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(HANSARD)

Monday, September 24, 2012

Speaker: The Honourable Andrew Scheer

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Monday, September 24, 2012

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

CRIMINAL CODE

The House proceeded to the consideration of Bill C-299, An Act to amend the Criminal Code (kidnapping of young person), as reported (with amendments) from the committee.

* * *

• (1105)
[English]

SPEAKER'S RULING

The Speaker: There are two motions in amendment standing on the notice paper for the report stage of Bill C-299.

[Translation]

Motion Nos. 1 and 2 will be grouped for debate and voting patterns for the motions are available at the table.

[English]

I shall now propose Motions Nos. 1 and 2 to the House.

* * *

MOTIONS IN AMENDMENT

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

Motions Nos. 1 and 2

Motions No. 1

That Bill C-299, in Clause 1, be amended by replacing lines 11 to 15 on page 1 with the following:

“who commits the offence is

(i) a parent, guardian or person having the lawful care or charge of the person referred to in paragraph (1)(a), (b) or (c), or

(ii) a person who, in the opinion of the court, occupies a position in relation to the person referred to in paragraph (1)(a), (b) or (c) that is substantially similar to the position occupied by a person referred to in subparagraph (i),

to a minimum punishment of imprisonment for a term of five years; and”

Motions No. 2

That Bill C-299, in Clause 1, be amended by replacing line 14 on page 1 with the following:

“paragraph, other than a parent who has been deprived of all parental rights in respect of the person referred to in that paragraph pursuant to a court order, to a minimum punishment of”

Hon. Irwin Cotler: Mr. Speaker, I am pleased to rise in the matter of Bill C-299, a bill that would provide a mandatory minimum sentence for the kidnapping of a minor.

Like every member of this place, I am truly saddened to hear news of kidnappings and families torn apart by such abhorrent acts. Indeed, my own family has been affected in this regard, so I know the pain that families experience.

The kidnapping of a child, simply put, is the most reprehensible of crimes.

Accordingly, legislators must enact strong laws that would provide courts the tools to impose severe punishment on anyone found guilty of such an offence. As parliamentarians, we must do everything we can to prevent the kidnapping of children. I know this is a goal shared by all members of the House.

The difficulty is that sometimes a piece of legislation that purports to be tough and effective and principled on crime is in effect ineffectual or counterproductive and ends up being less than principled.

Regrettably, Bill C-299 as it is before us, however well-intentioned, is a flawed piece of legislation.

I will organize my remarks around two themes. First, I will discuss my amendments as they address what I perceive as the biggest defect of this bill; namely, that it simply would not do what the member himself intended from this legislation. Second, I will then move to discuss more generic critiques of this form of legislation.

When the member for Kootenay—Columbia discussed his bill in the House nearly a year ago, he emphasized that it was intended to apply only in cases of kidnapping by strangers. However, for reasons that remain unclear, that intent was not reflected in the bill he put forward at the time. The bill, as introduced, contained a mandatory minimum for kidnapping of minors without any sort of exemption or exclusionary clause. Indeed, the sponsor of the bill himself acknowledged that shortcoming at second reading.

Private Members' Business

However, it was not until the final committee meeting of our Standing Committee on Justice on this subject that the problem was addressed with an amendment from the government. Regrettably, this last-minute amendment left committee members with no opportunity to address the amendment and to give the new language the thorough examination it required and warranted at the committee stage.

As it stands now, Bill C-299 would exempt from the mandatory minimum any offender who is “a parent, guardian or person having the lawful care or charge” of the victim. This is certainly an improvement over the original bill, as we all at committee seemed to agree that the imposition of such a mandatory minimum during a custody dispute, for example, would be excessive.

However, the present wording of “a parent, guardian or person having the lawful care or charge” nonetheless gives rise to a number of questions.

For example, who precisely does the term “parent” include? Would it include biological parents who no longer have custody of the child? What about sperm donors who, in Ontario, for example, can be listed as a third parent on a birth certificate? More importantly, what does this new wording exclude?

There are, undoubtedly, many people in a child's life who are not strangers but who a court might not consider to be in a position of lawful care or charge. There are grandparents, for example, or other relatives who have played extremely important roles in the child's life. Should an aunt or uncle who removes the child from what they consider to be an abusive household be subject to a five-year mandatory sentence? What about a parent's common law spouse who has been living with the child for many years?

Regrettably, by introducing its amendment at the last minute in committee, the government deprived the committee of the chance to examine these pertinent issues in detail. At clause by clause consideration of the bill, the technical witness from the Department of Justice, while very helpful and responsive, was only able to speak to the criminal law aspects of the bill.

However, with respect to the specific change, members of the committee sought advice on the family law aspects of the bill to explain how the terms “parent” or “guardian” and “lawful care” are likely to be interpreted by the courts. Yet, the Conservatives on the committee refused to call such a witness or put our proceedings on hold to contemplate the seriousness of this proposed change, something that the committee should have been entitled to do in the interest of the legislation itself and its ultimate purpose.

Indeed, the problem becomes clearer by looking at the rest of the Criminal Code. For example, section 215, which outlines the duty of persons to provide the necessities of life, speaks of this obligation applying to “a parent, foster parent, guardian or head of a family”.

• (1110)

This raises important concerns. Should Bill C-299 mention foster parents in the exception? What does the section 215 phrase “head of a family” include that the phrase “person having the lawful care or charge” does not? For example, section 43, relating to the punishment of children, speaks of a “parent or person standing in the place of a parent”. This phrase also contemplates that it may not

only be a parent, either in the biological or custodial sense, who is afforded certain legal protection, but it may include those we would otherwise equate with the generic term “parent”.

As one can appreciate, by short-circuiting debate and thereby precluding analysis, as we did at committee, we run the risk of enacting legislation that has unintended consequences. I understand that certain members may well wonder if it is not perhaps equally problematic that my prospective amendments would not get a thorough study here at report stage. I acknowledge that necessary defect in the process and I would gladly support reverting to a committee of the whole if the government would so wish. Instead, I will hope that these amendments would be adopted and the Senate would be afforded due consideration of this matter.

Turning to the amendments themselves, the first amendment is relatively simple.

Simply put, the exemption to the mandatory minimum in the proposed legislation currently applies to a parent, guardian or person having the lawful care or charge of the child. My motion would amend this to include anyone in a “substantially similar” position.

This effectively would preserve the Conservatives' stated intent of imposing a mandatory minimum sentence on strangers who kidnap children, since the position of a stranger vis-à-vis the child could never be considered substantially similar to that of a lawful caregiver. At the same time, this amendment sufficiently broadens the exemption such that the mandatory minimum would not apply unintentionally to friends, teachers, family members and the like. Consequently, for example, an aunt who has her niece over for dinner without obtaining parental consent would not potentially be subjected to a five-year prison term. Similarly this would protect, for example, a step-parent who has raised and lived with a child for years but is neither his or her biological parent nor someone with custody, formally speaking.

In a word, this amendment seeks to address the problem that some people who should be exempted may not benefit from the exemption. Indeed, the step-parent example is a case in study as this person is surely not a stranger to the child.

The second amendment I am offering is potentially even easier to understand and it would also strengthen the government's own legislation. My whole purpose in these amendments, as it is often in committee, is to help to improve the legislation as so proposed by the mover. Even if I do not agree with the principle of the legislation that is going to be enacted, let us at least enact legislation that would be more principled and effective in this regard.

Private Members' Business

Members may recall that the exemption of the mandatory minimum sentence applies to “parents” without defining the term. Yet in certain cases, a biological parent could be a stranger to the child or equally someone we would not want to see benefit from the exclusion. I doubt, for instance, that the Parliamentary Secretary to the Minister of Justice, who put the original amendment forward at committee, would want someone who is the child's biological parent but who was stripped of custody for abuse, neglect and the like to be the beneficiary of such an exemption simply because the word “parent” as used in the bill did not clearly identify whether it was parents by filiation, by guardianship or both.

For this reason, I have suggested that a person deprived by a court order of all parental rights, that is custody and visitation, would now be excluded from the exemption.

I hope that the member for Kootenay—Columbia and others in his party will support these motions since the purpose of these motions is to bring the bill more in line with the sponsor's own stated objective. It is important to bear in mind that by exempting people known to the child from the mandatory five-year minimum sentence, we are not precluding them from receiving sentences of five years or more should a judge deem such a sentence appropriate.

Such is the purpose of judicial discretion. A judge may consider the specific facts of a case and, with the assistance of sentencing guidelines, impose an appropriate penalty. There is no evidence that Canadian judges have been imposing penalties for kidnapping that are unduly light.

The undue haste with which the amendment was passed at the justice committee has created this dual problem, which I have outlined. That is that some people will not benefit from the exemption who should, and that others whom I believe the government would want to receive a mandatory minimum sentence would not.

• (1115)

I will now turn my attention to the second theme, the broader concerns I have with this bill as a whole.

Mr. Speaker, I notice you are indicating that I should wind up but I thought I had 20 minutes for this debate.

The Acting Speaker (Mr. Barry Devolin): The hon. member has a 10-minute time slot.

Hon. Irwin Cotler: Mr. Speaker, it is 10 minutes for questions and comments.

The Acting Speaker (Mr. Barry Devolin): Just to clarify, when a private member's bill comes forward for the first time, the mover of it has a 15-minute time slot, followed by 5 minutes of questions and answers. Subsequently, all time slots are 10 minutes, including the second hour and at report stage. In this case, the hon. member for Mount Royal has a 10-minute time slot, which has now expired.

Is the hon. member for Ottawa—Vanier rising on a point of order?

Hon. Mauril Bélanger: Yes, Mr. Speaker. I believe the mover of a motion, which is what we have before us, has 15 minutes. The House is now dealing with a motion to amend. You may want to verify this but I believe the mover has 15 minutes.

The Acting Speaker (Mr. Barry Devolin): I have confirmed that the member is correct, that at second or third reading the mover would have 15 minutes, but at report stage all speeches are 10 minutes, including for the person who has moved the amendment. Those are the Standing Orders.

I will give the hon. member for Mount Royal less than a minute to wrap up.

Hon. Irwin Cotler: Mr. Speaker, my second point has to do with the fact that this legislation imposes a mandatory minimum for the kidnapping of minors. It should be noted that kidnapping is already an offence under the Criminal Code and at committee no witness suggested that judges give light sentences for kidnapping or that somehow the kidnapping of minors occurs precisely because it is not a specific offence in the code.

Indeed, to a greater extent, this bill seeks to criminalize those who are already criminals and seeks to do so by imposing a mandatory minimum, which, as all the evidence has shown, ends up being disproportionate, does not serve as a deterrent and impacts prejudicially on the most vulnerable in all societies. As all the evidence discloses, both here and abroad, this simply is an inappropriate way to deal with this issue or other issues of such matters.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I am pleased to rise here today as the justice critic for the official opposition to speak to Bill C-299 and the amendments proposed by the hon. member for Mount Royal. These amendments are a last-minute attempt to make this bill a little better for Canada's criminal justice system.

When I was elected, I told the people of Gatineau that, especially when it comes to justice matters, as a member of the Barreau du Québec, I have always believed that justice should be a non-partisan issue. I have always believed that the Minister of Justice, the justice critics and all members of the Standing Committee on Justice and Human Rights must be able to rise above the fray. We are the guardians of our beautiful democracy and the separation of the legislative, executive and judicial powers.

The amendments proposed by my colleague from Mount Royal are a clear example of the fact that we are trying everything we can to correct the things in this bill that simply do not make sense. If we were to take the time needed to do a thorough, non-partisan examination, we could come up with a much better bill than Bill C-299, which is consistent with other government bills, whether they are introduced by cabinet members or backbenchers.

Here is another example of basing amendments on something as fundamental as the Criminal Code, which is the foundation of our entire criminal justice system. Everything has been codified, whether we are talking about offences against the person or against property, or any other kind of offence that can be committed. The Conservative government is using a piecemeal approach. It is chipping away at the Criminal Code bit by bit, claiming to do so for the benefit of victims. The Conservatives took one case that made headlines, that of young Kienan Hebert, and used that as the basis of this bill.

Private Members' Business

I can understand a member whose constituents react to a particular event. We are responsible people and we are supposed to be leaders in our communities. It seems to me that the answer to this kind of thing is not to pass a law to prevent it from happening again. First, because that would be an impossible promise to keep. Second, because that would prevent us from doing the smarter thing, which is check to see if the Criminal Code already contains provisions to ensure that the individual charged will be prosecuted to the full extent of the law and that the sentence will be between eight and 15 years in such cases, based on the jurisprudence.

In committee, the Conservative Party went to extraordinary lengths to give everyone the impression that Canada's criminal justice system does not cover such cases, and thank goodness the Conservatives are around to fix the world's problems. But the truth is that the Conservatives are introducing yet another minimum sentence. That is the main problem with Bill C-299. The Conservative government keeps saying that the NDP is soft on crime. But that has nothing to do with it. Even the courts are overturning—basically throwing out—bills this government introduced because they are just not good, because significant parts of Canadian law have been overlooked and the government has not done its work.

• (1120)

That is what the courts have been doing with the Conservatives' 2008 omnibus legislation, and our predictions will probably come true. I do not like to say, "I told you so". That is not my goal in life. I would prefer that we do our job properly and that we concentrate on public protection and obeying the laws of this country.

Former Supreme Court Justice John Major appeared before the committee to talk about Bill C-299. For my colleagues who may not know him very well, I would like to point out that Justice Major is not considered to be left of centre. He was not viewed as a liberal judge, but rather as a fairly conservative judge. Justice Major had this to say about minimum sentences:

With a minimum sentence you're boxing in the judiciary, but you're also providing a motive for the kidnapper to perhaps act very viciously and do something to the child, so that he won't be identified. Then the minimum sentence becomes academic, because he doesn't think he's going to be caught.

I'm still a little concerned about a minimum sentence that's absolute. Cases are not all the same, as you know, and the minimum sentence may be inadequate in a number of circumstances of commercial kidnapping, but in other cases it may not be proper.

...experience shows that the severity of the crime seldom acts as a deterrent, because there's a philosophy that says the criminal doesn't believe he'll be caught.

It's interesting to look at the range of sentences for kidnapping in our judicial history where there's no minimum. The sentences, nonetheless, have been severe. By severe, I mean lengthy. The courts, to my knowledge, have always treated... kidnapping as a very serious offence, and in my experience the sentences have been 10 years and 15 years, so that the five years is not extreme. I think you'd have to look hard to find a case where a serious kidnapper was sentenced to less than that.

This is Justice Major's take on the issue and, the whole time the committee was working on this, I was wondering what message the legislator was trying to send.

When a person is brought before the courts on criminal charges, the judge takes into account sentences that have been handed down in other similar cases. A review is conducted, which is presented to the judge when the accused enters a plea for sentencing, and the usual sentence is between 10 and 15 years. However, all of a sudden,

the brilliant legislator introduced a bill that sets the minimum sentence at five years. I do not have any difficulty believing that defence lawyers will tell the judge not to consider imposing sentences of 10 to 15 years any more. We are concerned about this. It is symptomatic of the problem: the government simply did not do its homework to see what would happen in similar cases so that it could say that the sentence for kidnapping is 10 to 15 years or even life in prison. The maximum is actually set out for this type of offence.

What did we work on in committee? We tried to find a minimum sentence. It does not make any sense. This was a typical provision of the Criminal Code that did not need to be amended in any way.

However, when we analyzed it in committee, we wondered who section 279.1 was talking about. It is unclear, and this shows that, if the government side had any intelligence at all, it would have tried to fix the contradictions between section 279 and the entire section of the Criminal Code that deals with kidnapping, human trafficking, hostage taking and abduction.

There is no way to amend Bill C-299 to make it into something that makes sense in the desired context, which the hon. member himself came to explain to the committee. This is absolutely not the result we would achieve if we were to pass Bill C-299.

This is therefore just another failure on the part of the government when it comes to justice.

• (1125)

The Conservative government is completely obsessed with its hatred of the judiciary, which it believes is just getting in the way. However, this is a very dangerous way of thinking in a democracy.

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, thank you for allowing me to speak. I rise today in this House to discuss something that is very important to me and obviously to all Canadians, and that is the safety and protection of our children.

My colleague opposite, the member for Kootenay—Columbia, introduced a bill that would amend the Criminal Code with regard to the kidnapping of a young person. I understand why this member introduced such a bill, because I am a father of three. The stress that parents of kidnapped children experience is unimaginable. I think it is one of the most revolting crimes, and all Canadians are disgusted when they learn that a child has been kidnapped. A child's life is so fragile that it is important to do everything possible to protect and improve their safety. During times like these, we can see just how strong Canadian solidarity can be.

The questions we have to ask today are whether Bill C-299 will reduce the number of kidnappings in Canada. Will it improve public safety? Is this new bill relevant in the fight against crimes against a person? I am not convinced of that and I do not think that this bill will achieve the objective of reducing the number of kidnappings in Canada. That is why I will oppose this bill.

The purpose of Bill C-299 is to deter potential predators by imposing a minimum punishment of five years. It would include provisions for a mandatory minimum punishment of five years for offenders found guilty of kidnapping a young person under 16 years of age. Like all of the other kidnapping provisions in the Criminal Code, Bill C-299 would impose a maximum penalty of life imprisonment.

Yet, a maximum sentence of life in prison is already set out in the Criminal Code for this type of crime. The life sentence has also been imposed by the courts, including in British Columbia. The Conservatives and the hon. member for Kootenay—Columbia therefore feel that predators will be dissuaded by a minimum sentence of five years, rather than by the maximum sentence of life in prison that is already set out in the legislation. If a life sentence does not dissuade predators from kidnapping children, I do not believe that a minimum sentence of five years will be as effective or have any deterrent effect. In my opinion, the members opposite lack knowledge about criminology.

Once again, the Conservatives want to please their electoral base without any regard for the interests of Canadians or the reality of Canada's legal system. Minimum sentences are a judicial approach that even the most conservative and hardened American judges are starting to reject. They are concerned about the ineffectiveness of this approach and the burden it places on the prison system. During the debates on Bill C-10, their opinions in this regard appeared in the national papers. The Conservatives basically ignored these judges' experience.

With this bill, the Conservatives are once again trying to impose minimum sentences. They want to show the people of Canada that they are tough on crime, when the only effect this approach has is to place a heavier burden on the justice system. In addition, on several occasions, the Supreme Court has struck down the legislator's attempts to impose minimum sentences because such sentences went against the Canadian Charter of Rights and Freedoms. So, once again, the Conservatives are trying to impose such minimum sentences when they know full well that, in certain cases, these are unfortunately not the sentences that should be imposed. And I would just like to mention again that this will no doubt be challenged before the Supreme Court in the future.

The Conservatives are going to try to convince members of the House and Canadians that, since there is no minimum sentence, those who kidnap a child could be sentenced to six months in prison, for example. This is completely false. We must not fall into that trap. Canadians have the right to be well informed.

• (1130)

The NDP is tough on those who commit such crimes. We want to see maximum sentences imposed in these cases. However, we want to protect judicial discretion because we have faith in the existing judicial system.

If we look at sentences in kidnapping cases, we see that average sentences for this type of crime are around eight years in jail, which is quite a bit more than the five-year minimum that this bill would impose.

Private Members' Business

By introducing a mandatory minimum sentence, all the government is doing is tying judges' hands. This bill would not enable judges to take unique attenuating circumstances into account in certain cases.

It is difficult for lawmakers to write legislation that takes all of the possibilities into account, which is why judicial discretion is important. Judges must respect not only the letter of the law, but also the spirit. They must be able to interpret the law and hand down appropriate sentences that take into account the unique circumstances of each case.

We must have confidence in our legal system and in our judges, who typically make informed decisions that take into account both the law and legal precedent.

As I said, we have confidence in the justice system. That is why we will oppose this bill. We want to respect judicial discretion by opposing this five-year mandatory minimum sentence.

Current provisions allow judges to sentence those guilty of kidnapping to a maximum of life in prison. Judges have the freedom they need to hand down harsh sentences and ensure that dangerous offenders do as much time as they deserve. As I said, judges have typically sentenced offenders to more than eight years in prison. That is more than the five years this bill sets out.

This bill is problematic on two counts: the mandatory minimum sentence it recommends is shorter than what is typical in case law, and judicial discretion is being taken away for this type of crime.

Justice Major of the Supreme Court shares our opinion on this issue. He is concerned that the minimum sentence would be the rule. He said that no two cases are alike and that the minimum sentence would be inadequate in certain kidnapping cases. He wondered why this bill imposes a minimum sentence that is lighter than typical kidnapping sentences. He also pointed out that minimum sentences do not deter would-be criminals but would have serious consequences for other aspects of our legal system.

Bill C-299 is another clear example of the Conservatives' lack of understanding when it comes to justice issues. At first glance, this is an interesting approach, but upon closer scrutiny, it soon becomes clear that this bill does not really accomplish much of anything. The courts are much more severe on these issues than what this bill proposes. Most sentences are much longer than the minimum sentence set out in this bill.

As previously mentioned, a life sentence is often imposed. Do the Conservatives not realize that they are undermining the discretion of judges and the judicial system with this bill?

In budget 2012, the Conservatives slashed front-line forces by also imposing minimum sentences in several sections of the Criminal Code. Do they really believe that minimum jail sentences will make Canadians and Canadian families safer?

Private Members' Business

Instead of adopting punitive measures that have no deterrent effect, why does the government not invest in tools and resources for front-line police forces when a kidnapping takes place? Instead of focusing on punishment, I believe the Conservative should pay a lot more attention to prevention.

We are worried that the Conservatives are once again using a crime bill to try to score political points with victims and anyone who is sickened by this kind of offence. We are under the impression that this bill was introduced in order to please the extreme right wing of the Conservative base. Once again, the Conservatives are introducing a bill that presents a restrictive view of the problem. Minimum sentences, I repeat, are not the answer to kidnapping problems, and that is why we do not support this bill.

• (1135)

[English]

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, Bill C-299 suffers from many of the same flaws that, unfortunately, have been characteristic of the government's general approach to criminal justice. It legislates in response to a single incident rather than taking a more comprehensive outlook. It focuses on punishment after the fact rather than on the importance of the prevention of the crime to begin with. The bill relies on a mandatory minimum sentence rather than heeding the overwhelming evidence from jurisdictions around the world, including our own Department of Justice, that mandatory minimums are not only ineffective but also prejudicial.

At second reading my colleague from Mount Royal referred to numerous studies demonstrating the ineffectiveness of mandatory minimums in countries around the world, including the United States, New Zealand, South Africa and Canada. The research concludes that mandatory minimums do not prevent or reduce crime but result in more crime in and outside of prisons, that they prejudice already vulnerable offenders and in no way serve the objective of deterrence for which they are often advanced.

Accordingly, having regard to the evidence, we remain opposed to mandatory minimums on grounds of principle and policy, and we have sought to remove the mandatory minimum provisions from the bill at committee.

The committee heard from a former Supreme Court justice, the Hon. John Major, who said that even without a mandatory minimum in place, kidnappers in Canada have been dealt with severely by the courts on a consistent basis.

The committee also heard from Michael Spratt, a criminal lawyer from the Canadian Civil Liberties Association, who warned us—and my colleague knows this from personal experience as a lawyer and as minister of justice, with whom I had the pleasure of serving in Canada—that mandatory minimums do not remove discretion from the legal process. They simply transfer it from judges, who work in open court and publish decisions that are reviewable, to police officers and crown prosecutors whose decisions are neither reviewable, transparent nor public.

With respect to Bill C-299 then, if the prosecution were to deem a five-year penalty excessive in a particular case, it could decline to prosecute or could charge for a lesser offence or another offence

such as abduction, and no recourse would be available to those who disagree. It would again undermine the very intention of the sponsor of the bill.

Clearly, the arguments against mandatory minimums are overriding. Regrettably, we are not surprised that our Conservative colleagues on the justice committee remain unconvinced, but we are surprised by the disturbing if not alarming justifications of mandatory minimums that some of them put forth.

The member for Brampton West, for example, argued that there was no distinction between incarceration and deterrence, saying that an individual in prison was necessarily specifically deterred from committing crimes. That suggests that a viable crime prevention strategy is to put as many people in jail for as long as possible. As the logic goes, if everyone were in prison then no one would be out committing crimes. Regrettably, this myopic approach is not only absurd but also ignores entirely the root causes of crime and the importance of rehabilitating offenders and the need for both prevention and deterrence.

Another alarming attempt to justify mandatory minimums came from the Conservative member for Scarborough Centre, who asked: “[H]ow do we protect society from judges who decide that the same offence should be applied to someone who lifts a chocolate bar and to someone who commits murder?” Apart from the fact that guidelines and precedents exist to direct judges when determining appropriate punishment, and apart from the fact that no convicted murderer in Canada has ever received a chocolate bar calibre sentence, and apart from the fact that should such a sentence ever be handed down, the appeals process would undoubtedly correct the problem, the member's comments demonstrate a lack of understanding of the judicial process.

The committee heard a good deal of evidence that limiting judicial discretion is an ineffective way of fighting crime. It heard no evidence whatsoever that Canadian judges have been guilty of the kind of dereliction of duty the member describes. Indeed, Justice Major urged committee members to have confidence in our judges and to value judicial independence. At the very least, we would urge all members to respect our judiciary and to value the importance of having evidence before impugning the judiciary's common sense.

In that regard, the evidence is squarely against mandatory minimums. Yet those of us who affirm the facts know what we can anticipate from those who support this discredited approach. Indeed, we will be subject to accusations that we care more about criminals than about victims, comments that regrettably resurfaced in last week's debate on Bill C-37.

Private Members' Business

•(1140)

I trust that there will be no demagogic accusations in this debate. We all want the kidnapping of children to stop. The question is how to achieve that goal. Do we address, to the extent possible, the underlying causes of crime, programs for the prevention of crime, providing police with the tools they need to keep people safe and making every effort to rehabilitate the criminals in order to reduce the likelihood that they will re-offend? The answer is a resounding yes.

Imposing mandatory minimum sentences that we know do not work, that limit judicial discretion in unusual or unanticipated cases and that represent an approach that compounds rather than addresses the initial injustice are neither effective deterrents nor do they serve the purposes of justice.

Let us look at the irony here for a second. Simply put, by including an exemption in the bill, the government is implicitly acknowledging in a small way the need for the judicial discretion at sentencing. The motion before us seeks to improve the clarity of that exemption by giving judges more flexibility to deal with unusual cases.

The first amendment proposed would exempt from the mandatory five-year minimum anyone substantially similar to a parent, guardian or person having lawful care or charge of the child.

The second amendment would exclude from the exemption anyone deprived by a court of all parental rights.

Ideally, of course, the mandatory minimum provision would be stricken as well, but failing that, we offer these amendments as the next best thing. We hope the House will signal its desire for these changes and that the Senate will report back an improved version of the bill.

We trust that members on the government side will carefully study the critiques that have been made of mandatory minimums and will heed overwhelming evidence that they simply do not work at best and are prejudicial at worst.

While it is our sincere hope that this is the last bill with a mandatory minimum provision that will come before this House and that the serious shortcoming is not likely to be fixed at report stage, I do hope that the other shortcomings of the bill may, nonetheless, be ameliorated somewhat to our amendment which otherwise would support the intention of the mover himself.

•(1145)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I am pleased to speak to Bill C-299, An Act to amend the Criminal Code (kidnapping of young person), introduced by the member for Kootenay—Columbia.

We are all outraged and concerned when we hear that a child or young person has been kidnapped, or is the victim of any kind of crime. In the past, we have all supported harsher sentences for sexual assault.

I would like to point out that this bill amends the Criminal Code. As we all know, the Criminal Code contains sections dealing with all

manner of crimes, sentences, penalties and procedures. This bill amends subsection 279(1) of the Criminal Code, which deals with kidnapping, including the transport, confinement, or imprisonment of a person without their consent.

The Criminal Code provides for different sentences and penalties depending on the type of kidnapping and the circumstances.

Paragraph 279(1.1)(a) provides for a minimum sentence of five years in the case of a first offence, or seven years in the case of a subsequent offence, if a restricted or prohibited firearm is used in the commission of the offence, or if a firearm is used and the offence is committed for the benefit of a criminal organization.

Paragraph 279(1.1)(a)(i) sets out a minimum sentence of four years in any other case where a firearm is used in the commission of the offence.

Finally, under paragraph 279(1.1)(b), there is no mandatory minimum in any other case.

In all cases, the maximum sentence is life imprisonment, which is the most severe punishment in Canada. There is no harsher sentence. At present, judges can impose the harshest sentence on the perpetrators of such crimes, if warranted by the circumstances.

The bill would add, under subsection 279(1), a specific provision regarding kidnapping of a young person. It provides for a minimum punishment of five years for the kidnapping of a young person under 16 years of age.

The committee that studied this bill suggested adding to this provision that there would be no minimum penalty if the individual is the father, mother or legal guardian. We can obviously assume that this would include any person acting in that capacity. For example, we can assume that a judge could interpret that grandparents who committed this offence because they thought that the child's safety was at risk could be assessed in light of this amendment.

The idea behind this bill is to keep our children safe and to ensure that the guilty are punished. I listened to the debates and some concerns about the provisions of this bill. We must ensure that Bill C-299 will make it possible to achieve the desired objective.

In the cases we are talking about today, the Criminal Code already provides for a maximum penalty of life imprisonment. As a result, in kidnapping cases, the courts have the latitude to imprison someone for life if they deem it appropriate. This is rarely done, but the possibility is there. It is the same thing in cases of kidnapping aggravated by sexual assault or murder: judges have the latitude they need to imprison people for life and to declare them dangerous offenders. They have all the latitude they need to ensure that criminals receive the punishment they deserve, which may be life imprisonment.

I would like to point out that in reality, there are few cases of straight kidnapping and that other offences are usually added to the charges. The other elements are always aggravating factors that judges take into account to make a ruling and decide on the punishment.

Private Members' Business

Jurisprudence varies regarding punishments, but in general, the penalties imposed in kidnapping cases are rarely shorter than eight years. As I said earlier, in some cases, the maximum penalty is possible.

● (1150)

Obviously, not having a minimum sentence for kidnapping of minors does not mean the justice system is lenient. Currently, sentences are harsher than the minimum sentence set out in this bill.

Furthermore, section 718.2 of the Criminal Code already states that when a minor—a person under the age of 18—is the victim of a crime, that is to be considered an aggravating circumstance. The Criminal Code already recognizes that crimes against minors are different. In light of these provisions, I truly think that the Criminal Code offers enough latitude to punish kidnapers of children harshly.

A review of average sentences imposed in such cases shows that they are typically longer than eight years, certainly longer than the five years in this bill. In general, whether the victim is a child or an adult, a sentence of 12 to 14 years or more is not unusual, particularly if the crime was premeditated or if there was a ransom demand or some other aggravating factor.

In none of the very serious and appalling cases that spring to mind when we are talking about kidnapping of children would the five-year minimum sentence contemplated in this bill ever be applied because sentences are typically much longer anyway.

When my colleague from Kootenay—Columbia says that “Child kidnapers are characteristically habitual offenders and carry out their assaults in a highly stereotypical modus operandi,” he is talking about criminals for whom a five-year minimum sentence would not change anything because they would typically be sentenced to much more than five years in jail. For example, premeditation is an aggravating factor that gives the judge the latitude to impose a harsher sentence.

As I said before, this bill would change nothing when it comes to sickening kidnappings that involve rape or murder, because these crimes are punished by much more than five years in jail. Those found guilty can be sentenced to life. The five-year minimum sentences would only come into play in cases with attenuating circumstances.

A five-year minimum sentence will do nothing more than curb judicial discretion in complex cases with many factors to consider, such as cases where the guilty party has diminished mental or intellectual abilities.

Another factor that must be taken into account in this debate is, once again, whether Bill C-299 will really achieve the desired goal.

According to the member, another goal of the bill is to deter people from committing this crime and send them a message. This presents a problem. As for the deterrent effect of a five-year sentence, I am not convinced that this achieves the desired goal; in fact, it could have the opposite effect. When a minimum sentence is imposed for a given offence, the individual might believe that if they show mercy, if they do not hurt the child and let the child go, maybe the judge will not be too harsh. However, if that individual knows they are automatically going to have a mandatory minimum, there is

a danger that that individual might decide to hurt the child. That person might think that there is no chance that anyone will show them mercy, even if that person had a change of heart and realized they made a mistake, if they hear the message that the parents are worried and if they release the child. Thus, there is a risk that this could have the opposite effect on criminals.

I would like to conclude on a final point that relates to the severity of the sentences that are usually imposed, which I mentioned earlier. I would like to quote some evidence from committee to explain my position.

In his testimony, Justice Major stated the following:

It's interesting to look at the range of sentences for kidnapping...where there's no minimum. The sentences, nonetheless, have been severe...The courts, to my knowledge, have always treated commercial kidnapping as a very serious offence, and in my experience the sentences have been 10 years and 15 years...I think you'd have to look hard to find a case where a serious kidnapper was sentenced to less than that.

Thus, I do not believe that this bill will really change anything. On the contrary, it could even have unwanted negative consequences, and this could be very bad for children.

● (1155)

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, today I rise to speak to Bill C-299, introduced by the hon. member for Kootenay—Columbia, which is at report stage and third reading. This bill, entitled An Act to amend the Criminal Code (kidnapping of young person), adds a new paragraph to subsection 279(1.1) of the Criminal Code. It provides for a minimum sentence of five years for anyone who kidnaps a person under 16 years of age. The legal definition of kidnapping is found in subsection 279(1), which states:

Every person commits an offence who kidnaps a person with intent (a) to cause the person to be confined or imprisoned against the person's will; (b) to cause the person to be unlawfully sent or transported out of Canada against the person's will; or (c) to hold the person for ransom or to service against the person's will.

I will simply quote some witnesses to illustrate my remarks. A former Supreme Court Justice had this to say:

With a minimum sentence you're boxing in the judiciary, but you're also providing a motive for the kidnapper to perhaps act very viciously and do something to the child, so that he won't be identified. Then the minimum sentence becomes academic, because he doesn't think he's going to be caught.

I'm still a little concerned about a minimum sentence that's absolute. Cases are not all the same, as you know, and the minimum sentence may be inadequate in a number of circumstances of commercial kidnapping, but in other cases it may not be proper...

...experience shows that the severity of the crime seldom acts as a deterrent, because there's a philosophy that says the criminal doesn't believe he'll be caught.

It's interesting to look at the range of sentences for kidnapping in our judicial history where there's no minimum. The sentences, nonetheless, have been severe. By severe, I mean lengthy. The courts, to my knowledge, have always treated commercial kidnapping as a very serious offence, and in my experience the sentences have been 10 years and 15 years, so that the five years is not extreme. I think you'd have to look hard to find a case where a serious kidnapper was sentenced to less than that.

