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(Part A)

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, May 27, 2013

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

LAST POST FUND

The House resumed from April 18 consideration of the motion.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am very pleased to be able to stand today to lend my voice to those of my colleagues, I hope all of us in this House, for Motion No. 422, as put forward by my Liberal colleague from Random—Burin—St. George's.

I should also congratulate the member for Random—Burin—St. George's. Since her election in 2008, she has been a tireless and constant advocate for veterans and their families. Motion No. 422, of course, is no exception. It would simply continue going in the direction that I know very much she cares about and is very committed to. She is very aware of the challengers that are facing so many of these families.

For too long, this matter has been relegated to the back burner; that is, until my colleague stepped up and put Motion No. 422 right on the table where it clearly belongs. Motion No. 422 is designed to support the Last Post Fund in ways that would ensure that it is properly funded and adequately positioned to help the families of veterans who have given us all so much.

Any effective National Defence strategy must include appropriate supports for soldiers after they return from combat. I am sad to say that this is an area that the government has clearly failed in. We continually hear, on a week-to-week basis, about the number of our soldiers and their families who are struggling with PTSD and other pressures as a result of going abroad and serving for all of us.

Unfortunately, the Last Post Fund is woefully underfunded and the result is poverty, stress and worry for the spouses and the families of our fallen veterans. This is clearly not acceptable in a country as rich as Canada. We can, and must, ensure that each and every veteran has a proper and fitting burial while also ensuring that the burial would not financially break their spouses and their families. Canada has a responsibility to veterans that cannot end with the battle. Properly funding the Last Post Fund is part of that responsibility.

Before I continue, I need to underscore that this is not just my belief. Successive veterans ombudsmen have called upon the government to revamp this program for years. Similarly, the Department of Veterans Affairs has even acknowledged the need for many of these changes.

The Royal Canadian Legion formalized its call for change in 2008, 2010 and again in 2012, yet the government has remained idle, ignoring the need for changes to the Last Post Fund, other than the right words and the right spin. However, the action always counts when we know it is in the budget. That is when we know that someone is really listening.

Most important, veterans and their families have told us for years that the change is needed. The government has been able to ignore this for years but, today, as a result of the work of my Liberal colleague, the member for Random—Burin—St. George's, these calls are finally being heard in this House. I ask all of the members in the House to please listen to the calls for putting some proper funding in the Last Post Fund and act accordingly.

Private members' bills are supposed to be something that we can all act freely upon in the House and vote as we wish. I would hope that all members in the House would support Motion No. 422. Let us stand together to recognize the needs of many of the families of our lost soldiers.

So often the solutions we search for are complex. However, this one, Motion No. 422, is simple. It is comprehensive in its approach. It accepts the recommendations of numerous veterans ombudsmen and expands funding for the Last Post Fund. It similarly accepts the calls made by the Royal Canadian Legion in 2008, 2010 and 2012 and by the Department of Veterans Affairs. It reviews the provisions of the program to ensure uniformity and it proposes to review the means testing provisions of the plan.

According to the Department of Veterans Affairs, the Last Post Fund is an important program, with a goal to ensure that no eligible veteran is denied a dignified funeral and burial, as well as a military gravestone, due to insufficient funds at time of death. Unfortunately, the Last Post Fund is far from ensuring that all veterans in need receive a dignified funeral and burial because the program is forced to apply outdated eligibility criteria. Motion No. 422 calls upon the government to take the steps necessary to ensure that no veteran, including those who have served post-Korean War, is denied a proper funeral and burial.

● (1105)

The government had a chance to put this in budget 2013, but missed its opportunity to bring equality and fairness to all veterans. Motion No. 422 means that it is not too late to do the right thing. Motion No. 422 has been endorsed by the Royal Canadian Legion. Together all of us in the House on a non-partisan issue can support Motion No. 422 and see that it goes forward to rectify some of the faults of the past.

Doing the right thing by our veterans is not a partisan issue. Some have argued that it is a matter of duty of all of us as Canadians and as parliamentarians. There is no clearer message that we can send to our veterans than to stand behind our them, many of whom spent their military careers standing up for us. On the other hand, there is no clearer message to veterans that we do not support them than by voting no on this important support measure.

The Last Post Fund is a non-profit organization that administers the funeral and burial program on behalf of Veterans Affairs Canada. The primary objective of the Last Post Fund is to ensure that no veteran is denied a dignified funeral and burial due to lack of sufficient funds. This has been its mission for more than a century, but time has taken a toll on what it can do. Supporting Motion No. 422 would ensure that the Last Post Fund has the tools and the resources it needs to show Canadian veterans that their sacrifices will never be forgotten.

I call on all members of the House, when Motion No. 422 comes up for a vote, to do the right thing. We cannot ask people to go abroad, ask their families to be supportive, then lose those members and have them returned without even the right to a decent funeral and proper burial. Therefore, I ask that my colleagues in the House support Motion No. 422 and recognize the great work that my colleague from Random—Burin—St. George's has done in bringing forward this very important issue.

● (1110)

Mr. Erin O'Toole (Durham, CPC): Mr. Speaker, I am proud to rise today to reaffirm our government's full support for a program that is so important to Canadian veterans and their families.

[*Translation*]

I am proud to rise today to reiterate our government's support for this program, which is so important to veterans and their families.

[*English*]

I am also rising in the House today with some serious concerns about the use of the Last Post burial fund and, ultimately, the motion brought to the House by the member for Random—Burin—St. George's.

On one level, as a veteran, I am very happy whenever parliamentarians express pride and support for our veterans and current-serving Canadian Forces. Part of me believes that the hon. member has that intent with this motion. She has served on the Standing Committee on Veterans Affairs and I believe that she has respect for our veterans. However, I also have some serious concerns about the circumstances giving rise to the raising of this issue by the member. This has led me to believe that her intentions have not been quite as noble as she likes to represent.

To explain my concern, some important context is needed. I had the honour of joining the House after a by-election six months ago yesterday. By-elections for three vacant seats were called on October 21, 2012, which resulted in the fact that the campaigns would be taking place during remembrance week. I see my friend, the member for Parliament for Victoria, in the House and I congratulate him on his six-month milestone.

On November 6, the member called for an independent task force on the Last Post Fund and sent out a press release on this issue that she claimed she was promoting along with her Liberal colleagues. I have consulted *Hansard* and the member for Random—Burin—St. George's had not raised this issue previously in the House, nor had she raised it during her time in committee, from what I could find in my research.

The very next day, on November 7, the Liberal Party candidate in Durham, my by-election riding, raised the same issue as the member for Random—Burin—St. George's and launched a website under the banner Durham4Vets.org. This website had the appearance of being a grassroots third-party website in Durham at first glance, but closer examination showed that it was actually a misleading website used by the Liberal Party to raise funds for its political campaign in Durham.

The same day, just one day after the member issued her release on this subject, the Liberal Party rolled out election signs in Durham that featured an image of a soldier and further promoted the Durham4Vets website that was actually a front for raising money for that campaign. The Liberal Veterans Affairs critic, the member for Charlottetown, travelled to Durham to support this Liberal campaign strategy.

Worse still, a few days later, on Remembrance Day, the Liberal campaign laid political wreaths at cenotaphs in the small towns across my riding of Durham. These wreaths featured a slogan from the Liberal Party's website and its political campaign. In between the Brownies, Cub Scouts, schools and community groups from Durham showing their respect for veterans by laying a wreath at the local cenotaph, there was the Liberal Party of Canada and its shameful campaign.

Needless to say, veterans in Durham and, indeed, across southern Ontario were outraged by this conduct and the shameful use of remembrance week as a political tool by the Liberals. Not only were veterans disgusted by this campaign, but the Durham Liberal riding president himself actually removed the Liberal sign from his lawn. People in my riding saw this campaign for what it was: the politicization of a solemn week in our country.

Accordingly, I can never be sure whether the issue the member for Random—Burin—St. George's first raised on November 6, which ultimately led to this motion before the House, was brought out of genuine concern or part of a disconcerting political campaign orchestrated by the Liberal Party.

It is also important to note that the shameful campaign in Durham was run by Quito Maggi, a paid Liberal organizer, who is now advising the new Liberal leader. That leader, the member for Papineau, came to Durham as part of this deceitful campaign. While there, he did not disavow the tactics being used by his party, even in the face of heavy criticism from my community.

● (1115)

With my concerns about the underlying motive for the motion on the table, in my remaining minutes I would like to address the key issues related to the Last Post Fund, particularly because the entire funeral and burial issue being discussed is just one aspect of the fund and because it is either not well understood by many in the Liberal Party or is purposely glossed over when people are discussing this fund.

To begin with, Canadians need to be reassured that all veterans who pass away as a result of a service injury will have their funeral and burial costs covered by their country, full stop. That is an obligation Canada owes to the men and women we place in harm's way. It is an obligation that transcends politics and one that has been met by our government and, indeed, by previous governments.

The motion on the Last Post Fund then boils down to two things: first, the cost of the funeral and burial services covered by the program; and second, the means test applied to determine which veterans are in need of assistance from the fund.

Economic action plan 2013 increased the coverage of funerals from $3,600 to $7,376. This is being done at the same time that we are covering the actual cost of the burial. This level had not been adjusted in many years. The minister listened to veterans groups on this issue, it was examined by the department and the amount was doubled in the budget.

Therefore, the central thrust of the member's motion has been addressed. The issue of the means test is one the Liberals try to gloss over, as it was their government that established the present means test. In fairness to the member for Random—Burin—St. George's, she was not part of that Liberal government, nor was their current veterans affairs critic. It is critical to note, however, that many members of their caucus were part of the team that put this in place. This must be remembered amid the feigned outrage from their caucus.

The Last Post Fund was established decades ago to help the families of indigent veterans with the costs associated with the funeral and burial. That is exactly what the program does. Veterans of all conflicts are proud Canadians, and in so many ways our World War II and Korean veterans built the tremendous Canada we have today. They want their impoverished comrades and their brothers in arms who died from their injuries to be taken care of, but they do not expect this special fund to apply to all veterans. This was not the objective of the Last Post Fund funeral and burial program.

It is also important to remind Canadians that the Last Post Fund also directs other important initiatives to honour our fallen and our veterans. I would like to thank them in the House for all the work the Last Post Fund does for Canada. It manages the National Field of Honour in Pointe-Claire, Québec, a national historic site. This cemetery opened in 1930 and is a sombre reminder of the cost of war and Canada's commitment to the world.

The Last Post Fund also runs the unmarked grave program to mark the place where some of our fallen have been laid to rest. This is important work, particularly as we approach the centennial of World War I.

As someone who served in uniform, I am proud to be part of a government that supports the men and women of the Canadian Forces and our veterans. Amid very challenging economic times, our government has identified veterans as a key priority.

In the coming year alone, as outlined in our latest main estimates, the Government of Canada is planning to spend almost $785 million more in veterans affairs compared to when we took office, which was the last year before the new veterans charter was implemented.

In closing, I would like to thank the Legion branches in my riding that have steadfastly worked to support our veterans and that raise constructive input on funerals and burials, much like they do on a range of issues.

I also hope that my concerns about the origin of the motion are incorrect and that the member for Random—Burin—St. George's was not part of a shameful Liberal Party campaign strategy from last fall. Maybe she did not know about the campaign signs. Maybe she did not know about the misleading website. Maybe she did not know about the political wreaths at cenotaphs in Durham and the timing of raising this issue in that campaign. There is a lot of maybes there.

If that was the case, I would ask her to work with her colleague, the member for Charlottetown, to urge their new leader to abandon such tactics in the future. All of us in the House need to support our veterans. We do not need to use remembrance week as a tool to further political interests on either side of the House.

● (1120)

[*Translation*]

Ms. Manon Perreault (Montcalm, NDP): Mr. Speaker, I am pleased to rise today to speak to Motion No. 422, regarding improvements to the Last Post Fund.

This motion addresses a matter that is of critical importance to veterans and their families. Every veteran deserves a dignified funeral and burial. If we want to properly recognize the significant contribution they have made to our country, then we need to ensure that happens. We will be supporting Motion No. 422, which raises an issue that is very important to veterans and their families.

The Last Post Fund was mandated by Veterans Affairs Canada to provide financial assistance to veterans and their families for funerals, burial, cremation and grave markings.

I would like to provide some more background information. The Last Post Fund is a non-profit organization that, since 1909, has been providing financial assistance for funeral and burial expenses to veterans in financial difficulty at the time of their death. It has been administering the Veterans Affairs Canada funeral and burial program since 1998.

The Last Post Fund is also a charitable organization that collects private donations in order to provide financially disadvantaged veterans with dignified funerals.

Clearly, this program is crucial to our veterans. However, a number of problems have been undermining the program's mandate for several years. Some such problems include program eligibility, which is a serious issue, and the chronic underfunding of the Last Post Fund. The funeral and burial program for veterans has been cut back repeatedly over the past few years. In 1995, the Liberals decreased the estate exemption from $24,000 to $12,015.

For years now, the NDP has been denouncing the fact that the Last Post Fund is clearly underfunded and that many families in need do not qualify for this assistance because the eligibility criteria are too rigid. We are not the only ones calling on this government to increase funding for these programs and broaden the eligibility criteria. Many other stakeholders have also done so, including the Royal Canadian Legion, the Veterans Ombudsman, the Funeral Service Association of Canada, the Army, Navy and Air Force Veterans in Canada, Canadian Veterans Advocacy, and the National Council of Veteran Associations.

In his 2009 report, the Veterans Ombudsman called for improvements to the funeral and burial program. The Funeral Service Association of Canada echoed those calls. In 2012, that association even took the time to write to every government member, asking them to ensure that all Canadian veterans could be given a dignified funeral. Members of the association were afraid that the amounts reimbursed through the program did not reflect the real cost of planning a funeral.

Despite the many appeals to the government, it has done nothing to resolve this crucial problem once and for all for veterans and their families. Last fall, the Canadian media reported that some 20,147 applications had been rejected, which equals about two-thirds of all applications received since 2006. Only about 10,000 families have benefited from the program since 2006.

So why is it that so many veterans' families are being denied access to compensation for their funeral and burial?

Our veterans deserve a dignified burial. It is not enough simply to thank them for their service and the contribution they have made to our country, which this government does so well. The best way to thank them is by ensuring that all veterans and their families have access to the program so that veterans can receive the funeral and burial they deserve.

Low-income World War II and Korean War veterans are eligible if the financial needs of their estate can be established. The exemption applicable to the estate of a veteran with a spouse or dependent children, or both, amounts to $12,015. The couple's combined assets are considered, except for the family home, one vehicle and any income received during the month of death.

● (1125)

All liabilities, including funeral and burial costs, are then deducted. For the estate to be eligible, the value of the combined net assets must not exceed $12,015. This amount is well below the poverty line. Veterans living alone are deemed eligible for assistance if the net value of the estate is not sufficient to pay all outstanding debts, including funeral and burial costs.

As for modern-day veterans, they are eligible for assistance only if they died as a result of a service-related disability or if they received a disability benefit. This sadly means that many of today's veterans who are in financial need are not eligible for the dignified funeral and burial offered by the Last Post Fund. This is totally unacceptable.

This is why we want the government to expand the program's eligibility criteria to today's veterans and raise the estate exemption so that more families of veterans are eligible for assistance. Prior to tabling its 2013 budget, the government made no changes to the program, which provided only $3,600 to cover funeral and burial costs.

Given current funeral and burial costs, it goes without saying that the $3,600 reimbursement was completely insufficient, especially since it has not changed since 2001 and we know perfectly well that, these days, a burial in Canada costs between $7,000 and $10,000.

We know that budget 2013 proposes simplifying the program and doubling the reimbursement rate from $3,600 to $7,376, an expenditure of $65 million over two years. However, although the government has increased the reimbursement level, it has not changed the estate exemption criteria or improved access for modern-day veterans.

Veterans' advocacy groups have been arguing for changes for over 20 years now. As a result, no changes will be made to the eligibility criteria so that more veterans' families will be eligible for assistance with respect to estate exemption, for example.

What is more, the government will not modify the eligibility criteria for the modern Canadian Forces, which are more restrictive than for veterans of World War II or the Korean War. We feel that it is not enough. The government's approach does not go far enough. We are not the only ones who feel that way.

The Canadian Veterans Advocacy is pleased that this year's budget addresses the financial issue but remains greatly concerned about the restrictive criteria for the Last Post Fund, particularly the exclusion of deceased veterans who did not serve in World War II or the Korean War but whose families need financial assistance for a dignified burial.

The group is also greatly concerned about the income verification criteria and the current formula under which two-thirds of applications are rejected. The group maintains that it will continue to address the problem until it has been resolved through dialogue and engagement because it wants equality for all veterans.

Even though the government says it is our veterans' advocate, the reality is quite the opposite. Just look at its record and the $246 million in cuts to the Veterans Affairs Canada budget. It will eliminate 2,100 jobs and close nine district offices across Canada in 2014. I would like to remind the government that all veterans and their families deserve a dignified funeral and burial. It is time to put an end to this injustice once and for all. The NDP and I will continue to put pressure on the government to improve Veterans Affairs' funeral and burial program.

[*English*]

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I am proud to rise today to reaffirm our government's full support for a program that is so important to Canadian veterans and their families.

I am also pleased to say that the federal burial fund program is working, that every year it is helping the families of veterans through a profoundly difficult and emotional time in their lives. In the past year, the funeral and burial program assisted more than 1,300 families. We were there for them, and they laid their loved ones to rest with the dignity and respect Canadian veterans deserve. Such numbers reflect a program that is achieving what it was designed to do, a program that is honouring veterans, who have done so much for our country, and assisting their families.

This debate on Motion No. 422 will also provide our government with an opportunity to demonstrate the many different and significant ways we are supporting Canada's veterans and their families, including the funeral and burial program.

