reports that he was getting rid of one of two measurement systems that are used to monitor two very different aspects of the ozone. On that day and in subsequent rounds of questions he responded repeatedly in the House and in the media that the cuts were to address duplications within the program. He also refused to provide any analysis for how the cuts could be carried out without actually affecting the scientific data being produced by the programs.

Incidentally, he has also refused to this date to provide Canadians with an analysis about how the government will continue to ensure a healthy biologically diverse environment and how we will pass it on to future generations despite massive cuts to Environment Canada and the Environmental Assessment Agency.

However, lo and behold, last week it was revealed that one of the minister's senior officials wrote a report to the minister in September about the ozone monitoring program that contradicted everything the minister had been saying in the House and that she herself had said to the media only a week after writing the report.

The minister responded to the questions about these contradictions in the House by saying that the document was actually being misquoted.

That document, dated September 16, discovered through access to information requests, states specifically:

These methods measure different characteristics of the atmosphere and thus complement, but do not duplicate each other.

That is actually in this access to information request. The wording is very clear: there is no duplication within the ozone monitoring program, and yet the minister's response was to attack opposition MPs and the journalist who broke the story.

As usual, he chose to suppress the science of the matter with spin, something we are used to seeing here. However, he has continued to do so more on this issue than on any other issue it seems that he has been questioned about, including his government's climate change plan, which, according to all the data analysis, is actually failing spectacularly.

As with many of the decisions that are being made by the minister, the core of this issue is scientific capacity, because these cuts are part of a systematic attempt by the government to reduce the ability of the federal department and agencies to monitor and respond to environmental hazards. We need good science for good environmental assessments, for project planning and research and innovation. Both industry and environmentalists agree that enhanced scientific capacity is essential at the federal level.

I would ask the parliamentary secretary if the minister will come clean about the cuts to this program and actually reinstate the funding to Environment Canada to save these programs.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Madam Speaker, like my colleague opposite, I am very proud of the track record that Canada has with regard to excellence in monitoring the ozone. That is why we have repeatedly said in the House that our government, through Environment Canada, will continue to monitor the ozone.

What I am getting tired of hearing is that there has to be a trade-off between efficiency in program delivery and service delivery. That is what we hear over and over again.

With regard to the question, I will answer the same way that I have answered several times in the House. Taxpayers expect government officials to conduct the nation's business at a reasonable cost. They also expect service delivery. We know we can achieve both. This is something our government takes very seriously.

Ms. Megan Leslie: Madam Speaker, that answer was very short. There is not much to say when it comes to defending what is happening with these programs.

What about efficiency and program delivery? How about the fact that we have a program that is run by one scientist and that scientist received a notice saying that he may lose his job? How about the fact that we have another program that monitors something completely different, a completely different set of data that is relied on by the international community, and is run by one scientist who also received a notice saying that his job may be on the line?

The minister does not understand what these programs do. He does not understand that they do different things. He does not understand that they are all very much needed. This is not about efficiency in program delivery. This is about shutting down science.

When is the minister going to own up to the fact that that is what he is trying to do here?

Adjournment Proceedings

● (1835)

Ms. Michelle Rempel: Madam Speaker, Environment Canada takes monitoring of the ozone quite seriously. That is why we have such a strong track record in doing so over the last decades. We have said over and over again in the House that we will continue to monitor the ozone, and that we will continue to deliver excellent services. Environment Canada and our government are committed to that.

FISHERIES AND OCEANS

Hon. Lawrence MacAulay (Cardigan, Lib.): Madam Speaker, I am pleased to stand in my place this evening and say a few words on behalf of the people I represent. I represent the riding of Cardigan in eastern Prince Edward Island. It contains a lot of farmers, fishermen, small business and tourism. Fisheries is a major issue in my area.

I recall my first term as a member of Parliament and touring through the federal riding of Cardigan and viewing the wharves. I remember in particular going to Savage Harbour and looking at the breakwater that is called the black wall. At that time it would have taken less than \$200,000 to repair the wall, but I could not convince the government that it should be done. When the Liberals finally became government, it cost over \$2 million to repair that wall. Wharf repair is like taking care of one's home, buildings, vehicle, or anything else. It is an ongoing issue.

I also remember going down to Graham's Pond and looking at the facing of the wharf that was being torn off. I tried to convince the government at that time that it needed to be repaired. Everybody in the fishing industry knows what happens when the face goes off. The ice gets in behind and pushes the wharf to pieces. In fact, the plant there was about to go into the water.

Then I looked at North Lake and Naufrage, and all the dredging that needed to be done there. The propellers on boats would be harmed on the way in because there was not enough dollars.

We put the harbour authorities in place after we were elected to government. That was a concern of mine when it happened. The fishermen decided that it was part of their responsibility, but it was understood that the Government of Canada would supply the proper funding. The harbour authority would provide a small amount of funding, but it would work with the federal government in order to ensure that the wharves were kept in proper order.

On October 17 I received an internal memo that indicated that ocean management projects, science, services, aquaculture, and other important programs were being slashed by DFO.