The criminal offence of kidnapping, as defined earlier carries a number of sentences that are set out in subsection 279(1.1) It should be noted that the maximum sentence of life imprisonment applies to all cases. Bill C-299 also provides for the same maximum sentence.

*Government Orders***GOVERNMENT ORDERS***[English]*

In our society, protecting minors is very important. It is always sad to hear about child kidnapping on the news. Sexual predation and assault are crimes that we categorically condemn. I would remind the House that the NDP supported harsher sentences for sexual assaults. However, with regard to this bill, I would like to express reservations about, on the one hand, the objective of creating a deterrent and, on the other, the bill's usefulness from a strictly legal standpoint.

It seems that my colleague introduced this bill to create a deterrent by establishing a new minimum sentence. If that is the objective, I would like to remind my colleagues that the sentence of life imprisonment already exists and that it has been applied in British Columbia.

If we look next at the legal analysis of this bill, the Criminal Code already provides a legal framework for kidnapping. Thus, people found guilty of this criminal offence can be sentenced to a maximum of life in prison. When judges have to rule on cases involving the kidnapping of a child, they have tools available to them that allow them to impose suitable sentences on offenders who represent a danger to society. It is important to note that, in a review of cases involving the kidnapping of a child, the average sentence imposed already exceeds the five years set out in the Criminal Code and is often as long as 8 years. Including a minimum sentence of five years in the Criminal Code would therefore only serve to limit the judge's discretion. Judges must be able to assess the extenuating and specific circumstances when making their decisions.

As a member of the Standing Committee on Justice and Human Rights, I had the opportunity to listen carefully to the various witnesses when Bill C-299 was being examined in committee. What we learned there was that a minimum sentence limits the work of a judge in determining the sentence and that the deterrent effect of the minimum sentence would not meet these objectives in that it would not prevent people from committing the crime of kidnapping.

• (1200)

The president of Child Find British Columbia said:

As some of the members have pointed out, I believe any terms that have been put out there have not been for less than five years. They've been for anything higher than five years...I don't know to be quite honest, because as I said, judges are already going beyond that, and by putting in five years it now brings down that eight-year sentence to a minimum of five years, so I don't know if that is the message.

For all these reasons, in the case of mandatory minimum punishments, as the lawyer for the Canadian Civil Liberties Association said:

...that evidence shows the contrary...The bottom line is that mandatory minimum sentences are not effective. They're a simple way of looking at a complex problem and, in my submission, ultimately a myopic way of looking at that problem...If the intent of this bill is to decrease the kidnapping of young people, to protect young people, the evidence shows that mandatory minimum sentences, I submit, will not accomplish that goal. In turn, they will bring the practical side effects that I can testify about: the increase in court time; the perverse incentives; the shift—

The Acting Speaker (Mr. Barry Devolin): Order. The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper. The hon. member for Brome—Missisquoi will have three minutes to finish his speech next time.

FASTER REMOVAL OF FOREIGN CRIMINALS ACT

Hon. Lisa Raitt (for the Minister of Citizenship, Immigration and Multiculturalism) moved that Bill C-43, An Act to amend the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, I appreciate the opportunity to spend a little time to talk about Bill C-43.

As the House and this country are aware, there are two fundamental propositions that we are working through and objectives that we would complete over the next period of time with respect to immigration.

First, from an immigration perspective, there is the aspect of ensuring that our backlogs are reduced to such an extent that they no longer pose an issue or problem with respect to driving Canada's economy. We stated very clearly in the budget bill of this spring and early summer that one of the economic drivers for this country over the next decade was going to be a focus on immigration and ensuring that we will bring into the country those with the skill sets necessary to work in this country where those jobs cannot be filled by Canadians. This would enable this country to move quickly, from an economic perspective, to ensure that when companies across this country are moving forward and cannot find those to do the work, we are able to access those skill sets in a very quick and expedited fashion.

We know that the previous government cared little about these factors with respect to the economy. We have made it clear that our number one objective is to ensure that Canada's economy remains strong and use immigration to drive the vehicle of the economy.

The second piece on immigration is to ensure security so that our system is not taken advantage of and can be trusted. Most importantly, we would have an immigration system that protects Canadians. It would ensure that victimization through immigration fraud or criminal activity would be halted immediately. Those individuals who are not Canadian citizens would face deportation from this country, based on illegal acts that they have committed.

Our Conservative government is committed to keeping our streets and communities safe. In fact, our platform of 2011 promised to expedite the deportation of foreign criminals. Our government has followed up on that promise by introducing Bill C-43, the faster removal of foreign criminals act.

We are a generous and welcoming people. We also have no tolerance for criminals and fraudsters who abuse Canada's generosity. This proposed legislation would put a stop to foreign criminals relying on endless appeals to delay their removal during which they can continue to commit crimes and victimize Canadians. Our message to foreign criminals is very clear. They are not welcome in our country.

Government Orders

The faster removal of foreign criminals act focuses on three areas. One, it would make it easier for the government to remove dangerous foreign criminals from our country. Two, it would make it harder for those who pose a risk to Canada to enter the country in the first place. Three, it would remove barriers for genuine visitors who want to come to Canada to enjoy our hospitality and the beauty of this country.

I would like to expand on the first area in terms of making it easier for the government to remove dangerous foreign criminals from our country.

We would lower the current threshold to bar access to the Immigration Appeal Division for serious criminality from a minimum sentence requirement of two years to a sentence of six months.

We have all witnessed on a regular basis serious crimes that receive a minimum penalty, whether by judge or jury, of a minimum of two years. However, we have noticed across the country that courts are often using two years less a day to penalize individuals for their crime. At the same time it obviously changes the aspect of that criminal conviction, because it is less than two years, and therefore the scope of the current legislation does not allow us to pursue those individuals for the purpose of getting them out of the country and deporting them. Therefore, we would lower that threshold of two years down to six months for acts of serious criminality.

● (1205)

We also will bar those who are convicted of an offence or committed an act outside Canada, which, if committed in Canada, would carry a maximum sentence of at least 10 years. If individuals commit a crime in another country and its equivalent is a maximum penalty of 10 years if committed here in Canada, we will ensure they are not welcome here and will not participate in Canada's democracy because they have not earned the right to do so based on the crime for which they have been convicted.

We will restrict access to humanitarian and compassionate consideration for foreign nationals who are inadmissible on grounds of security, human or international human rights violations, or organized criminality. We also will clarify that the Minister of Public Safety may only take public safety and national security considerations into account when examining an application for ministerial relief. We will get specific in terms of what a minister, whether of public safety or citizenship and immigration, can do in terms of making a decision on his or her own.

We will deny temporary resident status to foreign nationals who have a non-accompanying family member who is inadmissible on grounds of security, human or international rights violations, or organized criminality. When an organized criminal gets caught in his or her country, is charged, is convicted and we see family members of that individual fleeing because they know they are next or that they face potential criminal investigation themselves, no longer will they have the ability to come into this country.

If a terrorist regime in another country has been brought down, as we have seen over the past year, and the leaders of that terrorist regime or their families attempt to come here to Canada, they will no longer have the right to do so based on their attachment to the

criminality and to the rights violations committed in their country of origin.

We will increase the consequence for misrepresentation from a two-year inadmissibility to a five-year inadmissibility and, in addition, ban such individuals from applying for permanent resident status within those five years. If there is one thing I have noticed in my close to four years as Parliamentary Secretary to the Minister of Citizenship and Immigration is that time and time again we have bogus applications coming from other countries simply because some individuals lie on their application, misrepresent their situation, misrepresent their family or misrepresent the reason upon which they are applying for permanent resident status in Canada, whether that be through the normal procedures available or whether it be by refugee status. Therefore, if bogus refugees who want to come to this country misrepresent themselves or basically lie on their application, they will face a five-year inadmissibility penalty instead of a two-year penalty. It also would allow the ministry to ensure that these individuals who have misrepresented themselves cannot apply for permanent residency here in Canada for up to five years during that ban.

We are ensuring that we will make it easier for the government to remove dangerous foreign criminals from our country.

On the second point, we will make it harder for those who pose a risk to Canada to enter the country in the first place.

As I mentioned, we will ensure that our system is modernized and that it meets the standard upon which we should have those coming to this country be allowed to enter into Canada. We will ensure that eligible individuals could file an appeal to the Immigration Appeal Division only if sentenced to less than six months imprisonment in Canada. For example, permanent residents sentenced to 11 months in jail for sexual assault would no longer be eligible to appeal a removal order. They would be removed.

A new bar would be added so that those with a foreign conviction or who committed an act outside of Canada carrying a maximum sentence of at least 10 years in Canada could no longer access the Immigration Appeal Division as well. Clearly this would be an expedited process. If individuals have been convicted of a serious crime in this country or a comparable crime in their country of origin, they will not have the appeal, after appeal mechanism that so many of these criminals have had in the past. That will not exist any more. They will have the right to an appeal but it will be one appeal, it will be quick, fair and, upon the decision of that appeal, it will obviously carry the consequences which will be carried out once that decision is made.

Government Orders

•(1210)

Foreign nationals inadmissible on the most serious grounds of security, human international rights violations or organized criminality will no longer be able to apply under the humanitarian and compassionate provisions. A war criminal would be ineligible to request humanitarian and compassionate considerations as a way to delay removal or remain in Canada permanently.

The legislation would also codify the court's decision. The Minister of Public Safety could only take national security and public safety factors into consideration and not factors such as humanitarian and compassionate when deciding to grant a request for relief from inadmissibility. It would have to be on the grounds of security, certain human international rights violations or organized criminality.

There would also be a new authority that would allow the Minister of Citizenship, Immigration and Multiculturalism to deny temporary residence status for up to three years on the basis of public policy considerations. For example, the minister could use the authority in the case of a foreign national who promotes violence against a religious group. This will not happen very often but it does not exist in the legislation today which would give the Minister of Citizenship, Immigration and Multiculturalism the authority to disallow someone to enter Canada based upon, for example, as I stated, that the person would be promoting violence against a religious group in his or her own country of origin or internationally.

Foreign nationals would be inadmissible to visit Canada if the foreign national has a family member accompanying them, or not accompanying them, who is inadmissible on the grounds of security, human international rights violations or organized criminality. For example, the spouse of a person who is inadmissible for war crimes would be inadmissible even when the spouse is travelling to Canada alone.

When we look at those two examples, we can see that the focus that we are taking as a government, that we committed to in the last election and are implementing under Bill C-43, would make it extremely difficult for those who do not meet the standards of immigration here in this country to gain access to the country, to gain permanent residence and, eventually, to gain Canadian citizenship.

However, we also believe it is important that we remove barriers for genuine visitors who want to come to this country. We would make it easier for those who are of no risk or those who are of low risk to get into Canada. For example, low-risk foreign nationals would be admissible for temporary entry into Canada when travelling with a family member who is inadmissible on grounds of serious criminality, health, finance misrepresentation or non-compliance.

Therefore, a parent who is inadmissible on health grounds would remain inadmissible and require a temporary resident permit to visit Canada. However, the remaining family members would actually now be admissible. Under the current legislation, that is not the case. If an individual, for health reasons, is unable to be granted a temporary visa, his or her family is not granted a visa to come here. We will make that change.

Inadmissible persons seeking ministerial relief would need to submit a formal application. The minister's authority to grant relief on his or her own initiative without a formal application will be explicitly spelled out in the act. The minister could use this explicit authority to facilitate the entry of a head of state who would otherwise be found inadmissible if the minister were satisfied that the decision was not contrary to national interests. There are those from other countries currently who are in positions of government or leadership who, based on the current grounds of our law, would be inadmissible to come into Canada. This would allow the minister some flexibility, so to speak, to grant the individual the right to come here to Canada to do his or her work.

Foreign nationals or permanent residents are inadmissible on the grounds of security for any act of espionage against Canada, contrary to the interest of Canada. That part simply will not change.

As members can hear, the position the government has taken is to be tough, to be fair and to update an act that is in need of update. It does not take much for us to find examples from across the country over the past number of years of individuals who have been able to take advantage of our system or to, quite simply, beat our system as it currently is structured.

•(1215)

I will point to a couple of cases because they clearly illustrate the problem that we have and the corrective action that is necessary.

Jackie Tran, whose country of origin is Vietnam, committed the following crimes: assault with a weapon, drug trafficking, drug possession and failure to comply with court orders. The sentences ranged in length from a \$100 fine to two years less a day imprisonment. Did he appeal? Absolutely, he appealed. His removal order was completed in April 2004 but his removal actually took place in March 2010. For nearly six years, that individual took advantage of our system, used every appeal mechanism available to him and remained in this country. There are those who are in this process as we speak and who have again, while appealing to stay here in Canada, committed crimes.

Patrick De Florimonte from Guyana has been charged with multiple assaults with a weapon, assault causing bodily harm, uttering threats, multiple counts of theft, of drug possession, of drug trafficking and of failure to comply with court orders. His removal order was in October 2007. I stand here today and tell the House that that individual has not yet been removed from the country due to four and a half years of delay and running from his responsibilities. He is potentially committing crimes yet again in the country.

Gheorghe Capra has over 60 counts of fraud, forgery, conspiracy to commit fraud, obstructing a peace officer and failure to comply with court orders. His sentences ranged from two days to two years less a day. His removal order was September 2003. He was removed on January 2009 due to six years of appeal after appeal, not to mention the cost that we face in terms of moving through this process with these individuals.

Cesar Guzman was charged with the sexual assault of a senior citizen. He served 18 months in jail. His removal order was in May 2007. He was removed in April 2011 due to nearly four years of delay.

Government Orders

I could go on. There are example after example that are available to me and to anyone who wants to get a clear understanding of what has happened with this system over the past number of years and why it needs to change. It was by no accident that this policy, this platform, this legislation was included in the 2011 platform that we were elected on and the reason we are introducing it and carrying it through to second reading to get this bill to committee to be studied, then to have it come back to the House to be passed, then sent to the Senate for Royal Assent as quickly as possible so that we can put a stop to these types of examples that take advantage of our system, victimize people in our country and make a mockery of our system for those from other countries who believe that we can simply be taken advantage of. That will not occur anymore.

We have person after person who support this. Deputy chief, Warren Lemcke, of the Canadian Association of Chiefs of Police supports this bill and feels that it would help make Canadians and those who legitimately enter Canada safer.

The Canadian Police Association stated, "This ensures that public safety is one of the considerations with respect to admissibility. To Canada, this is a clear step in the right direction".

I have page after page of those who support this legislation.

I do not think this should take too long at committee. Rather, it should move through committee very quickly. It is clear that this is not an issue of partisanship. This is an issue of fairness and of treating those who want to take advantage of our system in the way that they should be treated. It is ensuring that it is fair to victims and to Canadians who would suffer as a result of these individuals being in Canada.

The opposition has already made comments. Both of our critics have made comments about the legislation. The government and I think that when a bill goes to committee it can always be improved. There is no question about it. However, they should be supporting the bill. If members want to make amendments that improve the bill, we will study them and look at them, but at the end of the day it is a bill that makes sense and it is one that has the overwhelming support of Canadians across the country. I look forward to it moving to committee.

• (1220)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, we all want to be tougher on non-citizens who commit serious crimes in Canada, but we have some very serious concerns with aspects of this Conservative bill that would concentrate more arbitrary powers into the hands of the minister.

For example, the minister can keep out and declare people who are not in Canada yet inadmissible for up to 36 months as well as those who are already in Canada on grounds of public policy. This whole area seems just so wide, so open and not very clear.

Why is the government trivializing our judicial system and judicial processes by placing more arbitrary powers into the hands of the minister?

• (1225)

Mr. Rick Dykstra: Mr. Speaker, the only people who are trivializing and mocking this system are those who take advantage of it. Those who misrepresent themselves when they come to this

country take advantage of a Canadian system built on its principles of fairness. They commit crimes. These people are criminals. They make a mockery of our system. They make appeal after appeal after appeal. That is not going to happen any more. That is not the position we are taking.

The member talked about the issue of ministerial authority. Just last week this very member was appealing to the minister to move outside of a Immigration and Refugee Board decision to unilaterally make a decision about a person when we have a quasi-judicial process in place that she knows is fair, right and that works.

Now we come back this week and there is a different flavour of the week. Now there are criticisms about the minister being given too much authority. Last week the member wanted the minister to have more authority, and this week she wants him to have less. We will have to wait to see what happens next week.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the remarks of the Parliamentary Secretary to the Minister of Citizenship and Immigration. I do have a fairly specific question.

There are hundreds of thousands of people around the globe who go to Canadian embassies and immigration services with the idea of coming and visiting their families here in Canada to participate in special celebrations, graduations and a whole wonderful litany of reasons why foreign nationals want to come to Canada.

Under this legislation, the government is proposing that if someone has a family member who is involved in a criminal organization, then that person does not have the right to come to Canada.

That tells me that in order to be able to establish that fact, the overseas immigration offices are going to have to do some sort of a background check on the people who want to come to Canada to find out whether or not their children or spouse does in fact have any sort of a criminal association, such as being a member of an organized gang. Canada has numerous gangs.

Is the member saying that immigration officers around the world will have to be more diligent in making sure that family members are not part of organized criminal gangs before they agree to grant a visa?

Mr. Rick Dykstra: Mr. Speaker, that is exactly the intent of the legislation.

If we have a person who has been convicted of a serious crime in another country and would face a maximum penalty of 10 years if that crime were committed here in Canada, we are going to ensure that backgrounds of that person's family members will be checked. We are going to make sure that if we have a person who is part of terrorist organization in their country of origin and their family flees to come here, they will no longer be permitted to do so.

Canada is not a haven for criminals; we are a haven for those true refugees who seek a new life. We are a haven for foreign skilled workers who have the ability to improve the economy here in Canada, both for themselves and their new country. We are going to make sure that the enforcements laid out in this piece of legislation are in fact finally put to rest and implemented.

Government Orders

I appeal to the member who has indicated on a couple of occasions that he supports a number of things in this legislation. I am asking him and his party to get the bill to committee. Let us work through it at committee. Let us bring the witnesses in. Then let us come back here and have unanimous support for this piece of legislation.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, in my experience in my riding, a lot of the people who are most upset at the abuse of the immigration system are immigrants themselves. They have come here and have followed the rules and are a little upset that other people take advantage of the system.

I am interested in other countries' experiences. We are not the only country that has been open and welcoming and has been abused. I am curious as to whether we have leaned on the experience of any other like-minded countries, such as Australia.

• (1230)

Mr. Rick Dykstra: Mr. Speaker, the member quite rightly points out that Australia is a country that has gone through some similar circumstances to what we have faced.

Our proposals, although tough and fair, compared to those of countries like New Zealand and Australia are very fair and moderate. However, those countries have already implemented their proposals. They are already on that course to ensure the safety of their citizens.

This bill merely takes the same actions they have taken. As we work through our immigration legislation, each and every part of the immigration system is going to be improved. Bill C-43 gets at that very important aspect of foreign criminals who want to gain access to Canada.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I thank the hon. parliamentary secretary for outlining what the bill contains.

I have a quick question on the new subsection 22.1, the section allowing the minister to exclude someone from gaining a temporary residence permit for up to 36 months if, in the minister's own opinion, public policy considerations justify doing so. We have already heard of some concerns about the generality of this.

Is the government at all open to giving some substance to the notion of public policy? What are the guarantees that this could not be used for political reasons? You did say to us just now that this would not happen very often. I would be very interested to know what guarantees we would have, including whether judicial review is contemplated by the government.

The Acting Speaker (Mr. Barry Devolin): Before I go to the parliamentary secretary, I would just remind all hon. members to direct their comments and questions to the Chair rather than to their colleagues.

The hon. parliamentary secretary.

Mr. Rick Dykstra: Mr. Speaker, it is a fair question. When legislation is passed and discretion is given to the minister, questions certainly arise about how varying and how significant that scope of discretion is.

As an example, when we worked through the previous Bill C-31, one of the issues that we dealt with at committee addressed the same

type of issue, in that case the discretionary power of the minister to determine a safe country of origin. Those applying for refugee status fall under a different category of application and appeal if they come and claim refugee status here based on their safe country of origin. We listed very specifically in the legislation exactly what the requirements would be for the minister to be able to designate a safe country.

I would suggest to my hon. friend from Toronto—Danforth that we would do the same with this piece of legislation. That is why, when we give discretionary powers to the ministers, it should be in the legislation and should not remain in the back of a regulation or deputation of some sort that is not laid out clearly in legislation.

The member will see that when the legislation comes forward.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, I rise today to take part in this important debate on Bill C-43, which the government purports will lead to the faster removal of non-citizens who commit serious offences.

I want to make it clear that as New Democrats we recognize the need for an efficient and responsive judicial approach to removing serious criminals who are not citizens.

All Canadians want a tough approach to non-citizens who commit serious, often violent, crimes in our communities. Newcomers in our communities, the vast majority of whom are law-abiding and follow the rules, would be among the first to agree with this sentiment.

I made it clear when this legislation was first introduced that as a responsible opposition, we are ready to work with the government to ensure that criminals of all backgrounds are not allowed to abuse our appeal processes.

That being said, we have serious concerns about the bill being proposed here. We are concerned about both its effectiveness in dealing with the issue of non-citizen criminality, as well as its extraordinarily wide scope. Much like the Conservatives' crime legislation before it, we worry that Bill C-43 seeks to kill a fly with a sledgehammer, running the risk of both failing to deal with a problem and trampling on rights at the same time.

The minister has trotted out five sensational examples of non-citizens who have apparently abused the IRB appeals process to stay in Canada. On their face, these seem serious and, as the opposition, we are willing to examine them to ensure the public safety of all Canadians. However, there is a real risk, as I would hope the minister would agree, with making sweeping changes based solely on extraordinary cases. It may make good headlines and flashy press conferences, but it does not necessarily make for good public policy.

I must also point out that there are elements in the bill that seem to have merit and are worth further study. For example, Bill C-43 recognizes that entering Canada with the assistance of someone involved in organized criminal activity is not in itself adequate to determine inadmissibility. We think this makes good sense.

Government Orders

I have to say that I am a bit amazed that after an omnibus refugee reform bill and dozens of regulatory changes, the government did not make this change earlier. New Democrats have long called for better legislation to ensure that victims of trafficking are not caught up in rules intended to catch traffickers.

Additionally, we think it is reasonable to put people who are inadmissible on the grounds of security under conditions even when they are not detained. Again, we think these measures in Bill C-43 require much more study and scrutiny.

What are our main concerns with the substance of the legislation being proposed? First, we are concerned about yet another piece of government legislation that seeks to concentrate more arbitrary power in the hands of the minister. For example, Bill C-43 grants sweeping new powers to the minister to ban a foreign national from entering, leaving or being admissible, based on ambiguous public policy considerations. The last thing our immigration system needs is to be even more politicized than it already is.

The reality is that we have a good, independent system for determining admissibility and we do not need it to be replaced by the whim of the minister. The minister should not be able to keep out people who simply disagree with the government. In fact, it is ridiculous to believe that giving the immigration minister more power will solve anything at all.

On this side of the House, we believe that strengthening the independent judicial process is a better way to close a perceived loophole for criminals than concentrating yet more powers with the minister.

Our second major concern is the change in the definition of serious criminality under this legislation. Previously, serious criminality was defined as a crime subject to a sentence of two years or more. The bill before us seeks to change that to a sentence of six months or more. On face value, this may seem reasonable. After all, the 2010 and 2011 statistics on sentencing show that the most common offences to be encapsulated by the new definition would be sexual assault and robbery.

• (1235)

The minister will get no argument from me or my NDP colleagues that these violent crimes represent serious criminality. However, here is the rub. New sentences brought in by the Conservatives' crime legislation make a whole host of non-violent crimes subject to mandatory minimums that could drastically effect how we look at this legislation. As New Democrats, we strongly support greater study on this aspect of the bill so that Canadians can fully understand the impact of this change in definition.

The third concern is that Bill C-43 would not only apply to those convicted of serious crimes in Canada, but also abroad. While Canada is not perfect, it boasts one of the fairest judicial systems anywhere in the world. Other countries are not so lucky. Unfortunately, in many jurisdictions around the world simply being a member of an opposition party can get someone convicted of a serious crime. These cases, more than any other, highlight the need for due process before the law. We must make sure that Canada remains a welcoming beacon of hope for those fleeing persecution abroad.

Professionals who work with immigrants and refugees, as well as the diaspora groups, have also raised concerns that this legislation could unfairly punish the young and mentally ill. Again, a robust study at the committee level must ensure we get answers to these perplexing questions. We must ensure that no consequences, unintended or otherwise, hurt the most vulnerable among us.

Another troubling feature for us in the bill is that the bill relieves the minister of the responsibility to examine humanitarian circumstances, taking into account the interests of children affected. In our view, ignoring the interests of children is not something the minister should be relieved of.

Perhaps the biggest concern the official opposition has with the legislation is that it is an attempt to turn the channel away from the other sweeping changes the minister is making to our immigration system. We worry that this is yet another attempt to vilify permanent residents in the minds of Canadians, focusing almost exclusive attention on a tiny minority to create the impression that newcomer communities are rife with cheats, queue-jumpers and criminals. This simply is not the case. The NDP stands with newcomers who want the government to focus on making the immigration system fairer and more accountable for the vast majority who do not commit crimes and who follow the rules.

The reality is that the Conservative government's radical overhaul of Canada's immigration and refugee system is turning us into a less welcoming country. These changes limit the possibility of newcomers to reunite with their families and stifle attempts to build stronger communities. Canada was built by the hard work of newcomers from all over the world and this continues to be the case. New waves of immigration are helping build thriving communities and a 21st century workforce. Unfortunately, instead of welcoming skilled immigrants and addressing Canada's long-term needs, the Conservative government is prioritizing temporary work visas to help big business pay lower wages. This is not how we built our country and it will not be the way to build the economy of the future.

The Conservatives have increased the number of temporary foreign workers by almost 200% while allowing employers to pay them 15% less than a Canadian worker would earn. These workers come here alone. They are not allowed to bring their families. After sending money back home, they themselves are forced to go back home. This does not build communities. One would think that if someone were good enough to work in Canada they would be good enough to stay, but not under the Conservative government.

Government Orders

Last week in question period I highlighted a recent report that points to shocking negligence on the part of the federal government in protecting migrant workers. Too often they are subject to systemic abuse due to federal immigration laws and provincial labour standards. At the same time, the government has pressed the delete button on more than 280,000 potential new Canadians in the skilled worker backlog. These are folks who have followed the rules and whose skills Canada's economy desperately needs.

● (1240)

In the 2011 election, the member for Calgary Southeast cleverly courted ethnic and cultural communities by learning and reciting greetings in a myriad of languages. He showed up at many functions and promised a kinder and gentler immigration policy. However, after the Conservatives won their coveted parliamentary majority, the Conservative message has been the same no matter what language one speaks: newcomers have little value outside of being economic units for cheap temporary labour. This is wrong.

In addition to being my party's critic for immigration, I am also a spokesperson for multiculturalism. It is a responsibility I take very seriously. I am honoured to represent Newton—North Delta, one of the most diverse ridings in the country. In addition to hard-working people who have called Canada home for many generations, it is blessed to have newcomers from all over the world who make our communities stronger, immigrants from India, Pakistan, the Philippines, China, Asia and all over Europe, just to name a few. All of them tell me their number one priority is to reunite with their families and build strong communities. They came to Canada with the hope of a better future and under the promise that they could eventually bring their families.

Unfortunately, the government has systematically dismantled the family reunification provisions of Canada's immigration system, including making it harder for spouses to become permanent residents. It has also stopped applications for parents and grandparents, preventing them from being reunited with their children and grandchildren. Many grandparents now pass away before they can come to Canada and hold their grandchildren in their arms for the first time. This is more than political for me, it is very personal. I am saddened by the direction the government is taking us in. I was fortunate to come to this country, bring my family and contribute to my community, but I wonder if my story is even possible under the Conservative changes.

Another issue of great concern to the people in my riding and right across the country is the arbitrary rejection of visitor visas. The rejection rate is huge and many in my riding have had their families prevented from attending weddings and, yes, even funerals. Many are given no reason and have no chance to appeal these decisions. I only wish the government would spend half as much time making our visitor visa system fair as it does on bills like the one we are discussing today.

I also want to address this bill in the larger context of the sweeping and mean-spirited changes the government has introduced to our refugee system, in particular changes to the interim federal health program. Last spring, with much fanfare, the government announced that it would cut health coverage to vulnerable refugee claimants. Backbench MPs on the other side have even sent ten percent

mailings home declaring an end to gold-plated coverage for refugees, but the reality is far less pretty.

The move effectively denies access to health care to many legitimate refugees whose families have limited or no financial means. Canada was built on the idea that we all have a responsibility to take care of one another, especially the vulnerable, but the Conservative government is targeting this very basic Canadian value. Frankly, it is unconscionable to think that my colleagues across the floor would deny refugees the basic right of health care, but there we have it. They are playing politics with people's lives.

The cuts to health care in the bill we are debating today are not the only drastic changes the government is making to refugee policy. Last week we learned that Fatemeh Tosarvanda, an Iranian woman in Canada, is facing imminent deportation despite evidence proving she faces adultery charges in Iran that, under Sharia law, could result in her being stoned to death. Under the Conservatives' draconian refugee reform package, all refugee claimants are now banned from applying for a pre-removal risk assessment within a year of receiving a negative answer on their claim, but the assessment is a second chance to consider whether it is truly safe to send a rejected claimant like Fatemeh back.

● (1245)

While considering this legislation, I would urge all of my colleagues to look at the bigger picture. We all want to protect our communities from criminal activity. My riding has seen first-hand the terror inflicted by guns, gangs and violence. However, we need to take a balanced approach, one that deals seriously with criminals and also creates the opportunities and hope that stops crime before it starts.

This summer it was revealed that the Conservative government is cutting 20% of federal funding for youth justice programs in Canada. It is cutting over \$35 million used to supervise and rehabilitate young offenders. What kind of a crime prevention strategy is that?

Furthermore, the government is failing to deliver on its promise to put more police on the streets in our vulnerable communities. In my province of B.C., 42 staff who supported the work of the RCMP have received notices stating that they could lose their jobs. Cutting people who help our front-line police officers is no way to prevent crime and make our communities safer.

We must ask ourselves why the government is not focusing on making our communities safe from criminals of all backgrounds rather than focusing so much attention on demonizing newcomers.

Government Orders

When it comes to the legislation before the House today, I strongly believe that we can prevent non-citizens who commit serious crimes from abusing our appeal processes without trampling on their rights. I am willing to work with the government to ensure a balanced approach. My New Democrat colleagues and I stand firmly with newcomers, who think we should focus more time and legislative effort to make sure the immigration system is faster and fairer for those who do not commit crimes.

As I mentioned earlier in my speech, the vast majority of newcomers follow the rules and they deserve the House's attention. It is time for the government to treat immigrants as the nation builders that they are and offer them a fairer, easier way to be reunited with their loved ones. Unfortunately, too much time and too many press conferences are being dedicated to creating a false impression of Canada's diverse newcomer community.

Bill C-43 is another wide-ranging bill that covers a huge number of issues. We had hoped to see the end of bills made up to change the channel in favour of a better thought-out bill by the minister.

Since I have come to Parliament I have seen a myriad of changes. It seems almost on a weekly basis there are changes to regulations and there are new bills. What we need is a coherent, fair, equitable and transparent immigration policy that would help us to build on the strengths that newcomers bring to us, not this haphazard approach.

Let us carefully consider this legislation but let us also refocus our efforts on making Canada the welcoming, compassionate place that it once was and can be again.

• (1250)

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, I am not sure where to start. That was a 20 minute speech that went over a vast area of immigration but said virtually nothing about Bill C-43.

The member went on to explain the ideology of the NDP in a haphazard way in terms of the direction that party would like to take, and criticizing us no doubt. It is the opposition's responsibility to criticize but it is also the opposition's responsibility to come up with alternatives, to seek amendments, to try to strengthen a piece of legislation, not simply to sit on the other side and criticize with no fundamental understanding of what the true direction should really be.

With respect to Fatemeh, the Iranian individual who is applying for refugee status, the member knows full well that deportation has been put on hold based on the system that we have that treats every individual the same. When new information is gathered, there is the opportunity for that individual or her representation to further seek relief here in Canada. To suggest in any way, shape or form that the individual has been deported is incorrect.

When we are talking about minor offences, we are talking about assault with a weapon, sexual assault, robbery, break and enter. I would really like the member to define what she sees as a minor offence of over six months that should remove someone from falling under this new legislation. The member did not mention it in her speech.

Ms. Jinny Jogindera Sims: Mr. Speaker, let me be very clear that we are fully prepared to work with the government to ensure a fair

and judicious removal of non-citizens who commit serious crimes that endanger our communities.

One thing I will put back to him is that we are looking forward to going to the committee stage, coming to terms with and at least receiving clarity from the government as to what it means by "serious crimes". We will be asking those questions. We will have amendments at that stage.

We are very concerned by the wide net this piece of legislation casts, and also the image that newcomers are rife with criminality.

• (1255)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to take this opportunity to pose a question in the hope that the Minister of Citizenship, Immigration and Multiculturalism might actually be listening to what is happening on his bill inside the chamber, given that it has just been introduced.

I will put this in the form of a question that I tried to get answered by the parliamentary secretary. I will use a specific example. Based on the legislation, in my interpretation of the legislation, if one is a father living in another country, has a child who immigrated to Canada four or five years ago, and now wants to visit that child, he can apply for a visiting visa. If he has another child who is still in his home country and who was involved in organized crime, he will not be given the opportunity to visit his child who immigrated to Canada. That is how I read the legislation.

I ask the hon. member if she believes my interpretation is correct.

Ms. Jinny Jogindera Sims: Mr. Speaker, as we take a look at this bill, that is an area of great concern.

We have always believed that one should not punish other people for crimes committed by someone else. These are the kinds of questions we will be asking at the committee stage, trying to get clarity. These give us a great deal of concern. My colleague is rightfully worried about this.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, my concern really lies with the concentration of power in the hands of a minister, which is discretionary over the admission of temporary residents. I think back to that particular minister and his record in revoking the admission of George Galloway, which then went through the court in Ontario. The judge came back and castigated the minister for what he had done.

With this kind of power now residing in the hands of the minister, does it mean that, for public policy purposes, he could prevent politicians and journalists he did not like and people of that nature from entering this country?

Ms. Jinny Jogindera Sims: Mr. Speaker, when we look at this bill, this is one of the key areas of concern: so much arbitrary power rests with the minister to declare people inadmissible. Therein lies the rub. What it says is for "public policy" reasons. Public policy is a huge area. What kind of public policy? What aspect of public policy?