A lot has been said about the funeral and burial program, but these are the facts. The funeral and burial program helps to provide a dignified funeral and burial for all veterans who die as a result of an injury suffered in service to our country. It is also there for the families of those veterans who were in financial need when they passed away. Motion No. 422 can propose all the changes it wants, but it cannot change the facts.

Before I take a closer look at the motion, I would like to place this debate within a much wider context. I would like to begin my remarks by reminding all members of something we have learned very early in life: actions speak louder and words. Canadians remind us of this every day. They do not want the rhetoric and empty promises. What they want and expect is that we will deliver results on things that matter most to them.

I am proud to say that the Government of Canada is delivering. If actions truly matter more than words, then the actions of our government are loud and clear. We are here for the Canadian veterans and their families. We are here for them in ways that, arguably, match or much surpass anything Canada has done during any other time in our country's 146-year history. This is not boasting, but by almost any measure, we have set new standards in veterans' care.

Members do not have to take my word for it. All they have to do is look at the federal budgets, because they lay it all out in black and white, year after year. In the coming year alone, as outlined in our latest main estimates, the Government of Canada is planning to spend almost $785 million more than in 2005-2006, which was the last year before the new veterans charter was implemented.

I could list the many things that this extra funding has supported: the creation of an Office of the Veterans Ombudsman, the establishment of a veterans bill of rights, the expansion of our veterans independence program and the restoration of benefits for Canada's Allied veterans.

Still, those tell only part of our story. Our record spending on veterans benefits, programs and services is only one side of our dual approach, because we are also spending smarter. That is what the minister's cutting red tape for veterans initiative is all about. By streamlining the way we do things, simplifying our policies and introducing new technology, we are reducing the cost, actually serving veterans better and faster in more modern and convenient ways.

We are constantly reviewing every program, every service and every benefit to make sure we are meeting the needs of Canada's veterans and their families.

The funeral and burial program is a perfect example. We took the time to conduct a thorough review of the program. We took the time to listen to veterans and their families, and with budget 2013, we have taken action.

Our government is proud to be making the funeral and burial program even better. We are proud to be more than doubling the maximum reimbursement for funerals from $3,600 to $7,376. At the same time, we are covering the actual cost of burials. We are proud to be simplifying the program for veterans' estates.

We are doing all of this at a time when the funeral and burial program is already one of the most comprehensive programs of its kind in the world, because it casts a wider net to help more families in many more ways.

● (1130)

I believe all Canadians can and should be proud of what we are doing as a country to support and honour our veterans, proud that we are demonstrating our nation's gratitude and respect in very meaningful ways. Canada's veterans have earned that. They deserve it, and our government is proud to be delivering it for them, our nation's heroes. I want to thank all of the Veterans Affairs staff and the Canadian Legion across the great riding of Medicine Hat, for they have supported our veterans. They are working for veterans and helping us to deliver what those veterans need.

● (1135)

[*Translation*]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I am very pleased to rise today to speak to Motion No. 422, which would improve the Last Post Fund.

My colleague from Random—Burin—St. George's moved this motion on behalf of our veterans. This proves that we are true to our slogan for the last election: we can work together with other parties.

We will support this motion, which has three major components that are important to the lives of our veterans: increase funding for the program so that benefits are in line with the current cost of funerals and burials, broaden program eligibility criteria, and help families in need who lose a loved one.

First, I would like to take this opportunity to recognize the three branches of the Royal Canadian Legion in my riding: Dorval Air Services, Lachine and Notre-Dame-de-Grâce. They do incredible work. I have met with the people from these Legions often, and I have had a number of discussions with them. I thank them for a job well done.

,As I was saying, there are three major aspects to this motion. The first focuses on increasing program funding. I must concede that the last budget did take care of that. The Conservatives decided to increase the funeral service reimbursement under the funeral and burial program from $3,600 to $7,376, but only after a massive campaign mounted by the Royal Canadian Legion on this subject. In January, I received letters from veterans in my riding who were urging me to support this motion because it is something that they have been waiting for for a very long time.

I want to thank my colleague for moving this motion. However, let us not forget that, when the Liberals were in power, they reduced funding for Veterans Affairs Canada for five years in a row. In 1995, they made cuts to the funeral and burial program. The Chrétien Liberals reduced the estate exemption from $24,000 to $12,015. In other words, if a veteran's estate is estimated to be worth more than $12,015, the surviving spouse is not entitled to any assistance under the Last Post Fund for funeral and burial costs, which is odd, considering that that is exactly what my colleague seems to be asking for in her motion. I think that it is strange, but of course, people can change.

The letters received pertained to this aspect in particular and prompted the Legion to launch this national campaign. I received roughly 50 letters at my office. It is nice to see that, when people band together, they can push the government to get things moving. I therefore encourage anyone who wants to mount a campaign to use this same method—to send letters to ministers or to their MPs—because that is how to get things done.

The Royal Canadian Legion asked for three major changes, which are included in my colleague's motion: an increase in the actual amount the fund pays out to cover funeral expenses; an audit of the eligibility of low-income CF veterans; and an increase in the estate exemption to ensure that more surviving spouses are eligible for assistance.

Last fall, I had a visit at my office from a woman whose spouse, a veteran, had unfortunately passed away. She said that she did not know what to do because she was not entitled to assistance. Her assets were around $14,000, which is below the poverty line. This woman was not rich. She lived in an apartment in Lachine. She had a car and a little money set aside. She told me it was unfortunate that the Last Post Fund could not help her. Her late husband had left her around $12,000 or $13,000.

It is curious that, before the Liberals and before 1995, the exemption to be eligible for the Last Post Fund was $24,000, compared to the $12,000 it is now. That is half, which is what my colleague told me.

● (1140)

This woman was desperate, since she had just lost her husband. Her situation was very difficult. She came to see me to ask for help. Of course, I cannot give money to everyone who comes to see me. Nevertheless, I found it very difficult to deal with this. These Canadians are being told that it is too bad for them and that that is just the way it is. I find that very unfortunate. I feel very strongly about this. The grieving process is never easy.

Veterans have represented Canada, our nation, in peacekeeping missions abroad. They have given their time to help others in war-torn countries and places where there have been natural disasters. Some have even given their lives.

When they were young, they decided that they wanted to proudly represent their country in national or international missions, in order to help others.

I also want to say that they do not receive enough money to have an adequate funeral. I am pleased that the Conservatives' budget doubles the funding for the Veterans Affairs Canada funeral and burial program. However, I think that we need to do more.

I feel it is very important to broaden the program's eligibility criteria. As it now stands, today's veterans can access the program only if their death is the result of a service injury. As I was saying earlier, if veterans are financially disadvantaged but there is no proof that they died of an injury, too bad for them.

I would like to give an example. Last fall, 20,147 applications were rejected. The member for Medicine Hat boasted about the fund, saying that it has helped approximately 13,000 people. However, last year, 14,000 applications—approximately two-thirds—were rejected. Let me reiterate that these people are in genuine need.

It makes sense that if a person is rich, the Canadian government should not be obliged to help pay for that person's funeral or burial. However, when a low-income individual is dealing with the death of his or her spouse, partner or father, for example, it is upsetting that Veterans Affairs Canada cannot help out because the person did not die as a result of an injury.

I am quickly running out of time, so I would like to conclude by saying that, during their campaign, Canadian army, navy and air force veterans told us what they want. For 15 years now, Canadian army, navy and air force veterans have been putting pressure on the Government of Canada, both the Conservatives and the Liberals, to resolve these shortcomings.

At every national biennial convention since 1998, they have passed resolutions urging the government to address inadequacies in the Veterans Burial Regulations. Veterans advocacy groups have collectively applied pressure year after year, yet the gap between the necessary costs and the costs covered continues to grow. Frustrated by and disappointed in the lack of action on this issue by successive governments, members of the Royal Canadian Legion launched a letter writing campaign. That is the campaign I was talking about earlier.

I am quickly running out of time, so I would like to conclude by saying that we will support the motion. I feel it is very worthwhile. However, I must repeat that we feel that the program has been underfunded for many years. Changes were made in March, but they were too long in coming. I am not sure that the government's approach will actually resolve the problem.

● (1145)

The problems with regard to program eligibility need to be fixed; the program needs to include modern-day veterans. The estate exemption needs to be increased so that more families of veterans are eligible for help.

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I am pleased to speak today to Motion No. 422, which calls on the House to recognize that the Last Post Fund is underfunded and calls on the government to accept the recommendations of successive veterans ombudsmen who have spoken on the issue. The goal is to expand the Last Post Fund and review the assistance cap for funerals to bring it in line with the assistance given to active Canadian Forces members.

For anyone unfamiliar with the Last Post Fund, the fund ensures that no veteran is denied a dignified funeral and burial because of insufficient funds at the time of their death. Therefore, the fund provides financial assistance for the funeral and burial of eligible veterans, as well as for a gravestone. The Last Post Fund is financially supported by Veterans Affairs Canada and private donations.

This motion is legitimate because the number of modern-day veterans needing assistance when they die is only increasing. However, many of these veterans do not have access to proper funerals or burials because of a lack of means and because the Last Post Fund eligibility criteria are too restrictive and do not reflect the true cost of a funeral.

The eligibility criteria for modern-day Canadian Forces veterans are more restrictive than for veterans of World War II and the Korean War. Does the government think there are two classes of soldiers and two classes of veterans? All veterans deserve a dignified burial.

As a veteran myself, I believe it is important to recognize people's service, regardless of when they served. Holding dignified funerals is essential to acknowledging the service these people rendered to our country. Generally speaking, the population is aging, and more and more seniors are finding themselves in a precarious financial situation. When they die, it is important to recognize all the work they did for our country.

The office of the ombudsman made a number of recommendations in that regard. The most recent report is from 2009. It outlines many of the problems and concerns with the administration and funding of the funeral and burial assistance program.

The report indicates that the level of funding for veterans' funerals has not kept pace with the rising costs of funerals and should be increased to reflect industry standards. The report suggests that the administration of funeral and burial expenses is unduly bureaucratic and that the process should be changed.

It says that the program should be extended to all veterans. The estate exemption for the means test is not in line with present-day income and cost levels and should be increased to reflect reality. According to the report, many veterans' families are unaware of the program and it should be afforded greater exposure and visibility. Finally, the report finds that the timeframe for making application to the program is too restrictive and should be extended to allow consideration for special circumstances affecting grieving families.

Veterans must meet certain service-related criteria to qualify for the program. Not every veteran qualifies. Veterans of the First World War, the Second World War and the Korean War qualify. Other veterans qualify if the cause of death is directly attributable to service-related injuries or if they are in receipt of earning loss benefits under the new veterans charter. Their eligibility is much more restrictive, and according to veterans' rights groups, does not reflect reality.

The Last Post Fund, the Royal Canadian Legion, the former Veterans Affairs Canada-Canadian Forces Advisory Council, and the Funeral Service Association of Canada have all called on Veterans Affairs Canada repeatedly to have the rules changed in order to offer the funeral and burial assistance program to modern-day veterans instead of providing it only to veterans who are eligible under certain programs.

● (1150)

The eligibility criteria exclude some modern-day veterans. That is not fair. We have heard stories of funeral directors who pay the balance of funeral costs when the family cannot afford to pay.

Although the Conservatives have announced an increase in the amount for funerals, they have made no other changes. The Conservatives have not changed the estate exemption criteria, nor have they improved access to the program for modern-day veterans. All veterans' rights groups have been calling for these changes for almost 20 years.

Canadian Veterans Advocacy said:

[*English*]

> The Canadian Veterans Advocacy, however, continues to bear serious concerns about the Last Post Fund's restrictive criteria, particularly in the sense of exclusion of deceased veterans who did not serve in WW2 and Korea yet who's [sic] families require financial assistance for a dignified internment. We are gravely concerned about the current Means Test and the formula responsible for the denial of two thirds of applicants...

[*Translation*]

Two-thirds of applicants. That is really sad because we are talking about veterans. This means that two-thirds of veterans are denied a decent funeral.

As a country and as parliamentarians, we have to ask ourselves if this is the kind of service we want to provide to our veterans. Do we want only one-third of veterans to have decent funerals? I think we really need to look at this issue and also at eligibility for the program.

Jeff Rose-Martland, president of the organization Our Duty, also said that the measures implemented to date have not fixed the bulk of the problem. He said, "The major problem with the funeral and burial program is the rejection rate. They reject over two-thirds of applicants. There is nothing in the budget about fixing that. The Last Post Fund doesn't cover so-called "modern" veterans—those from Afghanistan and peacekeeping and the Cold War. Budget 2013 doesn't remedy that either."

He also said, "Changes in the 2013 budget are just smoke and mirrors. The government put more money into a fund that cannot be accessed anyway. It is a distraction so they do not have to make the changes needed. That way the Conservatives appear to be doing something when, in reality, they are ignoring the litany of complaints about the program."

This motion calls on the government to commit to addressing this situation, which all veterans have decried for years. I think it is really important to do this.

I hope that most of my hon. colleagues have had the opportunity to participate in ceremonies attended by veterans side by side with personnel on active duty.

A close look at our retired veterans tells us they were awarded a large number of medals. Knowing the meaning of these medals makes us realize they served in many places. However, the Korean War and World War II are not necessarily represented in the medals. Is this what should happen to modern-day veterans as well? There have been several military tours for missions in the current Bosnia-Herzegovina or the former Yugoslavia. In addition, some veterans also served in Egypt, while others participated in several overseas missions.

In my view it is important that these veterans be entitled to a decent funeral if they pass away within 20 or 30 years of service. Indeed, we hope it is as late as possible.

I feel it is crucial to keep modern-day veterans in mind, like those who served in Afghanistan for example, so that they know that regardless of when death comes, in either a few or many years, they are entitled to a proper funeral.

This is the least a country like Canada can do for its veterans.

● (1155)

[*English*]

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I welcome this opportunity to conclude the debate on my private member's Motion No. 422, which is meant to improve on the Last Post Fund.

I will start by acknowledging those colleagues who have spoken in support of this motion and have recognized the importance of it not just for our veterans but for their families and all Canadians from coast to coast to coast.

I will also mention the very partisan remarks made earlier today by the member for Durham. I have no idea where that came from. In fact, I was astounded by some of the remarks.

Let me say that this is far from a partisan issue. This is an issue that impacts on those who have given so much on behalf of all of us. They are the men and women who have given the ultimate sacrifice, who have fought in wars since time immemorial. When it comes to our veterans, this is not the place to debate partisan politics and political issues.

I support the Royal Canadian Legion, and I want to acknowledge all the work its members have done to enhance the Last Post Fund. They had a letter-writing campaign, which happened to coincide with the introduction of my private member's motion. They worked very hard and wrote to everyone they could possibly think of and encouraged others to get involved in their letter-writing campaign. The Legions from coast to coast to coast have been writing to all members of Parliament. My motion supports their efforts.

Motion No. 422 is meant to support the efforts of members of the Royal Canadian Legion. It is meant to support our veterans. Any suggestion that there is a partisan issue here or that this is being done for political reasons is totally unfair. I really take exception to that. However, I do not want to waste any more time on that, because it is not what this motion is about.

This motion is about doing what is right. It is about recognizing what our veterans have done. It is about ensuring that when they die, they have a dignified burial and funeral. That is the sole purpose of this motion.

I want to thank the government for what it did in terms of increasing the amount of money available for a veteran's burial from $3,600 to just over $7,000. I applaud the government for doing that. Unfortunately, the government did not consult the Last Post Fund, because if it had, it would have realized that, of course, it is still too little.

Someone serving today who is unfortunately killed in the line of duty would be entitled to about $14,000 for a funeral. Clearly, the $7,000, while accepted and welcome, because it is double the amount that existed, is certainly not enough to cover the total cost of a funeral. What happens is that families who can ill afford to do so end up picking up the additional cost. In some cases, funeral directors have picked up the cost knowing that the families could not incur the additional hardship. Most of these funeral directors have small businesses, and we are asking them to cover the added expenses out of their own pockets.

To those who suggest that the Last Post Fund is working, it is not. I point to the fact that over 66% of applicants were denied. Over 20,000 veterans were denied access to the Last Post Fund.

I will conclude by putting a personal face on this issue. Motion No. 422 is about veterans such as Mr. Hedley Lake, from Fortune, in my riding of Random—Burin—St. George's. He was born in 1918, and after growing up on the family farm, joined the Royal Canadian Navy and served during World War II. When the ship he was on was hit by torpedo in the middle of the night and sank, he found himself in the cold water of the Atlantic Ocean clinging to a lifeboat, which was already filled to capacity, for hours. He soldiered on, and after being rescued, went back overseas to the shores of Normandy. Following Normandy, he volunteered to go to the Pacific, but he was denied, because it was deemed that he had spent enough time on the front lines. Mr. Lake spent the remainder of the war in Raleigh. Following the war, he married and continued to work on the farm. He worked at a fish plant at night. Finally, he was able to build a home for his family.

● (1200)

This motion is about these the types of individuals. These are our veterans. I ask all members of the House of Commons to put aside any political partisanship and vote in support of Motion No. 422 for our veterans and their families.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The time provided for debate has expired.

[*English*]

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

Some hon. members: Agreed.

Some hon. members:: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to an order made Wednesday, May 22, the division stands deferred until Wednesday, May 29 at the expiry of the time provided for oral questions.

GOVERNMENT ORDERS

[*English*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

The House proceeded to the consideration of Bill S-2, an act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, as reported (without amendment) from the committee.

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

● (1205)

Hon. Julian Fantino (for the Minister of Aboriginal Affairs and Northern Development) moved that the bill be concurred in.

The Acting Speaker (Mr. Barry Devolin): The Acting Speaker (Mr. Barry Devolin): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the yeas have it.

And five or more members having risen:

Ms. Chris Charlton: Mr. Speaker, I would ask that the vote be deferred to Tuesday, May 28 at 9:30 p.m.