At one time back then there was just about \$100 million in small craft harbour funding available to repair wharves. Today, \$57 million is available to repair small craft harbours. I hope that my good friend the Parliamentary Secretary to the Minister of Fisheries and Oceans will go back to the government and indicate what a serious issue this is. He knows very well that we are looking at closed containment and the open net concept for raising salmon. We need the scientific dollars. We need to know what is going on with closed containment and what is going on in the open net concept. I hope that the parliamentary secretary can indicate what specific areas are going to be cut.

The government is going to change the fishing licence service to an automated service. A lot of things happen in the fishery. If somebody cannot take out a boat and has to shift, then how is that person going to arrange those things? How is the government going to avoid hurting people who do not have the Internet? I hope the parliamentary secretary will be able to respond.

● (1840)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Madam Speaker, as always, I welcome the opportunity to respond to some of the comments made by my friend from Cardigan. It allows me to outline some of the measures being taken by Fisheries and Oceans Canada to help our fisheries and maritime sectors grow and ensure that our aquatic ecosystems are protected for future generations.

Have we made changes in the way we do business? Of course we have. Modernization is essential to a stable, prosperous and sustainable fishery.

Over the summer and fall, the Minister of Fisheries and Oceans travelled from coast to coast to coast meeting with key players from the fishing industry to discuss how the department could support the growth and sustainability of the industry. He spoke to stakeholders, whose interests lie in aquaculture and wild fisheries, and heard their views on licensing, sustainability, conservation, export markets and all the other important issues that were especially important to these fishermen.

These consultations helped shape the plan changes in how the department operates, changes that will come into effect over the next three years to ensure we continue to protect our ecosystems and build a more competitive fishing industry.

Some of the things we can expect to see include accelerated progress toward a more modern economically and ecologically sustainable Canadian fishing industry, modernization of fisheries management programs, increased use of modern navigational services and a department that appropriately focuses on core mandate responsibilities.

My colleague has raised a number of specific issues. I could respond to all of them, but I think it would be important to refer to the actual memo to which he refers. It is a memo that came out of the deputy minister's office, signed by her, the associate deputy and the commissioner of the Coast Guard, to employees of the Department of Fisheries and Oceans. It begins by saying:

As you will know, Fisheries and Oceans Canada is pursuing a dynamic change agenda that will transform many of the ways in which we and our stakeholders do business. Over the past year, we have taken advantage of opportunities to advance modernization of our organizational model as well as many of our programs, services and business practices. Today, we are providing you with further information on initiatives that our department will be undertaking to pursue our modernization goals and, in turn, help to support the Government of Canada's priorities.

Adjournment Proceedings

He referred to one of them in his comment in his question to the minister back in October. He said, “we are slashing”, I think that was the word he used our large ocean management area program and science and other things. Here is what she had to say about that. As she cites some examples of the modernization that is taking place, she said:

Realigning our oceans management responsibilities by winding down Large Ocean Management Areas pilot projects, now that we are in a position to begin applying integrated oceans management approaches as part of our regular operations.

She was not saying anything about the end of large ocean management areas as part of our program, but just these pilot projects, now that they will become part of our regular operations. She said:

Focusing aquaculture science activities on issues relevant to the Department's regulatory duties in relation to fish health and environmental interactions in order to strengthen our capacities in these areas.

Finding efficiencies and simplifying how science is managed, for example, by aligning our science resources to reflect the transition to an ecosystems approach to science....

I hope my colleague agrees with these approaches that are important.

This approach means a greater emphasis on science working in teams to address complex, interrelated issues affecting fish, fish habitat and the integrity of aquatic environments.

In fact, the modernization ship is sailing and I encourage my colleague from Cardigan to get on board.

Hon. Lawrence MacAulay: Madam Speaker, I appreciate it, but I am disappointed with what my hon. friend had to say.

I am pleased the minister travelled to talk to fishermen. I know they are realigning. I wonder if the minister happened to mention, when he was travelling and talking to fishermen, that he would cut the budget for small craft harbours from close to \$100 million to \$57 million. I would be very surprised with the people whom I represent.

I live among fishermen who understand what needs to be done, what it takes to keep harbours in shape.

I hope my hon. colleague, the Parliamentary Secretary to the Minister of Fisheries and Oceans, will go back and tell the minister and the government that it is just unacceptable if they cut the budget from \$100 million. In fact, they are cutting the budget in half.

In his final comments I would like if he would indicate if that \$57 million is also for the wharf in Pangnirtung in Nunavut. We support that wharf, but is that money coming out of the budget now, or is it new money, as we were told by the government a couple of years ago?

• (1845)

Mr. Randy Kamp: Madam Speaker, I would be more sympathetic to my colleague and his concerns if he had not been part of the government that throughout the 1990s and even as late as 2005 made much greater arbitrary cuts than we will ever see on this side the House.

With respect to small craft harbours, he knows that the budget has not been changed for that. He should know that in 2008 we put \$45 million into the divestiture program. Then through the economic action plan, we put \$200 million into projects across the country to allow us to catch up from the condition that we found the harbours in when we inherited them from the Liberal government. That \$200 million is a lot of money even by Liberal standards.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:47 p.m.)

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