Once again, why would we put in the hands of a minister so much power, even over people who can visit, be a tourist in this country? That is what temporary visas are all about; they are given to tourists.

Government Orders

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, having served in the RCMP for over 18 years, I know the challenges the RCMP and any police force face in serving and protecting Canadians, especially in the streets, against the day-to-day activities of criminals.

I am going to ask a very simple question. I hope my colleague from across the floor can answer it. We have heard that the Canadian Association of Chiefs of Police, the Canadian Police Association and Victims of Violence are among many organizations that support Bill C-43.

I am going to ask the hon. member a very clear and simple question. Yes or no, does the hon. member and her party support the views of these organizations on this bill?

Ms. Jinny Jogindera Sims: Mr. Speaker, we absolutely support processes and a judicious way of removal and a very fair, open and transparent way of removing criminals from the country, but at the same time, we want to make sure there is due process and people do get to have their say

• (1300)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am somewhat disappointed in the fact that the Minister of Citizenship, Immigration and Multiculturalism was not prepared to introduce the bill, given the fact that prior to coming into the chamber he was at a press conference, which both the NDP critic and I were able to observe, at least in part, and then also participate in, because the minister does not have a problem with appearing at press conferences and talking about this legislation. I guess it is because he wants to send that tough message that is very much anti-immigrant, I would argue. If we want to be fair to all political parties in the chamber, there is very little sympathy for violent repeat offenders who choose to continually break our law, and we too would like to see those individuals deported from our country.

Where we disagree is that we believe we need to treat the more than 1.5 million permanent residents in Canada with a great deal more respect. I was able to watch the minister. In the his backgrounder it says foreign criminals. When we use the word “foreign” we are really talking about permanent residents, but it gives that extra tough talk image by saying foreign criminals. The minister provided five examples in the backgrounder he attached to his press release and indicated the name of Jack Tran as number one. Reference is made to five individuals and they are the top five reasons why we have the bill before us. I would suggest there is a need for us to look at ways in which we can improve the system so we do not have individuals like Jack Tran and Patrick de Florimonte and the other three listed abusing our system.

I agree that we need to deport these individuals and the sooner the better. I emphasize that we have more than 1.5 million permanent residents in Canada, the vast majority of whom are wonderful outstanding citizens of our country. They might not have their actual citizenship today, and the government should take some blame for that because nowadays it takes two years to get citizenship when it should take no more than four to six months. That is an issue for another day, but it emphasizes where the minister has failed in terms of recognizing what is important and what should be the priorities in dealing with issues that immigrants have to face day in and day out.

The vast majority of that 1.5 million plus permanent residents have excellent behaviour and contribute to the well-being of our society both economically and socially. With that large number of people, it would be highly irresponsible for the government or anyone to believe there are not going to be some who fall on the other side of the law, who are going to be offensive. One could argue that many of those who fall on the other side of the law would be fairly reprehensible individuals who may be abusive, may be repeated violators of the law. We recognize that and we want to expedite and get those individuals away from Canada or look at the deportation issue.

• (1305)

That very minute percentage not only upsets me and the Liberal caucus and Canadians as a whole, but we have to deal with them and look at ways in which we can make changes to legislation so we can accommodate them. Let us not tarnish everyone because of that minute number of people.

We need to recognize what this legislation would do, in saying from two years to six months for an appeal. There are all sorts of crimes that it would now take into consideration. They include common assault, fraud under \$5,000, theft under \$5,000, possession of a stolen property under \$5,000, trespassing at night, public mischief, flight from a peace officer. There is a litany of offences.

There is a responsibility, and we under-utilize the citizenship and immigration committee. There are things that the committee could be doing, and maybe we should be looking at and assessing the issue we are trying to deal with today in the form of legislation. It would have been nice for the committee to have dealt with that specifically in the last couple of years so we could provide better legislation that would not have labelled or generalized all permanent residents. Maybe there is a better way in which we could have achieved what the government was hoping to achieve, at least in part, by working together to produce a better piece of legislation.

Thinking it through, what does this legislation mean? A person could be a permanent resident in Canada for 10 months or for 10 years and commit an offence. Focusing attention on 10 years, maybe the person is married with two or three young children, possibly born in Canada. One night that person is at a function or event, maybe a celebration, and drinks too much, ending up in having an assault charge placed against him or her. Quite often assault charges will lead to some form of six-month sentence and that means the individual could be deported. Not the entire family, but just that individual could be deported. Members say, “yes, if he is convicted, yes”. He has been here for 10 or 12 years, has been an outstanding citizen, finds himself in a situation that many Canadians from coast to coast get into and makes an emotional decision. Yes, it is a bad decision but stuff of that nature does happen, I agree. However, with this particular legislation, we would deport.

What the member is recognizing by just his general acknowledgement of the fact is that this individual would be deported. The children who were born here in Canada would be able to stay and the spouse would be able to stay, but he would be deported.

Government Orders

We have to put some things into proper perspective here. I suggest there might have been more room for a number of the changes the government has been acting on, where we get more people involved, more stakeholders including members of opposition parties, in some of the policy discussions prior to bringing in the legislation. I believe there are circumstances when it might be in Canada's best interests that we respect that, out of the more than 1.5 million permanent residents, there could be some incidents that occur in which it is not in the best interests to deport the individual.

• (1310)

This is opposed to taking the extreme, which the minister is so effective at doing, and saying what a terrible individual Jackie Chan is. No one would question that. However, instead of taking the extreme, maybe we should be looking at the majority and recognize that it is out of 1.5 million permanent residents. Canadian society as a whole has a lot of crime committed and there are consequences. No one is denying that there needs to be a consequence to a crime.

The other thing the government wants to do through this proposed legislation is give more power to the Minister of Citizenship, Immigration and Multiculturalism. It is almost as if he has been neglected over the last while. The Minister of Immigration just wants more and more power. We should remember that the Minister of Immigration is the minister who said that he did not need a world-class advisory body that has human rights professionals to help Canada determine what is or is not a safe country in the world. The Minister of Citizenship, Immigration and Multiculturalism feels that he can do it and that Canadians do not need to worry about it. He is also the minister who said that he can identify an irregular arrival from any grouping of two or more people who come to Canada.

Trust me when I say that no one wants to be offside with that particular minister or one can be in a lot of trouble, especially with that kind of designating ability. Now the minister wants to have the responsibility to deny someone outright to come to Canada. I would suggest that there needs to be more accountability and checks put in the place for the department of immigration. That is a very important aspect of the bill that needs to be looked at.

I raised the issue of visitor visas for a good reason. I share many of the comments that the New Democrat immigration critic put on the record in regard to a lot of frustration with the visitor visas. There is a great deal of frustration out there. I have brought forward petitions to the House regarding visitor visas and, for whatever reason, the government has been spinning its wheels in dealing with visitor visas.

This is exceptionally frustrating because there are individuals living abroad, parents and siblings, who want to visit family here in Canada for good reasons. Some want to see the environment in which their family members are living. Some may want to participate in wedding celebrations, graduations, family reunions and even funerals. I am always amazed by the sheer number of people I meet through my office and outside as critic for immigration who are trying to see a family member. Members would be surprised by the numbers. One can point to Chandigarh as an example of where I believe there is now about a 51% approval rating. Percentages aside, there are far too many families that are being denied the ability to come to Canada.

Why do I raise that on this particular bill? I posed a question to the parliamentary secretary and asked that the message get to the Minister of Citizenship, Immigration and Multiculturalism. I have asked the question in two briefings that I have had but I have not been provided an answer as of yet. The question is: What impact would this legislation have on immigration offices around the world in terms of being able to process in a timely fashion visitor visas?

I gave the example of a father to the New Democratic critic for citizenship and immigration and I provided a bit more detail to the parliamentary secretary. I anxiously await what will, hopefully, be a positive answer on that issue.

• (1315)

Unfortunately, however, it looks as though a lot more background work will need to be done. If that is the case, then the government had better be prepared to put in the additional resources so that things can continue to be done in a timely fashion in terms of the granting of visitor visas.

That is not to say that the Liberal Party is not concerned about the individuals who are visiting Canada. We also want to ensure that the individuals who are coming here are of good character, in good health and so forth. We are concerned about this legislation having a significant impact with very little end-of-day results.

The issue of misrepresentation is always a challenging one. I deal with a number of immigration cases. I enjoy doing immigration work. I have done it for many years, both in my capacity as a member of the Manitoba legislature and now as a member of Parliament. I enjoy helping people deal with immigration and the many problems involved in immigration. If there is anyone inside this chamber who believes that misrepresentation does not occur, they are wrong. Now that statement does not necessarily surprise members. However, I suspect that they are underestimating the amount of "misrepresentation" that has actually occurred where individuals have been successful.

Right away, one would say that we should batten down the hatches and get rid of that misrepresentation. However, people need to understand the many different forms of misrepresentation. I would argue that, in some cases, there is almost encouragement to misrepresent from surprising places. I am not just talking about immigration consultants or lawyers. It might even be somewhat surprising when there are implications that it might even involve levels of government that would ultimately lead to some mild form of misrepresentation taking place.

I had an individual who had two children but said that he had only one child when he came here. The reason in this particular case was that the man had a child with another woman and was not prepared to share that with his wife when they put in their application because it had occurred years prior.

I am not going to advocate whatsoever that individuals have the right to misrepresent themselves. There is an obligation, which we need to enforce to the best of our abilities, that people do not misrepresent themselves when they are putting in these applications.

Government Orders

However, I am interested in knowing why the government made the decision to go from two to five years. I have numerous examples that I could share at the committee stage as to why it is that maybe one might want to give some consideration as opposed to an outright ban. I suspect that we would find many Canadians, if not most Canadians, in certain situations, who would be surprised to hear some of the stories with regard to misrepresentation.

• (1320)

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, what I was hoping to hear from one of our critics was some positive amendments that would strengthen Bill C-43.

I just heard another speech about how much the opposition members have so many other issues that they think are a priority, and that this is not one they want to talk about while the bill is actually being debated in the House of Commons.

At the beginning of his statement, the member said that he had been ambushed by the bill, that this bill came upon him without any knowledge. The member then answered his own question by stating that he had had two full briefings on the bill. The member did acknowledge that he was never ambushed. He has had every opportunity to be briefed by department officials, myself or whoever. If he would like to hear more about the bill, he will get to do that at committee.

However, for the member to suggest that he was ambushed, perhaps he was busy and did not spend a whole lot of time working on the bill. I cannot speak for the member but I know he does a good job for his constituents.

I do want to know one thing from the member. The member is concerned about the jurisdiction the minister would have in terms of being able to say to an individual that he or she is not welcome in Canada and about the minister being granted the authority to do so. I have indicated that it will be stated clearly in the legislation how that will work.

In October 2011, the National Assembly of Quebec passed a unanimous motion demanding that the federal government deny entry into Canada of Abdur Green and Hamza Tzortzis due to their comments encouraging hate and violence against women and homosexuals. Currently, the minister has no jurisdiction to deny or fulfill that request from the assembly. Does the member believe that the minister should or should not have that kind of jurisdiction to be able to deny these types of individuals access to our country?

Mr. Kevin Lamoureux: Mr. Speaker, I do not know where the member would have gotten the impression that I was surprised that the bill was being debated today. There was no surprise there whatsoever. If he wants to talk about the surprise, that happened back at the end of June in the winding days of the session. It might have been within the last week or the last few days of the session when the minister had a press conference saying that the government would deal with foreign criminals and then listed his top five foreign criminals. That came out of virtually nowhere.

We have had lots of time to look at the bill and, as the member pointed out, I even had the opportunity to have a couple of briefings on the bill itself.

I indicated that I was surprised that the minister himself, representing the government, did not speak first given the fact that we were just outside having a press conference. This speaks to the priorities of the House of Commons versus posturing. That is something that ultimately the minister himself will need to provide comment on and I am sure he will come up with some dandy excuses for us.

In regard to the ministerial power, I do not have the same level of confidence as the parliamentary secretary does with regard to the minister. I believe there needs to be a check put into place to ensure there is more accountability on this particular issue for the Minister of Citizenship, Immigration and Multiculturalism to be responsible to.

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, this bill relieves the minister of the responsibility to examine humanitarian circumstances that take into account the interests of children involved in potential deportations.

Could the member outline some problems with this approach?

Mr. Kevin Lamoureux: Mr. Speaker, I tried to pick up on that particular point. There is no doubt that we will see permanent residents who have been living in Canada for maybe 10, 15, 20, 25 years. They should not be criticized. Sometimes there is a valid reason that they were not able to get their citizenship or why they have postponed getting their citizenship but they have families and they contribute to our economy and our social well-being.

However, for whatever reasons, those people sometimes fall on the other side of the law. It could be some sort of an emotional night that takes place at a club or something of that nature that ultimately leads to that person being convicted of something and sentenced to six months or more. In that situation, this legislation would deport the person but the young children and mom would stay here in Canada.

I suspect that the minister could even attempt to justify that, but it is important to know that, in his top five reasons that we have this bill before us, it takes the extreme cases. It does not deal with some of the other more common cases that come before us every so often.

• (1325)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, I have been listening to my colleague across the way twist himself out of shape trying to defend the indefensible.

I would like to raise a few points. The first is that being in Canada is a privilege. If a foreign criminal is guilty of a criminal act, the member is advocating that there should be no consequences, that the person should retain the privilege of being in Canada. That is absurd, both to me in the House and Canadians.

If a foreign criminal is responsible for a criminal act here in Canada, who is the victim? Canadians are. The member is advocating that a foreign criminal who commits a criminal act here in Canada and victimizes Canadians should retain the privilege of staying in Canada. How does the member defend that position?

Government Orders

Mr. Kevin Lamoureux: Mr. Speaker, if the member wants to have a good, challenging debate on who is tougher on crime, I would welcome that debate with the member. I would even go to his riding if he wanted to have that debate before his constituents. When it comes to being tough on crime, I am prepared to get tough on crime. However, I am also prepared to get tough on preventing crimes from taking place in the first place.

Having said that, here is where we differ somewhat. A permanent resident who has been in Canada for 20 years and is at a celebration, maybe a 15th wedding anniversary, and drinks a bit too much and gets behind the wheel and gets ticketed for drinking and driving is guilty of a criminal offence, which makes him a criminal. According to the member, forget the six months: he is a criminal, deport the guy. That is the attitude of many of the Conservatives. It does not matter if it is the first time he has ever committed an offence, but because he has blown the 0.06 breathalyzer test level, the member is prepared to deport him. What kind of an—

The Acting Speaker (Mr. Barry Devolin): Questions and comments, the hon. member for Trinity—Spadina.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, since 2000 and 2003, when the Liberal government was in control of the immigration department, the Auditor General has said that the department has had no idea whether people are being deported or not. The department has been unable to track those who are supposed to be deported. The system between the Canada Border Service Agency and Immigration Canada has not been coordinated, the IT or computer systems do not talk to each other, and there has been very little training and therefore no tracking of who has been inadmissible and who has supposed to have left.

Through the years, it looks like the former government has been gone missing in dealing with people who are supposed to be deported and who are inadmissible. What plan does the member have to make the system better?

Mr. Kevin Lamoureux: Mr. Speaker, it was well over a year ago that I challenged the government about why it is not tracking the people who leave Canada. This is something that other countries have been doing for a few years.

It is most unfortunate that the member tries to assign blame to the Jean Chrétien years. At the end of the day, situations and issues arise. I can assure the member that whether it was Jean Chrétien or any other member of the Liberal caucus, we take these issues very seriously and when these do come up we want to see solutions and would work with the stakeholders to try to fix the system.

We have been arguing for some sort of monitoring of exits for well over a year. I have been personally aware of this need for well over a year, having been talking about it since that time and well before the legislation came forward.

• (1330)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, unfortunately I was unable to speak at the beginning of the debate because I had a meeting with the foreign secretary of the United Kingdom, a meeting that could only take place an hour ago. Therefore, I seek the unanimous consent of the House to permit me, as the minister moving the bill, to speak at this point.

The Acting Speaker (Mr. Barry Devolin): Does the hon. minister have the unanimous consent of the House to speak at this time?

Some hon. members: Agreed.

Hon. Jason Kenney: Mr. Speaker, I appreciate the indulgence of the House. As members will know, I make a point of attending all debates on bills for which I am responsible. I take the importance of ministerial presence in these debates very seriously and so I appreciate the indulgence of the House in this respect.

[*Translation*]

Mr. Speaker, Bill C-43 is an important measure to strengthen the integrity of Canada's immigration system. We call it the Faster Removal of Foreign Criminals Act. We all know that Canada welcomes newcomers from around the world. Since coming to power, this government has accepted more immigrants than any other government in Canadian history: over a quarter of a million per year, or 14% more than the previous Liberal government. We have also maintained the highest per capita immigration rate in the developed world. This means that we add approximately 0.8% of our population through immigration every year. We have also increased the number of resettled refugees by 20%. We will be inviting more than 14,000 additional convention refugees to settle in Canada, which will give us the highest refugee resettlement rate in the world.

Our government has also tripled funding for settlement and integration services for new immigrants. We have done so much to help immigrants integrate and succeed.

When I work closely with new immigrants to Canada, I listen to them when they say that they want an immigration system that is fair and in keeping with our laws. That means that they want an immigration system that is based on the rule of law. They do not want anyone who poses a threat to the safety of our communities to come to Canada or to remain here. They want a system that welcomes newcomers from all over the world who want to come here, obey our laws, build Canada, contribute by paying taxes and respect Canada. New Canadians have no patience for those who come here to abuse the generosity of Canada and Canadians.

*Government Orders**[English]*

That is what I hear from new Canadians all around the country, that they and all Canadians, whether born here or newly arrived, treasure our country's historic posture of openness to the hard work and talents of newcomers, including refugees from persecution. At the same time, Canadians, especially those who came to this country from abroad, have no patience with those who would violate our laws or abuse our country's generosity. That is why we brought forward Bill C-43, the faster removal of foreign criminals act, which seeks to make several amendments to the Immigration and Refugee Protection Act. These are designed, on the one hand, to facilitate and make easier the entry into Canada of legitimate visitors and immigrants and, on the other hand, to give us stronger legal tools to bar from Canada those who may pose a risk to this country and to remove from Canada those who have committed serious crimes and been convicted of such by our fair judicial system.

Allow me to review the provisions of the act. First, with respect to facilitating the admission of bona fide visitors and immigrants, the bill seeks to narrow the breadth of the inadmissibility provision for espionage to focus on activities carried out against Canada or that are contrary to the interests of Canada.

• (1335)

Quite frankly, this has the effect of covering those who may have been involved in espionage for close democratic allies of Canada and who may in fact have been gathering intelligence on behalf of Canada against common security threats. We believe that the wording in the Immigration and Refugee Protection Act is unnecessarily broad and that we ought to focus the inadmissibility provision with respect to espionage on those who have been engaged in spying contrary to the interests of Canada.

Second, the bill would permit the temporary entry of persons with an inadmissible family member, except where the family member is inadmissible for security, human or international rights violations, or organized criminality.

There could be a family, for example, that has applied to visit Canada but has one medically inadmissible family member, that is to say, someone who according to officials and a medical exam might pose an excessive burden on Canada's taxpayer-funded public health system. In that case, under the current law, the entire family, all members, would be rendered inadmissible because they are considered as a package, as it were. This amendment would allow us to sever the one inadmissible person from that group, so that the other family members could still be admissible to Canada. This is a measure that has been broadly supported by immigration practitioners and others who see the unnecessary breadth of the currently law.

Third, the bill provides express authority for the Minister of Public Safety to grant ministerial relief on the minister's own initiative. This is to say that if our legal system, let us say the Canada Border Services Agency, which is delegated by me under the Immigration and Refugee Protection Act, finds that someone is inadmissible, there is a lengthy, time-consuming process to seek relief from the minister. This clarifies that the minister could take that initiative, and it streamlines the relief process for legitimate and bona fide visitors or immigrants.

[Translation]

I will now talk about measures in the bill that will strengthen the integrity of the system and protect the safety of Canadians.

First, the bill will create a new authority for the Minister of Citizenship, Immigration and Multiculturalism. The minister will be able to deny temporary resident status to foreign nationals for up to three years based on public policy considerations.

[English]

This would allow the Minister of Citizenship, Immigration and Multiculturalism, on public policy grounds, to deny admission to Canada for up to three years to a foreign national who otherwise may be admissible. This is a very delicate part. It is a very delicate proposal that we are making, and I really to hope that the Standing Committee on Citizenship and Immigration will focus on this particular proposal to help guide me, frankly, and the government as to how we can construct criteria, either by ministerial order or published regulations or perhaps even an amendment to the bill itself that would help us address, let me call them, really exceptional or extraordinary circumstances.

Under the current law, a foreign national is typically inadmissible only if he or she has a criminal record in a foreign country for crimes that would also be considered serious in Canada. That excludes political prisoners, because so-called political crimes with trumped up charges are not a crime in Canada. Or, if they are or have been a member of a criminal organization or a banned terrorist group or, as I mentioned before, have been involved in espionage or may pose a serious security risk to Canada, he or she is inadmissible, or if they are medically inadmissible, and some other categories.

Here is the problem. From time to time we get people seeking admission to Canada who may not have a criminal record abroad, but who may actually be coming here to incite hatred and violence, or to incite terrorism.

• (1340)

[Translation]

I will give the example of two British nationals, I believe, named Abdur Raheem Green and Hamza Tzortzis. Last year, they came to Canada even though they had a horrible record of promoting hatred against women, homosexuals, gays and lesbians, Jews and certain other minorities. A number of Canadians were afraid that the men intended to come to Canada to incite hatred, violence and perhaps even terrorism. Under current laws such persons cannot be prevented from entering Canada. For example, in some countries, it is not a crime to promote hatred against Jews or homosexuals.

This bill would give the minister the discretion, with certain limits, to prevent certain foreign nationals from entering Canada if they plan to promote violence, even though it is not a crime in their country of origin.

This is something we will have to study in more detail when the bill is before the standing committee.

Government Orders

[English]

Second, the bill seeks to lower the current threshold to bar access to the Immigration Appeal Division for serious criminality from a minimum sentence requirement of two years to a sentence of six months and also bar those who are convicted of an offence or have committed an act outside Canada, which if committed in Canada would carry a maximum sentence of at least 10 years. Perhaps this is my colleague's most important element of the bill.

Let me explain. The perpetually angry member for Winnipeg North and sadly misinformed Liberal critic for immigration was outraged with the suggestion that we should deport foreigners in Canada who had been convicted by Canadian courts of a serious crime, punished and given a sentence of six months or more.

Apparently and regrettably, the Liberal critic is not aware of even the basics of the current immigration law. The Immigration Refugee Protection Act, adopted in 2002, when his party was in government, says that if a foreign national is convicted of a crime with a sentence of six months or more, he or she is subject to deportation. That is what the current law states.

Here is the problem. Because the Liberals were more concerned about the procedural rights of criminals than public safety, they allowed for a loophole, which was that people who were convicted of a crime of six months or more as foreign nationals would be subject to deportation. However, if the sentences were two years or less, so somewhere between six months and two years, they could appeal the deportation order to the Immigration Appeal Division.

How does this work? I have a case wherein a foreign national, Cesar Guzman, raped a Canadian senior citizen. He was convicted of sexual assault. His sentence was 18 months in jail. He managed to delay his deportation for four years, meaning that this man who sexually assaulted a Canadian senior, this foreigner, was walking our streets posing a risk to other Canadians. Why? Because after his conviction, he would have gone to the Immigration Division of the Immigration Refugee Board that would have ordered his deportation pursuant to the current provisions in IRPA. Then he would have used the Liberal delay tactic. He would have appealed that deportation order to the Immigration Appeal Division. I do not have his whole chronology here, but I am sure, because I have seen this hundreds of times, he would have lost at the Immigration Appeal Division and then appealed that to the Federal Court. If he was really aggressive, like some of these other characters who we have seen, he would have appealed that negative decision to the Federal Court of Appeal.

If we add up each of those appeals, what does that mean in concrete, real world terms? It means violent foreign criminals, convicted by Canadian courts of law, are walking our streets when they should no longer be in Canada because they have lost the privilege of being here. That is the point the member does not seem to understand. To be a foreign national in Canada, whether as a visitor or as a permanent resident, is a privilege. It is not a hard one to keep. All we ask of the individual is two things: first, if that individual wants to maintain permanent residence, he or she has to live here for two out of five years; and, second, that the individual not commit a serious crime.

● (1345)

The vast majority of new Canadians will never commit a serious crime and they therefore have no tolerance for the small minority who do, who have lost the privilege to stay in Canada. I agree, because I am as committed, as any member of the House, to due process and natural justice in the rule of law. I agree that even serious convicted foreign criminals should get their day in court. I agree that they should benefit from due process. I agree that they should not be deported without consideration by the Immigration and Refugee Board. However, I do not agree that they should get endless years in court and be able to abuse our fair process. With this bill, we would put an end to that abuse.

We have cases like in my own hometown of Calgary. Calgarians, especially those in the Vietnamese community, were outraged.

The member for Winnipeg North is laughing—

Mr. Kevin Lamoureux: Mr. Speaker, I rise on a point of order. I was sitting in my chair listening to what the minister was saying. It was his colleague, another minister of his, who was actually laughing. It was not me.

Hon. Jason Kenney: That is true, Mr. Speaker. The member is always so angry that he never laughs.

Jackie Tran was running a youth drug gang in Calgary that was terrorizing the Vietnamese. His gang was involved in multiple murders. He always avoided getting caught on murder, but he was caught and prosecuted and sentenced on several offences, like assault with a weapon, drug trafficking, drug possession, failure to comply with court orders. It took us six years to remove him from Canada because on every one of those charges, which under the law ought to have led to his deportation, he used endless and redundant appeals to delay his deportation for up to six years. Therefore, that guy, who was running gunmen around Calgary and whose gang was responsible for slaughtering people on our streets, was able to stay here for six years.

I will admit that there is probably one provision in the bill that Canadians would not support, and it pains me to admit that. I suspect the vast majority of Canadians would say that the bill is far too lenient. For Jackie Tran, the moment he is convicted there should not even have been a consideration of his deportation after he paid some time behind bars in Canada. Most Canadians would say that people like him should be sent packing immediately, but we at least will give them a hearing before the IRB.

What is the opposition's attitude? It wants to keep the loophole, permit the endless delays, let Jackie Tran stay here and terrorize our Vietnamese community for six years. On behalf of the law-abiding members of Calgary's Vietnamese community, the Liberals are wrong. We should deport criminals like this.

Government Orders

I mentioned Cesar Guzman. What about Mr. Jeyachandran Balasubramaniam? He was charged and convicted of assault with a weapon, drug possession, drug trafficking and failure to comply with court orders. He received an 18 month sentence. This is not a minor traffic accident. He delayed his deportation for seven years. Most terribly, what about the case of Clinton Gayle, a repeat violent foreign offender who delayed his deportation for years? Yes, there were operational screw ups on his removal, but had this legislation been in place he would have been removed before killing Toronto police Constable Todd Baylis.

We owe it to people like the family of Todd Baylis and all the other victims to pass this legislation, which is what the Canadian Police Association has called upon us to do. It is what the Canadian Association of Chiefs of Police has called upon us to do. It is what victims of violence have called upon us to do. I will listen to the victims of crime before the Liberals and the NDP when it comes to public safety.

● (1350)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, my colleague, the minister, gave a very impassioned ending to his speech today. The official opposition, the NDP, recognizes the need for an efficient and responsive judicial apparatus for removing serious criminals who are not citizens. However, it sticks in my throat when we call them “foreigners” because these are people whom we have admitted into the country and they are permanent residents. They have not gained their citizenship.

We absolutely agree that we need to address the loopholes. However, we believe the bill goes too far. There is one part of the bill that sticks in my throat. This new law would relieve the minister, and I find the word “relieves” interesting, of the obligation to consider humanitarian and compassionate considerations at the request of a permanent resident, whom the Conservatives call a “foreign national”. Is this the kind of Canada we want? Why would the government want to relieve the minister of considering the best interests of children in possible deportation cases?

Hon. Jason Kenney: Mr. Speaker, to be clear, the bill proposes to eliminate access to the humanitarian and compassionate process, not for those facing deportation in general but for those facing deportation on the grounds of security, human or international rights violations or organized criminality.

This is a fundamental philosophical difference. The NDP members believe that convicted members of criminal gangs who are foreign citizens should be able to get special consideration to stay in Canada permanently on humanitarian grounds. They also believe that people who according to the IRB have been found complicit in war crimes in their country of origin should be able to abuse our process by making an application for permanent residency on compassionate grounds.

I believe Canadians are hard-headed but soft-hearted. We are compassionate, but we are hard-headed when it comes to foreign criminals and soft-hearted when it comes to legitimate cases of humanitarian and compassionate consideration. I do not believe that a foreign gang member, or a terrorist or someone who has been found complicit in war crimes should get access to our humanitarian and compassionate process. It is an abuse of process.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the minister refers to the top five reasons for faster removal for the justification of this legislation. He always makes reference to Jack Tran. He takes that extreme element. I suggest there was no one inside the House of Commons who justified or wanted to see Jack Tran or these five individuals who he included in his press release stick around in Canada. One could be critical of it taking so many years to deal with the issue. The problem is the extreme attitude the minister fosters, and we saw it today in the backbenches of the Conservatives.

It is really all about the permanent resident. If a permanent resident who has been in Canada for 15 years goes to an event and drinks beyond 0.05%, maybe it is 0.06%, and he is criminally found to be drinking and driving, should that individual be deported according to the Conservatives? In the minds of Conservatives he should because he is a criminal because he has a criminal conviction. What is the opinion of the Minister of Citizenship, Immigration on that?

● (1355)

Hon. Jason Kenney: Mr. Speaker, once again, it is clear that the member does not understand the current law and does not understand the bill. The current law says that according to the Immigration and Refugee Protection Act, and this is not selective but just cold and hard facts, that a foreign national, in common parlance a foreigner, who is convicted in a Canadian court of a crime with a sentence of six months or more is a serious criminal and that following such a conviction, he or she is subject to removal from Canada. The only question is whether he or she gets years of appeals on that deportation.

We are very careful in focusing on maintaining the six-month bar that already exists in IRPA. If someone goes to a bar and has a bad night and gets into a fight, that person would not be affected by this. People who are convicted of shoplifting are not going to be deported. Those who have a minor fraud count of cheque cutting or a minor traffic offence are not going to get a penal sentence of six months or more. These are for people involved in things like drug trafficking, sexual assault, possession of a dangerous weapon, multiple assaults. These are the cases we are talking about. These are serious crimes according to the law and according to our courts, and they should have serious consequences.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, the minister has suggested that serious crimes should create the burden for the government to evict an individual, to kick that person out.

There are a number of people in this country who would rather that Lord Black of Crossharbour were not here. Would this change in the law affect his status in any way?

Hon. Jason Kenney: Mr. Speaker, the Immigration and Refugee Protection Act and this bill deal with those foreign nationals who have committed crimes in Canada. If the hon. member has evidence of anyone who has committed a crime in Canada for which they have been sentenced to a period of six months or more, he ought to bring that forward to the relevant police authorities.

Statements by Members

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have been listening to all these arguments. The hon. member for Winnipeg North was very concerned about someone who might have a drinking and driving problem.

It is my interpretation of what was said this morning that we are talking about people who have very serious infractions, people who do serious harm against Canadians, against people in our country.

Will the minister please explain this, which cannot be understood by members opposite, to relieve their minds that the ordinary citizen will not be deported quickly?

Hon. Jason Kenney: Mr. Speaker, I do not understand the contention from the hon. member for Winnipeg North.

I am not aware of anyone in Canada who has ever been sentenced to a six-month prison sentence for a charge of driving under the influence. Perhaps if it is their 10th or 15th DUI conviction, perhaps if they ran into someone and their driving under the influence resulted in manslaughter, they would be affected by this provision.

If the hon. member can come up with a single case of anyone who has received a six-month custodial sentence for a simple charge of driving while under the influence, I challenge him to bring that forward.

The hon. member is trying to distract us from the fact that this deals with what the law calls serious crimes like assault, sexual assault, drug trafficking and these sorts of offences. This includes, quite frankly, as in the case of Clinton Gayle, someone who had multiple firearms offences and was allowed to stay in Canada by using these delay tactics that we are now removing, and who went on to kill a Toronto police constable.

I do not think we have any obligation to allow a permanent resident like that to stay in Canada once he has already benefited from due process.

STATEMENTS BY MEMBERS

• (1400)

[English]

UKRAINE

Mr. Peter Goldring (Edmonton East, Ind. Cons.): Mr. Speaker, 21 years ago, Ukrainians overwhelmingly chose to return to the status of an independent nation. The day after its referendum, Canada became the first western nation to recognize the newly sovereign Ukraine. We too celebrate the ties that bind Canada and Ukraine, including the over one million Canadians of Ukrainian heritage.

As a member of Parliament, I have travelled to Ukraine to observe presidential and parliamentary elections. I have seen how the people of Ukraine surely and steadily strengthened their democratic resolve. I also have no doubt that they will continue that progress with their upcoming parliamentary election this fall.

Canada continues to support those who strive to achieve freedoms brought about by their desire for democracy.

I wish to congratulate the people of Ukraine for their great accomplishment 21 years ago and for their continued determination to embrace their future within the world of democratic nations.

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MIRAMICHI SUMMER FESTIVALS

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Mr. Speaker, the Miramichi region of New Brunswick is well known throughout our province and beyond for the many fantastic festivals we host during the summer months. Over the course of this summer, I was able to attend a great number of these wonderful events. It was an excellent opportunity to reconnect with old friends and to make new ones along the way.

Everywhere I went I saw the great sense of community that characterizes our beautiful Miramichi area. These local summer festivals are much more than simply a chance to relax and enjoy good weather. A wide variety of community services such as minor sports rely on the revenue from summer events to fund their activities throughout the year. They are a vital source of community pride and demonstration.

These festivals do not happen without the work of lots of volunteers. I would like to take this opportunity to thank the thousands of volunteers for their dedication and commitment. I am already looking forward to the festivals next summer.

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[Translation]

LAKE PROTECTION

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, many people are perplexed by the joy the Conservatives seem to take in destroying the environment, as demonstrated by Bill C-38. For instance, in my riding of Laurentides—Labelle, the people of the municipality of Nominigüe wanted to protect their lakes. They embarked on a lengthy process to change some boating regulations, which involved submitting to a long series of procedures and public consultations. These people are wondering if it still makes sense to pursue their efforts considering the elimination of the protection of wildlife habitat, or if they should simply give up and put up with the 350 horsepower engines on a lake that is only 0.85 square kilometres. Personally, I think this government could not care less. I would say that the lights are on but nobody is home.