The Acting Speaker (Mr. Barry Devolin): The acting opposition whip has asked for a deferral. However, according to the Standing Orders of the House, a recorded division on a motion to concur in a bill at report stage, while being a non-debatable motion, can only be deferred on a Friday. As such, it is not possible for it to be deferred at this point.

Ms. Chris Charlton: Mr. Speaker, I wonder if I could seek unanimous consent to see the calendar as Friday.

The Acting Speaker (Mr. Barry Devolin): Does the hon. member have unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): Call in the members.

● (1245)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 695)

YEAS

Members

Ablonczy
Adler
Aglukkaq
Albas
Albrecht
Alexander
Allen (Tobique—Mactaquac)
Allison
Ambler
Ambrose
Anders
Armstrong
Ashfield
Aspin
Baird
Blaney
Block
Boughen
Breitkreuz
Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)
Butt
Calandra
Cannan
Carmichael
Carrie
Chisu
Chong
Clarke
Clement
Crockatt
Daniel
Davidson
Dechert
Del Mastro
Devolin
Dreeshen
Duncan (Vancouver Island North)
Dykstra
Fantino
Fast
Findlay (Delta—Richmond East)
Galipeau
Gallant
Glover
Goguen
Goodyear
Gourde
Grewal
Harris (Cariboo—Prince George)
Hawn
Hayes
Hiebert
Hoback
Holder
James
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kerr
Komarnicki
Kramp (Prince Edward—Hastings)
Lauzon
Lebel
Leitch
Lemieux
Leung
Lizon
Lobb
Lukiwski
Lunney
MacKay (Central Nova)
MacKenzie
Mayes
McColeman
McLeod
Menegakis
Menzies
Merrifield
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Norlock
O'Connor
Oliver
O'Neill Gordon
Opitz
O'Toole
Paradis
Payne
Poilievre
Preston
Rajotte
Reid
Rempel
Richards
Rickford
Ritz
Saxton
Seeback
Shea
Shipley
Shory
Smith
Sopuck
Stanton
Strahl
Sweet
Tilson
Toews
Trost
Trottier
Truppe
Tweed
Uppal
Van Kesteren
Van Loan
Wallace
Warawa
Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)
Wilks
Wong
Woodworth
Yelich
Young (Oakville)
Zimmer– — 128

NAYS

Members

Allen (Welland)
Andrews
Angus
Atamanenko
Bélanger
Bennett
Blanchette
Blanchette-Lamothe
Boivin
Boulerice
Boutin-Sweet
Brison
Brosseau
Caron
Casey
Cash
Charlton
Chicoine
Chisholm
Choquette
Cleary
Côté
Cotler
Crowder
Cullen
Cuzner
Davies (Vancouver Kingsway)
Day
Dewar
Dionne Labelle
Donnelly
Doré Lefebvre
Dubé
Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)
Dusseault
Easter
Eyking
Foote
Fortin
Freeman
Garneau
Garrison
Genest
Genest-Jourdain
Giguère
Goodale
Gravelle
Groguhé
Harris (St. John's East)
Hsu
Hughes
Hyer
Julian
Kellway
Lamoureux
Lapointe
Larose
Latendresse
Laverdière
Leslie
MacAulay
Mai
Marston
Martin
Mathyssen
May
McCallum
Michaud
Moore (Abitibi—Témiscamingue)
Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)
Mourani
Mulcair
Murray
Nash
Nicholls
Nunez-Melo
Papillon
Péclet
Perreault
Quach
Rae
Rankin
Ravignat
Regan
Sandhu
Scott
Sellah
Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)
Sims (Newton—North Delta)
Stewart
Stoffer
Toone
Tremblay
Trudeau
Turmel
Valeriote– — 99

PAIRED

Nil

The Speaker: I declare the motion carried.

When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Peter Van Loan (for the Minister of Aboriginal Affairs and Northern Development) moved that bill be read the third time and passed.

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, I seek unanimous consent to split my time with the member for Miramichi.

The Speaker: Does the hon. Parliamentary Secretary for Status of Women have the unanimous consent of the House to split her time?

Some hon. members: Agreed.

Mrs. Susan Truppe: Mr. Speaker, I rise today in support of Bill S-2, the family homes on reserves and matrimonial interests or rights act. Bill S-2 would remove a factor that contributes in no small way to violence against women living in many first nation communities. The proposed legislation would give these women similar legal protection to that enjoyed by other Canadian women and the same legal tools and mechanisms that other Canadian women use to prevent and combat abuse and violence, particularly from spouses or common-law partners.

For many years, debates in Parliament about this issue have focused on the legislative gap: the fact that no effective law has existed for more than 25 years since a Supreme Court decision ruled that provincial matrimonial real property law cannot be applied in first nations communities, yet the truth of the matter is that this is much more than a legal issue for countless women. It is about pain and suffering, victimization and injustice. For many women, it is also about survival, courage and resolve.

When I consider the issues surrounding Bill S-2, I look through the prism of these ideas, the individual experiences of Canadians who have fallen victim to a legislative gap. Theirs is typically a harsh reality of impossible choices. An abusive husband threatens to evict his wife and children from their family home in a first nation community. She cannot leave with the children because they have no place else to go. If she stays, they will all suffer physical and emotional trauma. There is no law that would allow her to stay in the family home with her children. It is a miserable and awful truth lived by some Canadians each and every day.

During its review of the legislation now before us, the Standing Committee on the Status of Women heard from a number of witnesses, including Ron Swain. Mr. Swain is the vice-chief of the Congress of Aboriginal Peoples. He is also an ex-police officer who recently retired after more than two decades on the job. During his testimony, he recalled a particular incident that was typical of what was experienced dozens of times during domestic disputes on reserves:

> Usually, a big fight takes place, the police are called, the police show up, and whoever is the perpetrator or the offender gets arrested and taken away.
>
> I can give you an example...going back a few years [where that] individual happened to be from that community, and he was with a Métis girl who wasn't from that community and didn't have band membership or wasn't part of the band. Once the person was released from custody, he went to the chief and council. Within a very short time, a band council resolution was passed, and then he had control and custody of that building, the house, the matrimonial home.
>
> They were in a common-law relationship at that time. She had some children but not from that relationship. She was basically forced to leave that community. There was no separation of property. She basically had no rights...she was escorted off that community with just the clothes on her back and with her children.

Ron Swain's testimony cuts to the heart of the issue. Until effective legislation is in place, the vast majority of Canadians who live on reserve will be vulnerable to this type of abuse, and there is not a court in the land that can help them.

The standing committee also heard from Jennifer Courchene, a first nation woman who survived a similar situation: her husband evicted her and their children from their family home. In part of her testimony, she said:

> When I went to court, the judge did want to help us. He said he would...if he could, but he couldn't. He said his hands were tied.

She also stated:

> There are probably many, many other women who have gone through what I've gone through, and the story is pretty much the same: the woman loses the home... [and] if there had been something to help us, we would have taken it, rather than be homeless, that's for sure.

Bill S-2 would close the legislative gap that continues to cause harm. The proposed legislation would give Jennifer Courchene and the thousands of women like her the legal protection they so rightly deserve, protection similar to what the law affords women who live off reserves, women like me.

As my hon. colleagues should recognize, the proposed legislation would feature a two-part solution. The first part would authorize Canada to recognize laws developed and endorsed by first nations communities. The second part is the provisional federal rules that would apply in those communities that have yet to develop laws related to matrimonial real property rights and interests. The federal rules would not take effect until 12 months after Bill S-2 became law. The end result would be laws to protect the matrimonial rights and interests of all Canadians, regardless of where they live. The provisional federal rules would give victims of abuse or violence access to two tried and true legal tools to defend themselves: emergency protection orders and exclusive occupation orders.

● (1250)

Currently the law does not provide people who live in the majority of first nation communities with access to these orders, yet these orders are widely credited with saving the lives of thousands of people, typically women facing violent, abusive spouses or common-law partners.

These orders, the provisional federal rules and the rest of Bill S-2 are designed to ensure that Canadians who live on reserve have similar matrimonial real property rights and protections to those of Canadians who live off reserve.

The proposed legislation would promote the safety of children and caregivers who experience family violence. It would enable children to remain in their home and benefit from the stability that this provides: the connection with the community and extended family and access to services, schools and special programs. In the event of separation or divorce, Bill S-2 would also ensure that matrimonial assets are divided in an equitable manner.

The importance of these points cannot be overemphasized. Children who witness violence between their parents are more likely to end up in violent relationships when they grow up. The proposed legislation would help break this cycle.

Most first nations women do not have access to the legal protections and tools available to other Canadian women. Women who live off the reserve can secure legal remedies, such as court orders. For women in abusive relationships, these orders are vital tools they can use to protect themselves and their children. The orders also serve as powerful deterrents to would-be abusers.

Bill S-2 would help prevent violence against women. I urge my hon. colleagues to consider the matter from the perspective of a woman who lives on a reserve with a physically abusive spouse. If they do, I fully expect they will be joining me in voting in favour of the proposed legislation.

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, as a member of the aboriginal affairs committee, I certainly know how important this legislation would be for women living on reserve.

I want to ask a specific question about where the protection is for children involved in these situations. Having access to the extended matrimonial home is so important.

I know that Bill S-2, in addition to providing access to emergency protection orders, would also allow the court to consider these factors to provide extended exclusive occupation and access to the family or matrimonial home, which is something that ordinarily happens for women who live off reserve.

Could the member please comment on that and how important this is?

● (1255)

Mrs. Susan Truppe: Mr. Speaker, emergency protection orders are often the initial procedure in a relationship breakup, which would be followed by application for exclusive occupation and valuation.

During the time period of the emergency protection order, the spouse or common-law partner could apply for exclusive occupation of the family home.

The federal provisional rules in Bill S-2 would enable the court to provide short- to long-term occupancy of the family home to the exclusion of one of the spouses or common-law partners. The duration of this order could range from a determined number of days to a longer period, such as until dependent children reach the age of majority. This provision would help ensure that spouses or common-law partners who are primarily caregivers would have access to housing for their children and or dependent adults.

The period of time that may be identified in an exclusive occupation order granted to a non-first nation individual by a judge under Bill S-2 would be defined, not open-ended. Judges may be asked to determine, as they do in similar proceedings off reserve, the appropriate duration of an exclusive occupation order.

Bill S-2 would require that the judge, in considering an application for an exclusive occupation order, take into account certain factors.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I know the member opposite is aware that we heard testimony around other issues, in particular the fact that there is a crisis in housing, a severe housing shortage on reserves, that there is no access to legal aid, that there is no funding to develop alternative dispute resolution mechanisms and that there does not appear—and this is part of what I would like the member to address—to be money attached to provide the kinds of supports that would be required to the provincial court systems because they do not have the intimate knowledge about the complex land codes that are on reserves.

I wonder if the member opposite could tell us exactly how much money would be made available to first nations communities to, first of all, implement this piece of legislation and, second, to develop their own matrimonial real property codes.

Mrs. Susan Truppe: Mr. Speaker, some of the funding would be put in place through the centre of excellence. It is approximately $4.8 million, which we discussed at committee when the member opposite was there.

This is about helping women and children. Matrimonial real property, or the family home, is the most valuable piece of property a couple on a reserve owns. Upon the breakdown of a marriage, the division of the property affects all involved: both spouses, their children, their families and, by extension, the broader community.

Bill S-2 proposes to eliminate a longstanding legislative gap that creates inequality and leaves aboriginal women vulnerable. Women, children and families living on reserve have been waiting more than 25 years for this legislation. There has been extensive consultation and a clear demand for it. If passed by Parliament, Bill S-2 would do much to protect some of the most vulnerable people in Canadian society, specifically women and children living in first nation communities.

Our government believes that family violence, wherever it occurs, should not be tolerated and that the rights of individuals and families to an equal division of the property value of the home must be protected. We know that aboriginal women and children cannot wait any longer for access to the same rights and protections that we have on this side of the House and they have on their side of the House.

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Mr. Speaker, thank you for the opportunity to show my support for Bill S-2, the family homes on reserves and matrimonial interests or rights act. I stand in favour of the bill and urge all members in the House to stand with me.

First, however, I want to say that I am appalled by the fact that the need for this legislation still exists in 2013. Everywhere else in Canada there is legal protection when a marriage or common-law relationship breaks down or a spouse or common-law partner dies except on reserves. Provincial legislation ensures that matrimonial real property assets are distributed equitably, for instance, and that children and spouses are protected. But there are no similar family laws to speak of in first nations communities.

Provincial and territorial real property law cannot be applied on reserves. This ruling was made by the Supreme Court of Canada in 1986 in two landmark cases, Paul v. Paul and Derrickson v. Derrickson.

At the same time, the Indian Act is silent on this issue. It does not address on-reserve matrimonial interests or rights at all. This unacceptable and long-standing legislative gap means that people who live on reserves have no recourse of any kind when disputes over property or other issues arise following the breakdown of a relationship. This means that a spouse who holds the interest in an on-reserve family home can sell the home without the consent of the other spouse and keep all the money. A spouse who holds the interests in a family home can bar the other spouse from an on-reserve family home.

In cases of domestic violence and physical abuse, a court cannot order the spouse who holds the interests in the on-reserve family home to leave the home, even on a temporary basis. This situation has led to insecurity, financial hardship and homelessness for many aboriginal women and children in Canada.

I would like to bring the attention of my hon. colleagues back to Bill S-2 because at the heart of the proposed legislation is access to basic human rights and protections. Bill S-2 is about ensuring that married or common-law couples living on a reserve have access to the same rights and protections afforded to all other Canadians in case of death of a spouse or a breakup of a relationship.

The proposed legislation has been informed by many years of study, analyses, reports and significant collaborations. The groups that have contributed include the Native Women's Association of Canada, the Assembly of First Nations, provinces and territories, and multiple parliamentary standing committees among others. Thanks to these contributions, the legislation now before us proposes a balanced and effective solution. Bill S-2 consists of two parts. Part 1 is an opportunity for first nations to establish their own communities' specific laws on matrimonial rights and interests, which may be based on their culture and traditions and which respect the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act as applicable.

Twelve months after Bill S-2 comes into force, part 2 would come into effect. This part provides provisional federal rules on matrimonial rights and interests. These rules would apply only to communities that have not enacted their own laws in this area under Bill S-2 or other legislation. The key word here is “provisional”. The federal rules would cease to apply once a first nation enacts its own laws as provided for in Bill S-2, the first nations land management act, or pursuant to a self-government agreement enacted through legislation. Bill S-2 provides matrimonial real property rights and protections after relationship breakdown including opportunities to access protection for children and their caregivers in situations of family violence. It would provide for continued access to the family home for women and their children in cases where a spouse is being violent.

● (1300)

The bill would also make it possible for those living on reserve to access important legal instruments, such as emergency protection orders and exclusive occupation orders.

To support implementation of this legislation, the government has pledged a public awareness campaign, training and education for front-line policing and justice personnel, and the establishment of a centre of excellence to assist first nations in developing their own laws that meet the needs of their communities.

I expect that everyone in the House can see that the goal of Bill S-2 is to provide men, women, children and families who live on reserves with similar rights and protections that the law affords other Canadians. The legislation now before us offers a long overdue resolution to an urgent bill. Bill S-2 is informed by the work of parliamentary standing committees and the research of independent groups, all of whom recommended legislation similar to what is now before us.

The fact remains that there are individuals and families who have no recourse when a marriage breaks down. They have no legal protection. We cannot continue to condone and accept that the rights of on-reserve residents, especially those of innocent children, are not protected, simply because of where they live. Quite simply, this bill is about ensuring that all Canadians, whether they live on or off reserve, have access to similar protections and rights when it comes to family homes, matrimonial interests, security and safety.

Shamefully, for 13 long years, the Liberals did nothing to address this issue. I am proud to say that our government is standing up for women, children and aboriginal people across Canada. We know that aboriginal women and children cannot wait any longer to access these same rights and protections. Aboriginal women, international organizations and even the Manitoba NDP have all called for this change.

Bill S-2, first and foremost, is about protecting women, men and children who live on reserve. Providing them with basic protections for matrimonial real property interests and rights is something that needs to be done and it needs to be done now. It is shameful that the members of the opposition would vote against rights to protect women and children in situations of family violence. Why do the members opposite think that aboriginal women should have less protection than they themselves have? It is time to do the honourable thing and support the proposed legislation that would do just that.

I urge my hon. colleagues to stand up for the rights for on-reserve residents and endorse Bill S-2.

● (1305)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I can tell the House what is shameful is the fact that the Conservative government refuses to recognize first nations jurisdiction. First nations communities actually have jurisdiction over their own communities.

She mentions the fact that—

Hon. Leona Aglukkaq: That is shameful. That is not right.

Mr. Bev Shipley: Unbelievable.

Hon. Leona Aglukkaq: The women have the same rights as you. Aboriginal women should have the same rights as you.

Mrs. Carol Hughes: Mr. Speaker, she can wait for her turn to make her speech.

The colleague across the way did mention that there are first nations communities that actually have a matrimonial real property act—

Hon. Leona Aglukkaq: Laws are not restricted to the reserves.

Mrs. Carol Hughes: Mr. Speaker, the Minister of Health cannot keep her mouth shut at this point, so I would just say that they know full well that first nations communities can actually have jurisdictions within their own areas. Some have already proven it.

Instead, why will they not address the concerns of access to justice and dispute resolutions and remedies to address that?

Mrs. Tilly O'Neill Gordon: Mr. Speaker, I have to assure everyone in the House that we have an obligation to listen and to represent all of these people. We have heard witnesses and all these people at our meetings and that is exactly what we are doing. We are moving forward.

This bill would allow the first nations to enact laws regarding on-reserve matrimonial real property. This legislation is not about inherent rights and it does not define any right to self-government. Including a statement of recognition that the first nations have inherent jurisdiction over matrimonial real property would raise questions about the nature of this right, its scope and content and who holds the right. This in turn could lead to uncertainty over jurisdiction and litigation of these issues.

The government is of the view that the implementation of a right to self-government is best achieved through negotiation.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, we need to be clear that there is an obligation for the federal government to work with our first nations in developing legislation.

My question is a fairly straightforward, simple question for the member. Can the member provide to the House any indication of what first nations communities were consulted prior to the legislation being brought to the Senate? Did the government actually consult and work with our first nations leadership in coming up with the legislation we have before us?

● (1310)

Mrs. Tilly O'Neill Gordon: Mr. Speaker, I assure the member opposite that we are taking a leadership role in this issue. I ask the member opposite to get on board and support this important issue.

He asked with whom we were speaking. In 2006, our government initiated an extensive consultative process that included over 100 meetings in 76 sites across Canada at a cost of over $8 million to taxpayers. This helped lead us to the legislation we have here today. It is time to move forward. There is no time to sit back and not allow this to happen. As a result of these measures and on further consultation with first nations, a 12-month transition period was added before the federal provisional rules come into force.

The government recognizes that some first nations are well advanced in developing their own laws and transition periods. The transition periods would provide time to enact their laws under this legislation before the provisional federal rules take effect.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, it is with a heavy heart that I rise to speak to this piece of legislation today.

We have heard the members of the Conservative Party characterize this as an urgent situation. I need to point out—

Hon. Leona Aglukkaq: It is.

Ms. Jean Crowder: The Minister of Health is continuing to heckle in the background about how it is.

Mr. Speaker, one of the things that I want to point out is that Bill S-2 was passed in the Senate back in December 2011. Here we are in the spring of 2013, finally debating it here in the House. If it was so urgent, first, why did the Conservatives not introduce that piece of legislation here in the House where we could have the kind of debate that is required, and second, why have they waited so long to bring it forward?

Once they decided that the House should actually debate the bill, they then invoked time allocation so that we could not have a full debate in the House. Then they moved a motion at the status of women committee limiting the time that we could call witnesses.

Contrary to what the members opposite have portrayed, what we actually heard from a number of witnesses is some very grave concerns with this piece of legislation.

First, let us recap this situation.

It was not urgent enough to bring it forward for a timely debate. It was not worth the kind of deliberation and consideration that the House should be taking because the Conservatives invoked time allocation, both in the House and at committee. They disrespectfully shut down witnesses and did not allow the opposition an opportunity to question key witnesses, such as the Native Women's Association of Canada. They are expecting us to just roll over for a piece of legislation that will not achieve what they are claiming it would achieve.

One of the things the Conservatives like to assert is that this bill is about protecting aboriginal women against violence, but I have to point out to the Minister of Health is that the bill does not talk about violence against aboriginal women. It talks about family violence, which is mentioned eight times only, and only in the context of emergency protection orders. Just because one says it is so does not make it happen.

If the government were truly serious about tackling the issues about violence against aboriginal women, it would endorse Motion No. 444, put forward by the member for Churchill, which calls upon the government to:

> ...develop, in collaboration, with the provinces, territories, civil society and First Nations, Métis and Inuit peoples and their representatives, a coordinated National Action Plan to Address Violence Against Women, which would include: (a) initiatives to address socio-economic factors...; (b) policies to prevent violence against women...; (c) benchmarks for measuring progress...

and so on.

There is a whole series of very concrete steps that the government could take if it were serious about dealing with violence against aboriginal women and children, but instead, it continues to put forward the empty words that would not keep women and children safe.

I also need to point out that many people recognize that matrimonial real property is a family and a community issue and that it is absolutely something we should be tackling. The problem is that the solution that the government puts forward is, as always, going to fall far short.

In a letter we sent to the Minister of Aboriginal Affairs and Northern Development, we outlined the concerns we have with the bill. I will read this letter into the record:

> I wanted to express the profound concerns of the New Democratic Party regarding the current government's approach in dealing with the legislative gap related to matrimonial real property rights and interests on reserve.
>
> During committee hearings on matrimonial real property (MRP) legislation currently before the House, we heard legal experts, First Nations' representatives and women's organizations speak against the current approach because they do not believe it will protect women from violence while also infringing on the collective inherent rights that women hold as members of individual First Nations.
>
> In order to successfully address the issue of MRP, a collaborative process is necessary so that an appropriate and effective solution can be found that is supported by all stakeholders.
>
> I would like to propose to you that we work on a new approach to MRP following *all* of the recommendations proposed by the Ministerial representative that would respect First Nations' jurisdiction and the principles of the UN Declaration of the Rights of Indigenous Peoples (to which Canada is a signatory).
>
> To ensure full participation a key aspect of this approach is meaningful consultation on any proposed legislative solution, not just consultation on the principle or issue the legislation is intended to address.

● (1315)

> Any MRP legislation should also be accompanied by non-legislative remedies to serious problems, including:
>
> Timely access to remedy;
>
> Ending violence against Aboriginal women through a national action plan;
>
> Addressing the housing crisis on reserves including funding for women's' shelters;
>
> Better access to justice including increased funding to legal aid especially to remote communities;
>
> Increased financial resources to support First Nation governments to actually implement new process; and
>
> Access to alternative dispute resolution.
>
> In order to promote the process of reconciliation mandated by section 35 of the *Constitution Act, 1982*, we hope that you will follow up with us on this new way forward.

There is another way that matrimonial real property could be addressed. However, sadly, what we have here is a Conservative government track record of ramming through legislation without seriously looking at the consequences.

While I have the floor, I also need to correct the record around the Manitoba NDP. We hear members talk about this consistently.

In the Manitoba *Hansard* of December 6, 2012, the Attorney General of Manitoba made this clear:

> ...we can't deny the fact there are serious concerns that have been raised by people across this country about the process by which this bill was created, the content of the bill and then the subsequent impact of this bill on First Nations....

The Conservatives fail to tell people that it was a private member's motion that was introduced by a Conservative. Of course people support the principle of matrimonial real property, but as is clearly outlined by the Attorney General in Manitoba, they have grave concerns about this particular approach to it.

One of the witnesses who came before the committee was the Acting Chief Commissioner of the Canadian Human Rights Commission. The Acting Chief Commissioner posed three very important questions that I would argue the Conservative bill fails to address.

First, the acting Commissioner asked, "Will the proposed legislation provide women with fair access to justice?" The second question was "Will the proposed legislation ensure women will be able to access their rights in a safe way?" and the third was "Do first nations communities have the capacity they need to develop and implement their own matrimony real property systems, and if not, what can be done to correct this problem?"

I would say that to all three of those questions, the answer would be no.

With regard to fair access to justice, the members opposite like to say that because we will make legislation, somehow or other fair access to justice will be in place. Well, we know that first nations in reserve communities have virtually no access to legal aid, and second, when it comes to getting to courts or having access to the court system, it is very difficult.

One woman from Quebec told us that when she was going to court, she had to travel in the same vehicle as the spouse she was separating from. There was no transportation to where the court system was and there was no money to provide for both parties in the dispute to go to court, so they had to travel in the same vehicle.

In terms of fair access to justice, there have to be legal remedies available, the court system has to be accessible for people, particularly in rural and remote communities, and some education and training should go into the court systems.

We have heard members opposite also talk about the centre for excellence. Let us think about it for one moment in terms of fair access to justice.

The Conservatives are saying that this centre of excellent would provide tools and resources for first nation communities who want to develop their own matrimonial real properly codes. This sounds pretty good. We would support that. However, in one year, first nation communities are not going to have access to the resources and tools they are going to need to have that code in place by the end of the year, because what has to happen is a very respectful process in order to develop that code.

The Acting Chief Commissioner's second question was "Will the proposed legislation ensure women will be able to access their rights in a safe way?"

We heard from a number of witnesses, and it was in the ministerial representative's report, that there are no non-legislative remedies attached to this piece of legislation. In terms of being able to access rights in a safe way, I want to talk about non-legislative remedies.

● (1320)

We understand there is a housing crisis in many communities. We also understand that in many communities, generations of families are living in one house. If a court order says one person or another will have the house, what happens to the rest of the family members who are living in that house? Where will they go if, for example, they happen to be related to the spouse who is not able to live in that house anymore? Where will people go on reserves where there are already very serious problems with housing?

The Acting Chief Commissioner's third question was "Do first nations communities have the capacity they need to develop and implement their own matrimonial real property systems...?"

It comes as no surprise that there is no money in this legislation and that the likelihood of first nations communities being able to develop their matrimonial real property codes in a timely way is nonexistent. The NDP proposed an amendment to this legislation that the coming into force be changed from one year to three years to allow an adequate period of time for first nations to develop their own matrimonial real property codes. If the government were serious, it would support first nations having the time and resources to develop these codes.

When the Acting Chief Commissioner of the Canadian Human Rights Commission appeared before committee, he referenced a tool kit for developing community-based dispute resolution processes in first nations communities. Although this tool kit is about alternative dispute resolution, it would be useful in terms of providing support and some guidelines for first nations who want to develop their own codes. As well, it was developed in conjunction with a number of first nations communities, so it has cultural relevancy and an understanding of the process in communities. The tool kit references article 34 of the United Nations Declaration on the Rights of Indigenous Peoples. It says:

> Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

That would seem to be a very good starting point in terms of developing matrimonial real property codes.

The tool kit goes on to say that there are four stages to developing an alternative dispute resolution. They could also be used in developing matrimonial real property codes. They include "leadership, values and principles; capacity-building for development and engaging your community; developing your community's dispute resolution model; and implementation, monitoring and continuous improvement".

The tool kit talks about the fact that developing these kinds of processes can also be an educational process within the community.

It goes on to talk about developing a regional dispute resolution process that could provide reduced costs for human and financial resources for all of the communities involved, the opportunity to begin developing a broader aboriginal human rights system and the chance to demonstrate how equality principles are being implemented in the community. With the appropriate time and resources, it is quite possible that the matrimonial real property codes that could be developed within first nations would more reflect their own customs, practices and traditions.

There are a number of problems with this legislation. I know I am not going to have time to go through every one of them, but I want to touch on a couple.

One is the whole issue around property. I sometimes wonder if the members opposite actually understand the complexities of the land codes that are facing first nations communities.

The briefing document that was provided to committee, Issue Paper No. 7, talks about how housing on reserve:

> ...varies among First Nations in terms of policies, rules and customs. Housing may be divided into two broad categories, including "band-owned" housing, consisting of an estimated two-thirds to three-quarters of all housing on reserve, and "individually-owned" housing. Band-owned or individually-owned housing allocations may be applied in nearly any combination to the broad range of landholdings on reserves, whether individually-held (e.g. individual with a Certificate of Possession) or communal (First Nation social housing on general band lands).

It also goes on to say:

> Many First Nation families rent homes on reserves from their First Nation or from another First Nation member. The interests or rights of individuals renting on reserves are not as clear as those off reserves, nor are the regulatory powers of band councils that rent housing, because provincial tenancy statutes likely do not apply.

So here we have this very complex system of housing on reserve. To say that Bill S-2 would somehow or other allocate housing based on an off-reserve housing model simply is not going to wash.

Members opposite continuously point out that this legislation would make first nations women's lives better. As is pointed out by Issue Paper No. 10 on gender-based analysis, that may actually not be the case, and women may in fact be disadvantaged by this legislation. It says:

> Because women are more likely to be caregivers of dependent children and/or adults, men may be less likely to retain occupation of the family home on breakdown of a conjugal relationship. As a result, more women than men may be required to financially compensate their spouse or common-law partner for their share of the family home.

● (1325)

That could be a problem for many women. They may be women who work in the home and do not have access to any additional income. They may be women who are underemployed, or they may simply not have been able to put away money that would allow them to buy their family homes from their spouses.

One of the measures called for in the ministerial representative's report is access to a compensation fund that would allow men or women to buy out their spouses. None of that is included in this particular piece of legislation.

One issue pointed out in the ministerial representative's report was that first nations could be placed in a Catch-22 situation in which they would be held to the same standard as provincial governments but would not have the resources and capacity to achieve it. There is nothing in this legislation that addresses that.

There are a number of other issues I would like to cover in terms of non-legislative measures. However, I will not be able to do that in the limited time available.

Therefore, I move:

> That the motion be amended by deleting all the words after the word "That" and substituting the following:
>
> this House decline to give third reading to Bill S-2, An Act respecting family homes situated on First nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, because it:
>
> (a) is primarily a Bill about the division of property on reserve but the Standing Committee on the Status of Women did not focus on this primary purpose during its deliberations;

(b) fails to implement the ministerial representative recommendation for a collaborative approach to development and implementing legislation;

(c) does not recognize First Nations jurisdiction or provide the resources necessary to implement this law;

(d) fails to provide alternative dispute resolution mechanisms at the community level;

(e) does not provide access to justice, especially in remote communities;

(f) does not deal with the need for non-legislative measures to reduce violence against Aboriginal women;

(g) makes provincial court judges responsible for adjudicating land codes for which they have had no training or experience in dealing with; and

(h) does not address underlying issues, such as access to housing and economic security that underlie the problems on-reserve in dividing matrimonial property.

The Acting Speaker (Mr. Barry Devolin): The amendment is in order. Questions and comments, the hon. Minister of Health.

● (1330)

Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC): Mr. Speaker, as an aboriginal person, what I know for sure is that the NDP and the Liberals do not support equal rights for non-aboriginal and aboriginal women.

The legislation is very simple. It is about equality of non-aboriginal and aboriginal people when it comes to matrimonial rights. The members can come up with a laundry list of all the excuses around tool kits, infrastructure and what have you. I am sure that they have gone through the process of coming up with excuses not to support something as simple as equality.

Aboriginal women have been waiting for this legislation for a very long time. They deserve the same rights as non-aboriginal women in Canada.

When it came to the matrimonial rights of non-aboriginal women, did the Liberals and the NDP come up with a laundry list to not support the rights they take for granted as non-aboriginal people when it comes to matrimonial rights?

Ms. Jean Crowder: Mr. Speaker, it is quite sad that the Minister of Health stands and asks a question like that when, instead, what the Minister of Health should be talking about are the kinds of investments the NDP for years has been calling for to actually protect aboriginal women and children on reserves.

I want to again reference the national action plan on violence against women the member for Churchill has proposed. The government has stalled any kind of inquiry on violence and on the murdered and missing aboriginal women and children in this country. The government has refused to allow the Convention on the Elimination of All Forms of Discrimination against Women to conduct an inquiry on violence against aboriginal women and the murdered and missing aboriginal women.

The government has failed to look for remedies in terms of access to legal aid, access to alternative dispute resolution, access to adequate housing and access to transition shelters. If the government were truly serious about equality, it would implement some of the recommendations of the Universal Periodic Review report. The government has no legs to stand on when it talks about equality.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am wondering if the member would provide some comment on the Government of Canada's obligation to meet with the leadership of first nations communities in developing legislation. It is not for the government, on its own, to go to the House of Commons or the Senate and say what it wants and to then impose it. There is an obligation to work with first nations to come up with legislation that makes sense and that has wide support among first nations leaders. Would she not agree with that statement?

Ms. Jean Crowder: Mr. Speaker, there have been numerous Supreme Court decisions that have reaffirmed the duty to consult, but the duty to consult does not stop at the duty to consult. It is the duty to consult and accommodate.

Government members will say that they have spoken to people. That is great, except that what they then did was disregard what they heard. The ministerial representative, who was hired by the former aboriginal affairs minister, Jim Prentice, a number of years ago, did a thorough analysis of what was required in the legislation and the process for it. The government has largely disregarded what its own ministerial representative recommended.

Then there is article 19 of the UN Declaration on the Rights of Indigenous Peoples, which talks about free, prior and informed consent. The government, after much pressure, became a signatory to the UN Declaration on the Rights of Indigenous Peoples and then promptly disregarded its obligations under it.

The member is absolutely correct. The government has not only the duty to consult but a duty to accommodate. It also has a fiduciary responsibility such that when it puts forward legislation like this, first nations actually have the tools and resources they need to implement the legislation.

● (1335)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, we heard from the member for Miramichi, the parliamentary secretary and now the Minister of Health, both in committee and here in the House.

In terms of the legislation itself, this bill has a huge flaw, specifically concerning common-law spouses in some provinces such as Quebec and Saskatchewan, if I am not mistaken. In fact, the law is unenforceable in cases where spouses do not have access to property rights under provincial legislation. That is a serious problem. It means that this bill can hardly be described as equal or fair.

Another important point is the fact that first nations have spoken out against this bill. Perhaps we should listen to them. Furthermore, two votes were already held, when first nations representatives were here. I could quote Michel Audet, among others. We could look at the record. Two votes were called in the House to prevent these people from speaking out. All they said was that they did not have enough time and that we should wait to pass the bill.

What are the member's thoughts on that?

[*English*]

Ms. Jean Crowder: Mr. Speaker, the member is absolutely right. First, there are some serious concerns about whether provincial court judges currently have the background to deal with some of the issues related to the complex property codes. Also, the member rightly pointed out the issues related to common law status in provinces such as Quebec and its recognition by provincial governments.

What we would actually be doing is setting up a regime that would have different rules applying to different first nations across the country. There would not be any confidence that if one lived in one province, one would have access to the same property rights one would have in another province. That is certainly one problem, and it is a problem a number of witnesses identified in terms of both the current provincial court rules on matrimonial real property division and a judge's ability, currently, to interpret those complex land codes.

The second matter the member raised in her question was, of course, the whole process of how the bill came forward and how we were able to hear from witnesses. Witnesses were limited in their ability to testify. Certainly we were limited in our ability to pose questions. It is our responsibility as parliamentarians to do that due diligence when we have legislation before us to make sure that we understand the legislation and its implications.

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, it is actually the Liberals and the NDP who are attempting to stall the protections for aboriginal women. One of the NDP's convoluted arguments is that our government did not pass the legislation fast enough. Then it complains that the government wants to get the bill through. All the while, the NDP is opposing the legislation.