* * *

[English]

AIDS WALK FOR LIFE

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, yesterday in Edmonton, I was one of over 400 people who walked in support of those who are afflicted with HIV-AIDS and those who suffer with them. This was the 21st annual AIDS Walk for Life in Edmonton and as they always do, Edmontonians stepped up to the plate to volunteer, organize, fundraise and support a worthy cause.

The goal of raising \$93,000 was exceeded by nearly \$20,000.

Statements by Members

I commend the efforts of HIV Edmonton, its staff and volunteers to help find a cure for this terrible disease. We cannot diminish our efforts even though HIV-AIDS is no longer a death sentence. It is still a life sentence and it impacts the lives of tens of thousands here in Canada and millions around the world.

HIV-AIDS is not a disease of one community or one segment of society. It is a scourge on all of society in the developed and underdeveloped world.

Together with the efforts of people like those we walked with yesterday, we can and will get to zero new transmissions, zero discrimination and zero deaths.

* * *

QUEEN'S DIAMOND JUBILEE MEDAL

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, the Ukrainian parish community has been a vital part of Sydney for the last 100 years, enriching the lives of not only the Ukrainian people but also the people of Cape Breton.

On August 2, I attended the 100th anniversary celebrations of the Holy Ghost parish in Whitney Pier. There was an immense turnout at the event, which included dancing, singing, socializing and the awarding of the Queen's Diamond Jubilee Medal to Father Dusanowskyj.

As member of Parliament for Sydney—Victoria, I was proud to recognize and present the Queen's Jubilee Medal to Father Roman, pastor of the Holy Ghost Ukrainian Catholic Church in Whitney Pier in honour of his commitment to the Holy Ghost parish over the last decade and keeping the Ukrainian community alive in Cape Breton.

I congratulate everyone who attended and the community for its 100th anniversary, and I offer my best wishes for many more future celebrations.

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● (1405)

WOUNDED WARRIORS

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, I rise today to congratulate the organizers and participants of this year's Wounded Warriors Weekend, which took place in Nipawin, Saskatchewan.

Wounded Warriors is an organization that supports soldiers overcoming the physical and mental wounds of combat. The event was the first time that the Wounded Warriors programs from both Canada and the U.S. partnered to show our troops that their sacrifices did not go unnoticed.

The soldiers, many of them injured in Iraq and Afghanistan, arrived in Saskatchewan on August 23. They then proceeded to Nipawin via motorcade, passing through communities of cheering well-wishers. In Nipawin, the Warriors spent the weekend golfing at the championship Evergreen Golf Course and fishing at the famous Tobin Lake.

Dozens of sponsors stepped forward to fund the event. Local volunteers, including the members of the Royal Canadian Legion, helped to organize and carry out the weekend's festivities.

I know that all hon. members will want to convey their congratulations to the event founders Blake Emmons and Jimmy Chute, and to all the event's volunteers, for making it a resounding success.

* * *

SAM "THE RECORD MAN" SNIDERMAN

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, as a kid in Toronto, Sam the Record Man loomed larger than life. Sam's held out the possibility that somewhere amidst its endless aisles of LPs and 45s we could find a secret passage to the truth or, at least, a rare Elvis Costello import.

We have to go back in time, way back before CDs and MTV, when we barely knew what our favourite band looked like, let alone what they ate for breakfast. We went to Sam's. We went there searching for clues. We went there to get close to and be part of an emerging, exciting Canadian music scene.

Indeed, Sam "The Record Man" Sniderman helped lay the foundation for a cultural renaissance in Canadian popular music from which the industry, artists and Canadian music fans today benefit immensely.

Sam Sniderman died yesterday at the age of 92. On behalf of the House, I would like to pay tribute to his life, to his career, to a pioneer and to a staunch believer in the greatness of Canadian music. We thank Sam.

* * *

SPOTLIGHT ON SCIENCE LEARNING

Mr. Ed Holder (London West, CPC): Mr. Speaker, I rise to recognize and congratulate London, Ontario's Bonnie Schmidt, Let's Talk Science and Amgen Canada for their hard work in producing the landmark report "Spotlight on Science Learning".

The report reminds us of the critical importance of science learning to Canada and to Canada's future economy. The report also emphasizes the crucial need for Canada's youth to be well versed in science, technology, engineering and math, at all levels. This theme is echoed in the recent Canadian Council of Chief Executives discussion paper "Competing in the 21st Century Skills Race". In the new global skills race, these reports provide a platform to challenge ourselves and spur Canadian youth on to great heights in science, technology, engineering and math.

The House applauds the "Spotlight on Science Learning" report for recognizing both the achievements and the potential of Canadian youth, for recognizing our world-class education system and for challenging us to ensure that Canada's youth lead the world in science learning.

We thank Let's Talk Science and Amgen Canada for their important contributions for Canada's sake.

*Statements by Members***BRANTFORD**

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, the Leader of the Opposition recently dropped by Brantford to smear our local economy. Perhaps I can help educate the NDP leader as he was clearly not aware of how our government's plan is working to create jobs and opportunities all across my riding.

The Massilly Group is expanding into a 200,000 square foot industrial building in Brantford and delivering 100 new manufacturing jobs. Patriot Forge is increasing its 412-person workforce by building a 35,000 square foot expansion, thanks to our government's low-tax plan. Adidas is building a 775,000 square foot distribution centre and doubling its existing workforce. AFI Hydro is a manufacturing success story, growing its 48 employees to over 150 in the last two years. Systems Logic is attracting more North American software clients and creating high-quality jobs with our government's financial support.

These are real companies, real jobs and concrete evidence that Canada's action plan is working for Brant.

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ELLIOT LAKE MALL COLLAPSE

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, this past June, the roof collapse at the Algo Centre Mall in Elliot Lake captured the attention of people across Canada and around the world.

As the country watched, first responders, along with Toronto's heavy urban search and rescue team, worked around the clock under tremendous pressure. This tight-knit and compassionate community rallied around each other, keeping vigil throughout the rescue effort.

Tragically, Lucie Aylwin and Doloris Perizzolo lost their lives and I am sure all members join me in extending our deepest sympathies to their families and loved ones.

On behalf of the people of Elliot Lake, I would like to extend a special thanks to the many volunteers, organizations and businesses, to those people who sent their prayers and best wishes and to those who organized fundraisers or donated across the country, showing how generous and caring Canadians are.

While this tragedy transformed the city of Elliot Lake, its residents remain determined and have begun rebuilding a strong, vibrant northern community.

* * *

●(1410)

NIGERIA

Mr. Joe Daniel (Don Valley East, CPC): Mr. Speaker, my constituents of Don Valley East and I were saddened to learn of the attacks this weekend on a church in northern Nigeria. At least two people were killed and 48 injured. Canada condemns unequivocally these latest events, which unfortunately, occur all too regularly.

It is deeply troubling to see that Nigerians gathering to practise their faith have again become the target of terrorist acts. We urge all people in Nigeria to work with the Nigerian government to counter

extremism and terrorism and to bring to justice those responsible for these reprehensible crimes.

On behalf of all Canadians, I offer my sincere condolences to the families and friends of the victims of this attack and I wish the wounded a swift recovery.

* * *

[Translation]

FOOD SAFETY

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, last week, the American journal *Food and Chemical Toxicology*, a food toxicology reference, published a major study on the negative effects of genetically modified corn on living beings. Two hundred rats that were fed Canadian genetically modified corn developed tumours and severe organ damage, and many of them died.

Although the study is stirring up controversy in the scientific community and while the European Food Safety Authority is looking into it and three French government ministers have announced a series of emergency measures to address the new findings, Canadians are not so lucky. The Conservative government continues to deny that there is a problem, and consumers cannot choose to avoid genetically modified foods because labelling is not mandatory.

It is time that the Conservative government took care of the health of consumers rather than the interests of Monsanto.

* * *

[English]

WINNIPEG ACT OF KINDNESS

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, I rise today to share the story of Kris Doubledee, a Winnipeg transit driver whose simple act of kindness is now making international news.

Early Tuesday morning, Kris was doing his regular route when he noticed a man walking barefoot in the cold weather. Instead of driving by, Kris stopped the bus, got out and offered the man his shoes.

Passengers were shocked, and the story of the driver's kindness spread quickly throughout the city. One passenger posted the story online, saying she was amazed at how the driver did not judge the man. He simply thought, "Here, buddy, you need these more than I do".

It took a while for the media to track the bus driver down, as he was not looking for any recognition. This kind and humble man says he has no idea why people are so impressed with what he did.

It is not every day that we see kindness like this. In fact, Kris flew to New York and appeared on the CBS morning show where he said only, "Please everyone, be inspired to do good acts of kindness for others".

Oral Questions

I ask the House to join me in thanking Kris Doubledee for reminding us of the impact of simple acts of kindness and for being a role model we can all look up to.

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INTERNATIONAL PLOWING MATCH AND RURAL EXPO

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, though it has been lacking all summer, a lot of rain on the opening day of the International Plowing Match and Rural Expo, and afterward, did not dampen the spirits of thousands of farmers, exhibitors, participants and even politicians who attended from across Canada and around the world.

Over the course of five days, tens of thousands of visitors experienced the best that rural and agricultural business in Canada has to offer, including food processing, technology and alternate energy generation, as well as witnessing the plowing competition, a classic demonstration of efficiency, productivity and soil management.

On behalf of our caucus and the Liberal Party, many of whom attended, I would like to congratulate the organizers of this, the 99th International Plowing Match, as well as their generous hosts, the community of Roseville, Ontario, on an incredibly hospitable, educational and fun celebration of rural life in Canada.

* * *

• (1415)

[Translation]

NEW DEMOCRATIC PARTY OF CANADA

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, the NDP's economic policies would be dangerous for Canadians. Canadians know that the NDP wants to impose a job-killing carbon tax that would increase the price of gas, electricity and practically everything else.

Contrary to the NDP leader's dangerous economic policies, the Conservative government understands that after a long day at work, Canadians want more money in their pockets.

[English]

Canadians do not want to pay more for their food. They do not want to pay more for their gas or their electricity. Canadians want a responsible government whose priority is job creation, economic growth and long-term prosperity.

That is why Canadians elected our Conservative government, a government that will always fight against the dangerous policies of the NDP leader.

* * *

CONSERVATIVE PARTY OF CANADA

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, surveys say that more and more Canadians are turning away from the Prime Minister and his party. People have united across the country in opposition to his leadership and wrong direction. It is not hard to figure out why. Let us look at last week's misleading Conservative carbon farce.

It was the Prime Minister himself who led the spin game, just like the Conservatives' attack on the environment, just like their attack on senior citizens, just like their attack on the integrity of the Canadian electoral system. This is a government that believes the voters are fools. Just because Canadians are reasonable does not mean they are pushovers. They remember the corruption of the old Mulroney Conservatives, but when they look at this gang, they see it is much worse. It is like the ugly spawn of Richard Nixon. No wonder Canadians are fed up. No wonder they want a party of integrity. That is why they support the New Democratic Party of Canada.

* * *

NEW DEMOCRATIC PARTY OF CANADA

Ms. Eve Adams (Mississauga—Brampton South, CPC): Mr. Speaker, the NDP's motivation for its carbon tax is clear: billions and billions in new revenue for the government taken from hard-working Canadian families. However, do not take the Conservatives' word for it. The NDP members for Burnaby—New Westminster, Edmonton—Strathcona and Skeena—Bulkley Valley have all confirmed it.

Page 4 of the New Democrat platform 2011 costing document also confirms in black and white its plan to raise \$21 billion in revenue, and during the NDP leadership campaign, the current leader of the NDP actually issued a backgrounder, which lists as one of his goals to implement a comprehensive cap and trade system to generate billions of dollars in new revenue. Those are enough warning signs for Conservatives and it is enough of a warning sign for Canadians.

The NDP can try to hide its carbon tax. On this side of the House, we will not let them do it.

ORAL QUESTIONS

[Translation]

THE ECONOMY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, unfortunately, Canadians are expecting more bad news about the economy this week. For three consecutive quarters, growth has been less than 1%, well below the Conservatives' projections. The big banks just announced their economic forecasts, which are lower than the Conservatives' projections.

Canadians do not like the Prime Minister's approach. Experts reject the Conservatives' projections.

When will the Conservatives listen and change their approach to the economy?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, our Conservative government is committed to creating jobs, promoting Canadian exports and accelerating economic growth.

Oral Questions

We are very proud to have created a large number of jobs in the last three years, and we are working even harder to strengthen our economic growth. That is why we developed many job creation measures in this year's budget, but the NDP voted against each of these measures.

Canada is working hard to stimulate business.

[English]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, TD Bank economists are projecting that growth will continue to fall well below government estimates. Scotiabank economists are forecasting an outright decline in the Canadian economy. The Bank of Canada has downgraded its own projections and is expected to do so again soon.

When will the Conservative government finally admit it is on the wrong track and change course?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, our government is promoting job creation and economic growth. We have been working hard.

We have seen the creation of some 770,000 net new jobs. That is a great accomplishment, but it is not enough. That is why we have redoubled our efforts on job creation with this year's budget. That is why both the IMF and the OECD project Canada to have among the strongest growth in the G7.

We are continuing to stay focused to create more jobs for Canadians. Every single time we come forward with initiatives to create jobs, the NDP stands in its place and votes no. We need the NDP to take a positive prospect of economic growth and not bring in a big carbon tax for Canadians.

* * *

• (1420)

FOREIGN AFFAIRS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, this weekend, British government sources leaked the details of a new agreement to create shared British-Canadian embassies in countries around the world. In these countries, Canada would now be represented by a desk at the British embassy instead of an independent Canadian diplomatic mission.

Why did Canadians have to learn about this through the British press? If the Conservatives will not stand up for Canada in the world, why do they expect that the British will do it for us?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, Canada has a strong and independent foreign policy.

What we will be announcing in an hour's time is that we will be moving forward with a small number of administrative arrangements where we can co-locate. Let me give two examples.

In Haiti, the British government has no presence. It will be able to have a desk and an office in the Canadian embassy. In Burma, before we even have an embassy open, we have a Canadian working at the U.K. embassy.

This is a small administrative agreement. It has nothing to do with what the NDP has just suggested. Canada will continue to have a

made-in-Canada foreign policy, one that is based on Canadian values and Canadian principles.

[Translation]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Canada has 97 embassies or high commissions around the world. Great Britain has 144. Under this agreement, Great Britain would be Canada's de facto face to the world. Canada's foreign affairs policy would be hard to distinguish from Britain's. If this is the case, how can the Conservatives claim that Canada could maintain a strong, independent voice around the world?

Even nostalgia for the British Empire has its limits.

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the Leader of the Opposition is just making it up as he goes along. He refers to an agreement that we have not even released yet.

Here is what we do around the world. Canadians are working out of the Australian mission in Cambodia; Australians are working out of the Canadian mission in Colombia. The United Kingdom works out of our mission in Mali. Canada provides services to Australians in Ivory Coast, Algeria, Mali, Romania, Venezuela and Ecuador. Australia provides services to us in Bali, Hawaii, Cambodia, Papua New Guinea and Laos. Canada even depends on such friends and allies as Jamaica to help us out.

What we are talking about are services like providing a passport and providing consular services to Canadians when they need it abroad.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Canadians deserve better. Canadians deserve the best diplomatic representation. They deserve the best consular services and under the Conservatives they will get neither.

The Conservatives need to find money to curb the deficit they created with their irresponsible corporate tax cuts. Why stop at the embassies? They could merge our armed forces. No wonder they are so nostalgic for the War of 1812. Why not merge the Senate with the House of Lords? It is the same difference. Why not a united Olympic team? The Conservatives could do that, or they could stand up for Canada.

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, Canada will continue to pursue a strong, principled, value-based, independent Canadian foreign policy.

When the member opposite talks about amalgamation and borrowing one from the other, it is funny because the New Democratic Party finally had to turn to the Liberal Party to find itself a new leader.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, if it is just a small administrative arrangement, I wonder if the minister could explain why he is having a highly touted press conference with the British foreign minister to discuss it?

Oral Questions

If we have such a wonderful, independent foreign policy, why is the Prime Minister of Canada not discussing that foreign policy in front of the United Nations this week, like so many other heads of state?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I welcome the member for Toronto Centre back. We are excited to see him back here in Ottawa.

Obviously the Prime Minister of Canada continues to play a leading role on the world stage. He will be visiting New York later this week where he will have the opportunity to represent Canada at a number of very important bilaterals.

I am going to go out on a limb and invite the member for Toronto Centre, the leader of the Liberal Party. The Prime Minister, in New York, will be celebrated and honoured as the best statesman of the year. There will be a seat in the front row for the leader of the Liberal Party, the member for Toronto Centre.

* * *

● (1425)

THE ECONOMY

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, if the Prime Minister of Canada is prepared to speak at the United Nations for Canada, I would be proud to sit in the Canadian delegation and listen to him speak there. That is where the Prime Minister of Canada should be speaking on behalf of Canada.

In a speech just last month, the Governor of the Bank of Canada said that income inequality was an issue that could not be dismissed and could not be set aside, that it was a question that needed to be discussed, debated and acted upon by Canadians. Does the minister agree with the Governor of the Bank of Canada?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, very much. We agree with the governor when he says that we need to do more job creation, have more economic growth and inspire more hope for opportunity in Canada's economy. That is why our government has done so many things to help people with limited incomes. We have taken hundreds of thousands of low-income Canadians off the table. We reduced the GST by two points and cut taxes for every Canadian, including those of modest incomes.

That is why we remain focused on job creation and economic growth. As long as there is one Canadian out there looking for work, the government will be hard on the job to ensure we provide everyone with the opportunities that they and their families so desperately need.

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the problem is that this government has difficulty even saying the words "economic inequality".

In the United States, Europe and throughout the developed world, this is becoming an increasingly serious problem. The rich are becoming richer and the poor are becoming poorer.

That is why we want to see specific programs to address the problem of economic inequality.

Why does the government refuse to do anything about it?

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the government is hard at work every day pushing for economic growth and has brought forth initiatives to help tackle income inequality. I will name a number of areas where we have done just that: the labour market agreements for persons with disabilities; working while on claim changes; working income tax benefit; increasing old age security and GIS benefits; increasing Canada's social transfer, 6% to support health care and 3% to support post-secondary education; the universal child tax benefit; the child tax credit; and expanding economic opportunities for aboriginals.

Every time we brought forward those initiatives, the Liberal Party fought them tooth and nail. Maybe the Liberals should stand in their place and apologize and support these good initiatives.

* * *

FOREIGN AFFAIRS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, the Conservative plan to share embassies was leaked to the media on the weekend and made Canada the butt of jokes on two continents. However, it is no laughing matter when our closest ally is privately questioning whether Canada can be trusted to keep secrets. Senior U. S. officials are calling the leaked documents around Omar Khadr a serious breach of trust.

Will the minister take responsibility and investigate the leak and will he reassure our allies that Canada is a reliable partner?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I cannot comment on the accuracy of the *Maclean's* article and I do not know the source of the material. Certainly, I have never received any transcripts from the Americans.

Access to these documents is strictly controlled within the Government of Canada. In respect of the issue, I will review all relevant material and make a decision in accordance with Canadian law.

[Translation]

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Mr. Speaker, Canadians and our allies are really beginning to wonder if they can trust the Conservatives. This is not the first time that an information leak has raised questions about the Conservatives' competence when it comes to foreign affairs. A botched mechanism for sharing information with the United States will have a negative impact on our relationships with other countries.

Will the minister clearly tell our allies that they can trust Canada by apologizing and investigating this leak, or will he simply delegate the mandate to the British High Commission?

*Oral Questions**[English]*

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our allies know they can trust us implicitly on this matter. In fact, perhaps the member should wonder why members of her party would suggest that we already prejudge the Khadr case by paying Mr. Khadr \$10 million, as the NDP has indicated it wants to do.

* * *

● (1430)

*[Translation]***FOREIGN INVESTMENT**

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, in the matter of the pending CNOOC takeover of Nexen, there is no risk of any information being leaked. The Canadian Security Intelligence Service report is crystal clear: some foreign state-owned companies that invest in Canada have a hidden political agenda, which could pose a danger to our interests.

Will the Conservatives take that information into account? Will they conduct public consultations to be sure that all viewpoints have been heard?

[English]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, our government will always act in the best interests of Canadians. I can assure the member that this transaction will be scrutinized very closely.

The Investment Canada Act process, by the way, has provisions in it that protect national security.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, it is only 19 days until decision day on Nexen. The government does not have time to keep making stuff up in the House of Commons. It should be addressing the concerns of Canadians right here.

Even CSIS has raised concerns about these types of takeovers. On page 19 of last Thursday's report, it states, "...certain state-owned enterprises...have pursued opaque agendas"...when they "seek to acquire control over strategic sectors of the Canadian economy, it can represent a threat to Canadian security interests".

Will the minister put aside his talking points and acknowledge legitimate concerns, including from his own caucus? Why will the Conservatives not consult with Canadians?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, I will respond to the member's talking points. There is a process in place to review this transaction and determine the net benefit for Canadians, as always. This transaction will be scrutinized very closely.

However, we have no lessons to take from the NDP, whose reckless economic policies will deter investment, kill jobs and hurt Canadian families.

Everyone knows that the NDP is against all trade, including the free trade agreement with the United States.

*[Translation]***EMPLOYMENT INSURANCE**

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, if there is another area where people are going to pay the price for a lack of consultation, it is employment insurance. In May, the Conservatives changed the employment insurance rules with their mammoth bill, and unemployed workers are fed up. Since May, the minister has been changing the rules as she sees fit in order to prevent claimants from receiving the benefits they are entitled to. She also wants to force workers to accept 30% pay cuts.

Why the improvisation? Why the lack of consultation?

[English]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, our government has been focused on creating jobs and that is what we have done. We have created 770,000 net new jobs since the base of the recession.

This is a little bit different from the approach by the NDP: a \$21 billion tax hike through a carbon tax, let alone that the NDP and Liberals have voted against every opportunity to ensure the unemployed have opportunities for employment. What are those? The EI hiring tax credit they voted against. The Helmets to Hardhats they voted against. The youth employment strategy they voted against.

The members opposite should pick: create jobs or not.

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, that money does not belong to the Conservatives or to the minister. It belongs to the workers. Why is she acting as though it is her money?

By changing the rules, she is penalizing claimants who are attempting to make up some of their lost income by working. The first \$75 in benefits is going to be cut by 50%. Not content with forcing people to accept 30% pay cuts, the minister is now going to penalize those who are trying to make up this lost income.

Is she doing this deliberately or is she simply incompetent?

[English]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, those who work more will be able to keep more when it comes to their employment insurance.

What do we know? We know that when people take a part-time job there is an opportunity for them to get a full-time job. We have created 770,000 net new jobs since the base of the recession in 2009. The NDP and the Liberals continually vote against initiatives to help the unemployed.

Oral Questions

I will go through a few more: the apprenticeship incentive grant, the targeted initiative for older workers, or whether that be working while—

Some hon. members: Oh, oh!

● (1435)

The Speaker: Order, please. The hon. parliamentary secretary has the floor. She has a few seconds left to conclude her remarks.

Ms. Kellie Leitch: Mr. Speaker, the evidence is clear. We are creating jobs for Canadians and they are not.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, by making seasonal workers ineligible for employment insurance benefits, the Conservatives are attacking the economy in our regions. This is particularly true for seasonal industries, such as agriculture.

Since 2006, the Association des entrepreneurs en drainage agricole du Québec has invested half a million dollars in training workers. Under the new rules, employees who turn to employment insurance during the winter will have to take jobs rather than continue their training.

Is the minister aware that her reform is penalizing companies?

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I have a rural riding with a lot of seasonal workers in it. The employers and employees in my riding are saying that these new changes work.

We are creating new jobs here in Canada, in fact, 770,000 net new jobs. I encourage the NDP and the Liberals once again to step up and help those people who are unemployed by supporting these changes.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, there is another category of seasonal workers who may have to pay the price for the changes that are being made to employment insurance, and that is contract teachers.

New teachers who work on contract in our schools often apply for employment insurance benefits during the summer to help them make ends meet. From now on, they will be forced to accept jobs in other areas, rather than continuing to upgrade their skills.

Is the minister aware that this reform is penalizing teachers and the quality of our young people's education?

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I want to be very clear on what the rules are so that the opposition understands.

Our government is working to help Canadians find jobs in their local areas appropriate to their qualifications. I encourage the member to read the new regulations.

For those who are unable to find employment, employment insurance will be there for them, just as it has been in the past.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, the parliamentary secretary knows full well that it is failed Conservative economic policies that are keeping so many Canadians unemployed. The fact is that there are 300,000 more people unemployed today than during the recession.

How do the Conservatives deal with the growing number of unemployed Canadians? They further restrict access to EI and punish people on EI for working. They make changes with no public consultation. Will they start listening to Canadians now and immediately rescind these callous policies?

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, let us talk about what the NDP would do to create jobs. It would have a \$21 billion carbon tax, which would kill jobs.

We have done a great deal to create new jobs in this country, in fact, 770,000 net new jobs. I can say it again and again but those are the facts.

We are changing EI to ensure more Canadians can be employed.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, the 1.4 million unemployed Canadians do not think the Conservative government is doing a great job. It has taken away the allowable earnings provision in EI, which used to allow all people earning EI benefits up to 40% of that EI benefit, so they were able to keep that money. With the changes now, if people work three days or fewer, they will lose money.

The math does not lie. It is obvious and overwhelming. People can make \$800 while receiving EI and keep \$800 but people who make \$300 lose half of that via clawback. When will the Conservatives understand that this is hurting local income earners?

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, as I said before, those who work more will be keeping more of their earnings, which will encourage people to accept work while on unemployment insurance.

Some hon. members: Oh, oh!

The Speaker: Order. The hon. parliamentary secretary has the floor.

Ms. Kellie Leitch: Mr. Speaker, as I mentioned before, we actually have the best job growth in the G7. That is something for Canadians to be proud of. We need to take ownership of it.

When it comes to low-income Canadians, the Liberals and the NDP continue to vote against increases to the GIS and its income exemption. These are things that low-income Canadians need. That is what we are focused on here.

*Oral Questions***VETERANS AFFAIRS**

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, the Conservatives spent \$750,000 unsuccessfully fighting disabled veterans in court to justify clawing back their pensions. Disabled RCMP vets have also sued to stop the government from doing the very same thing to them.

This morning, the Minister of National Defence spoke to an association of military ombudsmen about fair treatment and support for the defence family.

Did the minister explain to this international audience that the Conservatives have learned their lesson or will they put disabled and retired police officers through the same grief?

• (1440)

Ms. Eve Adams (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Mr. Speaker, our government has enormous respect for the veterans who have served and sacrificed for our country. We agreed with the court decision and we are acting expeditiously to ensure that the veterans and the current members who need this benefit receive it as soon as possible. Our government has significantly improved benefits for veterans, including the benefits for disabled veterans, while the NDP and the Liberals consistently vote against these benefits.

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FOREIGN AFFAIRS

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, my question is for the person who speaks for Canada abroad, and of course I mean the British foreign secretary.

Given that the Prime Minister has handed the British the keys to Canada's embassies abroad, I wonder, is the British PM going to be speaking for Canada at the UN too? Exactly how much is Canada's sovereignty selling for these days?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, that is an absolutely ridiculous question. The fact that the once great Liberal Party of Canada could ask such a ridiculous question is probably the best example of why its members are sitting in the far corner.

* * *

[Translation]

NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, the Conservatives allegedly spent over \$700,000 to hire a public relations firm to help them avoid answering questions about the F-35s.

For \$700,000, National Defence responds “no comment”, Public Works and Government Services responds “no comment”, and the new Chief of Defence Staff responds “no comment”.

Why spend \$700,000 if they can do no better than “no comment”?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, as the member knows, the National Fighter Procurement

Secretariat has been set up to oversee the due diligence that is necessary in the decision to replace our CF-18s. Of course, as she knows, the secretariat is made up of the most senior public servants in government responsible for military procurement and two independent members, one of whom is a respected academic and the other a very well-respected former auditor general. I would ask her to allow them to do their work. All of their work will be public.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, there was a time when they happily mugged for cameras in a cardboard F-35 and now they are running from WS's cameras.

The ministers in charge claim that the fix is not in, but first they included the F-35 in the secretariat's name, then they populated it with the same people who got us into this mess, then they hired an auditing firm connected with Lockheed Martin. Now we find out they are using Lockheed Martin's communications firm, paying 700,000 grand for “no comment”.

How much does it cost to get an honest answer?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, I have every faith in the individuals who are members of the secretariat charged with the due diligence necessary to make the decision to replace our CF-18s. They are the most senior public servants in our government responsible for military procurement. One of the independent members we asked to participate and who has agreed to do so is the former auditor general, Denis Desautels. I know these individuals have a lot of integrity and I would ask the member to allow them to do their work.

KPMG will be reviewing the cost estimates that the defence department has put forward, and we look forward to their making them public.

* * *

[Translation]

GOVERNMENT ACCOUNTABILITY

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservatives need a public relations firm to manage their relations with the Parliamentary Budget Officer. After creating the position with much fanfare to give itself some ethical credibility, which has since been lost, the Conservatives are trying to undermine his job as much as possible.

The officer has resorted to legal recourse to try to obtain the information he is entitled to by law.

Why are the Conservatives afraid of making these figures public?

*Oral Questions**[English]*

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, we believe that rather than spending his time and energy tracking money that was not spent, the budget officer would do well to spend his time ensuring that money that will be spent is spent correctly.

As clearly shown in Canada's economic action plan, our budget 2012, we have a fair, a moderate, a balanced approach to make sure that we reduce expenditures on behalf of Canadians and at the same time deliver excellent services to Canadians. We will continue to do so because it helps create jobs and opportunities across our land.

•(1445)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservatives claim to be proud of their budget but why are they—

Some hon. members: Oh, oh.

The Speaker: Order. The hon. member for Parkdale—High Park has the floor.

Ms. Peggy Nash: Mr. Speaker, if the Conservatives are so proud, why are they so afraid of giving some basic information to the Parliamentary Budget Officer?

The Parliamentary Budget Officer is forced to take an unprecedented step and go to court to get some basic information he is entitled to because the Conservatives refuse to respect their own law. They seem to have no problem leaking top secret documents from our allies.

Why are they refusing to give the PBO the information he needs to do his job?

[Translation]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, on the contrary, we will continue to report to Parliament through the normal means, which are the estimates, quarterly financial reports and the consideration of the public accounts. The reports are presented to the House.

[English]

We will continue to report as required by Parliament. We are proud to do so because what we are doing is in the best interests of this country to create more jobs and opportunities across this great land.

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CITIZENSHIP AND IMMIGRATION

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, by introducing the faster removal of foreign criminals act our Conservative government will put a stop to serious foreign criminals being able to delay their removal from this country for years, sometimes for up to 10 years, during which time they can continue to commit crimes against innocent Canadian families.

Could the minister please update the House on the reaction of Canadians to this piece of legislation?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the member is quite right that there is widespread and growing support for the faster removal of foreign criminals act, which would end a Liberal loophole that has allowed convicted serious foreign criminals to delay their deportation for years, and in far too many cases to go on to reoffend and create new victims.

That is why Victims of Violence has said it is very pleased with the government's changes in this legislation to remove dangerous foreign criminals from our country. It is why the Canadian Police Association has strongly backed the bill, and the Canadian Association of Chiefs of Police. The only people who I know who are against it are a couple of immigration lawyers, the NDP and the Liberals. We ask them to get onboard with removing dangerous foreign criminals.

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*[Translation]***PUBLIC SAFETY**

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, the cat is out of the bag. The Conservatives are secretly considering the possibility of privatizing jails and have commissioned a major study of this matter.

The minister even had an in-depth discussion about private prisons with his British counterpart last May and then, in June, denied that private prisons were part of his plan.

I have two questions for the minister.

Do the Conservatives want to privatize jails? If they do not, why waste taxpayers' money on such a study?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, let me be clear that there are no plans to pursue privatized prisons similar to those implemented in the United States or by the Labour government in the United Kingdom. In fact, as the economic action plan 2012 made clear, there are no plans to build new prisons at all.

Our government strongly believes that the guarding of prisoners should be done by government.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, either privatization of prisons is on the table or it is not. The minister likes to talk about certain models being considered and certain models not.

A 1,400 page study—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Esquimalt—Juan de Fuca has the floor.

Mr. Randall Garrison: A 1,400-page study about the privatization of prisons does not just appear out of nowhere. However, the Minister of Public Safety kept Canadians and even the correctional investigator in the dark about this secret study. Mike Harris already tried this in Ontario and it cost the taxpayers millions.

Oral Questions

Why are the Conservatives wasting money investigating an idea that has already failed? Once again, are the Conservatives moving to privatize prisons in full or in part? Yes or no.

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, there are already private services in prisons. Our psychiatrists, doctors, dentists, nurses and all kinds of services are privatized in prisons today. However, our government strongly believes that the guarding of prisoners should not be privatized. That should be done by government.

* * *

● (1450)

[Translation]

GOVERNMENT SPENDING

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Conservatives promised to hold the Old Port of Montreal Corporation to account. Unfortunately, they are allowing the wastefulness to continue. Thousands of dollars were spent to raise the CEO'S profile. Money was thrown out the window in order to secure a speaking engagement. The corporation even paid an outside firm \$1,000 for an interview. It costs nothing to just pick up the telephone and ask for an interview.

Do the Conservatives believe it is all right to waste taxpayers' money to raise the profile of the CEO of a crown corporation?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, on this note I share the member's outrage. I have been alarmed by the reports coming out of this crown corporation. They are unacceptable. I asked the Auditor General to conduct an independent audit and he has agreed to do so and is doing that. In addition, at my request, the Old Port of Montreal agreed to put in place a third party, PricewaterhouseCoopers, that has to review and sign off on all of the port's expenses. Unfortunately, the expense in question happened before this extraordinary measure was put in place.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I am pleased to hear the admission by a Conservative minister. Congratulations. Unfortunately, those at the top have set a bad example. At the same time they are cutting services to Canadians, the Conservatives are spending thousands of dollars on public relations campaigns. They tolerate unnecessary spending by their ministers and their officials: \$700,000 to a public relations firm to say "no comment" on the F-35 file, and \$50,000 to a communications firm to raise someone's profile.

Will the Conservatives go beyond what was just announced, send their own clear message and change their attitude towards wasting taxpayers' money?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, when it comes to the Old Port, we have sent a message loud and clear. The Auditor General is doing an independent audit of the Old Port of Montreal and we have also put in place a third party in

charge of reviewing all expenses and signing off on all expenses related to the Old Port of Montreal. Unfortunately, this particular expense happened before we put in place these measures and, as I said, it is unfortunate that this level of spending is happening in an independent crown corporation.