The public needs to know that the NDP has complained that the government has not consulted with every single aboriginal community in Canada, when, in fact, we have spent $8 million and have consulted with 103 communities. Bill S-2 would save lives. It would help 100,000 people gain protections.

I would like the NDP to address the issue of how it can vote against this bill that would help save lives.

Ms. Jean Crowder: Mr. Speaker, in case the government has failed to notice, it has been in government since 2006, and it finally introduced this bill in the Senate, back in 2011. Then it delayed bringing it forward in the House. Somehow or other, it is the New Democrats' fault, because the government failed to bring a bill forward for debate. When it finally did bring it forward for debate, it wanted to eliminate debate.

It does not actually want people to stand up and speak about it. It does not want to call witnesses and hear from them. It does not want to have the ability to question the witnesses.

Part of our job as parliamentarians is to hear from witnesses, on all sides of the House, to consider the legislation before us and talk about whether the legislation is feasible and whether it can be implemented.

The members claim that the legislation is going to save lives, yet they are not putting any resources into these communities to deal with it. What about extra policing costs? What about access to the court system? What about access to alternative dispute resolution? What about access to legal aid? What about transition shelters? Not one dime is going into those measures.

If the government is serious, I would call on it to move forward on a national action plan to address violence against aboriginal women and children. Where is its action on that?

● (1340)

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, as we have made clear throughout the process for Bill S-2, the Liberal Party does not question the need to address the legal gaps and other problems surrounding the family breakdown for first nations living on reserve.

However, the political rhetoric of the government members regarding this bill has been absolutely shameful. It is reprehensible for the minister to stand in the House and say "I know opposition members do not care about aboriginal women and children, but we do."

This partisan approach, this simplistic approach is completely against what the members on this side are objecting to. This problem will only be solved in a holistic way and if it is in keeping with the advice of first nations leaders and organizations and first nations women themselves.

The truth is that this bill will not effectively deal with the problem of matrimonial breakdown on reserves and fails to provide first nations with the tools to implement appropriate measures for families to resolve disputes safely in a culturally appropriate way.

Furthermore, the assertion of the government that the bill is the answer to the disproportionate levels of domestic and other violence against aboriginal women is appalling. It is patently dishonest for the Minister for Status of Women to stand in the House and claim emergency protection orders alone will save lives.

The fact is the government's decision to move forward with this legislation, without dealing with the issues of access to justice and gaps in enforcement capacity, could actually make matters worse.

When Mr. David Langtry, acting chief commissioner, Canadian Human Rights Commission, testified before the Status of Women committee, he asked parliamentarians to consider three fundamental questions. First, would the proposed legislation provide women with fair access to justice? Second, would the proposed legislation ensure that women would be able to access their rights in a safe way? Third, would first nations communities have the capacity they needed to develop and implement their own matrimonial real property systems?

Although I would broaden the questions to include first nations men, I believe answering these three questions provides an ideal framework to analyze Bill S-2 in both its scope and effectiveness. As one reviews the limited evidence the House of Commons committee was willing to hear, experts who testified before the Senate and the many stakeholders who had provided comments outside the committee process, the answer to all three of these questions was a resounding "no".

The government's own ministerial representative on matrimonial real property on reserve, Wendy Grant-John, noted in her report:

> The viability and effectiveness of any legislative framework will also depend on necessary financial resources being made available for implementation of non-legislative measures such as programs to address land registry issues, mediation and other court related programs, local dispute resolution mechanisms, prevention of family violence programs, a spousal loan compensation fund and increased funding to support First Nation communities to manage their own lands.

She went on to say:

> Without these kinds of supports from the federal government, matrimonial real property protections will simply not be accessible to the vast majority of First Nation people.

The Liberal Party is very concerned that the government disregarded her advice and that of first nations from across the country and brought forward legislation without these non-legislative supports.

● (1345)

[*Translation*]

The potential solutions under the interim rules imposed by this legislation rely heavily on access to provincial courts.

[*English*]

As we have heard from many witnesses, many first nations communities are in areas with limited access to courts or lawyers and provincial courts may not be financially or even physically accessible for many first nations individuals.

Michéle Audette, president, Native Women's Association of Canada, put this issue into context when she told the committee:

> Canadian women find it difficult to access justice because of the high costs involved, or, in the case of those who live in remote areas, because of the long distances to be travelled.

Therefore, imagine what it is like for women in our aboriginal communities. It is even worse.

She went on to say:

> —it would be difficult for a woman who lives in a remote community such as Attawapiskat or in other communities in other provinces, such as in Quebec, to find a lawyer who knows family law and the Indian Act.

The persistent underfunding of legal aid systems across Canada have left them ill-equipped to deal with current demand. It is clear that they will be unable to deal with the additional burden of the unique legal and cultural realities of property division on reserve.

[*Translation*]

Another fundamental challenge facing the provincial court systems relates to a lack of experience with and understanding of these matters.

[*English*]

To mitigate these issues of access and cultural sensitivity, we heard time and again about the importance of the availability to alternate dispute resolution mechanisms in first nations communities to deal with matrimonial breakdown if there was no commitment to provide funding for alternatives to the court system, which would be more cost effective and culturally appropriate.

[*Translation*]

The government does not have a comprehensive plan to deal with these realities, which will deprive first nations individuals of practical access to the legal rights the law claims to provide.

[*English*]

The government has tried to frame this legislation in terms of responding to violence against aboriginal women. As noted earlier, it has emphasized that this legislation provides for emergency protection orders for women living on reserve and claims this will save lives.

Unfortunately, the government's decision to move forward with legislation, without non-legislative support, maybe the opposite for many first nations women.

Regional Chief Jody Wilson-Raybould addressed this in her testimony when she said:

> —preliminary research we have uncovered shows a correlation between increased harassment and threats of violence against women who file for protection orders in instances where there are issues with their enforcement. We question the capacity and ability of such orders to be effectively enforced, particularly in remote communities with limited access to police services.

[*Translation*]

This very telling quotation must be viewed in light of the lack of funding available to first nations police forces and the fact that some first nations communities have far greater police presence than others.

[*English*]

While we are happy that the government is finally listening to first nations and Inuit police forces and the communities they serve by providing a longer-term funding agreement, it is clear that the government is still not providing these essential services with the resources they need to do their job.

In other communities serviced by the RCMP or other police services, there is often an inadequate police presence and the enforcement of existing laws is an ongoing challenge for these overstretched offices.

Beyond issues around adequate enforcement, the bill also fails to address the root causes of family breakdown and domestic violence, mainly the lack of housing, inadequate funding for child welfare and inadequate access to legal aid and other services for aboriginal women. For example, only 41 shelters serve more than 630 first nations communities in Canada.

[*Translation*]

Even Betty Ann Lavallée, the national chief of the Congress of Aboriginal Peoples, told the Senate that this bill should address the issue of emergency housing for victims of domestic violence, a recommendation that the government clearly chose to ignore.

[*English*]

We are concerned that many first nations do not currently have the capacity to develop their own rules around matrimonial property and will be left with the provisional rules for an extended period of time. That means communities will have provisional rules that do not reflect their traditional laws, culture or reality imposed upon them without the time or the capacity to move beyond them.

The government cuts to the National Centre for First Nations Governance, tribal councils and other institutions focused on building first nations governance capacity is further undermining the ability of first nations to develop and implement such a review.

The government talks about a promised centre of excellence which would help first nations develop rules of their own, but this will not be up and running until after the passage of the bill and likely after the time frame allocated to most first nations to develop their own rules.

● (1350)

[*Translation*]

There will only be a 12-month window for the first nations to develop and adopt their own regulations regarding matrimonial real property on reserves, before the provisional rules are imposed.

[*English*]

All the testimony we heard on the issue suggested this was a completely unrealistic time frame. The legislation that brought first nations communities under the jurisdiction of the Canadian Human Rights Act provided a three-year transition period.

We heard from the Canadian Human Rights Commission officials that in their experience that period may not even be enough, but would be more realistic.

Officials from the first nations Lands Advisory Board had more than 10 years of experience facilitating first nations law-making for matrimonial real property rights on reserve and they made it clear that they were:

> —concerned about the potential impact of the proposed legislation on the 68 first nations that are presently waiting to become signatories to the framework agreement, and the other communities across Canada.

They went on to say:

> Successful enactment of these laws by framework agreement signatories has invariably been the culmination of a multi-year, community-driven, consensus-building process...

The AFN has also suggested 36 months would be a more appropriate transition period and that is the time provided in this very bill to first nations in the First Nations Land Management Act process. Given current capacity issues and the fact that the centre of excellence would take time to develop, it was clear that all first nations should have the benefit of a consistent 36-month transition period to develop their own culturally sensitive matrimonial property regime, but the government refused even that common-sense amendment.

Although general public discussions were held on first nations matrimonial real property in 2006-07, it is important to note that both AFN and NWAC, the two first nations organizations the government engaged to facilitate those meetings, oppose this bill. Consultation requires both a substantive dialogue and the government members to listen and, when appropriate, incorporate what they hear into the approach. The Native Women's Association of Canada and the AFN have been clear that they are not confident the legislation will resolve the problems associated with matrimonial real property on reserve and have pointed out that the current bill will fail to address many of the recommendations repeatedly raised each time this legislation has been brought forward.

Further, given the recommendations of the government's own representatives and first nations about the need to deal with capacity and resourcing issues before, or at least in concert with, legislation, it is curious why the Conservatives decided to introduce the bill in the Senate where it was subject to increased restrictions on incorporating resources.

[*Translation*]

Since this bill was initiated in the Senate, it cannot generate any spending.

[*English*]

Then, despite the fact that the legislation was introduced in the House of Commons on behalf of the Minister of Aboriginal Affairs and Northern Development, the bill was sent to the status of women committee to be pushed through with only two weeks of witnesses.

[*Translation*]

This legislation deals with legal and cultural issues in the first nations, for both men and women.

[*English*]

It was completely inappropriate to, for reasons of expediency, have the study of these complex matters done by a committee with no prior experience with aboriginal issues. The fact that the committee did not allocate reasonable time to hear from organizations with the expertise and experience to highlight some of the challenges was particularly disappointing. The AFN and the first nations Lands Advisory Board had less than 20 minutes of committee time and NWAC was allocated 8 minutes. The Conservative majority then pushed this flawed bill through the committee without accepting a single amendment. This is not the way to produce effective and well thought out legislation.

The Liberal Party will not be supporting this legislation because the government has decided to move forward in a way that not only ignores many of the fundamental issues at stake, but actually may make things worse.

● (1355)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I have a bit of a history lesson for the member because this is a consistent position for the Liberal Party.

When Conservative Party Prime Minister Borden extended the right for women to vote in Canada in time for the 1918 election, that was a Conservative prime minister extending rights. When Prime Minister Diefenbaker extended the right to aboriginals in Canada to vote for the first time in 1960, that was a Conservative prime minister extending rights to Canadians. When this party and this government stood up to extend the Canadian Human Rights Act on reserve and that party stood against it, that was our Conservative Prime Minister extending rights. Our Prime Minister is extending rights and protections again to aboriginal women in our country.

What is shameful is that member and that party are once again standing up against fundamental rights in our country for people who woefully and rightfully deserve them. When will she join with this party and our Conservative Prime Minister and do the right thing for women in our country?

Hon. Carolyn Bennett: Mr. Speaker, it is shameful that the member does not understand the basic duty to consult and the need for free, prior and informed consent on any legislation, any policies or programs that affect first nations, Inuit and Metis people in Canada. The bill continues the paternalism of the government thinking "father knows best" and refuses to listen to what native women in Canada are saying. They do not want this bill until it can actually do the job it is intended to do.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I appreciate my colleague's comments even though the Liberal government put a 2% funding cap that has been problematic for first nations communities with respect to their resources, but while there are obvious gender discrimination problems with MRP on reserves, Bill S-2 will not be possible to implement because of lack of financial resources to support first nations governments to actually implement the law, lack of funding for lawyers, lack of funding to account for limited geographic access to provincial courts, lack of on-reserve housing and land mass that would be necessary to give both spouses separate homes on reserve, no ability to enforce this legislation, particularly in very remote areas, no equipping provincial courts to deal with complexities of land codes on reserves and no dollars to assist women who have to buy out a partner if they are awarded homes.

On that note, I want to reiterate that the first nations are basically seeing this as another assimilation bill. Could my colleague comment on some of the issues that I brought forward, and whether we would see the success of the bill if it were to go forward?

Hon. Carolyn Bennett: Mr. Speaker, I want to remind my colleague that had the Kelowna accord been implemented seven years ago, the $5.1 billion would have dealt with a number of these issues, particularly around housing, education and the kinds of things that we know are a root cause of violence.

The kinds of resources that native women in Canada are asking for are really important, as the member asked about. They include shelter space, housing and mediation. Women do not have the resources to be able to buy out the partner and the bands have told us time and time again they do not have the capacity to help the woman buy out the partner. This is a piece of paper that cannot and will not work unless the resources and the root causes are dealt with.

The Acting Speaker (Mr. Barry Devolin): Order, the time for government orders has expired. The hon. member for St. Paul's will have six minutes remaining in questions and comments when this matter returns before the House.

Statements by members, the hon. member for Lanark—Frontenac—Lennox and Addington.

STATEMENTS BY MEMBERS

[*English*]

CYSTIC FIBROSIS

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, I rise today to speak about a terrible childhood illness, cystic fibrosis. May is cystic fibrosis awareness month and in honour of the many Canadian children who have cystic fibrosis, members of all parties got together today to wear the symbol of cystic fibrosis: the rose.

The story of how the rose came to be the symbol of cystic fibrosis gives some idea of the poignancy of this terrible illness. As the story goes, a young child was being told that his sister had the illness, but he could not pronounce the name. Instead, he said 65 roses. That is how the rose came to be the symbol.

Today, outside the House, there is a little boy, Kaiden, at one entrance and there is a little girl, who I know and love very much, Kaelie, at the other entrance. They are handing out roses to MPs as they enter the House in honour of this disease and the search for the cure. This is the largest killer of children, but the death rate drops substantially every year. The lifespan is expanding. We can and will find a cure. I thank all members for supporting us in our cause.

* * *

● (1400)

[*Translation*]

CYSTIC FIBROSIS

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, May is Cystic Fibrosis Awareness Month in Canada. Cystic fibrosis is the most common fatal genetic disease affecting Canadian children and young adults. Nearly 4,000 Canadians across the country are affected, and two new children are diagnosed every week.

There is hope, however. In the 1960s, a child born with cystic fibrosis did not live long enough to go to school. Now, thanks to investments in research, 60% of Canadians with this disease live to be adults.

I therefore urge all of my colleagues in the House and all Canadians to stand together with everyone who lives with this disease and to give generously to organizations such as Cystic Fibrosis Canada, whose mandate is to help people cope with this disease and to find a cure.

* * *

[*English*]

EVENTS IN MISSISSAUGA

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, I rise in the House today to speak about two spectacular events that Mississauga hosted last weekend.

Last Friday, the 28th Carassauga Festival of Cultures, the second-largest cultural festival in Canada, opened its doors for a three-day celebration of international tradition, art and cuisine. Carassauga celebrates diversity and demonstrates Canada's resolute devotion to multiculturalism. Carassauga is a profound example to the world of cultural unity and peace.

The spotlight was also on Mississauga this Sunday because of the MS Walk for a cure, a community event bringing hundreds of people together to connect with those touched by multiple sclerosis. Together, we raised around $150,000 toward MS.

I want to thank the many volunteers who made these events possible. Without them, Carrassauga and the MS Walk would not have been such a great success. I ask everyone to join me in thanking volunteers across our country for their great work and dedication, making our communities and Canada a better place for all.

* * *

CYSTIC FIBROSIS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, each time I pass a cystic fibrosis donation box, I think of my childhood friend, the darling of our gymnastics club, Jenny.

She sparkled, she performed for CF telethons and she took a handful of large green pills with each mouthful she ate to battle CF, a multi-system disease that affects mainly the lungs and the digestive system. We all believed that Jenny would get to grow up because a cure would come by the time she was a teenager or young adult. My childhood friend died after a battle with pneumonia at the age of 10.

Today, there is still no cure and time remains precious for those living with CF. Of the Canadians with CF who died in 2011, half were under 34 years old. Let all Canadians join in the fight against CF, for better treatment and care, and for equitable and affordable access to medicines.

* * *

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, the one-year anniversary of the Canadian long gun registry's demise passed quietly eight weeks ago.

There is a reason hardly anybody noticed. Gun control advocates predicted that the scrapping of the long gun registry would increase firearms abuse, but there is no correlation. In fact, a CBC news story in April noted that shootings in the city of Ottawa plunged from 11 while the registry was still in place to just 2 for the same period this past year.

Responsible gun owners are not the least bit surprised at this result. We know that the registry was simply feel-good legislation that was never designed to increase public safety. It was nothing more than a political ruse to lull Canadians into a false sense of security. That is why I made it one of my priorities as a member of Parliament to get rid of the long gun registry.

While it took nearly two decades to get the job done, I believe it brings Canada one step closer to fairer firearms legislation for all.

* * *

● (1405)

[*Translation*]

CANADA SUMMER JOBS

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, this year, 46 organizations in my riding, La Pointe-de-l'Île, submitted proposals for a total of 221 positions as part of the Canada summer jobs program.

Filling all of those positions would have cost over $870,640, but only $307,415 was allocated to my riding. There is clearly a major gap between what our communities need and what the government is giving them.

Minimum wage is on the rise, but program funding is not increasing in step, so the number of young students able to benefit from the program is falling from year to year.

Canada summer jobs is an excellent way for young people to get a foothold in the job market. This initiative helps youth. I am therefore asking the government to ensure that all young people can access this great opportunity.

* * *

[*English*]

STAMPEDE DAYS

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Mr. Speaker, every May long weekend is Stampede Days in the little town of Falkland in my riding of Okanagan—Shuswap. Cowboys and cowgirls from the rodeo circuit and all the ranches in the area come to Falkland to enjoy the bull and bronco riding, the calf roping, and all the other entertainment that goes along with a rodeo.

This year was very special because Merv Churchill, known to all as Mr. Falkland, was inducted into the Canadian rodeo hall of fame for his many years of organizing the rodeo event. In Merv's younger years, he rode with the best, and when he retired from the circuit, he became Falkland's Mr. Rodeo.

Last weekend when I attended the Falkland Stampede parade, I was met, as always, by the smiling cowboy, Merv Churchill, who was busy with his son Jason, his wife Dot, and the girls and their grandchildren organizing the 95th Annual Falkland Stampede.

It was great to see Merv and his family recognized for all they do for the community and the Falkland stampede. As a cowboy poet would say, it pretty near brought a tear to my eye to see him receive the award. I congratulate Merv.

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[*Translation*]

CONVEX AFFIRMATIVE ENTERPRISES

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Mr. Speaker, today I am honoured to congratulate Groupe Convex, an organization in my riding that provides services to persons with disabilities.

Caroline Arcand and her Groupe Convex team have spared no effort to generate meaningful jobs for people who face employment challenges. Groupe Convex has established nine successful businesses that offer valuable opportunities to enrich employees, as well as our community. Our government supports these key initiatives.

I have toured these businesses and spoke with their employees. They should be proud of the excellent work they do: managing a recycling centre, working in a woodshop, running a small restaurant-café and catering service, and so on. They all show they have outstanding skills and talent.

[*English*]

I am impressed with Groupe Convex and what it does to create jobs, but I am particularly proud of its employees and the excellent work they do. Well done to each of them.

* * *

KEMPTON HOWARD

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, Kempton Howard was an inspiring young leader dedicated to helping other youth in the community of Toronto—Danforth. He was a role model to countless teens through his volunteer work at the Eastview Neighbourhood Community Centre and the Eastview Boys and Girls Club, where he was a moderator of a junior leadership program, an after-school children's program leader, a summer day camp counsellor, a youth basketball coach and a recipient of the youth Ontario services award.

This year marks the 10th anniversary of his murder by gunfire in 2003. We must understand that the victims of crime, especially crimes of violence and crimes involving guns, include the loved ones of the direct victims, the family and friends who suffer from their loss. That is why I believe we must implement a country-wide system of adequate support for victims of crime and their families; ensure reliable, long-term funding for programs that help divert youth away from gangs and crimes; and introduce a long overdue comprehensive anti-smuggling strategy for guns.

I encourage everyone to sign Kempton's legacy petition in support of victims of crime.

[*Translation*]

MEMBERS OF THE NEW DEMOCRATIC PARTY

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, truth is sometimes stranger than fiction.

Last week, we learned that the member for Jeanne-Le Ber and the NDP's former national revenue critic, the member for Brossard—La Prairie, owe Revenu Québec tens of thousands of dollars in unpaid taxes. Canadian taxpayers are supposed to play by the rules and pay their fair share.

If the NDP members are so concerned about making sure people follow the rules and pay their fair share, they should practise what they preach.

It is ironic to hear the NDP talk about raising taxes for Canadians when they cannot even manage to pay their own taxes. They are setting a bad example.

* * *

● (1410)

[*English*]

HALIFAX MOOSEHEADS

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker,

Sit a spell, for there is a story I have got to tell;

About a hockey team from the great east coast that gave us all a chance to boast;

To Saskatoon to do what is right against the Winter Hawks, the Blades and Knights;

The tourney is called the Memorial, where we give thanks to the lads who gave it their all;

All the players did their best to remember those who were laid to rest;

It took four games to pass the test, and in the end Halifax was best;

With MacKinnon, Fucale, Frk and Drouin, the best damn hockey you have ever seen;

So now the season is all done, we proudly say we are number one;

So, Mr. Speaker, spread the word: the Mooseheads are the greatest, ya heard.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, while our Conservative government and Canadians alike are focused on delivering meaningful reform to the Senate, including elections, term limits and tough spending oversight, with his divisive comments this week, the Liberal leader again underscores his lack of judgment and experience.

The Liberal leader has come out as the champion of the status quo, demanding that the Senate remain unelected and unaccountable, because in his words, it is an advantage to Quebec. He said there are 24 senators in Quebec and only 6 for Alberta and British Columbia, which is to Quebec's benefit.

The Liberal leader refuses to offer any substantive commentary on reform or commit his party to work with us to deliver accountability for taxpayers. Instead, the Liberal leader maintained his divisive track record of pitting one region of Canada against another.

It is time for the Liberal leader to get behind our Conservative government and deliver real reform to the Senate.

* * *

HALIFAX MOOSEHEADS

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, last night the Halifax Mooseheads overpowered the Portland Winterhawks to win the 2013 Memorial Cup.

Led by CHL coach of the year Dominique Ducharme, the herd received great performances from Nathan MacKinnon, Martin Frk, Konrad Abeltshauser, Zach Fucale, co-captains Trey Lewis and Stefan Fournier, and CHL player of the year Jonathan Drouin.

Nova Scotians were elated with the success of the Moose this season and will proudly welcome their team home today.

This is the first franchise Memorial Cup win for the Mooseheads, which makes it very special for their fans, and the tournament erased any doubt about who deserves to be the number one overall pick in this year's NHL draft.

I invite all colleagues to join me in congratulating team owner Bobby Smith, GM Cam Russell and the hard-working Halifax Mooseheads on winning the Memorial Cup, emblematic of junior hockey supremacy in Canada.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, the leader of the Liberal Party is clearly in over his head. Instead of working with our government to bring greater accountability and transparency to the Senate, the Liberal leader is promoting the Senate status quo. This time, as he says, it is because it is to Quebec's advantage.

The Liberal leader said there are 24 senators in Quebec and only 6 for Alberta and British Columbia, which is to Quebec's benefit.

These divisive comments are not surprising. They are consistent with the Liberal leader's poor judgment and lack of respect of Canadians outside of his home province.

The Liberal leader famously once said, “Quebecers are better than the rest of Canada because, you know, we are Quebecers, or whatever”, and that he would think of wanting to make Quebec a country.

The Liberal leader's decision to pit one region of Canada against another is just more proof that he does not have the judgment to be Prime Minister.

CONSERVATIVE PARTY OF CANADA

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, Conservatives are hearing from constituents who are angry about the Senate scandal and the PMO cover-up.

People are angry about how a senator can get paid off by the Prime Minister's chief of staff, and government backbenchers are angry about being given evasive talking points by the PMO that range from the implausible to the unbelievable.

I, for one, agree with the member from Kootenay—Columbia who said:

> Any person who holds a public office position...should not only withstand public scrutiny, but stand before the public to explain any short comings.

Remember what the then-leader of the opposition said in 2005:

> When you're under the kind of cloud the Prime Minister admits his government is under, I think you would use every opportunity to be as forthright as possible.

Yet the Prime Minister now acts just like past Liberal prime ministers, evading questions and refusing to come clean.

Canadians deserve better.

* * *

● (1415)

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, over the weekend the Liberal leader attacked Saskatchewan and all of western Canada by saying there are 24 senators in Quebec and only 6 for Alberta and British Columbia, which is to Quebec's benefit. The Liberal leader is demanding that senators remain unaccountable and unelected because it is an advantage for Quebec.

The Liberal leader's comments were strongly rebuked by Premier Wall today, who said he was disappointed in him. The Liberal leader's attack on Saskatchewan is more proof that he has neither the experience nor the judgment to be a prime minister.

The Liberal leader continues to pit region against region. Maybe the Liberal leader simply does not know or understand what Canada's national interests are, or maybe he is in way over his head.

ORAL QUESTIONS

[*Translation*]

ETHICS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, last week, the Prime Minister ran away to Peru to avoid answering questions about the Senate scandal. It has been two weeks since we found out that the Prime Minister's former chief of staff gave Mike Duffy $90,000 in hush money. Will the Prime Minister finally answer some questions today?

The PMO would have us believe that everything is business as usual. Sunshine and lollipops, in fact. Does the Prime Minister really believe that a secret $90,000 payout from his chief of staff to a senator is business as usual?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, speaking of last week, the Prime Minister sent Canadians a clear message that we have to move forward with Senate reform. That is why we now have legislation before the House for Senate elections and term limits. We have also been in contact with the Supreme Court about a proposal for even more significant reforms.

If the Leader of the Opposition genuinely supports meaningful Senate reform, he should say so and support this bill today.

[*English*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Conservatives have been in power for nearly eight years and they have done nothing.

I will read a quote, which states:

> The Prime Minister should have known that. He cannot get away with saying, "Don't blame me. I was only the piano player. I had no idea what was going on upstairs".

Who said that? It was the Prime Minister to Paul Martin during the sponsorship scandal.

The current Prime Minister's own chief of staff gave a $90,000 payoff to silence a sitting Conservative senator and the Prime Minister claims that he did not even know about it.

When will the Prime Minister take responsibility, show accountability and finally start answering questions?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the Prime Minister is taking responsibility and showing accountability by moving forward with what we said we would do, which is reform the Senate. Moving forward with Senate reform is what Canadians want. It is what our government is doing.

If the Leader of the Opposition really believes in accountability, he would support those reforms of term limits and Senate elections. If he really believes in accountability, maybe he will tell this House how many more NDP MPs are not paying their taxes.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, there we go with the Conservative playbook. Plan A is to hide out in South America. Plan B is to blame the opposition. Why do they not try Plan C, which is to start telling Canadians the truth?

For the Conservatives it is business as usual. Does the Prime Minister think it is business as usual for a senator to defraud taxpayers? Is it business as usual to give a $90,000 payout?

Dodging questions about political payouts was shameful when Paul Martin did it. Why does the Prime Minister think it is just business as usual today?

● (1420)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, what is NDP business as usual is to yell from the mountaintops about the need for reform but to not actually support reform when it is before the House of Commons.

We have legislation for Senate elections and legislation for term limits. Even the idea of abolishing the Senate requires a mandate from the Supreme Court to understand the mandate capacity of the House of Commons, which is what we have done. However, the NDP is even against that.

Again, if the NDP members believe in accountability, they will support these reforms. If they believe in standing up for taxpayers, the leader of the NDP will come clean on how many MPs are avoiding paying their taxes.

* * *

NATIONAL DEFENCE

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, we see that the Conservatives are preparing for their role in opposition, which is a good thing because that is where we are sending them in 2015. Until then, they are the government, unfortunately, and they have to answer the questions, so here is another one.

This weekend we learned that for months CSIS, Canada's top intelligence agency, watched convicted spy Jeffrey Delisle pass classified information to another power without ever informing the RCMP. The Mounties only learned about it from the FBI. That was a devastating leak, yet one key department did not even know what the other was doing.

Why did CSIS fail to inform the RCMP about Jeffrey Delisle?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we cannot comment on operational matters of national security. However, what I can say is that the conclusions drawn in that story are totally incorrect. Information is shared between law enforcement agencies in accordance with Canadian law.

Speaking of Canadian law, I am wondering how many NDP MPs have not paid their taxes.

[*Translation*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, we will try to get—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. Leader of the Opposition.

Hon. Thomas Mulcair: Mr. Speaker, for the past two weeks, the members opposite have treated us to a song and dance as they try to sidestep the issues. I will make my question clear, so clear that even the Minister of Public Safety might understand it.

My question was not about the conclusions, which he just talked about. My question was about whether it was the FBI, not CSIS, that informed the RCMP. Was it or was it not?

Will he try to tell the truth for once?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, this is the same individual who indicates that politicians should not get involved in investigative matters. My office does not get involved in investigative matters, but the conclusions that were drawn in that story are totally incorrect.

Oral Questions

ETHICS

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, the Prime Minister and his office are accountable to the House. Therefore, the Liberals are moving a motion today in the ethics committee to study the scandal facing the PMO and to offer the Prime Minister and Nigel Wright an opportunity to bring transparency to this issue.

Will the government encourage Conservative members on this committee to stand up for accountability and support the motion?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, of course, the ethics committee is looking into this, as is the Ethics Commissioner, as is the Senate office of ethics, and that is where these matters will be addressed.

For the Liberal leader, it is kind of interesting to see him stand in the House and pretend as though he actually cares about Senate reform because he does not. He made so very clearly this weekend that he does not believe in Senate reform because "We have 24 senators in Quebec and there are only six for Alberta and British Columbia. That benefits us. It is an advantage for Quebec".

All Canadians should be served by national institutions and the Liberal leader should stop dividing Canadians again and again over these matters.

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41ST GENERAL ELECTION

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, Canadians, especially western Canadians, believe in accountability. The government does not—

Some hon. members: Oh, oh!

The Speaker: Order, please. I will ask once again for members to hold off. The member for Papineau is putting the question. I would like to be able to hear it.

The hon. member for Papineau.

● (1425)

Mr. Justin Trudeau: Mr. Speaker, western Canadians believe in accountability. The government does not. That is what is bothering Canadians, and western Canadians specifically.

In fact, last week, Justice Mosley ruled that the Conservative Party database was used to commit widespread election fraud and that, in typical pattern for the government, the Conservative Party did everything it could, to quote the judge, "to block these proceedings by any means".

Why did the government engage in trench warfare to prevent the truth from coming out?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, western Canadians do believe in accountability and that is why they threw out the Liberals in the last three elections.

It is a sad fact, but out of 36 seats in British Columbia, there are two Liberals. Out of all the seats in Alberta, there are zero. In Saskatchewan there is one. In Manitoba there is one.

Western Canadians understand what it is when they hear Liberal leaders say things like this, "Canada isn't doing well right now because it's Albertans who control our...agenda". That is what the Liberal leader said.

Do not worry, western Canadians know accountability and they will hold him accountable for what he has been saying.

* * *

ETHICS

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, western Canadians thought they were electing a government to stand up for them. What they got instead was a government that would stand up only for itself and its friends. That is what is bothering western Canadians.

[*Translation*]

Last week, it was clear that the Prime Minister does not believe it is his responsibility to answer for actions taken within his own office, even by his own chief of staff.

What happened to the accountability and transparency they crowed about?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is completely untrue. It was the Prime Minister who, last week, responded to questions. He is here this week to answer questions.

[*English*]

Back to the issue of the member for Papineau lecturing western Canadians about what western Canadians really want, it is really quite something. That is the same Liberal leader who said, "Canadians who only have the capacity to speak one of our two official languages are 'lazy'". These are these are the words of the Liberal Party.

Time and time again he takes potshots at the west and then comes to the House and pretends he is defending its interests. Western Canadians know better. That is why they have voted time and time again to re-elect Conservatives to ensure we are the government of our country.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the Prime Minister should not be shy. He knows the Liberals will defend Senate entitlements, but the New Democrats will stand up for the taxpayer. That is the difference.

Senator Tkachuk was called by the Prime Minister's Office about the—

Some hon. members: Oh, oh!

The Speaker: Order, please. This is taking up a lot of time. I urge members to hold off. The member for Timmins—James Bay has the floor and I would like to be able to hear him.

Mr. Charlie Angus: The members are sounding suddenly very leaderless over there, Mr. Speaker.

Senator Tkachuk was called by the Prime Minister's Office about the Duffy affair and Senator Tkachuk said because "the scandal was hurting us politically". Nigel Wright then wrote the $90,000 secret cheque and Senator Tkachuk then tipped off Duffy about the inappropriate Florida per diem.

Who went back and briefed the Prime Minister about how Duffy's problems were suddenly being resolved? Who else in the office was helping the Prime Minister on this file?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, it is interesting to have a New Democrat today of all days stand before the House in full sobriety and say that the NDP believes in defending taxpayers.

We know there are two NDP members of Parliament who have not filed and have not paid their taxes, one of them to the tune of $60,000. In fact, the revenue critic for the NDP is one of the people who did not pay taxes to Revenue Canada.

There are so many jokes that come to mind about the NDP that I do not know where to begin, but the fact is the NDP do not stand up for taxpayers as those members are showing by their own behaviour.

● (1430)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the member is doing a great audition for leader, but I would like him to tell his peekaboo Prime Minister to stop hiding from Canadians. He needs to start showing some accountability.

It was the Prime Minister's chief of staff who was involved in writing what may have been an illegal $90,000 cheque and the senator involved in the investigation tells us he was called by the Prime Minister's Office and he changed the audit report. These are not rogue operatives. This was not a one-man job.

Who else in the Prime Minister's Office was involved in trying to deal with the political fallout from the Senate scandal? Does the member know that? He could be leader then.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Nigel Wright made it clear in his statements to the public when he resigned as chief of staff that he acted alone. If the member does not believe that, the Ethics Commissioner is examining this matter.

What is more important on the Senate is that the House move forward with Senate reform, the two pieces of legislation we have before the House. If the NDP members believe in reforming the Senate, let us do that. If they believe in accountability, they will ensure that their NDP colleagues pay their taxes like all Canadians have to do.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, we have so much respect for taxpayers that we want to save them $100 million, not by reforming the Senate, but by abolishing it.

Here is a partial list of Conservative members who expressed disappointment regarding the Senate expense scandal: the member for Dufferin—Caledon, the member for Calgary Centre-North, the member for Prince George—Peace River, the deputy House leader, and of course, the Prime Minister. The problem is that all of these people keep parroting the same line: they did not witness the exchange between Mr. Duffy and Mr. Wright, and they are unaware of the details of the scandal.

We would therefore like to know exactly what they are so disappointed about.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, with respect to the Senate, as I just said, Canadians want us to move forward with our plan to reform the Senate. If the NDP genuinely supports that idea, it should support the two pieces of legislation we have before the House to truly reform the Senate. That is what Canadians really want. They want responsibility and reform. We have shown the way forward; all the NDP has to do is support us.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, once again, they are not answering questions. How absolutely fascinating. Those guys are all like ex-mayor Tremblay: none of them ever know anything.