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NATIONAL DEFENCE

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, the government has got the F-35 process totally backwards. The defence department was supposed to produce a statement of requirements first, that is, what Canada needs these planes to do. After that it should have been up to Public Works to launch a bidding process. Now that the Minister of Public Works and Government Services is the real defence minister, will she review the statement of requirements and for the sake of both taxpayers and the defence of Canada finally launch a competitive, open bidding process?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, the member knows well that my responsibility as Minister of Public Works and Government Services is to ensure that the process is followed. The Auditor General found flaws in the cost estimates put forward by the Department of National Defence and recommended that new cost estimates be provided. We are going further than that. We are asking for an independent evaluation and validation of those cost estimates. We have hired KPMG to do that and we look forward to those cost estimates being made public to parliamentarians.

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FOREIGN INVESTMENT

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, trade with China is important and something that we fostered with Liberal prime ministers, who led trade missions to China to secure business for Canadians on fair terms. However, on Friday the Chinese ambassador seemed to imply that the Nexen deal was a condition for everything else. That being the case, how does the Minister of International Trade intend to protect Canadian resources for the benefit of Canadians, adding value and jobs in Canada? And how does the minister intend to ensure that Canadian businesses have equivalent rights in China?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, as everyone knows, Canada's investment review process is sound and ensures that foreign investment is of net benefit to Canada and Canadians.

Our government has a very clear and strong track record of encouraging economic growth, job creation and prosperity, and I can assure the House the minister will take the time required to carefully examine the proposition under review.

Oral Questions

[Translation]

OFFICIAL LANGUAGES

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, since the Conservatives have been in power, Canada's international influence has been fading. A piecemeal approach and lack of transparency seem to have become the Minister of Foreign Affairs' trademark. The behind-closed-doors agreement to co-operate with the United Kingdom could have a significant negative impact on French-speaking Canadians.

My question is simple. Will services in French be maintained and available in all of the British embassies and consulates that are part of the agreement?

• (1455)

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the member opposite is coming to conclusions before she has even read the agreement. I would commend it to her. We will be announcing it in a very short period of time.

Let me give an example. In Haiti, we are going to allow a U.K. official to work out of our embassy. In Rangoon, the U.K. is going to allow a Canadian official to work out of theirs. This is something that Canada has done for many years, and it has absolutely no effect whatsoever on the French language services act.

[Translation]

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, I think my colleague's question was simple and clear. Clearly, French was not one of the Minister of Foreign Affairs' priorities when he negotiated this agreement with the United Kingdom.

Several questions remain unanswered with respect to this announcement. How can we be sure that quality French-language services will be available in British consulates and embassies? Will this agreement with the United Kingdom, which is intended to give the Commonwealth more influence vis-à-vis the European Union, undermine our diplomatic relations with countries belonging to the Francophonie?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, let me be very clear.

There has been no change to the Official Languages Act with respect to services provided by the Government of Canada or the buildings in which we work in countries around the world.

I cannot make it clearer than that.

* * *

[English]

SPORT

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, this Saturday, September 29, marks the third annual Sports Day in Canada. During this exciting event, it is estimated that more than a million Canadians across our country will participate in a number of different activities in their local communities in celebration of the spirit of sport.

Can the Minister of State for Sport please tell the House how our government is promoting participation in sport and in physical activity here in Canada?

Hon. Bal Gosal (Minister of State (Sport), CPC): Mr. Speaker, as the Minister of State for Sport, I cannot stress enough how important it is for all Canadians to get involved in sport and physical activity. In an effort to encourage all Canadians to get involved in sport, tomorrow for the first time, I will have the privilege to learn how to curl from some of Canada's top curlers at the Ottawa Curling Club.

Canadians do not need look any further than our government's economic action plan 2012 to see the importance our government has placed on physical activity and high-performance sport by maintaining funding at an all-time high. Whether on the ice, field or court, I encourage Canadians across the country to get involved in sport and physical activity. I ask all MPs—

The Speaker: The hon. member for Saint-Maurice—Champlain.

* * *

[Translation]

FOREIGN AFFAIRS

Ms. Lise St-Denis (Saint-Maurice—Champlain, Lib.): Mr. Speaker, Canada is about to relinquish vast amounts of its sovereignty by sharing consular services and embassies with Great Britain.

How does the Prime Minister plan to put forward an independent foreign policy while sharing embassies with another country? Will Canada's foreign policy be assimilated from now on into the policies of the countries with which we permanently share these consular services?

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I think I very clearly answered that question.

For this member to talk about policy assimilation, someone who sought election to the House of Commons proudly as a New Democrat only to cross the floor mere months after election, that is a real bait and switch.

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CHILDREN'S RIGHTS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, the government's response to official questions from the United Nations Committee on the Rights of the Child, which it received in March, was delivered just last week, three months late. The government declares that it protects the rights of children and it claims it works with the provinces to also protect the rights of children, but our analysis shows that the government does not even know how many children it has under state care.

How can the government pretend it is interested in the rights of vulnerable children when it does not know how many children are under its own care?

Points of Order

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, governments at both the federal and provincial levels as well as our municipal partners do a lot to support the rights of children, do a lot to provide services for children, whether they be children in care at the provincial level or children in care in our first nations. Whether it be in supporting parents in their child care obligations, whether in income support with the substantial amounts that Canada spent providing income support for children, be they in judicial and public security areas where we deal with children, or when they have encounters with the law, this government has made this a priority.

All Canadians can be proud of the great efforts that this government has taken and the successes we have made in supporting our young people.

* * *

• (1500)

FORESTRY INDUSTRY

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, this week is National Forestry Week, and I encourage all Canadians to learn about Canada's forestry sector and its important contribution to Canada's economy and communities. This industry is the lifeblood of hundreds of rural communities across Canada, and it employs more than 230,000 Canadians and contributes over \$20 billion to Canada's economy.

Could the Minister of Natural Resources please update the House on our government's record in the forestry sector?

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, our government's forestry plan is getting results by creating and protecting thousands of jobs in the forestry sector. Through our government's actions, we have seen a 1,000% increase in softwood lumber exports to China. This is the equivalent of 20 average-size mills supplying exclusively to the Chinese market. The NDP would jeopardize all this progress with the implementation of a reckless and dangerous carbon tax, which would devastate the forestry sector.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, although the government committed to expedite the reunification of Haitian families, it has now been over two years since the catastrophic earthquake in Haiti and the government has still not kept its promise to reunite families in Canada. Too often, Haitian families must pay exorbitant fees and deal with long delays and wait times only to have their family reunification claims denied.

Why did the Minister of Citizenship and Immigration break his promise to reunite Haitian families?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, on the contrary, the government implemented a program to expedite the reunification of families following the earthquake in Haiti in 2010. Several thousand Haitian nationals have benefited from this policy.

Clearly, I said in 2010 that the legal requirements concerning the evaluation of admissibility have to be upheld. That is not something

that is easy to do in a country such as Haiti, given the circumstances there. Nevertheless, we took a very humanitarian approach in this regard.

* * *

TELECOMMUNICATIONS

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, cellphone theft increased by 71% in downtown Montreal between 2010 and 2011. The same goes for Quebec and Vancouver. In Toronto, there were more than 1,800 cellphone thefts in 2011. It is absurd that in Canada, telephone companies reactivate stolen cellphones, and thereby encourage theft and possession of stolen goods.

In France, Australia and even the United States, they have created a central database to make it impossible to reactivate stolen cellphones.

What is the government waiting for to take action for Canada and Quebec?

Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, I urge my colleague to vote in favour of this government's crime bills. They are important. She is talking about theft.

* * *

[English]

POINTS OF ORDER

TABLING OF DOCUMENT

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, on a point of order, I would like to ask for unanimous consent to table a document done by the Library of Parliament called "Case studies for a new pilot project, working while on claim".

There seems to be a lot of confusion on that issue. The minister has put out her document. This one is based on real-life case studies and would provide information to the House to make appropriate decisions.

The Speaker: Does the hon. member have the consent of the House to table the document?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

ROUTINE PROCEEDINGS

● (1505)
[English]

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Canadian Heritage in relation to its study on Canada's 150th anniversary.

Pursuant to Standing Order 109 of the House of Commons, the committee requests the government table a comprehensive response to this report.

* * *

NATIONAL HEALTH AND FITNESS DAY ACT

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC) moved for leave to introduce Bill C-443, An Act to establish a National Health and Fitness Day.

He said: Mr. Speaker, I rise to introduce my private member's bill, an act to establish a national health and fitness day.

The bill encourages local governments to open the doors of their facilities on a complementary basis on the first Saturday of June each year. It will benefit Canadians by encouraging participation in healthy physical activities at a time when obesity-related conditions such as diabetes are taking an increasing toll on our health and economy.

My bill enjoys broad support in this House, from the member for Sackville—Eastern Shore and from members of the Conservative Party, the NDP, the Liberal Party and the Green Party.

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

* * *

PETITIONS

RIGHTS OF THE UNBORN

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I have with me a number of petitions today from my riding of Kitchener Centre. Almost 150 more people are asking the House of Commons to reject any law that says some human beings are not human and thereby to endorse the principle that every human being in Canada has equal worth and dignity.

To similar effect, I have petitions from the riding of Macleod, Alberta, with 50 signatures; from Whitby—Oshawa, with dozens of signatures; from Kitchener—Waterloo, with another 50 signatures; from Durham, with 78 signatures. Of these signatures, half seem to be from men and half from women.

I have a petition from a riding in Scarborough to the same effect and a petition from the riding of London North Centre with over 100 signatures.

I could go on, but I will stop at that point.

Routine Proceedings

CITIZENSHIP AND IMMIGRATION

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have a few petitions to present today.

The first petition is from members of my riding who are very concerned about the government's direction as it pertains to refugees and immigrants. The petitioners are calling for a reversal of Bill C-31 and essentially a rewrite.

PUBLIC TRANSIT

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, notwithstanding the government voting against our national transit strategy, citizens are still very concerned and are still calling for one. I have a petition here from residents of Toronto calling for that.

POSTAL SYSTEM

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, finally, I would like to present a petition from a number of people in my riding who are very concerned about the postal service. The petitioners want to maintain a strong, public, affordable, accessible postal system.

RIGHTS OF THE UNBORN

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, I rise today to present two petitions from Canadians, including constituents of mine, in support of motion M-312 to confirm that every human being is recognized by Canadian law as human by amending section 223 of our Criminal Code in such a way as to reflect 21st century medical evidence.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I have a petition in support of Motion No. 312.

[Translation]

Ms. Manon Perreault (Montcalm, NDP): Mr. Speaker, I am presenting a petition signed by Canadians across the country opposing the Conservatives' Motion M-312, which is a thinly veiled attempt to reopen the abortion debate.

By strongly expressing their opposition, Canadian women are hoping that all members will strike down this scathing attack on a woman's right to choose. Canadians do not want to backtrack on women's rights. They want Canada to take a step forward to achieve true equality between men and women.

● (1510)

[English]

RIGHTS OF THE UNBORN

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I rise today to present two petitions.

The first petition is from my constituents of Kingston and the Islands. The petitioners ask the House of Commons to amend section 223 of the Criminal Code concerning the definition of a human being.

Routine Proceedings

THE ENVIRONMENT

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, my second petition requests that the government not de-fund the Experimental Lakes Area laboratory that has helped the government set smart policy on acid rain, mercury pollution, climate change and that will be able to help the government set smart policy on silver nanoparticles, among other things.

[Translation]

ABORTION

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, today I have the pleasure of presenting to the House a petition signed by the citizens of my riding of Hochelaga and of some parts of Montreal. They are asking the members of Parliament to reject Motion M-312, which truly violates the rights of women.

[English]

RIGHTS OF THE UNBORN

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have two petitions today. In both petitions, the petitioners note that section 223 of the Criminal Code, from 400-year-old British law, stipulates that a child only becomes a human being once he or she proceeds from the womb.

In one of the petitions, the petitioners call on Parliament to support Motion No. 312 and to have debate on that issue.

In the other petition, the petitioners call on Parliament to change that section so there is no discrimination against any person by not considering them to be a human being.

[Translation]

ABORTION

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I am particularly proud to present a petition from the citizens of my riding, a petition against Motion M-312, which reopens the abortion debate.

[English]

MULTIPLE SCLEROSIS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, I am pleased to present this petition regarding CCSVI.

Today marks 1 year, 87 days since the government promised clinical trials, and still there is no action. In this time we will potentially have lost another 480 people to devastating multiple sclerosis and those living with the disease will have worsened, on average, by one disability score.

The petitioners call for the Minister of Health to consult experts actively engaged in the diagnosis and treatment of CCSVI to undertake phase III clinical trials on an urgent basis at multiple centres across Canada.

[Translation]

STATUS OF THE UNBORN

Mr. Raymond Côté (Beauport—Limoulu, NDP): Mr. Speaker, I am presenting to the House a petition signed by 44 men and women from the Province of Quebec. They are asking the House of Commons to reject Motion M-312.

[English]

CANADIAN BROADCASTING CORPORATION

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, it is my pleasure to table a petition signed by various Canadians supporting the government providing stable and predictable long-term funding for the CBC to provide regional and national programming, news and cultural programs for linguistic majorities and minorities across Canada.

HOUSE OF COMMONS

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am pleased to present a petition from residents of Winnipeg North. The petitioners want to communicate a very strong message to the Prime Minister that there are many other needs that are more important than the need to increase the size of the House of Commons to 338 members of Parliament.

The petitioners call on the Prime Minister to maintain the size of the House of Commons.

[Translation]

ABORTION

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I have the pleasure to present two petitions today.

The first is against Motion M-312, which is an attempt to reopen the abortion debate. Canadians are hoping to move forward and not backward to achieve true gender equality in Canada.

KATIMAVIK

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, the second petition is aimed at restoring the Katimavik program, which was eliminated in the last Conservative budget.

[English]

RIGHTS OF THE UNBORN

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I am proud to present a petition from constituents of the beautiful Langley, British Columbia.

The petitioners ask Parliament to recognize Canadian law and amend section 223 of the Criminal Code to show that humans will be recognized as humans in such a way to reflect 21st century medical evidence.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present two petitions.

The first petition is from residents in a number of different parts of British Columbia.

The petitioners call on the government to allow processes to take place, without fixed deadlines, to allow a full review of proposed Enbridge projects of risky pipelines and supertankers on the B.C. coastline.

Government Orders

● (1515)

PROTECTION OF CHILDREN

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is from residents of Ontario, particularly the town of Glen Morris.

The petitioners call on the House to look very closely at Bill C-30, the so-called Internet surveillance act, labelled “Protecting Children from Internet Predators”, which is not the purpose of the act. They call on the House to in fact protect the privacy of Canadians, review the act and ensure Canadians know that they are not being spied upon without proper access and warrants.

* * *

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.

GOVERNMENT ORDERS
*[English]***FASTER REMOVAL OF FOREIGN CRIMINALS ACT**

The House resumed consideration of the motion that Bill C-43, An Act to amend the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, it is my pleasure to speak to Bill C-43, yet another immigration bill. With 1.4 million Canadians out of work, 300,000 more Canadians today than in 2008 when there was an economic recession, one would think the House and the Conservative government would actually focus more on job creation instead of putting all their energy into dealing with perceived problems through legislative means.

Since 2000, the auditors general have been saying that the problem with who comes into the country and who gets deported is not really with the law, but with the administration of the law. A succession of auditor general reports, in 2000, 2003, 2007, 2008 and 2011, all five reports said the same thing. Between Canada's immigration service and the Canadian Border Service Agency, there are serious problems in how the law is administered as to who gets into the country and who gets deported.

The 2007 auditor general report talked about it not being clear which department did what. It said that it was not consistent as to who was deported and who came in and the level of compliance was not monitored. There was no regard as to how much it cost to remove people from the country. More damning was it could not track those who needed to be deported. For a good percentage of them, it was unknown where they had gone. In dealing with detentions and removals, the report stated that the policies and procedures were not applied consistently and that the database that dealt with detentions and removals was a complete mess, unfortunately.

That was in 2008, four years ago. Surely, things would have improved. Surely, we would know who we were letting in, whether they were criminals or not, and who was being deported. Actually, no, things have not improved.

The Auditor General did another report in 2011. Many hours and months were spent tracking what was happening with Canada Border Services Agency, which has the task of dealing with people, and Canadian immigration services overseas, as to who was admissible to Canada and who needed to be deported. It noted in chapter 2 of the report that the operation manuals had not been updated and there were actually three different screening manuals. However, with the hundreds of bulletins and manuals, if the officers wanted to check, they did not have the search capacity to do so. Therefore, they were trying to find out which manuals to apply and which bulletins they should use. They would go on a search and their computer system would not allow them to search. It was not clear. There are many and they are not necessarily updated either.

● (1520)

It is interesting that there is a lack of country specific risk profiles. The profiles are not systematically produced and, even if they are produced, they are not distributed. According to chapter 2.29 of the Auditor General's report, the overseas officers often have no idea what kind of person should not be coming into our country. In fact, half of the officers said that they did not have specific and sufficient information to assess if people were inadmissible. They do not know whether they have security concerns because the manual is not updated, the risk profile is not clear, it is not systematically produced and it is not distributed.

As I said earlier, there were audits in 2000, 2003 and 2008. The Auditor General went back to see whether there was a framework to ensure the quality of the jobs done, both here in Canada and overseas, and whether there was a performance review. Apparently, there is no performance review, no guidance, no training and not enough information to properly determine who should or should not come into this country. That is from the Auditor General's 2011 report, chapter 2.37.

In chapter 2.39 of the report it states that the department's 2011 program integrity framework calls for the monitoring of the quality of decision making through random, systematic and targeted quality assurance activities. That means that they check to see whether the law is being applied properly. This so-called program integrity framework has not been implemented and, therefore, is not done, which means that we do not know whether the existing law, the previous law or the future law is being applied.

We are seeing that the Conservatives keep trying to change the channel. It is the department that is broken and the system is not working, according to the Auditor General. Instead of cleaning the system and doing it better administratively, the Conservatives are wasting time. They keep trying to change the law every three months and taking the time to change the channel. For Canadians who know that something is not right, the Conservatives would say that it is not the system that is the problem but that it is the law, which is not true. According to the Auditor General, it is the system that is broken.

Government Orders

I have more. The Conservatives said that there are all types of problems because there is no timely review of the effectiveness of the security screening process. Whether it is CSIS, CBSA or Canada Immigration Service, we need to have all of them connected. The Auditor General said that the IT systems are not inter-operable, meaning that they are not necessarily connected. The field agents, the people out there working to decide who gets to come in and who needs to be deported, cannot get all the information they need. That is another problem.

The Auditor General went on and identified other serious problems. It is not just the system. The report also mentions that there is an absence of a formal training program or curriculum. The workers are not formally trained. It says that close to 40% of the analysts had not received training. They do not know how to apply the law because they have not received training. It is not their fault. As well, 74% were missing training in research techniques. That is the majority. Three out of four front-line officers were missing training in research techniques, so they do not know how to do it.

● (1525)

To make it worse, even though there is no formal training program or curriculum, if they have been there for a long time, maybe they would gain that information and knowledge from experience, but no. Forty per cent of the staff have employment records for two years or less, which means there is a high turnover in the front-line staff. There is little stability. With high turnover and very little training, it makes the situation much worse.

It is the system and the administration of the law that are the problems. Instead, rather than fixing the problem, we have yet another immigration bill, Bill C-43, to deal with the admissibility of temporary residents. We can change the law all we want but if there is the absence of a formal training program or curriculum, a high turnover, the manuals are not up to date, there is very little risk assessment and the system is not being reviewed in a way that is comprehensive, there is a serious problem.

The Auditor General went on to say that when officers make decisions, they normally document the reasons for them. Actually, 28%, which is 3 out of 10, have documentation, which means that when 7 out of 10 officers make decisions, they do not document them. Did the person who made the decision follow procedure as to who gets deported and who gets admitted? We do not know. Did the person who made the decision conduct a full assessment? The public does not know because the person did not document what he or she did when the decision was made. Normally there would be mandatory checks but that was not done in 80% of the cases and the checklist was not used, which is a serious problem.

What did the Auditor General say needs to be done? He said that there needs to be a quality assurance process, good training and service standards. Are there service standards yet? No. CBSA and CIC have no service standards. How do we know whether the people coming into this country or being deported are the right people? We do not know.

The Auditor General asked how the problem got started. Apparently, in 2003, when CIC used to deal with enforcement, it separated that out and gave it to the Canada Border Services Agency, which established it and changed the act. Since then, it has not been

clear as to who does what. It has done two memorandums of understanding and yet the information, management and share services were still under negotiation as of a few months ago. It is still trying to figure out who is supposed to do what. It was supposed to do a joint risk management strategy so that it would be clear as to how risk would be dealt with, those who are allowed to come into the country through temporary resident permits, except that its joint risk management strategy has not been implemented. It sounds good but it has not done it yet. Instead of ensuring that the director and the front-line staff do what they need to do, we have yet another legislative change.

According to the Auditor General, there is a huge problem. Chapter 2.96 states that CIC and CBSA do not have systematic mechanisms for quality assurance or measuring performance that would provide a reasonable level of assurance that their processes are working and that practices are appropriate for today's challenges.

● (1530)

Furthermore, the organizations have only recently begun to develop a joint risk management approach, as they have not done it yet, and similar issues have been identified in our audits since 2000. This is not a new problem. There needs to be a sustained effort by CIC and CBSA to address the gaps in the admissibility determination process so that the related risks are properly managed.

That was in 2011. What about this year, 2012? The assistant Auditor General, Wendy Loschiuk, and the principal responsible for the audit I was quoting from, Gordon Stock, came to the immigration committee. At that time, committee members asked whether all the recommendations in the Auditor General report had been implemented. Ms. Loschiuk said that even though some better techniques to track people had been adopted, the whereabouts of some of these people were still unknown.

In fact, it is not clear where 41,000 of these folks have gone and, of the people who were detained but released on bonds, it is not clear whether they have complied with the conditions of their release. There was little information available on the costs of detaining and removing persons or on whether policies and standards for detention were applied fairly. Now we would be giving the minister even more arbitrary power to apply these so-called policies and standards even though we do not know whether they are being applied fairly because there are no performance standards. This whole thing is absurd. They need to better coordinate their efforts.

The report is very damning. It says that there are lots of gaps in the system and very little helpful information available from security partners. It also says that security screening for a permanent residence visa can sometimes take more than three years, which is too long. It also says that the system to check whether it is working needs to be strengthened for the admissibility determination process.

Government Orders

In a system that is supposed to help protect Canadians, it is just as important to review the decisions to grant visas as it is to review the decisions to deny them. As the Auditor General said, rather than focusing on decisions on why visas are denied, we should focus on how visas are granted. However, that has not been done.

Is this a serious problem? Yes, the system is in serious need of change. However, I want to put it in perspective. Only 1% of applicants for temporary residence and 0.1% of applicants for permanent residence were found to be inadmissible. Of the 257,000 people who come to this country and become permanent residents, what are we talking about? We are talking about 46 people, which is not a huge concern in terms of changing the law. The real concern is how the law is being administered.

The Conservatives have fallen down on the job of ensuring the law is being applied properly and fairly.

• (1535)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, Bill C-43 contains some fairly significant changes. We would like to think that the government will be open to ideas or the possibility of amendments, especially in the area of the ministerial power, but also in other aspects of the legislation.

What are the member's thoughts about the Minister of Citizenship, Immigration and Multiculturalism being given the authority to tell someone that he or she cannot come to Canada without having any checks in place? Does she feel that this would be an amendment that she would be supportive of in terms of ensuring there is a check in place to limit the minister's ability to deny someone access to Canada?

Ms. Olivia Chow: Mr. Speaker, according to the Auditor General, the law is being applied in an arbitrary fashion right now, so there are already serious problems. To give the minister the power to declare a person inadmissible for up to 36 months if the minister is of the opinion that it is justified by public policy considerations means that decisions will be made in a closed-door, opaque and non-transparent manner.

What are public policy considerations? Is it in some kind of menu? Are there criteria? Are there any specific guidelines? Is it open for debate? Is it open for discussion? We do not know.

There is a pattern to how the Conservative government operates. Closed-door decision-making without the consultation of both Parliament and the public seems to be the pattern. In my mind the power is completely centralized in just the minister's hands, especially when the department, according to the Auditor General, has no performance review and makes decisions in an arbitrary manner.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague for her speech and her description of a situation that seems to be ongoing, which is the lack of adequate resources that would enable the Department of Citizenship, Immigration and Multiculturalism to do its job.

I would like to know what her concerns are following the budget announcement and the cuts that continue to be made to the public service.

What does she foresee in terms of service delivery by the Department of Citizenship, Immigration and Multiculturalism?

[*English*]

Ms. Olivia Chow: Mr. Speaker, the cutbacks are with respect to both the Canada Border Services Agency and Canadian immigration centres. It means that there will be even higher staff turnover, there will be even less training, and decisions will be made in an even more arbitrary manner because there is no performance review. In many ways, people who are waiting to get served will wait longer.

For border services, it means that more illegal guns will be smuggled into the country, that people who should be inadmissible may end up being in Canada and that those who should be allowed to come to Canada will not be able to come. It may be that CBSA cannot track down those who should be deported, and those who should not be deported for humanitarian reasons, because they grew up in Canada all their lives and their entire families are here, or who can reform themselves and become good citizens, may end up being treated unfairly and be deported. That would be unfortunate.

• (1540)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, I thank my colleague for her presentation and for very clearly showing not only how the current laws are not being implemented but that the staff who are charged with carrying out these checks and balances do not have the resources and do not have any systems in place. Therefore, it seems rather strange that we are going down this road right now.

My question to my colleague is this. When she meets with different community members from our diverse population, what kind of feedback is she getting on this mean-spirited approach that the Conservative government is taking to transform our immigration policies and paint a picture of newcomers as criminals and cheaters who are just here to use the system?

Ms. Olivia Chow: Mr. Speaker, we are actually dealing with 0.1% of permanent residents, so it is a very small number. With all this attention through press conferences and media stunts, I am afraid that the general public will have the opinion that a lot of immigrants are hard core criminals, which is not the case.

I hear very often that the law is not being applied fairly. There are people who would point out that such a person should not be in Canada. Why is that person still here? There are other cases where people have asked, how come my uncle cannot come to Canada? Why is he inadmissible?

I have heard from my constituents of cases where there are people who have assisted in supporting opposition movements or pro-democracy movements in a country that is governed by a dictator. They are freedom fighters and yet because the government declared them criminals, even though they are not, they are then not allowed to come into the country, even though those are the kinds of people the Conservative government is celebrating. They cannot get their permanent resident status because they are "inadmissible", even though the work they are doing is in fact being encouraged by the Conservative government.

Government Orders

I have heard of all types of unfairness because of the way the law is being implemented at this moment, and in the last 15 years, actually.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I want to thank the hon. member for Trinity—Spadina for her eloquent comments.

My question, though, is about the current situation of immigration in Canada in general. I have noticed, as have my staff, that there has been a clampdown on visa applications for family members and that the length of time it takes for family reunification to take place has been extended to the point where, in some cases, it takes 14 years to bring family members together. In some cases these family members are deceased before they get here.

Could the hon. member comment further on the state of immigration generally in this country?

• (1545)

Ms. Olivia Chow: Mr. Speaker, in one word, it is a mess.

The system is in a mess. The Auditors General may not use that word but if one reads all the reports that she and he have done in the last 10 years, and even in the last two years, the reports would reveal that the system is in a mess. Canadians are waiting longer and families are having a hard time getting their loved ones into Canada.

[*Translation*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I must advise the House that I am going to share my time with the member for Rivière-du-Nord. We will each speak for 10 minutes.

[*English*]

I would like to start by saying that the title of the bill, quite obviously, is something that should give us pause. The reference to foreign criminals is something that seeps throughout the entire bill. It could, if we are not careful, help construct society's understanding of the contexts that are being discussed in the bill in a way that would separate those of us who are lucky to have full citizenship from those among us who are merely landed immigrants or permanent residents.

I would like to come back to that point when I discuss, a bit later, the cutting of appeal options in new categories of cases. However, I do want to put on record that one of the biggest problems is almost a discursive problem by the reference to foreign criminals in this undifferentiated way in the title.

The second big problem with the bill is that, in some ways, it combines two extremes in terms of the exercise of state power in this context.

One extreme is that it would give a full, at least in terms of the text, and unfettered discretion to the minister with the new section 22.1, which would allow him or her to refuse temporary residence visas on his or her own opinion of what are public policy considerations. There is nothing in the bill that talks about any constraints on that.

We had an answer earlier in the House when the parliamentary secretary suggested that the government might be open to giving a bit more substance to that, but at the moment it is not in the bill.

On the other hand, we have no discretion at all on other fronts in the bill in a way that adds to the repressive dimensions of its structure. Within section 64, which would change the threshold for no appeal rights after being determined to be inadmissible from two years to six months, removing the appeal as of right, there would be nothing in between. There would be no procedure for a leave to appeal. It would be all or nothing. If people have been convicted for an offence that has involved imprisonment of six months, then they have no right of appeal from the decision on admissibility to the Immigration Appeal Division.

On the other hand, in terms of no discretion, there is a new section 25 wording that would remove not just the right of the minister but the power of the minister to consider humanitarian and compassionate considerations in a category of cases.

Now, I want to be careful here when I add this in as a problem because those categories of cases are worded very broadly and they seem like the kind of cases when one would never want to exercise discretion to allow somebody to stay. "Security", "organized criminality" and "violating human or international rights" are the words used.

However, even within those categories, they are so generally worded, "organized criminality" and "security", that it is not difficult to imagine some circumstances in which there may be reason to lighten the severity of the law and allow somebody to stay. In fact, that is how the system has worked. On occasion the minister does exercise exactly that discretion for those reasons. The fact is that has been eliminated.

We have to look very carefully when this does hit the committee as to whether or not the use of extremes, nothing in between, has actually created a bill that would, down the road, show itself as producing a lot of hardship.

I am going to primarily address the question of the reduction of the elimination of the right to appeal to a broader category of persons and, also, the public policy discretion of the minister.

With respect to that public policy discretion, let me start here. The new section 22.1 says:

The Minister may, on the Minister's own initiative, declare that a foreign national...may not become a temporary resident if the Minister is of the opinion that it is justified by public policy considerations.

He may do that or she may do that for up to 36 months.

That is it. That is all we have there.

• (1550)

It is not too difficult to imagine how, in the hands of a certain minister or in a certain period of time, this could be exercised very arbitrarily, if not abusively. There is nothing in the bill to constrain that, other than, I hope, the fact that there would be judicial review available, but judicial review is one of the worst possible ways to produce checks in any legal system because it requires time, money and good lawyers to actually get anywhere. We need to have a system of decision making within the bill itself that checks the minister in his or her decision making, and public policy consideration is just simply far too broad a mandate to give any one person to exercise in the context.

Government Orders

I will not go into specific examples, but we do know of at least a few examples where the Minister of Immigration has clearly not wanted somebody to enter the country for reasons that, under the surface, appear to be more about politics than they do about sound public policy. That clause has to be looked at in committee. It has to be beefed up if it is to be retained.

The next provision to look at is section 64 which, as everybody has noted, lowers the threshold for removing the right of appeal on an inadmissibility decision from two years imprisonment to six months. If a person has been in prison for six months, that is it in terms of them having any right of appeal. They would not have any.

We should think about some of the things in the Criminal Code that can attract six months, and they may not that often, such as stealing oysters, section 323, selling a betting pool, section 202, and the list goes on. There are lots of offences that can attract six months. We would like to think the system would never end up seeking to deport somebody for these kinds of offences, but the moment we go down from two years to six months, we actually enter that territory where these kinds of Kafkaesque possibilities are there.

What about more recently, the effects of mandatory minimum legislation in Bill C-10? We know now that with marijuana, for example, the growing of six plants can lead to a six months sentence. The sentence cannot exceed six months, but it can also be six months under the new Bill C-10, when that takes effect in the Criminal Code: six months, six plants, no appeal. Does that seem at all proportionate to the kind of more nuanced decision making that we would want our laws to recognize. We hope that would never be used as a basis by the system to seek to deport somebody in and of itself, but there is nothing protecting against that result the way it is written.

The biggest problem is that the lower the threshold, the more people will be caught by it. More people who have permanent residence and landed immigrant status will suddenly be put in this category of deportable, even though what they have done in the grand scheme of things is not nearly as serious as what used to be the case under the law.

We have to begin to reflect on how much ownership we have to take of those among us who get into criminal trouble, who do end up with sentences right at the edge of six months, eight months, nine months. Who is responsible? What society is responsible for dealing with that issue? Is it always the other country that has a formal nationality, a country that a person may not have seen in 30 years, a person who may have come here at age two or age three and does not even speak the language of the other country, for example, or is it the country where the person grew up and basically produced the condition under which the crime occurred? We are not responsible for it, but we are that person's brothers and sisters. How do we think about the fact that the lower the threshold is, the more likely it is that people among us will end up in the headlights of the minister or the department of administrative immigration for this kind of deportation.

In the general sense, the bill may not appear offensive to those on the other side or to many in society, but when we look at how minimal the trigger is for somebody to be deported with no right of appeal, we really have to question whether this is the way our society

wants to go. Two years itself is already something that was a compromise. Why we have gone to six months has escaped me.

• (1555)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I talked earlier about how the government was doing such a huge disservice to those 1.5 million permanent residents who called Canada their home. For a wide variety of reasons, many of them are unable to obtain their citizenship. In many of those cases, it is in part because the government has been so negligent in terms of not processing the citizenship applications in a timely fashion.

However, the way in which this issue has been dealt with puts a wide tarnishing brush that makes all permanent residents look bad in the eyes of many, by classifications like “foreign criminals” and such. Many sentences actually incorporate the word “criminal”, for example drinking and driving for a first-time offender. There are many different examples and I suspect a vast majority of Canadians would not support the fact that everyone who becomes a criminal should be deported from Canada. Would the member share the same concern that I and other members of the Liberal Party have in regard to that fact?

Mr. Craig Scott: Mr. Speaker, I share some of the concerns. I am not convinced that the government itself wants to tar people with that brush in that way.

As I started out by saying, the phraseology in the act refers to foreign criminals. For the 1.5 million or more landed immigrants or permanent residents in our country, a number the member indicated but I do not know if it is the figure, the effect of that word “foreign” is to create this kind of us/them within our own society. Some consequences for some people will be much worse than for others, even though they are just as much members of our community and Canadians in our country as somebody who has gone to the next step and become a citizen.

Therefore, I have a problem with the effect. Whether it is part of the intention, I have doubts. I cannot imagine that is the intention of the government.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, it is nice seeing you in the chair. It is the first time I have had the chance to congratulate you and the first time I have seen you in the chair.

I have a question for the hon. member across and I appreciate the approach. Based on the member's speech, there is an issue which he hopes to deal with at committee, meaning he assumes it will get to committee, and I appreciate his support in getting it there. The issue is that the six-month criterion is already there in the previous legislation, as clearly indicated by both the parliamentary secretary and the minister today. The difference is that there is an approach that for an offence that has a two year less a day incarceration there is an appeal process.

I want to be clear that this is his issue. He thinks there should be still a loophole. If the people in Toronto—Danforth told the member that they thought it appropriate that those who were not Canadian, those who had not bothered to become Canadians but were here as foreign nationals, committed serious crimes and if they did it in six months that appeal should be gone, would he change his position?

Government Orders

•(1600)

Mr. Craig Scott: Mr. Speaker, if the people in my riding actually took that position and were able to argue it to me in a convincing way, obviously I would be open to changing my mind on things. The fact is that people in my riding live cheek by jowl, those who are citizens and those who are landed immigrants. Landed immigrant status can often last a very long time. It has nothing to do with dragging their feet but has a lot to do with the luck of the draw. Sometimes people are landed immigrants because they have come as children and do not opt for citizenship until quite a bit further in their lives. Then something happens where they get into trouble with the law.

The whole question I was trying to address was this. Whose community is responsible for people who get into some trouble with the law that can sometimes lead to six months versus two years, which is a huge gap? Who are responsible? The people themselves are responsible, but society as a whole has to bear some responsibility. What if those people know nothing about the society that we are thinking about deporting them to? Should we not think of them as our co-citizens, even though in the law they may not be citizens? That is my approach.

[*Translation*]

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, I have the impression that what we are seeing here is a massive public relations operation, where the government is saying that it will be tough on crime; that is the Conservatives' mantra. It is an easy public relations operation in that, meanwhile, the government is ignoring what is really going on with immigration in Canada.

I will mention three recent examples that shocked me deeply. Unfortunately I feel there is no justification for what happened. This summer, 25 beach soccer players from Morocco requested a visitor's visa to play in a competition in Montreal. They were coming from the Olympic Games, so it was unlikely that one of them would seek refugee status. Unfortunately, these players were barred from Canada. Thirty-five Haitian businesswomen who wanted to come to Canada to present their achievements were also prohibited from entering and remaining in Canada because, according to the department, a number of them did not have the financial resources or did not provide enough of a guarantee that they were going to return to their country. This week some Burmese artists were prohibited from visiting Canada.

The number of foreign nationals from developing countries who are denied entry to Canada is growing. The government wants Canada to be a place where only the rich and famous can come, even if they have a criminal past. I am thinking in particular of a certain gentleman who was involved for many years in the media and who was given a red-carpet welcome.

This bill is a diversion tactic. I am specifically thinking about the concentration of powers in the minister's hands. The Conservatives are trying to politicize the immigration process in Canada by increasing the minister's powers. One clause in particular states that the minister can declare a foreigner inadmissible for up to 36 months if he feels it is justified by public policy considerations.

I would like to talk about the specific case of a buddy of mine who is locked up in Morocco, Mouad Belghouat. He is a Moroccan rapper who was charged and sentenced to one year in prison for showing police officers with donkey heads in one of his videos. He was sentenced to a year in prison. In Morocco, showing police officers with donkey heads is considered a serious crime. These officers were violently beating protesters.

It goes without saying that this sentence contravenes a number of international conventions on freedom of opinion and expression, including the UN's International Covenant on Civil and Political Rights, as well as the Universal Declaration of Human Rights.

I have to wonder whether, in light of the minister's discretionary powers, Mouad would be allowed into Canada in the future. Would the serious crime that he allegedly committed in Morocco, according to Moroccan authorities, make him ineligible to come to Canada? Could the minister deem this foreigner inadmissible because he threatened the public interest in some way?

All this confuses me. The bill must be examined in more detail in committee so that we can limit the scope of the powers granted to the minister.

•(1605)

I think it would be a good thing for all parties in Parliament to work together so that this bill can be something other than a Conservative propaganda tool. This bill should truly target dangerous criminals instead of politicizing the Canadian immigration process, which is what it seems to be doing.

They say that these measures could affect 2,400 of the 1.5 million immigrants or refugee claimants. The Minister of Citizenship, Immigration and Multiculturalism says that in some cases, people have drawn out their appeals for 20 years. According to my numbers, that is incorrect. Apparently, this new bill would reduce appeals periods by anywhere from 12 to 15 months. That is not on the same scale at all, which proves that the purpose of this bill is propaganda.

There are other important aspects, such as refusing an appeal by a person who has committed a crime punishable by six months in jail. A number of crimes could lead to deportation even though Canadian society, while not sanctioning them, does not view them as violent crimes or crimes against persons. The Conservatives do not seem to be very concerned about the impact of these deportations on families and children.

This whole issue needs to be cleared up in committee. I really hope the committee will amend parts of this bill in response to our concerns.

Thank you for your attention and interest.

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I listened with interest to the presentation of my colleague from Rivière-du-Nord, and I particularly enjoyed the examples that he slipped into his speech.

Government Orders

I would like him to comment or provide his opinion to see if he shares a certain vision. Actually, in listening to the debates since this morning, I have the impression that, with Bill C-43, the Conservatives are trying to depict a very simple, if not simplistic, situation: there are good guys and bad guys; it is black or white. But in my distinguished colleague's speech, it seems that there were many shades of grey, in various situations.

It makes me wonder whether this simple situation, if that is what it is, is truly so simple—when he talks, among other things, about the possibility of the minister's reviewing a foreigner's admissibility—when I hear phrases like: “if he feels it is justified by public policy considerations.” It seems to me that, with such phrases, the hon. member is being completely subjective. However, the picture the Conservatives have been painting since this morning, particularly with their examples, is that the situation is simple, black or white, and that is that.

•(1610)

Mr. Pierre Dionne Labelle: Mr. Speaker, this issue of putting the public interest at risk is an idea that is not explained in the bill. Then there is the issue of serious criminality.

We will recall that the Conservatives talk about serious criminality in their bill. The hon. member for Toronto—Danforth just mentioned the fact that having six marijuana plants would lead to imprisonment of six months or more and that the Conservatives could consider that serious criminality. I am sorry, but in Canada, the vast majority of the population does not consider having six marijuana plants to be a major crime. People expect there to be some tolerance in that respect. In that sense, this bill lacks balance.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have a question for my hon. colleague from Rivière-du-Nord.

I find that this bill really limits the minister's power when it comes to humanitarian circumstances in cases where the best interests of the child are directly involved. The bill provides for a very minor exception in terms of humanitarian circumstances.

Would my colleague agree that there should be more exceptions available to the minister when it comes to exercising his or her powers for humanitarian reasons?

Mr. Pierre Dionne Labelle: Mr. Speaker, I thank my hon. colleague for her question.

Indeed, the bill takes away the minister's responsibility to examine humanitarian circumstances. I have the impression that this bill takes powers away from the minister that we would like him to have, and gives him powers that we do not want him to have.

That is why it needs some work. The opposition will participate in good faith in order to achieve the desired goals and to ensure that this bill does not simply serve as a public relations device so the Conservatives can look good.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I notice that Bill C-43 is called the faster removal of foreign criminals act. However, one of the key items in the bill would give the minister the power to declare a person inadmissible for up to 36 months according to whatever public policy consideration he may choose to use. That has nothing to do with reporting people or removing

criminals; it is really about something completely different. Is that not very deceiving?

[*Translation*]

Mr. Pierre Dionne Labelle: Mr. Speaker, that is what I am saying: it is a public relations tactic.

This bill and its provisions could have been included in the huge omnibus bill that was introduced with the budget, since these measures complement the ones it contained.

The Conservatives purposely isolated this bill in order to get some media attention. They wanted to show that they are being tough on crime and tough on criminals. Basically, they could have gotten the same work done in co-operation with the opposition.

I hope we can do that work in the days and weeks to come.

•(1615)

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I rise to speak to Bill C-43, An Act to amend the Immigration and Refugee Protection Act. I will be sharing my time.

We are supporting this bill's going forward at second reading, with some very strong reservations. As we have seen throughout the debate here today, the reservations speak to a number of issues in the bill that certainly involve moving further than simply the faster removal of foreign criminals.

One issue we have great concern about is the concentration of more power in the hands of the minister, giving him the discretionary ability based on public policy considerations to restrict the entrance of foreign nationals, making them inadmissible for up to 36 months.

We have seen the parliamentary secretary stand up and admit that on the face of it, this is very controversial and really needs a lot of work. I think back to what has happened during my time in Parliament and the minister's actions. At his discretion, he refused entrance into Canada of former British MP George Galloway. In a resulting court case, Mr. Galloway challenged the minister over this. The Ontario supreme court came out with a 60-page decision castigating the minister for exercising this authority in that way that excluded Mr. Galloway based on certain political considerations.

Therefore, we really have to be very careful with this. This is treading into an area that has been a minefield in Canada in the past. I think back to the period before the Second World War, when we refused massive numbers of refugees from Eastern Europe because of political considerations, not because they were bad people or criminals who were going to cause a lot of trouble in Canada. No, it was because political factors were taken into consideration. If we are moving back in a direction of looking at political considerations and opening up that door where we have not been for a while, I think it is something we have to look at very carefully.

Government Orders

We are relieving the minister of the responsibility of looking at humanitarian circumstances in these matters, where human beings' lives are being altered irrevocably by the decisions we are making, and not making the minister look at the situation created by the acts of Canadian officials in expelling people from the country. I think that is really not in the Canadian mould. We tend to say that we believe in the sanctity of families, that we believe in the importance of paying careful attention to children, to the kinds of things that tie people together in a particular instance.

To simply say that we are going to relieve the minister of that responsibility needs some definite explanation. Why should the minister not want to have some ability to deal with this? Why should this not be part of his responsibility? When we have an impact upon people's lives, we need to understand that it is our responsibility and that we need to look at those things in the context they are presented. It is not that simple.

One provision that I find very difficult is the proposed increase in the penalty for misrepresentation. We are all MPs here. We all have offices. We all see people coming in, immigrants, landed immigrants, and people who are looking to get their parents or children into the country. The forms can lend themselves to mistakes.

● (1620)

The difference between a mistake and a misrepresentation is sometimes a very narrow line. When it comes to someone's educational qualifications, he or she may say, "I went to school there. I graduated there". Is that acceptable? Can he or she prove it? Are there other issues that come into the presentation or the information that may need some clarification?

We need to look very hard at what "misrepresentation" means and what it entails. That can be done in committee. How can we define it carefully so we are not simply shutting people who make a mistake out of the country. We have to be very careful with that. It is something that can lead to all kinds of problems for people.

What constitutes "serious criminality?" This is something we have had a good debate on today. Quite obviously, when we move from a sentence of two years down to a sentence of six months, we are moving the bar pretty low. We are taking that bar right down so the ability of someone to get under it will be much more difficult. We really need to understand it. I assume the committee will go through some statistical analysis of what it will mean, what kind of offences have been generated that produce a sentence of six months in contrast to those that would produce sentences of two years.

Certainly, we have all seen people go to prison for six months for fairly minor offences that do not justify the disruption of their family life or taking them away from employer, if they happen to be good employees, doing all of that for something that is criminal but not necessarily of a serious nature. Therefore, the definition really needs work.

It will be interesting to see how it comes back from committee and what happens with the bill, what kinds of amendments and definitions are struck so we can truly understand how this will impact society.

I trust the Conservatives will follow the example the parliamentary secretary set with the one particular passage in the bill that he clearly stated needed work. We need an understanding of the whole bill in a very careful fashion, which can come through committee. After that, we can see whether the bill will be acceptable to this party. I am sure there will be further consideration of that.

These are important issues which are not to be taken lightly. I trust the government will go into that committee with the good intention of really coming to grips with this bill.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have had the opportunity to have a couple of briefings both with the parliamentary library as well as the minister's office with respect to the bill. I made reference to the fact that if Bill C-43 were to pass, Nelson Mandela's wife would not have been able to have visited Canada during a very interesting time in world history. It was pointed out to me that Mr. Mandela's wife had some issues relating to the law too so that might not necessarily have been a good example. However, one can make reference to Mahatma Gandhi's wife, as she would not have qualified to visit Canada. I thought that was somewhat interesting.

The point is that if this law is passed, it will have a significant impact on individuals to be able to visit Canada, not because of their own personal behaviour but because of the behaviour associated with someone in their family. By doing that, we are denying those individuals the opportunity to visit family in Canada.

Could the member comment on the unfairness of that, especially given that in the same legislation the minister is taking the power to deny someone the ability to come to Canada? There is a bit of a contradiction there.

● (1625)

Mr. Dennis Bevington: Mr. Speaker, over the past seven years as an MP, I have seen many people turned down visiting Canada, joining their family here. I had the example of that rather forcefully put to me about a week ago in Yellowknife, when a fellow told me that his grandparents would never get to see their children in Canada. That example speaks to the problem that exists in the immigration system, where we view people with a jaundiced eye when it comes to their motives.

Now we are going to add on another characteristic where a person's entire family will be under scrutiny in order for it visit Canada. We have another piece that will make it more difficult for family reconciliation, or the humanitarian comfort that we seem to want to deny people who come to our country to build the country, to make it a success. We put all these burdens on them. This is one that also deserves great attention.

Government Orders

[*Translation*]

Mr. Tarik Brahma (Saint-Jean, NDP): Mr. Speaker, I very much appreciated one of the points raised by my colleague—the issue of misrepresentation. I think he has identified something very important: there can be a difference between intentional misrepresentation and misrepresentation caused by a mistake. In the case of immigrants, mistakes can arise because the perception of what constitutes a crime is different from one country to another, and from one culture to another. For example, political prisoners may be considered to be common criminals in their country, while we see them as political prisoners.

If he can, I would like the hon. member to elaborate on this aspect that he started to explain.

[*English*]

Mr. Dennis Bevington: Mr. Speaker, once again, “misrepresentation” is a very interesting word. Are we to go in front of a judge to determine whether someone has lied or has simply made a mistake on his or her form? No, it will probably be done by somebody in an embassy in Turkey, for instance, where someone would look at the thing and say that its not correct, that the person did not do that, and that is the end of it. In the experience of it in my office, that is where many of these many misrepresentation issues start and finish.

This concept of increasing the time to five years on an issue that is already a very difficult issue is something we have to deal with very carefully.

In fact, if we were to get some clarity on “misrepresentation” within the bill, that may actually help the situation generally in our country, so we can ensure our embassy staff worldwide are very well-acquainted with understanding the importance of determining the difference between “misrepresentation” and “mistake”.

• (1630)

[*Translation*]

The Deputy Speaker: Before we resume debate, 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 member for Random—Burin—St. George's, agriculture and agri-food; the member for Guelph, agriculture and agri-food; the member for Windsor West, public safety.

[*English*]

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, this is my first opportunity to address you as Mr. Speaker. Congratulations on your appointment to the chair.

I appreciate the opportunity to raise my concerns regarding Bill C-43, which I hope will be addressed in further study at committee. New Democrats recognize the need for an efficient and responsive judicial apparatus for removing serious criminals who are not citizens. However, this bill seems to extend beyond this and effectively removes some of the required checks and balances within our immigration system.

I have a few concerns with the changes included in Bill C-43. Bill C-43 would concentrate more power in the hands of the minister, giving the minister new discretionary authority over the admissibility of temporary residents. It would relieve the minister of the responsibility to examine humanitarian circumstances and as well

would change what would constitute serious criminality for the purpose of access to an appeal of a determination of inadmissibility.

Previously a conviction in Canada with a sentence of two years or more resulted in an automatic revocation of a permanent or temporary resident's right to an appeal at the Immigration Appeal Division. Bill C-43, however, would revoke the right to appeal inadmissibility when there would be a conviction of six months or more.

New Democrats have said time and again that we do not support closing the door to an appeal process as it is an essential component of checks and balances in our immigration system.

An appeal process allows officials to make determinations on an individual basis, weighing all the factors to determine if someone should or should not be deported. Further to this, with the government's tough on crime agenda, we have seen a whole slew of crimes receive a mandatory minimum sentence of more than six months. The change from two years to six months merits further study of the offences that would now be included in this.

This concentration of power in the hands of one minister is a trend we continue to see under the government and is a cautionary tale of the direction of our immigration system under a Conservative majority. Granting the minister the power to unilaterally prohibit a foreign national from becoming a temporary resident for up to 36 months based on public policy considerations is a vague and broad discretion.

The broad and far-reaching powers given to the minister in Bill C-43 seem to once again go too far and require balance. Additionally, there seems to be a double standard at play when it comes to ministerial authority. When convicted foreign criminal, Conrad Black wanted back in Canada, the minister claimed that the matter was handled independently, yet now he wants the power to deport criminals.

Across the country, immigration and health experts have been raising their concerns to the changes in the bill. There are concerns among advocates that the bill runs a risk of deporting offenders who arrive in Canada with their parents at a very young age. Despite Canada being the only home they know and grew up in, we would deport them to a country about which they may know nothing.

Moreover, professionals who work with immigrants and refugees have stated that this new federal legislation unfairly punishes the young and people with mental illness. Bill C-43 has been marketed exclusively on its intent to speed up deportations of serious multiple offenders. However, the devil is in the details and these details merit further study and expert opinion.

What I also find particularly troubling throughout the course of immigration changes the government has introduced is the language that the Conservative government continues to use when speaking about newcomers in our country.

Government Orders

When discussing Bill C-31, refugees who were fleeing war-torn countries to save their lives were continually referred to as “bogus” and “queue jumpers” in need of mandatory detention by the members opposite. Now under Bill C-43, permanent residents are referred to as “foreigners”. This term is misleading and wide-sweeping, completely neglecting the fact that permanent residents have spent the majority of their lives in Canada, contributing to our communities and paying taxes.

• (1635)

The majority of newcomers to Canada are law-abiding citizens who do not commit crimes. Rather than introducing legislation that continues to demonize newcomers, where is the support for newcomers who follow the rules? Why is the government not spending more time ensuring that the majority of newcomers in Canada are being treated fairly and are not waiting three to five years to be reunited with their partners and children? We need a government that acts to help new Canadians reunite with their families and find work that matches their skill set.

The New Democrats look to work with the government to prevent non-citizens who commit serious crimes from abusing our appeals process without trampling on rights. We continue to stand with newcomers who want the government to focus on making our immigration system faster and fairer for the vast majority who do not commit crimes and follow the rules.

We can allow the systems currently in place, including our immigration tribunal and Canadian judiciary, to do their work or provide them with the necessary resources to do the job effectively rather than trivializing the judicial process and giving the minister the authority to arbitrarily make decisions. I should add, if the minister were serious about improving Canada's immigration and refugee system, he would stop appointing his friends to the Immigration and Refugee Board.

We could also do what the Auditor General has repeatedly recommended and make improvements to the current system and administration of the laws currently in place, including proper training, service standards and quality assurance checks.

Rather than continually portraying newcomers negatively, the government should focus on giving law enforcement the resources it needs to keep us safe from all criminals.

I spent the summer talking to constituents about community safety and social issues in Scarborough. What I heard from constituents were worries and concerns for the need for support and prevention strategies to keep our youth from turning to crime and actions from the federal government to keep our communities safe. At the end of the day, victims were concerned that crimes were being committed in their communities and steps were not being taken to prevent these crimes.

I hope the government will take the concerns raised by experts, myself and my colleagues on this side of the House seriously at the committee level and that it will listen to the experts' warnings about the impacts and consequences of the bill on people with the intention of improvements and upholding rights.

It is a warning to us all that some of the concerns raised by experts during the study of Bill C-31 are already being realized. Thanks to

Bill C-31, all refugee claimants are now banned from applying for a pre-removal risk assessment within one year of receiving a negative answer on their claim. This assessment is used as a second chance to consider whether it is truly safe to send a rejected claimant back to his or her country of origin.

Last week, we learned of a woman from Iran who could face deportation despite new evidence proving that she faces an adultery charge that could, under Sharia law, result in her being stoned to death. Although her lawyer obtained new documents to speak to her refugee claim, because of the changes included in Bill C-31, this new evidence cannot be considered by the Canada Border Service Agency officials because of the one-year rule.

I recall hearing this very concern raised, that new evidence can come to light during this one-year period, during the Bill C-31 study at committee. Unfortunately, this concern, along with many others, fell on the deaf ears of our government and were left unaddressed.

I hope that this is not repeated during the study of Bill C-43 in committee, but rather that we listen to the experts and work together to prevent non-citizens who commit serious crimes from abusing our appeals process while upholding our Canadian values.

• (1640)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to take up the issue of citizenship because it is about priorities.

If we follow the way in which the minister has handled this file since he announced it back in June, he tries to give the impression that if people land in Canada they should hurry up and get their citizenship. He has made it very clear that this is a top priority, even though there is actually a very small percentage of people who would be affected by it.

On the other hand, and this is where the issue of priorities comes up, we have 100,000-plus individuals who are in the system waiting for their citizenship. They have now been waiting a year and a half to two years in order to get their citizenship because they feel good about being here in Canada.

I wonder if the member would comment on that particular priority. The bill is all about citizenship and yet we have a minister who is dragging his feet in terms of getting people their citizenship. Does she see some irony there?

Ms. Rathika Sitsabaiesan: Mr. Speaker, the member for Winnipeg North sat on the immigration committee with me when we studied the backlogs within Citizenship and Immigration Canada. He is right when he says that many permanent residents in Canada are waiting an extra year, two years or even three years in order to have their citizenship applications processed once they have gone through the test.

It is quite ironic that the minister now wants to take on arbitrary powers to deport more people in Canada who are contributing to our communities, to their economic viability, as well as their vibrancy. These people want to become permanent Canadian citizens and yet they do not have the ability to do so as they wait two, three, however many number of years.

Government Orders

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, we on our side have enormous concerns about the gradual increase in powers that ministers on that side want for themselves. They talk a line about accessibility, oversight and transparency but they do not walk the walk.

Does it concern my hon. colleague that we have a government that likes \$16 orange juice, nice limousine rides and free bungee cords off helicopters? Is she concerned that more and more we are seeing ministers in the government trying to get as much power with as little transparency as possible?

Ms. Rathika Sitsabaiesan: Mr. Speaker, the member for Davenport hit the nail on the head when he said that the ministers seem to want more powers for themselves and take them away from the systems we have created in Canada that have kept our country safe and preserved our Canadian values over many years.

What is sad is that, when government legislation is introduced, we see ministers wanting more discretion for themselves. They are making a mockery of our judiciary when they say that our boards, tribunals and justice system as they are cannot get the job done and that one lone minister needs to have all the powers and will get it done right away. It is wrong to say that experts and the judiciary cannot get the job done.

• (1645)

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I have noticed that, as we have gone through this debate, we on this side of the House seem to be the only party interested in what is going on. I have not heard a lot of questions or comments from the other side.

Bill C-43 is called the faster removal of foreign criminals act. The minister himself suggested that the bill would make it possible for legitimate visitors and immigrants to get better treatment. This bill may do that in a tiny way but it would not do it for the majority of well-meaning and non-criminal persons currently in Canada or those who want to come to Canada who are being treated with the slowest process since God made molasses. It is an incredibly slow process.

I have the privilege of representing the riding of York South—Weston which has an immigrant population of well over 50% and well over half live in apartment buildings. That is one of the reasons that my riding is a magnet for refugees and those refugees will be the ones facing the worst time of their lives as a result of the government's new applications. These refugees will find it more difficult to become Canadian citizens because it will be harder for them to reach all of the required thresholds. They will also find it more difficult to sponsor family members once they do become citizens.

The minister suggested that lessening the rules against spies would make it so much easier for persons to come to Canada and stay in Canada. If individuals spied against Canada or Canada's interests, they would not be considered a spy if they were spying for some other country or in some other country. Reading between the lines, it may be that the government is also adding industrial spying to that, although it is hard to tell. I am assuming that would make it easier for the tens of thousands of people who come to Canada, I say tongue-in-cheek, because that is clearly not a big problem.

The minister also suggested that if one member of a group does not meet the criteria, for medical reasons or otherwise, the whole group would be turned down. I agree that that is an excellent use of this legislation. That would actually cause some people to come to Canada who were otherwise be turned down. However, as I will tell members later, there are far more people being turned down for temporary visas without any reason. This is only a small part of the big problem.

The minister also suggested that the Minister of Public Safety could offer relief in some cases. Again, this another tiny piece of the puzzle.

The parliamentary secretary made it clear in his comments that the government's objective is to reduce the backlog of problems created by people coming to this country, and he referred specifically to the backlog that affected temporary foreign workers and the backlog that affected permanent skilled workers taking jobs that are not being filled by Canadians.

Missing from both of those objectives is the huge backlog of family reunification applications. There are probably hundreds of thousands of backlogged cases, some of which will take as many as 14 years from application to reunification because of the delays in processing and because there are not enough people working for the minister to get these things done. We have examples.

A woman wants to sponsor her husband but it is taking an unusual amount of time for the application to be processed. The background check is taking a long time to complete. The couple has been repeatedly asked to wait until a security background is completed, which means they have had to file several sets of medicals at their own expense. The application for sponsorship was forwarded in 2008, four years ago.

Another individual tried to sponsor his parents starting in 2007. They have now had three medicals because they keep expiring because it is taking so long.

• (1650)

Where is the government on trying to figure out how to make these things faster? The Conservatives are talking about getting criminals out faster, but they are not talking about getting deserving sponsored immigrants into the country faster.

Another person has been sponsoring his parents and siblings since 2003. We are now talking nine years. They have now gone through three medicals and they have had their third police clearance done because they keep expiring. In the meantime, the father has passed away. That is what happens when the system takes too long: people die in other countries as a result.

A woman, a convention refugee, who applied for permanent residence, also included her 11-year-old son in her application. Her son is alone in Nigeria. Immigration officials have said, "Too bad, there is a 24-month wait to process her application".

Government Orders

Another individual has been sponsoring parents and one dependent sister since 2008 and is still waiting. The list goes on and on, and this is but a small sampling of those we have heard about in my office. There are hundreds more in my office, and I have only been there since last year, who have run afoul of the system. We are having to tell them that it takes 14 years, 10 years or nine years, and their parents or their grandparents will die before the application goes through.

Then there is the backlog in skilled worker applications that the minister talked about. Yet with the stroke of a pen the minister actually got rid of hundreds of thousands of skilled worker applications and forced them all to apply again. How is that speeding anything in our system? We are talking about speeding the removal of foreign criminals, but we are not doing anything to speed up the process for legitimate people who want to come to this country and provide a skilled, valued service to this country.

I have one applicant who has been trying to come to Canada for five years. He made the application before the “stroke of the pen” issue. At the time he applied, the language requirement was less stringent than it is today. He has studied and worked in the United States. He taught in the United States, so obviously his English is good but somehow he failed the English test that was given to him out of Cambridge University in England.

Why we are giving British tests for Canadian English is beyond me. To a person who is not a native-born speaker, it may be difficult. He found it difficult. He missed by one point. He is a doctor. We need doctors. He is actually certified to practise in this country. He wants to bring his wife with him, who is also a doctor, and his daughter, who is in medical school. They cannot come because he fell short by one point because the language requirement was not good. The skilled worker application has its flaws too.

As for temporary foreign workers, the other side keeps crowing about the many jobs they have created. How many of them are filled by temporary foreign workers? There are over 300,000 jobs currently filled by temporary foreign workers. They are temporary, so that is in the last two years. Since the last recession ended or whenever the economic meltdown happened under the Conservative watch, over 300,000 of those supposed new jobs they have created are actually being filled by temporary foreign workers.

Now, with a stroke of the pen, the minister has decided those foreign workers can be paid 15% less than their Canadian counterparts, so it will be even easier for an employer to say they cannot find anybody because the employer is offering 15% less than the going rate. People are not taking the jobs, so the employer wants to hire foreigners.

We have temporary foreign workers flying planes in this country. We do not have a shortage of airline pilots in this country, but we have temporary foreign workers working for some airlines.

There is something wrong with this system. It would appear to be a part of the Conservative economic action plan to drive down wages in this country through the use of temporary foreign workers at 15% reductions, through the use of reductions in EI that force people to take wages at 30% lower rates than they earned before, and by doing all this, the Conservative can then say, “Hey, our economic action

plan is working. We are improving Canadians' productivity. We are getting more out of them for less”.

• (1655)

That is not what Canadians want. Canadians do not want to be working for less money, to have their standard of living eroded by the government. They want real action on the economy and they do not want it through the use of temporary foreign workers, which the parliamentary secretary referred to as a good thing.

We also have a whole bunch of issues with the PRRA system, the pre-removal risk assessment. I have a couple of examples here. We have an individual who is being deported to Spain. His mother is a refugee in Canada who has finalized her refugee status and is actually allowed to stay in Canada. She was born in Peru. He was born in Spain as a result of her being raped. Now he is being deported back to Spain because he was not covered by her refugee application. He is 12 years old. He knows no one in Spain. Spain is the last place he wants to go because it was the source of a lot of pain for his family. What government does this to people?

Now the new rules would be: no entitlement to a PRRA because we do not want to do that anymore.

These are examples of how the system is not working. We are tinkering on the edges with something that might appeal to the Conservative base across the way because it has to do with law and order. It might appeal to the baser instincts of some individuals in the Conservative base, because they can tout it as law and order. However, it is such a small part of the overall problem of immigration in our country that it is difficult to imagine that so much time and effort is being spent on this kind of thing instead of on the real problems that face immigrants in our country, instead of on the real problems that face those who are already here and those who should be here as a result of sponsorship applications. Those delays in the sponsorship applications are costing lives. People are dying in other countries.

The minister also mentioned in his speech this afternoon that he is spending lots more money on immigrant settlement services. He mentioned a figure of \$35 million. Well, it sure is not happening in my riding. My riding has seen cut after cut in immigrant settlement services to the point where some organizations have folded altogether. Is that because we have fewer immigrants coming to my riding? No, there are lots coming to the riding. In fact, there are two apartment buildings that are now full of Roma refugees in the last two years, so much so that the superintendent has had to go out and hire a Hungarian translator because he cannot communicate with these people. They are coming to the riding in great numbers but the services that they are asking for keep disappearing.

Government Orders

We have a 6% cut at Access Alliance; a 4.2% at COSTI, which caused a layoff; a 10% cut at the Learning Enrichment Foundation. Midaynta lost all of its funding, \$400,000. It has closed up. York Weston Community Services Centre lost \$800,000. It closed, with twelve and a half people laid off. Languages that are no longer helped in this riding are Dinka, Nuer, Spanish, Arabic, French, Kiswahili, Russian, Farsi, Dari and Somali.

York Weston Community Services Centre was urged the previous year to sign a long-term lease. It did. The government said the organization was good for it and that it should sign the five-year lease. It signed it and then all of its budget was cut, some \$800,000 gone. Northwood Neighbourhood Services lost \$378,000, which caused the layoff of five settlement workers and admin staff. That is 100% of its Citizenship and Immigration Canada funds. It gets money from other places, so it is only 30% of its overall budget.

These things are happening in my riding. For the minister to tell us, bold-faced, that he is spending more on settlement services is just crazy. Community Action Resource Centre lost \$305,000, which was 40% of its budget. It lost all of the federal funding. It still has some provincial funding, but it has lost 12 staff. It has caused layoffs in my riding, which is already a riding with a huge unemployment problem.

The Vietnamese Women's Association lost \$30,000 in Citizenship and Immigration Canada funding. Access Alliance lost \$300,000. Toronto District School Board's newcomer services for youth lost 100% of its funding and the program was closed.

● (1700)

There actually are many more but I am going to run out of time if I read them all. The point is that the government is single-mindedly focused on the wrong problem. There is a problem with settlement services in the riding. There is a problem with immigration systems into the riding. There is a problem with the family sponsorship system and with too many temporary foreign workers being allowed to come to this country and take jobs that would otherwise be filled by Canadians.

Rather than focusing on those problems, the government is going to speed up the removal of a handful of criminals, and not necessarily even the right criminals. Because of the cuts to the immigrant settlement funding we now have employers in the riding telling us that it is making it difficult for them to employ the skilled immigrants coming into the country under skilled worker applications because they do not have the necessary fail-safes and backup mechanisms and training to learn how to live in Canada. Those things are not there any more.

Employers are coming to my office and saying it is a problem for them as employers. They are saying that they cannot be as productive or efficient as employers because although these people have great skills to do the jobs, they are not getting along in Canada because the settlement services are just not there. Maybe we need some Conservatives to actually listen to these employers and hear the fact that cutting settlement services was not a good thing. Cutting the settlement services also makes it difficult for the children of these recent immigrants.

I have a huge Somali community in my riding, again because my riding is a place where it is easy for refugees to come because the rents are so cheap and the riding is full of low-income housing. Those Somali refugees have been here for maybe as long as 20 years. It has been 42 years since there was an election in Somalia. The country just had an election this month and a new president was elected. There was a big party celebrating that because they are hopeful that maybe Somalia will turn itself around.

However, the problem is this. We have the tragedy of six Somali youth this summer who were tragically murdered in what we can only assume was some kind of gangland problem, but it raises the spectre of what happens to those disaffected Somali youth when their settlement services are gone, when they have no hope, no job, no help from the government, when the services that even the ministry of public safety had been cut? There have been cuts and more cuts and these kids have no hope. Some of them turn to crime as a result. What is going to happen to those kids who get a six-month or longer sentence and who are 18 years of age and have been in Canada 17 of those 18 years but are still Somali? They are going to get deported to a country that is war-torn, that really has no government, that is unsafe and where they have no family. That is just wrong.

I said earlier that the wrong people are perhaps going to be deported and I would point to those Somali youth in that regard. With just one bad occurrence they will have a record, but are now going to have an even bigger problem. If the sentence is six months or more, they will get kicked out of the country without their family.

Yet as I said to the minister earlier, Conrad Black is still here and although the crime he committed in the U.S. could apparently have been punished by a 14-year sentence here in Canada, he is still here. It tells us that there seems to be a double standard. There seems to be a system that if someone is just stealing money from ordinary Canadians through some kind of fraudulent system, that is okay and the person can come back.

I also want to comment because Todd Baylis Boulevard is in my riding and was named after the Todd Baylis who was killed. We in the NDP will do anything we can to make sure that kind of thing does not happen again. We are not opposed to the part of the bill that would prevent a criminal being left in this country long enough to be able to commit crimes of a violent nature, nor would we ever be. However, we want to make sure that it is done in a way that is fair and honest and does not rest so much power in the hands of one or two ministers.