Senators Duffy, Brazeau and Wallin were all appointed by the Prime Minister. He appointed them, so he is responsible for them. Exactly what instructions did the Prime Minister give about senators' travel and residence expenses from the time the Auditor General submitted his report in 2012 to the time he praised his former chief of staff's leadership—before firing him? We are curious; we would like to know.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, upon resigning as the Prime Minister's chief of staff, Mr. Wright himself stated that he had acted alone.

Once again, if my colleague is so keen to prove he is accountable to taxpayers, he should ask his leader to show some leadership and tell us how many NDP MPs are not paying their taxes while all other Canadians are.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I understand why the minister is trying to change the subject; it cannot be easy to face such an ethical scandal in his own party. I would not want to be in his shoes. However, in this case, many unanswered questions remain.

What if there is no note, no directive? What good is the Prime Minister if he cannot manage anything in his own office?

The Conservatives are telling us that there is no legal document for the agreement between Duffy and Wright. Fine. Is there a non-legal document regarding the $90,000 payment that Nigel Wright made to Mike Duffy?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we are not changing the subject; we are talking about accountability and responsibility when it comes to taxpayers' money. That is what is on the table. That is what we are discussing and debating here.

[*English*]

On the issue of credibility, defending taxpayers and ensuring that taxpayers' interests are in the best interests of all Canadians, that is the subject before us. On this subject matter, it is very clear that, again, the NDP is throwing rocks from a glass house on the issue of responsibility and taxpayer money. Pay your taxes.

The Speaker: I would remind the hon. minister to address his comments to the Chair and not directly to the members opposite.

The hon. member for Pierrefonds—Dollard.

● (1435)

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, it is not up to the minister to tell me what my question is about.

My question is about this cover-up operation by the Prime Minister's Office, which does not release the Prime Minister's Office from its duty to uphold its ethical and legal responsibilities in the Wright-Duffy affair. That is the subject of my question.

Section 16 of the Parliament of Canada Act clearly stipulates that no member of the Senate shall receive any compensation for services rendered before the Senate or the House.

Does the Prime Minister know about this section? Does he know that the Criminal Code prohibits monetary donations to a public office holder?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as my colleague should know, the Prime Minister learned of this situation when it was reported in the media. After that, the Prime Minister asked us to take proactive steps to ensure that we are being diligent with taxpayers' money. Nigel Wright resigned. The Conflict of Interest and Ethics Commissioner and the Senate committee are currently investigating the matter. I hope that my colleague will respect these institutions and their ability to find answers to her questions.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, it is almost impossible to believe that the Senate spending scandal was the work of just one man.

The chief of staff reports to the Prime Minister and works very closely with his principal secretary. The principal secretary at the time, who has since become the new chief of staff, is none other than Ray Novak, whom the Prime Minister has entrusted with a number of hot issues, including the Helena Guergis matter.

Was Ray Novak aware of the discussions going on between Nigel Wright and Mike Duffy regarding the $90,000 payment?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Nigel Wright said himself that he acted alone.

[*English*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speakers, Conservatives just do not seem to understand it is their leader's actions being called into question. The Prime Minister's actions show his inability to manage the PMO. His judgment is on trial and Conservatives are losing their cases.

My question is simple. Before promoting Ray Novak, did the Prime Minister ask if he was aware of or involved with any aspects of the Wright-Duffy matter?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as has been made clear in Nigel Wright's statement when he resigned as chief of staff to the Prime Minister, he acted alone.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it is a little rich to hear Marjory LeBreton, an artifact of the golden era of Gucci shoes mandarins—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Winnipeg Centre has the floor.

Mr. Pat Martin: Mr. Speaker, it is a little rich to hear Marjory Lebreton, herself warming a seat in the Senate for over 20 years, to now declare that the ethical rules around the Senate are unacceptable. The solution she is proposing is tantamount to calling for a smoke detector to be put into the charred-out shell of a building that has already burnt down. It is far too little and far too late.

Why will the Conservatives not simply admit that the Senate is beyond redemption and begin the process to pull the plug on this—

The Speaker: Order. The hon. Minister of Canadian Heritage.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Senator LeBreton put forward reforms that we think are in the interests of taxpayers. We do, as I said, want to go further, which is why we have legislation for both term limits and elections. With regard to respecting democracy and respecting institutions, I do believe in that and I believe in the words of the member for Winnipeg Centre, however, I do not believe in his actions. If he believes in actually improving the quality of this place and improving these institutions, perhaps he should walk his talk and avoid as many lawsuits as he has seen over the past few years.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I would like to ask a question of the minister who is answering today. Both Senator Stewart Olsen and Senator Tkachuk were members of the committee that changed the wording of the report with respect to Senator Duffy. They changed it somewhere between May 7, May 8 and May 9 when the final draft was put out, which was a Conservative draft and not a draft adopted by the whole committee.

I would like to ask the minister under what rules of natural justice are the people who actually changed the report on Senator Duffy now allowed to stand and judge their own behaviour with respect to what they did?

● (1440)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I understand, again, the opposition parties agreed with the government that there should be an independent outside auditor brought in to look at this matter. As I understand it, the report of the Senate reflected that auditor's report and the committee that did that report has Liberal members on that committee. Of course, new questions have been raised. The committee will take another look at it. If Liberal members want to ask whatever questions they want of that committee, they are free to do so. The Liberal member opposite should have some confidence in his colleagues, even if we do not.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the minister just gave a profoundly incorrect answer. The report was drafted, the report was accepted in principle on May 7. The report was changed by the Conservative majority on the steering committee on May 8 and those changes were then added to on May 9 when it went to the full committee. It was said clearly on the floor of the Senate that the Liberals did not accept the report as it was then put forward by the Conservative majority. Those are the facts. Why are the same people who cooked up the report now standing in judgment on themselves? It is absolutely preposterous.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, quite frankly, we do not agree. We do not agree that the Senate report does not reflect that auditor's findings. As I said, the Senate committee will take another look at it. If the member opposite does not like that, then he can look to the Ethics Commissioner who is also examining this as well as the Senate ethics office, who are looking at this matter to answer these questions. I think that is the action that Canadians are looking for, to get to the answers of the questions that have been raised. We are showing the leadership that Canadians have come to expect.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, will the Conflict of Interest and Ethics Commissioner, Ms. Dawson, have the authority to investigate the conduct of Senator Tkachuk and Senator Stewart Olsen, and the orders they received from the Prime Minister's Office? Is that the case? This is ridiculous.

We have an ethics committee that is accepting an investigation from Ms. Dawson. It makes absolutely no sense from a natural justice perspective. It makes no sense at all.

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, if it against natural justice, where was the Liberal senators' dissenting report? There was not one. They did not put one forward. They did not say anything publicly. So again—

Some Hon. members: Oh, oh!

The Speaker: Order, please. The hon. minister has the floor now. Members need to listen to the answer.

The hon. minister.

Hon. James Moore: The Ethics Commissioner has new powers that our government put in place as part of the Federal Accountability Act, powers to investigate when necessary in a way that we think will satisfy the interests of taxpayers. That is who we are here to serve, the interests of all Canadian taxpayers.

* * *

NATIONAL DEFENCE

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, let us go back to the Delisle case where the Minister of Public Safety says everybody else has it wrong but him. It is clear to everyone who is paying attention that CSIS knew Jeffrey Delisle was selling military secrets to Russia for months, but failed to inform the RCMP. For months, Delisle continued to sell secrets while under CSIS surveillance, yet the RCMP was only tipped off later by the FBI.

There is only one person responsible to make sure these kinds of breaches do not happen again. Would the minister explain why security agencies reporting to him did not share information in a timely fashion and would he tell us what he is doing to fix this security breach problem?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I cannot comment on operational matters of national security. However, what I can say is not only are the conclusions drawn in the newspaper article profoundly incorrect, the additional allegations made by the member just now are incorrect as well.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, at the time, the Minister of National Defence downplayed the consequences, but these breaches had been going on for four years.

Now we find out that Mr. Delisle could have been arrested sooner had CSIS shared the information with the RCMP. The fact is that the Canadian Security Intelligence Service allowed Canadian intelligence to be stolen for months, and it was the FBI that tipped off the RCMP.

What is the minister going to do to prevent such an abysmal lack of communication in the future?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, all I can say is that the various conclusions drawn in the stories are totally incorrect.

Information is shared between law enforcement agencies in accordance with Canadian law. I do not involve myself in operational matters of national security.

* * *

● (1445)

[*Translation*]

41ST GENERAL ELECTION

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, in his May 2011 ruling on electoral fraud, Justice Mosley was very clear: the Conservatives did everything they could to slow down his investigation.

They slowed down his investigation and exhausted every legal avenue they could come up with. People who have nothing to hide do not go to such lengths.

In the meantime, the Conservatives are wasting precious time when they could be introducing a bill that would give Elections Canada more power, even though they promised to do so when they voted in favour the NDP's motion to that effect last year. Delaying introduction of the bill only encourages fraud.

When will the government finally reform the Canada Elections Act?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the court action was a partisan attempt by a group of people who lost the election, to overturn the democratically given results.

The judge in question said that there is no evidence that the Conservative Party or Conservative Party candidates were directly involved in the campaign to mislead voters.

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, the fact is the judge said that the applicants and the Council of Canadians acted in the public interest. He said the Conservatives made transparent attempts to derail the case.

If the government was serious about all this, it would by now have given Elections Canada tools to catch the criminals. Instead, Conservatives have refused all along to strengthen the investigative capacity of Elections Canada. When will it stop the delay and the shielding tactics and introduce a bill for Elections Canada to be able to find who used that Conservative database to commit fraud?

Hon. Tim Uppal (Minister of State (Democratic Reform), CPC): Mr. Speaker, let us talk about what we actually do know. In fact, the judge dismissed this case because there was no evidence. What else do we know? We know the NDP accepted hundreds of thousands dollars in illegal union donations.

Regarding Elections Canada, there was an independent audit, which highlighted widespread errors on the part of Elections Canada in the operations during the last election. As I have indicated before, we will bring forward amendments to the law in the not too distant future.

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CANADA REVENUE AGENCY

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, the NDP claims to be against tax evasion, yet two NDP MPs owe tens of thousands of dollars in back taxes, including the NDP's own former critic for national revenue, who had this to say about people like himself who do not pay their fair share, "We are talking about revenue that Canada is losing through fraudulent means. I cannot see why we would not address these problems."

Since the NDP will not take action against its own tax evaders, could the minister update the House on the tough measures we are taking to crack down on tax evasion?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, when some cheat the system, law-abiding Canadians are forced to pay more. That is why since taking office this government has taken 75 tough new measures to crack down on tax cheats. That has allowed for over 1,200 convictions of these tax cheats, allowing us to collect over $100 million in fines from them. On this side of the House, we are cracking down on tax cheats so that law-abiding, hard-working Canadians can pay less.

[*Translation*]

GOVERNMENT APPOINTMENTS

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, over half of the people who have been appointed to the Social Security Tribunal are defeated Conservative candidates and party cronies.

Today, the Conservatives refused to debate the issue of patronage appointments in committee. I thought that the backbench members cared about freedom of expression, but now I see that they care about freedom of expression for themselves, and not for others.

The tribunal will not be fair, credible, impartial and independent if the Conservatives stack it with cronies who help boost their campaign coffers.

Will they put an end to these appointments?

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 made appointments based on merit.

Positions for the Social Security Tribunal were widely advertised. The members who were appointed went through a rigorous, competency-based selection process in which they had to meet the specific experience and competency criteria required for their jobs.

● (1450)

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I have said it before and I will say it again: "Who you know in the PMO is not merit".

Despite clear rules that board chairs are not supposed to engage in political activities, it is reported that at least $37,000 was donated to the Conservative Party from members of the soon-to-be defunct EI board of referees. Instead of punishing their appointees for breaking the rules, the Conservatives rewarded some of them with yet another plum patronage appointment to the Social Security Tribunal.

When will the government do the right thing, instruct the Conservative Party to pay back the illegal donations and stop the gravy train?

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 just said, our government makes appointments based on merit. Positions for the Social Security Tribunal were advertised broadly. Members appointed went through a rigorous, competency-based selection process where they had to meet specific experience and competency criteria that they require for their jobs.

CITIZENSHIP AND IMMIGRATION

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, defending patronage and appointing Conservative insiders is always wrong.

The Minister of Citizenship, Immigration and Multiculturalism went to California to unveil a billboard for more skilled workers to come to Canada. The unemployment rate for new immigrants with university degrees is more than double the rate for the general population. Why did the minister go all the way to California and waste tens of thousands of dollars on a self-promoting photo op instead of helping highly skilled workers already here to find jobs?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, now we see the bizarreness of NDP immigration policy.

On the one hand, the New Democrats tell us that we should massively increase immigration levels; they say from 250,000 to at least 340,000 a year. We say no, that we should maintain current immigration levels but do a better job of selecting people who have the skills to succeed in our economy, like brilliant young entrepreneurs who have attracted Canadian investment. We would rather that they come to Canada, start their businesses here and create jobs in Canada rather than in the United States or overseas because we think immigration should be about creating wealth, jobs and prosperity for Canadians.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, our party certainly does not say one thing and then do another.

I can understand that, after he saw the heritage minister's new website, the Minister of Immigration felt the need to do a little self-promotion himself.

However, it is not appropriate to spend $16,000 of taxpayer money on a trip to California to unveil a billboard encouraging skilled workers to come work in Canada. Meanwhile, the unemployment rate among skilled new immigrants is double that of the rest of the population.

How can the minister justify this expense?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the NDP's position is very bizarre.

They want to double the number of immigrants we allow into Canada, yet they are against our efforts to reform the system and attract the people who would be best prepared to succeed in our economy.

Our promotional efforts in California were very successful. We received tens of thousands of dollars in free publicity from the American media, and there are very competent entrepreneurs who can come to Canada to create businesses, jobs and economic opportunities for Canadians.

[*English*]

41ST GENERAL ELECTION

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the government should be outraged after last week's Federal Court ruling on the 2011 voter suppression scandal. The ruling showed three things: one, widespread election fraud occurred; two, the data that was used to make voter suppression phone calls came from the Conservative database; and three, an elaborate effort was made to conceal the identity of the people accessing the database.

Why does the government not come clean about which Conservatives committed this fraud using their own database?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, what it actually showed was that this ultra-partisan court action was thrown out because there was a lack of evidence to overturn the democratically given results from the last election.

That member over there should perhaps answer what his leader failed to do so. His leader said he wants to keep the Senate just the way it is, because he reasons that the Senate gives advantage to one province over all of the others.

I wonder if that member is prepared to stand up, defend and explain those divisive and hurtful comments his leader was highlighting today.

● (1455)

Ms. Joyce Murray (Vancouver Quadra, Lib.): That was a classic non-answer, Mr. Speaker.

[*Translation*]

A judge found that the Conservative database had been used to contact people who were not Conservative supporters in order to prevent them from voting. This means one of two things: either the Conservatives deliberately used that database or the database was hacked, which means that the personal information of millions of Canadians was allowed to get into the hands of criminals.

Either way, laws were broken and the government must take action. Why does it refuse to act?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I would like to quote the judge.

He stated that there was no evidence that the Conservative Party or any of its candidates were directly involved in any campaign to mislead voters.

[*English*]

That is a quote directly from the judgment. The case was thrown out.

The previous member failed to answer the question. Perhaps this one will. Why is her leader becoming the number one cheerleader for the existing status quo in the Senate, and why is he trying to divide Canadians against each other to do it?

ETHICS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, again, it is the Rob Ford school of crisis management over there.

The reality is it is not business as usual in Toronto's city hall, and it is certainly not business as usual in Canada's Parliament. This scandal reaches into the heart of the Prime Minister's inner circle, yet he is still refusing to answer the most basic questions.

This is a question about leadership. This is a question about judgment, so let us try again. Did anyone at the Prime Minister's Office speak with any senator about whitewashing the Duffy scandal report?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, again, Nigel Wright said that he acted alone, and the Prime Minister has been very clear about the need for all parliamentarians to show leadership on the issue of Senate reform and to come together and support the serious reforms we have put on the table, including Senate term limits and Senate elections.

That is what we want to do. That is the direction we want to go. If the NDP members want to be serious in their talk about reforming the Senate, they will get together with us and work to pass this legislation.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the Ethics Commissioner has launched an inquiry. The RCMP has acted and launched its own investigation into Senategate. Even the Senate Ethics Officer, who can only act with the Senate's consent, started looking into things.

The Prime Minister should have acted when he first learned about the payments. Someone in his office may have violated the Parliament of Canada Act and/or the Criminal Code. Why did he not show real leadership and call in the police to investigate when he first heard about it?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Again, Mr. Speaker, he has shown real leadership, both on the specifics of this matter and on the broad issue of Senate reform itself.

I will not take lessons from New Democrats when it comes to showing leadership and defending taxpayers, when members of their own party refuse to pay taxes and are still sitting in their caucus.

A little bit of temperateness in their rhetoric about this would be good, because again, the hypocrisy of New Democrats pretending to stand up for taxpayers while ripping them off at the same time is a bit much.

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NATURAL RESOURCES

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, our government's priority is creating jobs and economic growth. We know that natural resources is a key sector of the Canadian economy, helping to employ 1.6 million people and accounting for almost 20% of Canada's economy. One project is particularly important to my constituency: the construction of a west-east pipeline. This project will allow for Canadian oil to be processed at eastern Canadian refineries, creating jobs and economic growth in our communities.

Could the Minister of Natural Resources please update the House on the progress of this project?

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, I want to say that our government strongly supports, in principle, a west-east pipeline that will create jobs, job security and growth in eastern Canada and across the entire country.

In contrast, the Liberal leader is playing both sides for partisan purposes and is fostering unfounded public concern based on his shaky grasp of science. As he would know if he put in a little time doing his homework, the National Energy Board will do an independent environmental review, which he should await, rather than prejudging the conclusion. He should do his homework.