● (1705)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, as the government tries to give Canadians the impression through Bill C-43 that there are all these foreign criminals here who have to be dealt with, there is also a great deal of concern that we maybe also need to look at the other side when the member talks about the issue of priorities. There are immigrants who are exploited by immigration consultants and employment agencies and we do not necessarily hear of the same sorts of actions by the government in trying to deal with them.

Government Orders

Over the weekend I met an unfortunate person who was a live-in caregiver. In her situation, she was the victim of an employer who had been using his authority for purposes of sexual exploitation. She is fearful of how this will impact her as someone who wants ultimately to be a landed immigrant here in Canada.

Inside the House of Commons, we should be talking about other areas of concern that negatively impact those people who are being exploited. That priority does not seem to be there for the government. Would the member comment on that, given that he was talking about the exploitation—

The Deputy Speaker: Order, please.

The hon. member for York South—Weston.

Mr. Mike Sullivan: Mr. Speaker, the member is absolutely right and I believe there has been serious criticism levelled at the government recently over the abuse that is possible, particularly of temporary foreign workers. Their living conditions and standards can be abusive, and we in this country should not abide any system whereby anyone here is exploited, abused or ill-treated by an employer or by anyone else.

That is just as much a crime as allowing a criminal to stay here. We should be focusing on all of the systemic problems within our immigration system, not just the ones that score cheap points with a Conservative base. That is what we should be looking at. We should be doing this completely, not just in bits and pieces aimed at allowing the government to call this a law and order issue.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, my hon. colleague knows very well the real-life ramifications of the wrong-headed direction of the government as it pertains to immigrants, new Canadians and refugees. We on our side have declared frequently and openly that in cases of violent crimes we want to ensure that non-Canadians who commit them are subject to the heavy hand of the law.

However, we are concerned that there are immigrant families, new Canadians, who have grave concerns about the government's ability to understand the complexity and nuances of the reality that is Canada today. This piece of legislation does not give them any confidence that the government understands that the world is much more complex than the *Pleasantville*, faux reality that it seems to live in every single day.

Could my hon. colleague expand a bit more on the family, human dimension of some of these misguided policies of the government?

• (1710)

Mr. Mike Sullivan: Mr. Speaker, the family dimension is by far the most compelling part of what I see first-hand.

Generally speaking, when an immigrant with a problem comes into my office, he or she comes with two or three children and a story that would break one's heart. They come for a sympathetic ear, but they are also looking for me to turn that sympathy into action on the part of the government. All too often that is not possible, probably 90%, 95%, 99% of the time. These are tragic stories of people who, in many cases, for no reason whatsoever have run afoul of a system that is not working but broken.

I will give members an example. A woman had taken maternity leave and was sponsoring her husband to come here from another country. She had a really good job and took maternity leave. She was then in a car accident a month later. Because she had taken maternity leave and had used up her EI, she no longer qualified for EI. Her employer kept her job for her. However, she did not have enough money for food. As she and her baby needed to eat, she went to the welfare office. The welfare office then told immigration, which then said, "You're no longer qualified to sponsor your husband".

That is the kind of loophole that results from EI and immigration problems and causes a Catch-22, which I see in my office all the time. These are the kind of problems that we should be looking at fixing.

I agree that we should make it possible for the government to remove foreign criminals. I always thought that it already did have that ability. If it is telling us that there is a lengthy appeal process that violent criminals should not have access to, maybe the government is right.

However, that is not exactly what the bill says. I think we need to expand the scope of what we do and look at all the problems that we face in the immigration world.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, we have talked about the sentencing of criminals being lessened from two years to six months. However, that is based upon the fact it would be for a dual procedure offence. Some of the dual procedure offences that are in the Criminal Code include sexual assault, sexual exploitation, fraud and robbery. That is based upon whether the Crown and/or the defence want to proceed by indictment or the dual procedure. Therefore, if we go by dual procedure and go down to a summary conviction of six months, it does not lessen the fact that the act is just as serious as it would be under indictment.

Would the member agree that even though a person may be convicted of sexual assault and only get a six-month sentence, he or she is not deserving of this type of application through this bill?

Mr. Mike Sullivan: Mr. Speaker, it is a mug's game to try to second-guess which six-month crimes and under which circumstances we should be deciding to deport people for. That is essentially what we would be doing, as we would be kicking them out the country.

The example the member gave may very well be an example of a person who should not have the right of appeal, who should be in fact told "Okay, once your six month sentence is up, you're being deported. Here is the plane ticket and you are out of the country", although I should add that we do not give way plane tickets any more, but we make them buy the tickets themselves.

It is difficult for me to start to guess what crimes people have committed can be used by this legislation.

The example was given earlier of a person who happens to grow six pot plants. I know of such a person who grows them for his mother who has multiple sclerosis. It is not trafficking because he is giving them away, but he happens to grow six. Luckily, he has not been caught. If he had been caught, it would a minimum six-month sentence. With a six-month sentence, that person, if he were not from Canada, would be deported automatically for trying to do good.

That is the kind of nuance that is missing from the bill. As described by my colleague from Newton—North Delta, it is hitting a fly with a sledgehammer. There are very few people who are causing trouble for the system and yet we are using an enormous bill to try to get at them.

● (1715)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I think all of us as members of Parliament can relate many heartbreaking stories about what is going on in the immigration system. However, I want to ask the member a question about Bill C-43.

I asked one of his colleagues about the lack of ministerial discretion to make an exception on compassionate grounds. It is limited only to where a child is directly affected. However, there is sweeping discretion that is quite mind-boggling in clause 8, which states:

The minister may, on the Minister's own initiative, declare that a foreign national...may not become a temporary resident if the Minister is of the opinion that it is justified by public policy considerations.

Public policy considerations are not defined.

The member's speech, of course, spoke to deporting people. What about refusing to allow someone to become a permanent resident with no real criteria being applied?

Mr. Mike Sullivan: Mr. Speaker, I have to agree with the member that the discretion in that circumstance is very strangely put.

Without any guidelines, without any indication of exactly what a public policy consideration is, one could imagine, certainly in a third world country, a gazillion different things that would be public policy considerations that would keep people from becoming Canadian citizens.

We are not a third world country, but the same problem exists in that there is no definition, no direction and no example given of what a public policy consideration is. It is a very scary prospect.

[*Translation*]

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, I would like to begin by saying that we share the government's concern about serious crimes committed by individuals who are not Canadian citizens.

As a result of this principle, we support this bill at second reading. However, we still have some concerns about this bill, which we feel casts too wide a net over immigrants.

I would like to use a simple analogy to explain the situation to Canadians watching today. When I was young, one of Greenpeace's big campaigns in the 1980s was to save the dolphins. The problem at the time was that tuna fishers were catching dolphins in their nets because the nets were too big. As a result of a campaign against this action and pressure on the processing companies, they changed their way of doing things. That is why we see the "Dolphin Friendly" logo on cans of tuna.

I hope that, as a result of the concerns we voice about this bill and the work done in committee, the Conservatives will make sensible changes to improve this bill so that it becomes "Immigrant Friendly."

Government Orders

With this story, I want to illustrate two things: first, Bill C-43 is a big net, perhaps too big, and in our desire to catch criminals, innocent immigrants are going to get caught in this large net and get hurt in the process. We have some suggestions for improving this bill.

Like most Canadians, we are concerned about criminals and crime, but we want to proceed responsibly and not engage in demagoguery, as the members on the government side often do.

Before explaining what we want to improve, I would like to point out that the opposition's priorities are the economy and the quality of services, such as health care, provided to Canadians. It is sad to see the government fuel stereotypes by focusing on bills that target immigrants and establishing a link between criminal behaviour and immigration.

As many of my colleagues have mentioned, the vast majority of immigrants are honest. They work hard if we let them.

I would also like to mention that crime is a complex process. One of the causes of criminal behaviour is poverty, and not a person's country of origin.

We know that, historically, immigrants have often been targeted and seen as a threat to the well-being of a population during periods of economic crisis.

I hope that the government is not trying to fuel stereotypes. Crime is not really widespread in the immigrant communities, but the government is dwelling on the extreme cases. As we say in English:

● (1720)

[*English*]

It is just a few bad apples.

Keeping with my focus on the economy, I would like to address immigration and our economy and point out where the government's priorities should lie, in general, regarding immigration issues. Then, after talking about where the priorities should be, I would like to look at this particular piece of legislation and point out its useful elements and perhaps where some of the weaknesses lie.

The reason I would like to emphasize this, in a more general sense at first, is that criminality is so often the result of social marginalization and the economic difficulty of individuals and their communities. As I mentioned before, it is not linked to their country of origin or where they come from in the world but to much more complex factors, which I will get into.

First of all, instead of focusing on the few bad apples as the government has, the government should instead focus on the lost economic opportunities of our immigrant communities.

Government Orders

In a study by the University of Ottawa Research Group on the Economics of Immigration, the researchers found that if we found better ways to integrate our permanent residents, such as if their salary scale were similar to that of domestic labourers—in other words, if they were on a more even playing field with domestic workers—we would see a net increase in real GDP. We would also see better labour productivity and an improved federal fiscal balance. If the government is serious about the economy—and it says its priority is on the economy and jobs—focusing on those elements of our immigration system would offer far better benefits than putting the priority on the criminalization aspects of immigration law.

The study further found that immigration can help solve the issue of population aging. It was an interesting factoid in this research. We often hear from the government that OAS is not sustainable, which first of all, is patently false; we have shown the government at many stages that OAS is sustainable in the long term. Certainly, the immigration community could improve the sustainability of old age security. That was studied by this group just last year.

Instead of focusing on minority criminal elements, the government should instead use the power of the federal government for good, by doing such things as encouraging the benefits of employing immigrants in professional spheres, encouraging employers to be proactive by making arranged employment offers and using the federal government to help businesses find quality overseas labour, not to cut costs as it appears the government is doing by offering 15% less to workers but to improve the quality of our workforce.

If we emphasized that as an immigration policy and cast out a net in the world to catch the most qualified and brilliant people from other countries, enticed them to come here and enticed employers to start giving arranged employment offers to these people, we would see great benefits to our immigrant communities. It has been shown that immigrants with arranged employment offers earn 74% more than those who do not have them. There is a systemic problem of underemployment. The problem in the immigrant community of not being able to be employed to their full potential has serious economic effects and drags on our economy, which we could improve if we took action and leadership.

The government could improve funding to language programs. My colleague from York South—Weston pointed out many of the cuts made to settlement programs. Researchers and experts in the field know that language ability is one of the key factors in the full employability of permanent residents. If we improved funding to language programs offered by the provinces and gave guarantees and benchmarking, we would see net improvements. We have seen that the government is willing to offer piecemeal, half measures of giving loans to professionals wishing to improve their credentials in Canada. We believe the government is not doing enough to recognize fully the contributions that professionals trained abroad could offer to our country.

The Conservatives have talked a lot about this, but instead of focusing on this problem of recognizing foreign credentials, they choose to make these few bad apples a priority, the few criminals who have abused the system. If they are truly concerned about Canada's economy and it is truly their number one priority, as they say day in and day out, then they should look at the economic aspects of immigration, rather than the few criminals who cheat the

system. As I mentioned at the beginning of my speech, my suspicion is that they are playing a political game and are being demagogic in their approach to immigration. I do not think their true priority is the economy. Rather, it is keeping their base close to them.

● (1725)

I have had many conversations with permanent residents in my riding and in other ridings, frankly. I have talked to an engineer who was trained abroad, and he spent up to two years looking for a job in his field. After landing, he was still searching for employment in the engineering field. We know Canada needs engineers in certain sectors, yet he could not find a job. This just should not be happening.

There are 1.5 million permanent residents who could contribute to our economic success if they were allowed to do so and if the government got behind them. Unfortunately, the government's priority seems to be looking at the criminal elements of our immigration community.

In a study, Bonikowska, Green and Riddell found that immigrants have more years of education and experience than Canadian-born individuals. Bastien, Bélanger and Ledent, in their study, found that having a degree from a western country increases the chances of finding a skilled job. There are some very complex questions that arise in these findings that I think the government should begin to tackle, to dismantle, but instead it is focusing on the criminal aspects of permanent residents, as I said.

To summarize, improving the economic situation of our permanent residents may actually decrease the rates of criminality, which are already incredibly low and not a serious demographic problem.

After addressing where our true priorities should lie, let us look at this particular piece of legislation and the positive and negative aspects of it.

I would like to start with the short title of the bill, faster removal of foreign criminals.

Certainly, people who have come to Canada as tourists and commit a crime, I would have no problem calling them foreign. If they are here on a trip and commit a crime, they are “foreigners”, in common parlance. However, someone who has undergone the years necessary to come to our country as a permanent resident, has undergone all the steps to acquire permanent residency, I would say is not a person who is foreign to us. I would never characterize such a person as a foreigner. Therefore, first of all, I take issue with the short title of the bill.

Someone who has been here for 20 years, does not take citizenship and screws up would be treated the same as someone who has been here for just one month. There is no discretion in the bill to differentiate these two individuals. I would be very uncomfortable treating these two people in the same fashion. That is something, if it comes up in committee, that I would urge the government side to tighten.

Government Orders

I do not think most Canadians would call somebody who has been here for 20 years a foreigner. I personally never use the term and I am uncomfortable with it. When I lived overseas, I was uncomfortable being called a foreigner. It immediately sets a distinction between somebody who belongs in the country and somebody who does not.

• (1730)

[Translation]

In the proposed section 22.1, the government's amendment would allow the minister to prevent someone from becoming a temporary resident if he feels it is justified by public policy considerations. That statement is much too vague. The English version of the bill uses "public policy" and the French version uses "*intérêt public*". Those are not at all the same. There are nuances between the two. That statement is much too vague.

Legislators from all parties often base their decisions on morality. We often see in the immigration system that children are judged based on offences committed by their parents. We can find many examples in many moral systems where judging children for their parents' crimes is not a fair way of doing things.

It worries me that this bill gives the minister a new discretionary power to grant an exemption for a family member of a foreigner deemed inadmissible.

At the request of the individual or on the initiative of the minister, the minister may ignore the inadmissibility of a family member of someone who is inadmissible for reasons of security, human rights or international law violations, or organized crime, if he is satisfied that it is not contrary to the national interest.

National interest requires the minister to specifically take into account national security and public safety. Why not completely remove the section that concerns the children of the guilty party instead of giving the minister a discretionary power? Instead of giving the minister a discretionary power, the bill could state that children will not be found guilty like their parents.

[English]

What I agree with is that serious, violent criminals and war criminals should not receive a safe haven in Canada. That is why we are supporting the bill in principle at second reading. The principle of the bill is not misplaced, but it needs serious improvements.

Likewise, we believe that the priority should be placed on bettering the condition of the vast majority of law-abiding immigrants rather than targeting the tiny minority of law breakers. Maybe improving the condition of permanent residents would also have the effect of lessening the incidents of criminal activity, which is already very low, as I mentioned before.

We will be voting in support of this bill at second reading in order to clean up the sloppy elements of this obtusely written bill, because even though *Maclean's* may have named him the hardest working minister, something I do not deny, it obviously does not read his legislation and may confuse press conferences with hard work. Perhaps the minister should spend more time on the legislation and less time on the media prep for it.

Like the association of police chiefs, we think we need to close the loopholes in immigration legislation, and we support the principle of the bill. However, we believe the bill needs tightening up in committee.

In addition to the association of police chiefs, here are other validators of our position.

Mario Bellissimo, lawyer and executive member of the Canadian Bar Association, is one of the nation's top lawyers and part of an immigrant community that has often been tarred with the criminal epithet. He said referring to permanent residents as foreigners is misleading.

They are casting the net too wide... People make one mistake—even if it's a non-violent crime—they will be removed.

Furthermore, he thinks the bill reflects the government's lack of confidence in the immigration tribunal and the Canadian judiciary. We believe in the power of the Canadian judiciary and the tribunals to take care of these cases and to offer fair judgment. We do not believe that the minister necessarily needs discretionary powers.

As a member of Parliament, I personally help my constituents with the immigration process, but I have never once gone to the immigration minister to lobby a case that has already been dealt with by the judiciary and the tribunals. I simply have trust in the system. I believe in that system and I believe it needs support and leadership. However, taking the discretionary element away from the tribunals and judiciaries and giving it to the minister is not the right way to go.

In terms of dealing with violent criminals and war criminals, we certainly agree with the approach of the government. That is why we would support this bill in principle at second reading, to give the government time to do its homework and tighten up the bill.

Just as the tuna canners of old created dolphin-friendly tuna, we hope the government will make this legislation permanent resident friendly.

• (1735)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I asked the Parliamentary Secretary to the Minister of Citizenship and Immigration what I thought was a good question. I followed it up and suggested that the minister might even want to take note of it and possibly respond to it. I then asked a question of a New Democratic member, because we have not seen Conservative members asking questions or making presentations on Bill C-43. It is an important question and for whatever reason the minister has not been successful in answering it. I posed the question in some of the briefings that I received and again I did not receive an answer.

The question in essence goes back to the whole issue of a visitor's visa. Canadian Immigration officers around the world have the responsibility of deciding and distributing visitor visas to individuals who want to come to Canada for a visit. Now one of the requirements is that if a family member wants to come to Canada and another member of that family has been part of an organized gang, that person will be disqualified from coming to Canada.

Government Orders

Therefore, the question that I think stands to reason is this. Are immigration officers going to have the additional responsibility of reviewing this legislation and if implemented, and I have no doubt it will be, are significant resources going to be added to the immigration offices around the world? Is that not a fair question? Should the minister not answer that question before the bill goes to committee?

Mr. Jamie Nicholls: That is a fair question to ask, Mr. Speaker. The backlog faced by these officers is incredible. The whole system is glutted up right now.

I have mentioned for hon. members that our immigration system, our permanent residents and our economy are all interlinked. By improving our immigration system, we can also improve our economy. By looking at the links between these things, by decreasing the backlog, by making legislation that would make the system run more smoothly rather than focusing on the few bad apples as the government has done, we could improve our economy. If we focus on the positive aspects of our permanent residents, we could make economic improvements for our country.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to begin by congratulating my colleague on his speech. Like him, I am of course worried about how immigrants have been demonized over the past few months. These people are being singled out and labelled as fraudsters who have come to exploit the system. Not only do I find that kind of discourse appalling, but it also stigmatizes part of our population.

I would like to come back to the minister's discretionary powers. We should point out that it is not clear that more discretion should be given to the minister. We do not believe that these powers will make the process any more equitable or fair. What are my colleague's thoughts on that?

• (1740)

Mr. Jamie Nicholls: Mr. Speaker, I know from first-hand experience that this government demonizes immigration. I am married to a Canadian citizen, but at one time, she was a permanent resident. I saw the entire process that she had to go through to become a Canadian citizen. I would like to paint a clear picture for Canadians: it is not easy to become a Canadian citizen. Many of my friends told me that, since I was Canadian, the fact that I married a foreigner would automatically make her a Canadian citizen. That is not how it works.

Instead of giving powers to the minister, we could improve the immigration system overall, which will not happen if we demonize immigrants. The government needs to show some leadership and introduce some smart initiatives in order to improve the entire immigration system.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague for his speech, in which he raised some very important points.

We could all benefit from the human potential that newcomers bring to Canada, either with their personal characteristics or through their varied personal and professional experiences. My colleague described all this quite clearly in his speech.

In his view, how could we make it possible for all of Canadian society to benefit from the arrival of these newcomers?

Mr. Jamie Nicholls: Mr. Speaker, underemployment among immigrants is a very serious problem, and there is a cost associated with it. Immigrants who have difficulty finding a job cost Canada \$5.9 billion per year.

We all know a taxi driver with a medical or law degree. We have all met people who were professionals in their home country, but who work here in Canada as taxi drivers or as clerks at Tim Hortons or McDonald's. They are underemployed by our society.

After trying to improve this situation over the past six years, the Conservatives set up a modest loan program for professionals, but this is not enough. This issue must be taken seriously and concrete steps must be taken. The problem cannot be solved just by throwing money at it. We must provide funding for language programs and other similar courses, but we also have to change the mentality of Canadians. Programs that help Canadians appreciate immigrants are needed.

By playing political games, the Conservative Party is demonizing our immigrants; what the Conservatives should do is tell Canadians that immigrants can contribute even more to our society and that they can help our economy grow.

Instead of doing this, the government would rather criminalize immigrants and give Canadians the idea that immigrants are criminals.

• (1745)

[*English*]

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I want to ask my colleague if he would agree with me that while some of what is in the bill is welcome in that it prevents an abuse of the system, the overall push by the Conservative government is in the wrong direction.

In fact, there are many bigger problems with our immigration system that need attention long before this does and we should see from the government ways to fix the length of time it takes to reunite families, the length of time it takes for people to become Canadian citizens and the irrationality of some of the deportation systems that exist. Would he agree with me on that?

Mr. Jamie Nicholls: Mr. Speaker, I certainly would agree. When we make very concrete proposals, proposals that make good sense, the Conservatives start name-throwing at us. At one point, the Minister of Immigration characterized me as an anarchist, for instance, and said that I keep company with anarchists, even though I stand in this place, which obviously is not a den of anarchists at all.

I am also proud to say that I have read the text of Emma Goldman, Bakunin, Bookchin and that I have sympathies with some of these philosophers. I am not shy of the fact that I have read these books and I would much rather be someone who has read these thinkers than somebody who listens to the Paul Fromms and Doug Christies of the world.

Government Orders

When the minister claims things like the Canadian public wants the *Sun Sea* to be kept from our shores and others like that prevented, I wonder if the Canadians he is talking about are the Paul Fromms and the Doug Christies of Canada.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to start by saying that I will share my time with my colleague from Rivière-des-Mille-Îles.

On June 20, 2012, the Minister of Citizenship, Immigration and Multiculturalism held a press conference to introduce Bill C-43, which has some provisions for the faster removal of foreign criminals to their country of origin.

This bill would allow for the faster deportation of foreigners and permanent residents who are convicted of a serious crime in Canada or abroad, and it would refuse them access to the Immigration Appeal Division. To that end, the bill redefines “serious criminality” as being any crime that was punished in Canada by a term of imprisonment of at least six months, instead of the period of two years that is currently found in the Immigration and Refugee Protection Act.

Furthermore, with Bill C-43, the government is asking this House to once again grant increased and unlimited discretionary powers to the Minister of Citizenship, Immigration and Multiculturalism, including the power to agree or refuse to grant temporary resident status to an individual for a maximum period of 36 months based on public policy considerations, without specifying or defining “public policy”.

Finally, Bill C-43 provides for imposing additional, more stringent conditions with regard to permanent residence for foreign nationals who are deemed inadmissible on security grounds. It also proposes eliminating the power granted to the minister to review a humanitarian application from a foreign national who is inadmissible to Canada when there is reason to believe that he has been involved in the crimes described in section 34 and subsequent sections of the current Immigration and Refugee Protection Act.

The security of Canadians has always been and is still a priority for New Democrats. Without handing the government a blank cheque, the NDP believes it is possible to work with the government to prevent foreign nationals who have been involved in serious crimes from using stalling tactics successfully to delay their deportation from Canada.

However, because Canada enforces the rule of law, the NDP would like to remind this House that measures to enforce our legislation must never violate the principle of the rule of law, the national obligations entered into by Canada under the Canadian Charter of Rights and Freedoms and international human rights agreements. Finally, measures to enforce our legislation must not violate the principles of fundamental justice when they involve the right to life, liberty and security of the person.

In a number of cases in which the government has been unsuccessful, our courts have consistently reiterated the importance, in the words of Justice Zinn of the Federal Court, of “the balancing necessary in a constitutional democracy that follows the rule of law.” They have repeatedly held that foreign nationals on Canadian

territory have the right to claim the legal and judicial guarantees available under our legislation. The Singh decision, handed down by our Supreme Court, illustrates this principle.

In that case, the Supreme Court informed the government that asylum seekers who are in Canada are entitled to fundamental justice when their normal or accelerated deportation to another country means they are likely to be tortured or exposed to threats to their life, their freedom or their safety. In another case, the Supreme Court held that, in a democracy, not every response is available.

Unfortunately, when judges hand down decisions concerning asylum seekers, decisions that frustrate the Conservatives' political imperatives, they are subject to virulent attacks by the Minister of Citizenship, Immigration and Multiculturalism, who accuses them, as he did on February 11, 2011, of acting on a whim, or perhaps in a fit of misguided magnanimity. It is unacceptable to question the independence of our judges when they refuse to facilitate the achievement of the Conservatives' political aims or when they refuse to base their decisions on elements other than legal, justice and equity considerations.

In his speech, the minister complained about judges who, in his view, have been preventing him from deporting a foreign criminal for six years. He publicly discredited the guardian of the law and the rule of law, that is, the judiciary, by suspecting Canadian judges of frequently handing down prison terms of less than two years for the sole purpose of blocking the criminal's rapid deportation.

The minister also attacks Canadian judges every time they reverse or overturn the careful decisions he says are made by the highly trained public servants on administrative tribunals and even other judges.

● (1750)

The Minister of Citizenship, Immigration and Multiculturalism's criticisms of Canadian judges lead us to believe that, for the Conservatives, decisions regarding the removal of foreign criminals must be made without the possibility of appeal regardless of who makes the decision and the irregularities involved. For the Conservatives, judges who rule on cases involving the removal of foreign criminals must make their decisions based on the Conservatives' political and ideological imperatives rather than on the rule of law. That is unacceptable.

Such a vision of justice is not that of a country in which the rule of law prevails and where there is a permanent separation of power among the legislature, the executive and the judiciary in order to prevent abuse and maintain constitutional order. The lord that Justice Zinn cites found this tension to be acceptable because it demonstrates that the courts are performing their role of ensuring that the actions of the government of the day are being taken in accordance with the law. Lord Woolf concludes by saying that the tension is a necessary consequence of maintaining the balance of power between the legislature, the executive and the judiciary.

As set out in the preamble of the Constitution Act, 1867, Canada is founded on the rule of law. According to Justice Zinn: “The rule of law provides that the Government and all who exercise power as a part of the Government are bound to exercise that power in compliance with existing laws.”

Government Orders

The courts are the institutions that the Constitution charged with ensuring that the government's decisions, including decisions regarding the removal of foreign criminals, are being made in compliance with the existing laws.

While ensuring that the safety of Canadians is not jeopardized, the NDP is reaffirming its concern and its willingness to place more emphasis on improving the equality and speed of the immigration system for the majority of people who have not committed any crimes and who follow the rules.

Clearly, there is a need to protect the integrity of our immigration system. This is especially true since many workers in the area of refugee rights, in particular members of the Canadian Council for Refugees, have been calling for a reform of the system for many years.

The flaws in our immigration system are well known. However, unfortunately, the Conservatives are using a small number of high profile cases—usually involving permanent residents who were charged with serious crimes and then used the appeal process to delay their deportation—to justify the need to have a faster process for deporting foreign criminals who are living in Canada. The minister's office describes the bill as tough but fair, and repeats that it is easy for non-citizens to avoid deportation: all they have to do is not commit any crimes.

The current Immigration and Refugee Protection Act contains clear provisions that enable law enforcement authorities to be tough on criminals who try to abuse our immigration system. For example, it sets out that foreigners found guilty of crimes must be deported from Canada immediately, and it recognizes the detention authority of officials.

Officials may detain individuals without a warrant and arrest individuals who cannot produce identification.

Furthermore, there are more categories of people who are inadmissible to Canada than under the previous Immigration Act of 1985. Under the IRPA, foreigners may be deemed inadmissible for a number of reasons, including under section 34, for being a danger to security, section 35, for jeopardizing human rights, section 36, for acts of serious criminality or, section 37, for being involved in organized crime, section 40, for misrepresentation, and for terrorist acts.

Under section 52 of the act, individuals facing a deportation order must leave Canada immediately and never return.

Under the Immigration and Refugee Protection Act individuals cannot appeal a removal order for jeopardizing security, for human or international human rights violations, or for organized criminality. The Act denies them the right to have the decision reviewed. Smugglers are subject to particularly deterrent sentences.

Instead of making the necessary corrections to make their department run smoothly, the Conservatives are trying to circumvent all control, even the control of judges.

● (1755)

We demand that the individuals affected have the opportunity to go before a judge to contest expedited removals order concerning them.

The application of removal measures must respect the balance between the need to safeguard Canadians and national and international human rights obligations. A measure—

The Acting Speaker (Mr. Bruce Stanton): Order. I am sorry to interrupt the hon. member, but her time has expired.

The hon. member for Winnipeg North.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, when the minister brought in this legislation and introduced it to Canadians for the first time back in June, in the dying days of the session, he provided the top five reasons for a fast removal of foreign criminals. We do have a difficult time with why he would call them foreigners, as permanent residents, but that is another issue. In that background, he listed five individuals. I am sure the member has likely seen the five individuals. There is very little doubt about the problems they have caused in Canadian society.

When we in the Liberal Party see the very character of these types of individuals, we, too, are concerned. We do not want to see individuals of this nature taking advantage of their residency and we see the value of deporting them in a timely fashion? However, would the member agree that this legislation, amended properly, would be able to deal with these type of individuals and that the government needs to be open-minded in approaching committee stage and hopefully making the necessary amendments?

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, I thank my colleague for the question.

Clearly, it is absolutely crucial that we be able to deport criminals like that. The discourse we have been engaging in so far demonstrates how much we want to debate the substance and form of this bill, and we sincerely hope that the amendments we would like to make to this bill will be heard in committee.

● (1800)

Mr. Tarik Brahmi (Saint-Jean, NDP): Mr. Speaker, I congratulate my colleague. We very much appreciated her enthusiasm.

She gave a very compelling example of the link that is sometimes made between immigration and crime in the collective unconscious. I wonder if she could expand on her thoughts on the consequences this can have?

In practice, the actions of a very small minority, just a few individuals who are serious criminals, reflect on the entire community to which they belong, and that is extremely unfortunate for the rest of the community.

Mrs. Sadia Groguhé: Mr. Speaker, I would like to thank my colleague for his question.

Government Orders

Obviously, attempting to stigmatize people, immigrant communities in this case, is dangerous and uncalled for. People who hear those kinds of messages quickly begin stereotyping others. They forget how critically important it is to our country, a land of immigrants, to bring in skilled people who want to settle in Canada. They want to bring their skills and their ingenuity and participate in our country's economic development.

In a way, this approach covers up that aspect and emphasizes only divisive issues, focusing only on stories that play up the dark side of the situation. We would do better to put more effort into family reunification and reducing the length of time that takes. Economically, we would be better off doing more to support the integration of skilled people who end up spending a year or two or even more looking for work in our society.

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, this morning and afternoon, I listened closely to my colleagues' remarks on Bill C-43, An Act to amend the Immigration and Refugee Protection Act.

I want to make one thing clear. This bill would affect a very small percentage of permanent residents: those who abuse our immigration system. During this debate, my Conservative colleagues referred to some extreme cases to support their argument. That was a diversionary tactic because the vast majority of new immigrants commit no crimes and follow the rules.

My constituents want the government to focus on improving the immigration system to make it faster and fairer, something this government has failed to do since coming to power.

The NDP will support this bill at second reading so that the committee can take a closer look at it. However, as we have seen during today's debate, my caucus has some major reservations when it comes to this bill.

Before I say more about the bill, I would like to reiterate that it is one aspect of this government's piecemeal approach to immigration. Earlier this session, the government introduced Bill C-31, which, as we know, creates two classes of refugees and completely undermines refugees' rights.

You will recall that this government also reduced refugee health care services, which means that many of them will not have access to the health services they need. Is that the best way to treat people who often are penniless and have been traumatized? I think not.

Many doctors, organizations and groups of experts, including the Canadian Paediatric Society, oppose the proposed changes that will limit access to primary and preventative health care for some of the most vulnerable children and adolescents in Canada. These changes deprive a large number of children of treatments or doctor's visits if their parents do not have money to pay for the health services and medications. This is beneath a civilized country such as Canada. We must take care of our refugees.

When I travel abroad, I am very proud to wear the Canadian flag. Why? I am proud because, to other countries, Canada represents a model of diplomacy, a fair country, a humanitarian country where people are treated with dignity and fairness, no matter where they come from. However, this Prime Minister's Conservatives are

transforming this country by dismantling, among other things, our immigration system.

Among other things, this bill takes away the minister's responsibility to examine the humanitarian circumstances. At present, the minister is required, at the request of a foreign national, to examine the humanitarian circumstances of the foreign national who is deemed inadmissible on grounds of security, human or international human rights violations, or organized criminality. If the minister deems it is justified, an exemption for humanitarian reasons may be granted, taking into account the best interests of a child directly affected. Unfortunately, this will no longer be the case if the bill is passed.

In addition to undermining our humanitarian reputation, the Conservatives are promoting the mentality of "them against us". However, in our communities, the line between them and us is not black and white. With this bill, we run the risk of removing people who arrived at a very young age with their parents, have spent their lives in Canada, and cannot call anywhere else their home. They may not be Canadian citizens, but these people have contributed to our communities, have paid their taxes and are part of our society.

This Conservative government's approach is simply to deport people. It is like discarding these people without any concern for their well-being.

I would like to read some comments from Ahmed Hussen, the president of the Canadian Somali Congress, who thinks that the new bill will result in a huge increase in the number of young male immigrants who are deported without appeal:

The net will be cast wider and it will capture even more people. One big mistake on the part of these young men could see them sent to a dangerous place they know nothing about.

He also said:

For the people that are likely to be captured by this new law, we feel that a good number of them are first-time offenders who, if given a chance, would most likely reform and change their behaviour.

● (1805)

Why does this government not concentrate its efforts on increasing front-line immigration services? Why is the Conservative government eliminating the jobs of public servants who process immigration applications? Why is the government refusing to take action to facilitate family reunification? Instead of cutting services for Canadians, this government should give our immigration system the tools it needs to function.

Now let us talk about Bill C-43, which we are debating right now. There are two aspects of the bill that concern me. First, this bill puts even more powers into the hands of the minister, giving him authority over the admissibility of applicants for temporary residence. The minister can declare that a foreigner is inadmissible for a maximum period of 36 months if he feels that it is justified by public policy considerations. This creates a very dangerous grey area. What constitutes public policy? That is not clear in this bill.

Government Orders

The Conservatives are already wary of newcomers, and they have a tendency towards repression, so I am not sure we should be giving more discretionary powers to the government, and to this Conservative government in particular.

My other concern about this bill is that it changes the definition of “serious criminality” with respect to appealing a determination of inadmissibility. In the past, a conviction in Canada that carried a sentence of two or more years would lead to the automatic revocation of a permanent or temporary resident's right to appeal to the Immigration Appeal Division of the Immigration and Refugee Board.

I can give some examples. If this bill passes, we could deport people who have six marijuana plants, for example, since they could be subject to a six-month sentence. These are not people who have committed violent or serious crimes and who deserve to be punished.

This bill also targets people with mental illness, who are already overrepresented in our justice system. Many individuals have spoken out against this bill because of that. John Nash, an immigration and refugee lawyer with South Ottawa Community Legal Services, said that these changes will affect many people with psychiatric problems. He said that many people with mental illness end up in the criminal justice system. Those people could be deported too.

Instead of focusing on job creation, the Conservatives are attacking the most vulnerable members of our society. Instead of focusing on job creation, the Conservatives are attacking unemployed workers by forcing employment insurance beneficiaries to accept jobs that they are overqualified for and that do not pay as well as their previous jobs. Instead of doing something about climate change, this government has its head in the sand, which will hurt future generations. Instead of improving our immigration system to deal with applications quickly, the government is portraying all immigrants as criminals.

I want to make it clear that New Democrats recognize the need for an efficient legal system that can deport serious criminals who are not citizens. However, the Conservatives' proposed solutions are not balanced and could have devastating consequences in addition to politicizing our immigration system.

Our immigration system is broken. Just read the Auditor General of Canada's reports, which show that Canadians are waiting longer to bring their relatives to Canada and that lineups are getting longer.

● (1810)

I hope that once we are together in committee, my Conservative colleagues will take the NDP's concerns regarding Bill C-43 into account and accept our proposals.

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the Liberal caucus has expressed a great deal of concern regarding that particular minister desiring more and more power. Examples of that include the minister deciding what countries are safe countries even though it was recommended that it be an advisory panel of human rights experts that decide. That would have been a better way to hold the minister in check. Also, the minister took on the responsibility of determining who or what grouping of two or more individuals is to be deemed as an irregular. Today we have

legislation before us with the minister saying that he wants to be able to deny individuals the ability to come to Canada on a temporary visa.

I wonder if the member would like to comment on the power grab that the minister seems to be fixated on. Does she believe that there is a need to make some changes to hold the Minister of Citizenship, Immigration and Multiculturalism more in check for his actions?

[Translation]

Ms. Laurin Liu: Mr. Speaker, my hon. colleague raises a very good point. We are fortunate to live in a country with some of the best courts in the world.

I have to wonder why the government is undermining the judicial process by putting more arbitrary power in the minister's hands. Canada has very good courts and should make use of them.

Many people in my riding have come to my office to try to obtain visas so their loved ones can attend baptisms, weddings and funerals, but they cannot obtain them.

Instead of attacking scapegoats, the government should be addressing the immediate problems facing Canadians.

● (1815)

[English]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, further to that point, the last time the minister wanted to weigh in on the immigration-refugee issue he wrote some regulations on the back of an envelope and suddenly thousands of refugees lost their federal health coverage while they were waiting for status in Canada, which was an outrage across the country. Municipalities and doctors were asking what was happening with the government. This is not what our country stands for.

Today we are dealing with a different issue but it is the same concern. Are we really going to entrust in the office of one minister a very complex file, a file for which the minister and others in the government do not seem up to the task?

I would ask my hon. colleague to give a little more context as to why, for example, families in various immigrant communities in our country would have cause for concern over the bill.

[Translation]

Ms. Laurin Liu: Mr. Speaker, this bill does in fact harm Canadian families and families in our communities.

This bill could force young people or others who have spent their entire lives in Canada to go to a foreign country that is unknown to them, simply because they committed a crime that calls for a six-month jail sentence.

This bill is step backward in terms of humanitarianism. It does not treat people like individuals who have rights and dignity; it treats them like criminals.

It is not the NDP way to treat newcomers or people who live in our country as though they were criminals.

Government Orders

The Acting Speaker (Mr. Bruce Stanton): We have time for a brief question and a brief answer.

The hon. member for Saint-Jean has the floor.

Mr. Tarik Brahma (Saint-Jean, NDP): Mr. Speaker, I will be brief.

My colleague spoke about cuts. Does she not think that there is a contradiction between, on the one hand, making cuts to the Canada Border Services Agency and, on the other, proposing a bill that makes more work, which means doing even more with even fewer employees?

Ms. Laurin Liu: Mr. Speaker, indeed, by cutting the budget of these organizations, the government is reducing the personnel of these organizations that offer front-line services. These are people who process immigration requests. They work in the front line and can be part of the solution. But instead of giving these organizations the tools they need, this Conservative government continues to prevent them from fulfilling their mandate.

The Acting Speaker (Mr. Bruce Stanton): Before giving the floor to the hon. member for Trois-Rivières to resume debate, I must inform him that I will have to interrupt at 6:30 p.m., at the end of government orders for today.

The hon. member for Trois-Rivières has the floor.

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, it is with very mixed feelings that I take part in this discussion on Bill C-43. I say mixed feelings because there is definitely an issue here worth discussing and finding a solution to, but this is no way to approach it.

I am here, speaking in the House, because of the voters of Trois-Rivières. We can all agree that Trois-Rivières is not exactly an immigration gateway to Canada. Imagine my surprise in the weeks following my election when I saw the plurality of the cultural communities in Trois-Rivières, when I spoke with the people of those communities and recognized the wealth of diversity. I also recognized a need to listen to one another, in order to try to understand each other, given our respective cultural baggage.

I realized that there should be an individualized approach to immigration for each of the people that I met with in my riding office. There is no doubt that, of all the files that I have dealt with in Trois-Rivières since I was elected, those related to the Department of Citizenship and Immigration have been the most complex. It seems that this goes without saying, given the nature of the subject at hand. As a result, I have a very hard time when someone tries to present a simple or even simplistic solution to a complex problem involving immigration.

Thus, to support Bill C-43 as it stands would require me to turn my back on core values that I cannot deny. It is also asking me to take a great leap of faith to vote to send this bill to committee in the hopes that major amendments will be made to it, particularly given the number of amendments that were accepted in the case of a bill as large and important as Bill C-38. If the past is any indication, there is not much there to reassure me.

However, with all due respect for parliamentarianism, I must still place some hope in committee work and in the fact that the committee could considerably improve a bill that contains certain

elements that I think are essential and could do away with others that are simply not consistent with the values held by most Canadians.

For the sake of time, I will start with my biggest concern. If I have any time left, I will end with the points on which both sides of the House could come to an agreement. I hope that this approach will be constructive and will help to set the tone for the work that members of this committee will do.

My first concern is that the vision of the Conservatives' bill is completely black and white. Bill C-43 is one of many Conservative bills that, as I said earlier, proposes a simple solution to a complex problem. With regard to the bill we are discussing this afternoon, there seem to be good people and bad people but very rarely good people who have given in to a moment of weakness and are not necessarily destined for a life of crime, but whom the Conservatives want to force to leave the country.

The picture before us is, once again, presented only in black and white, with almost no shades of grey. Yet it is difficult to describe reality without using all shades of grey. We simply have to think back to black and white television, for those who are my age, anyway. If there had been no shades of grey, we would not have seen much of anything. Very few things, particularly concerning immigration, correspond to this dualistic view of the world. Any search for consensus must look at solutions that take into account a broader range of shades of grey, which will allow us to consider every possible situation.

Bill C-43 also presents a risk of considerable abuse.

• (1820)

Let us first talk about the powers that would be granted to the minister. I must point out that this is not a question of examining the personality of the current Minister of Citizenship, Immigration and Multiculturalism, but rather of the powers that could be exercised by any individual who is in charge of that rather complex department.

Usually, in famous western movies, there are good guys and bad guys, and there is usually a sheriff to mediate the conflict. Well, in this case, it seems that the sheriff is none other than the Minister of Citizenship, Immigration and Multiculturalism. His discretionary power will increase, while the criteria used to achieve justice seem to be decreasing.

The minister would thus have the authority needed to rule on the admissibility of temporary resident applicants. That means that the minister could rule that the foreign national is inadmissible for up to 36 months, if he believes that it is in the public interest.

I will digress for a moment. First, the verb “to believe” introduces a grey area or value judgment. It is hard to imagine that the verb to believe refers to objective criteria. The belief might vary from one minister to the next. We know that cabinet shuffles, even changes in government, are legion in our democratic system.

Adjournment Proceedings

Bill C-43 does not define public interest. What is really in the public interest and allows the minister to determine that it would be best to deport a person?

What is more, Bill C-43 takes away from the minister the responsibility, even the obligation, to examine the humanitarian circumstances of the foreign national who is deemed inadmissible for security reasons. That again is a grey area and is difficult to define.

I believe that the minister in charge of such a department must be the instance of last resort. He must rise above the fray and not be a part of the decision-making machine, and not have a penchant for ideology.

Furthermore, the bill changes the definition of what is considered to be “serious criminality”. This will be a particularly important matter to be debated in committee. What corresponds to the NDP or Conservative view of what we might term “serious criminality”, and will also garner the broadest consensus among Canadians when it is time to describe and judge what constitutes “serious criminality”?

Previously, a serious criminal was someone given a sentence of two or more years, which was the logical connection to the judge's reasoning when judging a crime. If a crime was deemed to be punishable with a sentence of two years or more, the criterion of “serious criminality” was met.

By changing this criterion from two years or more to six months or more, will judges be asked to change how they interpret the law and make their rulings? Absolutely not. It means that we are opening the door to including all sorts of crimes that, under the old law, would not have been viewed as “serious criminality” and that detractors would consider to be grounds for deportation.

We can well imagine that judges will not change their rulings and that a much larger number of cases may find their way into the new process set out by Bill C-43.

What about the right to an appeal process? It is no longer an option, even for someone given a six-month sentence for a crime that most Canadians would not consider a real threat to public safety.

• (1825)

For example, imagine an immigrant with an incurable illness that causes unbearable pain. He decides to seek relief by discreetly growing five or six pot plants at home. He is not selling drugs. While some parliamentarians are considering the possibility of legalizing marijuana, for just such a situation, that person could be found guilty of a serious crime and be deported to a country that he does not know well enough culturally to live in safely and soundly. He may have come to Canada as a child. Canada could be his only refuge and ours the only culture he has ever known.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Trois-Rivières will have nine minutes to speak when the House resumes debate on this motion.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

• (1830)

[English]

AGRICULTURE AND AGRI-FOOD

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I rise to speak to an issue that I raised in question period about the cuts to the Canadian Food Inspection Agency at the terminals for Marine Atlantic in Port aux Basques and Argentina.

As a result of that, we are putting in danger potato crops in P.E.I. and New Brunswick. The soil is infested with what is called potato wart and once that soil is transported from Newfoundland and Labrador to other parts of the country, there is a risk that it will infect crops.

Doing away with the jobs that are charged with the responsibility of washing down all of the vehicles before they leave Newfoundland and Labrador is putting at risk those crops because if they are not washed, then that danger is very real.

The government has said that even though it is cutting those jobs, the vehicles still are going to have to be washed. The problem is that no one knows who is going to do that, where it is going to take place, and it is a serious issue. We raise this issue again to point out how serious it is and to see whether we can get the government to reconsider the position it has taken.

I am told there was absolutely no consultation whatsoever on this. Those of us who are familiar with where the ferry is in Port aux Basques, in particular, know it is in a very secure area. Once vehicles go into Marine Atlantic's ferry terminal, they cannot come back out because they are in a secure area in order to board Marine Atlantic's vessel.

The problem is that at least right now when the vehicles go into the terminal area where they are washed down, then we know they are on site and will not go anywhere else where there would be contaminated soil. If, as suggested, this can take place outside of the terminal area, that poses a real problem. Again, if the vehicles are washed off the ferry terminal premises, there is a chance that they will pick up contaminated soil from where they have been washed to where they have to go to the ferry terminal. It is a serious issue and we do not think enough thought has gone into this.

These jobs are supposed to be gone as of April 1. The Canadian Food Inspection Agency is supposed to stop providing cleaning of the vehicles April 1, 2014. Once that happens, there has to be something in place. The government has said that this could be turned over to the private sector, that there is an opportunity for it. However, no one has stepped up to the plate at this point and we are seriously concerned that if no one does, then the government is not acknowledging the consequences of this. While it says that the vehicles will still have to be washed, it has not said how that will happen.

Adjournment Proceedings

That is a serious problem for us. We are trying to find some way of ensuring that the vehicles continue to be washed, but at this point in time no one has stepped up to the plate. The vehicles need to be washed. How will that happen if the government does not continue to do it?

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, our government remains strongly committed to protecting Canada's plant resources and recognizes that we all need to help to ensure preventative measures are taken.

Like all departments and agencies, the CFIA is contributing to the government's promise to balance the budget. Canadians know that, unlike previous governments, we take the spending of taxpayer money seriously. Our budget supports the CFIA's drive toward modernization and will allow the agency to focus its valuable resources where they are most needed.

• (1835)

[Translation]

Vehicle inspection and cleaning stations were set up in Port aux Basques and Argentia, Newfoundland, in order to mitigate the risk of spreading potato wart and potato cyst nematode to other provinces. These invasive pests can be transported in soil and other high risk items such as plants and plant products.

The CFIA's inspection activities are essential in order to respect its regulatory obligations under the Plant Protection Act and to protect vulnerable potato growing regions in other parts of Canada.

[English]

This change will have no effect on food safety. The CFIA will continue to inspect all vehicles prior to their boarding the ferry in both Port aux Basques and Argentia, Newfoundland. Contaminated vehicles will not be allowed on the ferry until they are properly cleaned. The CFIA, however, will no longer wash the vehicles at these ferries after they have been found to be contaminated with soil.

Using taxpayer dollars to pay for car washes is not needed. Vehicle operators are responsible for ensuring that their vehicles are free of soil contamination prior to boarding these ferries. The CFIA will, however, work with other federal bodies to ensure that drivers will still have access to washing facilities.

This initiative is common sense and I ask that in the future the opposition understand what is in the budget before it votes against it.

Ms. Judy Foote: Mr. Speaker, I am curious as to how the CFIA will ensure that drivers have access to facilities to wash their vehicles. At this point in time, it is not clear how that will happen. To suggest that it is a waste of taxpayer money to wash these vehicles and to refer to it as simply a car wash is hardly being upfront. We realize there is a serious issue here. We are talking about a multi-million dollar potato industry in P.E.I. and New Brunswick alone. To refer to saving money on what he is calling simply a car wash is hardly being upfront and honest with respect to what this entails.

We all recognize the need to balance budgets. That is not what this is about. This is about the need to recognize the damage that can be done and the loss of jobs that accompany this. We are talking about 14 people who received letters, indicating that jobs would possibly

be lost. Apart from that, the seriousness of this situation and how drivers are going to wash their vehicles leaves us wondering what the government knows that we do not.

Mr. Pierre Lemieux: Mr. Speaker, I cannot stress enough that the CFIA has not and will not make changes that would put the health of Canadians or our potato industry at risk. Indeed, the budget will allow the agency to focus its valuable resources where they are most needed.

As I mentioned before, washing cars is not a good use of CFIA's time. Inspecting the vehicles to ensure there is no contamination, to ensure that vehicles do not go on to the ferry contaminated, that is a good use of CFIA time, but not washing the vehicles themselves.

We are going to ensure, by working with the different levels of government, that car wash facilities are available to Canadians. If their vehicles have contamination, then they will have the proper washing facilities to remove that contamination.

AGRICULTURE AND AGRI-FOOD

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, if the Conservative government made anything clear through its 500-page kitchen sink budget omnibus bill, it was that transparency was its enemy, despite years of lip service, and good, beneficial, public policy-making was a victim of blind ideology that will leave Canadians individually responsible for regulating, monitoring and protecting the health and safety of their loved ones.

In a move lacking comprehension, the Conservatives particularly targeted the budget of the Canadian Food Inspection Agency. The budget cut funding by \$56.1 million and slashed 234 full-time positions. Never mind that the Weatherill report, on the heels of the listeriosis tragedy, called for 170 inspectors to be added. The government seems to believe that food-borne threats have a shelf life of their own and it can now slash the department. At least this was its answer when it was asked how it could cut the funding dedicated to dealing with monitoring listeria.

Senior management at the CFIA made it clear during an employee town hall that these cuts would have a measurable impact. They told CFIA staff that it was impossible to cut 10% of the budget and not deal with the front line.

Adjournment Proceedings

Conservatives also suspended key elements of a consumer protection program, completely ignorant of concerned Canadians with nutritional restrictions or specific food allergies. We know what dietary restrictions are important for Canadians suffering from heart disease, diabetes or other ailments and what sort of diet can prevent debilitating illness.

Just prior to when I asked this question, Postmedia ran an article that clearly demonstrated instances of our biggest food brands drastically understating quantities of harmful nutrients while inversely exaggerating health benefits. Of the 600 products tested by the CFIA, more than half had inaccurate or inconsistent labels, with some off by as much as 90%.

Meanwhile, Conservatives think that a mother of a child with celiac disease should be responsible for determining the label's accuracy. To add insult to injury, Conservatives also feel a simple web-based portal should be sufficient for that same mother to seek enforcement not through the government but from the offending company.

Cuts like this have been made before by a Conservative government and they resulted in tragedy when seven people died and hundreds of others became seriously ill from E. coli in Walkerton, Ontario.

The Conservatives refuse to acknowledge that food-borne illness targets the most vulnerable among us in our communities. Seniors and children are hit the hardest. These are the very people we must be working harder to protect. Instead, the top line of Conservative budget cuts is, "Good luck—you're on your own".

Let us look at what they are doing to trans fats. Health and nutrition experts have been clear that cutting trans fats from Canadian food would not only be immediately better for our health but it would save taxpayers nearly \$9 billion over the next 20 years. In 2007, when the Conservatives could not afford to be blindly ideological, they listened to these experts and promised to reduce trans fat usage within two years through monitoring and regulation. However, this summer they not only quietly scrapped limits on trans fats but are now removing monitoring.

On this side, we stand for good government, government that takes seriously its role of protecting the public. I know there are members opposite in the Conservative ranks who do not wish to see another tragedy born from lax inspection of food.

Will the government finally take health and safety seriously and restore the regulations in staffing essential to the Canadian Food Inspection Agency?

• (1840)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, first of all let me say that protecting the health and safety of Canadians remains the top priority of this government. Let me be clear that no changes would ever be implemented that would put the health of Canadians at risk.

If I may just talk a bit about food safety, a report on OECD countries evaluated Canada's food safety system and stated that we have a superior food safety system. Why is that?

In our last budget, we allocated \$50 million toward food safety alone. The member and his colleagues voted against that. In our previous budget before that, we put forward an additional \$100 million toward food safety. The member and his colleagues voted against that. Here the member is concerned about food safety, but when we put forward actual concrete measures and funding to improve food safety, they vote against them.

I will also say that since having been elected as the Conservative government, we have hired an additional 700 new inspectors with no help from the Liberal Party.

The last thing I will say is that we did receive the Weatherill report. We studied the Weatherill report after the listeriosis crisis. We are implementing all 57 recommendations.

This is a strong track record for this government. I do not understand why the member and his government continually vote against food safety and vote against increased funding for food safety.

Mr. Frank Valeriote: Mr. Speaker, I am sure Canadians would feel more assured of the parliamentary secretary's response if they were not the same tired talking points that fail to address real and serious concerns.

What did he say? He said no changes will be made that will put the health of Canadians at risk. These are the same old talking points.

He says the government has hired more inspectors. Never has the government come to committee and explained the actual number of hirings. In fact, there are 234 fewer inspectors. The parliamentary secretary did not tell us that the OECD report was before all of these proposed government cuts.

The secretive Conservative government makes changes, hopes no one will notice, and then when asked for information that it is legally obliged to present, obfuscates and refuses.

Conservatives label anyone critical of their agenda, just as he has done of me or anyone who questions their actions, as being an enemy of their agenda.

Turns of phrase and talking points are thin gruel when it comes to legitimate concerns about the safety and security of our food. Until the government becomes less concerned with feeding us lines, I am sad to say we are on our own when it comes to getting the facts.

• (1845)

Mr. Pierre Lemieux: Mr. Speaker, let me just make a few comments about the labelling issue. Currently, industry must pre-register labels on meat products and certain processed products, but this is not true for all other food products. We are working to streamline our food safety regime and to bring it into the 21st century. The regulatory requirements for food labelling will not change.

The development of an online self-assessment labelling tool will enhance the range of guidance material available on the agency's website to industry and consumers. The new online labelling tool will reduce the amount of time agency staff currently spend dealing with industry to explain and clarify labelling rules. It will allow them to spend more time on core food safety verification and enforcement activity.

That is what we want. That is what Canadians want. They want the CFIA to focus on key food safety initiatives.

We have more budget implementation acts coming forward. I ask the member, for the good of our country, when there is increased spending in these implementation acts, will he please vote in favour of food safety for Canadians.

PUBLIC SAFETY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to rise on a border question that I had on April 24. I have often asked many border questions. This is in relation to the fact that the Minister of Public Safety is cutting \$143 million from the Canada Border Services Agency and our front-line officers are going to be directly impacted.

It costs jobs and Canadian trade when there are slowdowns and reductions in the services at the border. A recent study shows that our border delays are costing us between \$15 billion and \$30 billion in trade per year with the United States because of the lack of services and support and the new thickening that has taken place on both the Canadian and American side. These were critical cuts because they involved a lot of things, including public safety.

Every intelligence officer in Canada received an affected letter. These officers are important because they analyze and develop the information that helps front-line officers target high risk travellers. That allows goods and services and trade to get over the border rather quickly, and it isolates the high risk people who are detained and processed separately, so they do not bog up the rest of the border. That is critical. Every single one of these officers received a letter of notification. Their roles are absolutely critical to front-line security and they were the hardest hit.

Three hundred and thirty-one border service officer jobs are being cut. This is a fact and is not debatable. How can the minister brag about increasing the staff by 26% while at the same time in one vicious swipe he has reduced that quite significantly and put us backwards from where the Americans want us to go? We have just signed the beyond the borders prosperity act, wherein the United States wants more investment in the border, not less.

In my question I also asked about the dog handlers and the detector dogs that are being cut. They are important as well because they eliminate some of the drugs, contraband and other substances that either exit or enter this country. Organized crime is definitely going to benefit from these cuts. We are going to see more drugs, more pornography, more types of bad material on the streets of Toronto, Vancouver and Montreal, where it is very heavy. There is no doubt about it, because the border service officers and the intelligence officers who have been cut are very much tied to this process.

Adjournment Proceedings

When I was on Windsor City Council we brought in the canine program, which is very effective and important for the safety of the general public. Right now, the detector dog program is being sunset. The government is moving some of those dogs to prisons to look for drugs instead of keeping the drugs out of Canada. That is unfortunate because the program should be the front line of our defence.

The Minister of Public Safety and the government are taking reprehensible actions that are going to cost Canadian jobs and money and put more drugs and crime on the streets of Canada.

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am disappointed that my hon. colleague would perpetuate such fear-mongering and inaccuracies. He certainly has the right to ask a question and I am pleased to answer it, but to make inaccurate statements that more drugs and child pornography will be on the street is very disappointing.

I will begin by stating the facts. It is pretty clear and self-explanatory that we are the government that has increased front-line officers at the border by 26%. The cuts we are making will reduce duplication within CBSA and not affect front-line officers in any way, shape or form. It is very important to be clear on that and I am very happy to repeat that for my hon. colleague, if need be. We are reducing unnecessary spending and duplication of work. We are not reducing front-line positions at the border. At all times, the highest level of security is maintained at Canada's border. Our government is committed to cracking down on the trafficking of illegal guns by criminal gangs.

Here are some more facts. Since 2006, CBSA has seized almost 30,000 prohibited weapons, including firearms and other weapons, at the border. The national weapons enforcement support team seized over 35,000 imported illegal guns between 2006 and 2010. Our government has added 1,030 border guards over the past six years. There has been no reduction in the number of those border guards.

In 2006, we announced an MOU with the United States that aided criminal investigations involving firearms on both sides of the border. We are spending taxpayers' dollars wisely to actually stop guns, illegal substances and pornography at the border. We are reducing duplication. We realize the unions and their members are upset about this. It appears that the opposition has taken its argument and made it a fact. The actual fact is that the unions are upset because we cut a \$1 million slush fund of taxpayers' dollars they were using. We do not think that is a good use of taxpayers' dollars. We want to use that money on the projects that we just announced.

Adjournment Proceedings

We introduced initiatives such as the shiprider and integrated border enforcement teams. In addition, we have introduced new travel exemptions that are allowing CBSA to focus its resources on preventing the importation of illegal handguns and other prohibited items. Again, we are using taxpayers' dollars wisely, not giving these dollars to unions but investing in programs, projects and investigations that actually stop drugs, child pornography, weapons and illegal substances at the border.

I hope my hon. colleague has heard my answer loudly and clearly. For Canadians listening, it makes good sense and good use of their dollars.

• (1850)

Mr. Brian Masse: Mr. Speaker, if we take the parliamentary secretary and the government's case here at face value, they created this duplication that they have to get rid of. It is an absurd argument on the surface and it certainly does not stand up when examined.

Do not take it from me but from the government itself when it sent out a memorandum dated June 28, 2012. In this memorandum, it stated:

Given the significant role the CBSA plays in the GC export community and the limited number of resources available for export examinations; other commodities, including outbound smuggling of narcotics, unless there is an intelligence lookout, should not be undertaken.

The government has cut the lookout officers. They are being reduced by 331 and we are losing their expertise. In the government's own memorandum, the officers are being directed not to look for exported drugs. That is important because the exported drugs going to the United States come back to Canada as

more child pornography, more guns, more drugs or more money for organized crime.

I can say that as the vice-chair of the Canada-U.S. Inter-Parliamentary Group in touch with many American politicians, they are not happy about what Canada is doing.

Ms. Candice Bergen: Mr. Speaker, the last thing we want is the NDP in touch with American politicians and denigrating our jobs in Canada.

Again, the facts speak for themselves. We are investing. Thankfully, the good work done by the CBSA and RCMP in stopping drugs at the border is done through the intelligence part of it. We have invested in that and continue to work with our allies and partners in the U.S.

We have reduced duplication, but maybe the NDP does not understand that when running an organization, one constantly has to make things more efficient. Good businesses and organizations constantly check their efficiency, and that is what happened with the CBSA. It is going to be more efficient, with taxpayers' dollars being used wisely, protecting Canadians and making sure that illegal substances do not come across our border while keeping our border open to legitimate trade and travel.

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:54 p.m.)

CONTENTS

Monday, September 24, 2012

PRIVATE MEMBERS' BUSINESS

Criminal Code

Bill C-299. Report stage 10307

Speaker's Ruling

The Speaker 10307

Motions in amendment

Mr. Cotler 10307

Ms. Boivin 10309

Mr. Chicoine 10310

Mr. Bélanger 10312

Ms. Moore (Abitibi—Témiscamingue) 10313

Mr. Jacob 10314

GOVERNMENT ORDERS

Faster Removal of Foreign Criminals Act

Ms. Raitt (for the Minister of Citizenship, Immigration
and Multiculturalism) 10315

Bill C-43. Second reading 10315

Mr. Dykstra 10315

Ms. Sims 10318

Mr. Lamoureux 10318

Mr. Hawn 10319

Mr. Scott 10319

Ms. Sims 10319

Mr. Dykstra 10322

Mr. Lamoureux 10322

Mr. Bevington 10322

Mr. Clarke 10323

Mr. Lamoureux 10323

Mr. Dykstra 10325

Mr. Nicholls 10325

Mr. Lemieux 10325

Ms. Chow 10326

Mr. Kenney 10326

Ms. Sims 10329

Mr. Lamoureux 10329

Mr. Sullivan 10329

Mrs. Smith 10330

STATEMENTS BY MEMBERS

Ukraine

Mr. Goldring 10330

Miramichi Summer Festivals

Mrs. O'Neill Gordon 10330

Lake Protection

Mr. Morin (Laurentides—Labelle) 10330

AIDS Walk for Life

Mr. Hawn 10330

Queen's Diamond Jubilee Medal

Mr. Eyking 10331

Wounded Warriors

Mr. Hoback 10331

Sam "The Record Man" Sniderman

Mr. Cash 10331

Spotlight on Science Learning

Mr. Holder 10331

Brantford

Mr. McColeman 10332

Elliot Lake Mall Collapse

Mrs. Hughes 10332

Nigeria

Mr. Daniel 10332

Food Safety

Ms. Liu 10332

Winnipeg Act of Kindness

Mrs. Glover 10332

International Plowing Match and Rural Expo

Mr. Valeriote 10333

New Democratic Party of Canada

Ms. Brown (Newmarket—Aurora) 10333

Conservative Party of Canada

Mr. Angus 10333

New Democratic Party of Canada

Ms. Adams 10333

ORAL QUESTIONS

The Economy

Mr. Mulcair 10333

Mr. Baird 10333

Mr. Mulcair 10334

Mr. Baird 10334

Foreign Affairs

Mr. Mulcair 10334

Mr. Baird 10334

Mr. Mulcair 10334

Mr. Baird 10334

Mr. Mulcair 10334

Mr. Baird 10334

Mr. Rae 10334

Mr. Baird 10335

The Economy

Mr. Rae 10335

Mr. Baird 10335

Mr. Rae 10335

Mr. Baird 10335

Foreign Affairs			
Mr. Dewar	10335		
Mr. Toews	10335		
Ms. Péclet	10335		
Mr. Toews	10336		
Foreign Investment			
Ms. LeBlanc (LaSalle—Énard)	10336		
Mr. Goodyear	10336		
Mr. Julian	10336		
Mr. Goodyear	10336		
Employment Insurance			
Mrs. Day	10336		
Ms. Leitch	10336		
Mrs. Day	10336		
Ms. Leitch	10336		
Mr. Toone	10337		
Ms. Leitch	10337		
Mr. Toone	10337		
Ms. Leitch	10337		
Ms. Charlton	10337		
Ms. Leitch	10337		
Mr. Cuzner	10337		
Ms. Leitch	10337		
Veterans Affairs			
Mr. Casey	10338		
Ms. Adams	10338		
Foreign Affairs			
Ms. Sgro	10338		
Mr. Baird	10338		
National Defence			
Ms. Moore (Abitibi—Témiscamingue)	10338		
Ms. Ambrose	10338		
Mr. Kellway	10338		
Ms. Ambrose	10338		
Government Accountability			
Ms. Nash	10338		
Mr. Clement	10339		
Ms. Nash	10339		
Mr. Clement	10339		
Citizenship and Immigration			
Mr. Seebach	10339		
Mr. Kenney	10339		
Public Safety			
Ms. Doré Lefebvre	10339		
Mr. Toews	10339		
Mr. Garrison	10339		
Mr. Toews	10340		
Government Spending			
Mr. Boulerice	10340		
Ms. Ambrose	10340		
Mr. Boulerice	10340		
Ms. Ambrose	10340		
National Defence			
Mr. McCallum	10340		
		Ms. Ambrose	10340
		Foreign Investment	
		Mr. Easter	10340
		Mr. Goodyear	10340
		Official Languages	
		Ms. Laverdière	10341
		Mr. Baird	10341
		Mr. Dionne Labelle	10341
		Mr. Baird	10341
		Sport	
		Mr. Richards	10341
		Mr. Gosal	10341
		Foreign Affairs	
		Ms. St-Denis	10341
		Mr. Baird	10341
		Children's Rights	
		Mr. Marston	10341
		Mr. Baird	10342
		Forestry Industry	
		Mr. Zimmer	10342
		Mr. Oliver	10342
		Citizenship and Immigration	
		Mrs. Groguhé	10342
		Mr. Kenney	10342
		Telecommunications	
		Mrs. Mourani	10342
		Mr. Bernier	10342
		Points of Order	
		Tabling of Document	
		Mr. Easter	10342
		ROUTINE PROCEEDINGS	
		Committees of the House	
		Canadian Heritage	
		Mr. Moore (Fundy Royal)	10343
		National Health and Fitness Day Act	
		Mr. Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	10343
		Bill C-433. Introduction and first reading	10343
		(Motions deemed adopted, bill read the first time and printed)	10343
		Petitions	
		Rights of the Unborn	
		Mr. Woodworth	10343
		Citizenship and Immigration	
		Mr. Cash	10343
		Public Transit	
		Mr. Cash	10343
		Postal System	
		Mr. Cash	10343
		Rights of the Unborn	
		Mr. Brison	10343
		Mrs. Gallant	10343

Ms. Perreault	10343	Mr. Lamoureux	10349
Rights of the Unborn		Mr. Wallace	10349
Mr. Hsu	10343	Mr. Dionne Labelle	10350
The Environment		Mr. Aubin	10350
Mr. Hsu	10344	Ms. May	10351
Abortion		Ms. Chow	10351
Ms. Boutin-Sweet	10344	Mr. Bevington	10351
Rights of the Unborn		Mr. Lamoureux	10352
Mr. Benoit	10344	Mr. Brahmi	10353
Abortion		Ms. Sitsabaiesan	10353
Mrs. Day	10344	Mr. Lamoureux	10354
Multiple Sclerosis		Mr. Cash	10355
Ms. Duncan (Etobicoke North)	10344	Mr. Sullivan	10355
Status of the Unborn		Mr. Lamoureux	10357
Mr. Côté	10344	Mr. Cash	10358
Canadian Broadcasting Corporation		Mr. Wilks	10358
Mr. Hyer	10344	Ms. May	10359
House of Commons		Mr. Nicholls	10359
Mr. Lamoureux	10344	Mr. Lamoureux	10361
Abortion		Mrs. Groguhé	10362
Ms. Borg	10344	Ms. LeBlanc (LaSalle—Émard)	10362
Katimavik		Mr. Sullivan	10362
Ms. Borg	10344	Mrs. Groguhé	10363
Rights of the Unborn		Mr. Lamoureux	10364
Mr. Warawa	10344	Mr. Brahmi	10364
The Environment		Ms. Liu	10365
Ms. May	10344	Mr. Lamoureux	10366
Protection of Children		Mr. Cash	10366
Ms. May	10345	Mr. Brahmi	10367
Questions on the Order Paper		Mr. Aubin	10367
Mr. Lukiwski	10345		

GOVERNMENT ORDERS

Faster Removal of Foreign Criminals Act	
Bill C-43. Second reading	10345
Ms. Chow	10345
Mr. Lamoureux	10347
Ms. LeBlanc (LaSalle—Émard)	10347
Ms. Sims	10347
Mr. Sullivan	10348
Mr. Scott	10348

ADJOURNMENT PROCEEDINGS

Agriculture and Agri-Food	
Ms. Foote	10368
Mr. Lemieux	10369
Agriculture and Agri-Food	
Mr. Valeriote	10369
Mr. Lemieux	10370
Public Safety	
Mr. Masse	10371
Ms. Bergen	10371

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