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ETHICS

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, vexing questions about where Mike Duffy lives first arose before Christmas. A forensic audit has been ongoing since February. The results, though doctored, became public on May 9. A $90,000 secret deal by the Prime Minister's chief of staff was revealed on May 14. He was forced from office on May 19.

The issues here are the ethical and legal failures the Prime Minister allowed within his inner circle. From beginning to end, he has been silent in the House. Why will he not look Canadians in the eye and answer?

● (1500)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Again, Mr. Speaker, he has and he will continue to, and the Ethics Commissioner is, indeed, looking into this matter, but perhaps the Ethics Commissioner should also look into the matter the Liberals seem to want to also move away from, which is the very matter of three Liberal members of Parliament ripping off taxpayers to the tune of $175,000 in falsely claimed expenses.

This is what the Liberals did. They had spouses and family members buy condos in Ottawa and then paid them rent. It breaks the law we have in the House when it comes to expenses. Three Liberal members of Parliament did it. They have not paid back the money. When are they going to do that?

* * *

LABOUR

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, in January of this year, 100 workers at Veritas Communications lost their jobs when the company closed its doors and put them out of work. The company subsequently—

Some hon. members: Oh, oh!

The Speaker: Order, please. We have moved on to the next question now. The hon. member for Welland has the floor. If members want to carry on a conversation, they will have to do so outside the chamber.

The hon. member for Welland.

Mr. Malcolm Allen: Mr. Speaker, as I was saying, 100 workers at Veritas Communications found themselves out of work this January when the company simply closed its doors and declared bankruptcy, unfortunately in the United States. It should have declared bankruptcy in this country, but it did not. If it had done so, the wage earner protection program would have covered these workers to the tune of $3,640 for each and every individual worker, but now we find that these workers are in limbo.

Will the Minister of Labour take immediate action to help these workers receive the WEPP money they so rightly deserve?

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, like the member, I am very concerned about the situation. The workers have spoken to me and the Minister of Justice. I have spoken to the leaders of the Communications, Energy and Paperworkers Union and the Canadian Auto Workers Union as well. It is a matter we take very seriously. I have asked my labour officials to look at this very closely.

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TAXATION

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, every day, Canadian charities are working tirelessly to help those in need. Nobody knows this better than the member for Kitchener—Waterloo, one of Parliament's biggest advocates for charities. Indeed, the member initiated a landmark study by the finance committee to examine ways to provide even more support for charitable organizations.

Could the Minister of State (Finance) please update the House on the government's latest action to help Canadian charities?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, today the finance minister, along with the member for Kitchener—Waterloo, helped launch the first-time donor super credit. It is designed to encourage more Canadians, especially young Canadians, to give to charity. The super credit will increase the value of the federal charitable donations tax credit by 25% for donors who have not contributed to this since 2007. This new credit will have an immediate positive impact for charities all across this country.

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[*Translation*]

TOURISM INDUSTRY

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, international tourism increased again by 4% in 2012.

Meanwhile, Canada slipped from 7th to 18th place as an international destination. The industry is worried about the future. The major international events network, MIEN, has called on the federal government to implement structural measures to stop this downward slide.

MIEN is asking for increased funding for the Canadian Tourism Commission and the creation of a program to support major international events.

Will the Minister of State for Small Business and Tourism finally implement solutions to provide more stable and sustainable funding for our tourism industry?

Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, we have been working with the tourism industry for several months.

A few months ago, we introduced the federal tourism strategy. This major strategy has been endorsed by all stakeholders in the tourism industry. We will soon be releasing a public report on the first year of the strategy's implementation.

I would like to say that this report will be very positive and well received, also by my colleague opposite, I hope.

● (1505)

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, Quebec's tourism industry is working very hard to attract tourists.

However, it has to contend with the federal government, which is continually cutting funding for events and festivals. Ottawa does not seem to care that Canada welcomes fewer and fewer tourists every year. That is a real threat to the economy of many regions that have already been affected by the federal government's cuts and reforms.

Instead of spending millions of dollars to try to generate interest in the monarchy and the War of 1812, why does the government not spend more money on events that benefit communities and really attract tourists?

Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, to attract tourists, the Canadian Tourism Commission advertises in countries where people have expressed an interest in coming to Canada, in emerging countries, in developing countries and in traditional countries such as the United States and European countries.

I would like to tell my colleague that hotel occupancy rates increased considerably last year compared to the previous year. Spending on tourism increases year over year in Canada. We are working with all stakeholders in the tourism industry to ensure its success in the coming months.

* * *

[*English*]

TELECOMMUNICATIONS

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, months ago, I asked the minister to take action before the big three telecoms took over Canada's smaller players and the last sliver of the wireless market. Now we learn that Mobilicity is being swallowed by Telus. WIND and Public Mobile are up for sale too.

Their wireless strategy is failing, and we get soaring wireless costs. Will the minister reserve any new spectrum auction for new entrants only and block the sale of more wireless market share to the big three until we have some real competition?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, indeed, we put policies in place back in 2008 to increase competition to have better rates and more choices for consumers. We want to ensure that there is a fourth player in every region of this country. What I can tell my colleagues is that these policies work.

Just recently, we learned from a Wall Communications report that prices went down an average of 11%. This is an accomplishment. We will continue to do so.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 18 petitions.

* * *

INTERPARLIAMENTARY DELEGATIONS

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present, in both official languages, the reports of the Canadian Group of the Inter-Parliamentary Union, respecting their participation at, one, the 126th IPU Assembly and related meetings in Kampala, Uganda, from March 31 to April 5, 2012; two, the meeting of the Steering Committee of the Twelve Plus Group in Paris, France, on February 25, 2013; three, the 57th session of the United Nations Commission on the Status of Women in New York City, on March 5, 2013; four, the 128th IPU Assembly and related meetings in Quito, Ecuador, from March 22 to 27, 2013.

* * *

COMMITTEES OF THE HOUSE

HUMAN RESOURCES, SKILLS AND SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, entitled "Main Estimates: 2013-14".

I also have the honour to present, in both official languages, the 10th report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, entitled "Economic Opportunities for Young Apprentices".

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

PUBLIC ACCOUNTS

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I have the honour to present, in both official languages, the 13th report of the Standing Committee on Public Accounts in relation to its study of the main estimates 2013-14: vote 20, under finance.

● (1510)

[*Translation*]

HUMAN RESOURCES, SKILLS AND SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, I am pleased to present to the House, in both official languages, the New Democratic Party of Canada's supplementary opinion concerning the study on economic opportunities for young apprentices recently conducted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons With Disabilities.

The NDP supports the report, but feels that its recommendations should better represent all the testimony heard by the committee. It could for example suggest that the government make improvements to the employment insurance program for apprentices or that it work more closely with the provinces and territories, first nations, unions and the underemployed, rather than turning this report into a promotional platform for the 2013 budget.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I move that the fourth report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, presented on Wednesday, March 28, 2012, be concurred in.

This particular report stated that the committee begin a study of the foreign qualification and recognition process in Canada to be titled "A Framework for Success: Practical Recommendations to Further Shorten the Foreign Qualification Recognition Process".

In case people are wondering what foreign qualification recognition is, it is defined as follows:

> *Foreign qualification recognition* is the process of verifying that the knowledge, skills, work experience and education obtained in another country is [sic] comparable to the standards established for Canadian professionals and tradespersons.

At the time, we had about eight meetings and we heard from a variety of witnesses. I want to touch briefly upon the dissenting opinion of the New Democratic Party, which we tabled along with the report.

I am just going to read from this:

> While we support the general direction and recommendations in this report, there are key points around funding and time frames that we felt needed to be highlighted.
>
> Spending is about choices and choosing options that will improve and make the foreign qualification system more productive is an obvious one.
>
> Using fiscal restraint as an excuse not to deal with problems in health human resources planning will result in perverse consequences like continuing high spending on wrong options.
>
> It is clear to us that there needs to be more action from the federal government to rationalize the system, communicate with potential immigrants overseas and to provide the appropriate funding to help qualified immigrants get the necessary training or experience to be able to work in Canada.
>
> New Democrats suggest these recommendations should be amended as follows:

There were numerous recommendations, but there were actually four that we felt needed further attention by the government.

Recommendation one:

> The Committee recommends that the federal government continue to financially support bridging programs that put a particular emphasis on profession specific language training, work experience, identification of skill gaps, and support to fill those gaps. The Committee further recommends that the bridging programs and program stakeholders engage in practices that use data sharing to improve the understanding of recruitment and retention patterns and workforce outcomes.

We also suggested changes to recommendation four:

> The Committee recommends that Citizenship and Immigration Canada approach provincial and territorial regulatory authorities to discuss the possibility of pre-qualifying internationally trained individuals for certain occupations as part of the immigration process.

Recommendation number seven:

> The Committee recommends that the federal government act as a model employer with regard to internship opportunities for internationally trained individuals by maintaining such initiatives as Citizenship and Immigration Canada's Federal Internship for Newcomers Program and increasing the number of interns accepted into the program.

Finally, in recommendation number 13, New Democrats propose:

> The Committee recommends that funding for the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications and its related programs be maintained at least at the 2011-12 level for the next five years.

I am going to touch on a number of those changes to the recommendations.

However, before I get into that, one of the reasons we thought the report was important is that it is not news in Canada that we do have a shortage of skilled workers and that there have been challenges both around the immigration process on recognition of foreign credentials and, as well, with programs like the temporary foreign worker program and within the first nations, Inuit and Metis communities around filling gaps that we have long known about in a number of occupations.

With regard to the temporary foreign worker program, in a May 7 article, CBC released some information. The article is titled, "Temporary foreign workers hired in areas with EI claimants" and states:

> The minister responsible for the temporary foreign worker program was told last year that employers were hiring temporary foreign workers in the same jobs and same locations as Canadians who were collecting employment insurance....
>
> On May 29, 2012, the deputy minister for Human Resources and Skills Development Canada wrote a briefing note to the minister...which cited four examples in which there was deemed to be a "disconnect" between the temporary foreign worker and employment insurance programs.

The article goes on to say:

> One example cited in the briefing note revealed that "in January 2012, Albertan employers received positive confirmation for 1,261...(Temporary Foreign Worker) positions for food counter attendants. At the same time, nearly 350 people made a claim for...[employment insurance] who had cited significant experience in the same occupation and province."

● (1515)

The article goes on to say:

> "Evidence suggests that, in some instances, employers are hiring temporary foreign workers in the same occupation and location as Canadians who are collecting EI...regular benefits"...
>
> Last month, CBC reported that dozens of employees at RBC were losing their jobs to temporary foreign workers.
>
> Earlier this year, two labour unions took [a mining company] to court, after the mining company hired more than 200 temporary foreign workers from China for its coal mine in northeastern B.C.

The article goes on to talk about labour market opinions:

> Through an Access to Information request, CBC News received a 1000-page .pdf file that contained tables of labour market opinions that employers requested between January 1, 2009 and April 30, 2012.
>
> Because Human Resources and Skills Development Canada refused to provide tables in database format, CBC News converted the document to a spreadsheet to make it possible to search by company name and location.

That is just another example of how reluctant the government is to provide information in a format that allows Canadians to track how and where money is being spent or how results are or are not being achieved, as the case may be.

The article continues:

> Alberta, as it turns out, is the top user of the temporary foreign worker program, according to a CBC News analysis of data from Human Resources Canada obtained through access to information.
>
> Between January 1, 2009 and April 30, 2012, the department issued nearly 60,000 labour market opinions. Employers submit these opinions to the minister when they can't find Canadian workers for specific jobs.

Finally:

> Critics have pointed out that in many instances, employers aren't searching hard enough to find Canadian workers, especially in higher unemployment areas, a concern that seems to be suggested in the briefing note.

When it comes to matters such as the foreign qualification recognition process, what we actually need is a much broader context for how we are dealing with the labour market in Canada. It would seem that one of the roles the federal government could play is working in partnership with provincial and territorial governments to not only develop a plan to deal with some of these perceived critical labour shortages but also to take a look at how matches are made between the temporary foreign worker program and who is permitted to come into Canada.

In connection with initiatives that the federal government might want to undertake, there is another matter with respect to filling jobs in Canada. Again I want to emphasize that the immigration program is an important part of how Canada will fulfill some of its labour requirements, but there are other ways for Canada to take a look at the situation.

A Conference Board of Canada report from July 2012, entitled "Understanding the Value, Challenges, and Opportunities of Engaging Métis, Inuit, and First Nations Workers", is an important document in terms of how Canada can look to filling its workforce requirements.

In the chapter summary under "The Role of Aboriginal Workers in the Canadian Economy", it states:

> In the years ahead, Canada faces the challenge of not having enough workers with the right skills and experience to meet its labour needs. Canada's Aboriginal population is the fastest-growing population cohort in Canada, and could play a significant role in helping the country meet its future labour market needs. However, the labour market participation of Canada's Aboriginal population lags behind that of the non-Aboriginal population.

It goes on:

> Several factors affect the labour market participation of Aboriginal people: their geographic location; lower educational attainment; and language and cultural issues.

In the context of the foreign qualification recognition process, this is an important piece, because it sets a context for what Canada would be facing in terms of its labour force requirements.

The report further states:

> Canada's economic development and ongoing prosperity depends on having a strong and skilled workforce.

New Democrats would agree with that statement. In terms of our economy, our innovation and our ability to compete both nationally and internationally, it is absolutely critical that we have that skilled workforce.

The Conference Board of Canada goes on to state:

> In the coming years, however, Canada is unlikely to have enough workers with the right skills to meet its labour needs. Falling fertility rates and longer lifespans are aging Canada's workforce at an accelerating rate. The result is not enough younger workers to replace those who are retiring. Further, many businesses are finding it increasingly difficult to recruit and hire qualified workers. This is particularly true in areas with small populations but high demand for skills, such as in Western and Northern Canada where primary industries such as oil and gas, and mineral extraction are flourishing.
>
> Previous research from The Conference Board of Canada concludes that "the now-imminent prospect of declining workforce growth represents a real threat and limit to our future well-being unless there are significant improvements in productivity and increasing technological innovation."

● (1520)

The report goes on to say that there are a number of potential solutions to address Canada's looming labour shortage: first, raise the rate of natural population increase; second, increase immigration; and third, increase the number of mature workers engaged in the workforce.

Because it was dealing specifically with first nations, Metis and Inuit, there a couple of challenges that the report identified, as well as a couple of solutions.

The report identified some of the top challenges of hiring aboriginal workers as similar to those faced when attracting aboriginal workers: lack of qualifications, formal documentation, or certification; skill levels of new hires too low; lack of work experience; differences in expectations between workers and employer; and worker reluctance to move to a job site away from their community.

One part of this particular list of challenges relates to the foreign worker qualification process, in that the issues around formal documentation and certification come up over and over again, as well as the recognition of credentials. There is an important overlap in some of these recommendations.

As well, the report looked at some recommendations and strategies for the successful engagement of aboriginal workers. It said that a couple of things need to be in place. The tools and strategies employers most commonly use to recruit aboriginal workers are:

> ...advertising; local employment centres; educational institutions; community organizations; band or treaty organizations; internships or job placement programs; and Aboriginal labour market development organizations.

The report gave the example of ASETS agreement holders.

There are some tools and techniques that employers currently use, but there is no great mechanism to share those and there is no mechanism to make sure that some of the programs and services that the government is currently funding are working with employer organizations to ensure the outcomes that we all hope for.

> Businesses use a variety of programs, tools and strategies to motivate and retain Aboriginal workers, including Aboriginal-friendly workplace programs and/or policies, learning and development opportunities, competitive compensation and benefits, providing time for Aboriginal workers to participate in seasonal or traditional activities, and mentorship programs.

Of course, a number of those require funding, which again, is not there consistently.

> Businesses see the following positive impacts most frequently from successfully employing Aboriginal workers: Aboriginal workers acting as role models in their communities, better relationships and integration with the local community, improved employee equity and inclusion, and economic benefits to the community.

What is really important is that there are economic benefits both to the first nations community and to Canadians as a whole because, as I mentioned earlier and as the Conference Board of Canada and other organizations have pointed out, that Canada's contribution in terms of its productivity and its innovation rely on having a trained and skilled workforce available.

The fact that we have had these issues with temporary foreign workers continues to speak to the lack of leadership at the government level around a strategy to deal with the ongoing skills shortages that we have known about ever since we identified the baby boom cohort and knew that they were going to retire. Part of the government answer to this, of course, is to force seniors into working longer and moving the retirement age from 65 to 67. That is hardly a plan to deal with skill shortages in Canada.

There were a couple of things in the foreign qualification recognition process report that are important to note. One is that there was a forum of labour market ministers, the FLMM, co-chaired by the Minister of Human Resources and Skills Development Canada, which was given the task of developing a framework agreement. This new Canadian framework for the assessment and recognition of foreign qualifications is called the pan-Canadian framework.

The FLMM decided to give priority to certain specific regulated occupations for implementation of the pan-Canadian framework in the initial stages of this agreement, in the first three years. The pan-Canadian framework has been in place for a number of years but needs long-term attention, because these problems are not easily fixed overnight.

According to the pan-Canadian framework, the standard of timely assessment had to be implemented in the following eight occupations by December 31, 2010: architects, engineers, financial auditors and accountants, medical laboratory technologists, occupational therapists, pharmacists, physiotherapists and registered nurses.

The second implementation phase of the pan-Canadian framework provided for the application of the timely assessment standard in the following six occupations by the end of December 2012: dentists, engineering technicians, licensed practical nurses, medical radiation technologists, physicians and teachers from kindergarten to grade 12.

● (1525)

When we read the list of occupations that are noted as priorities in this pan-Canadian framework, one has to wonder how the federal government is working with provinces and territories to ensure that we are developing a plan to address some of these priority occupations for the foreign credential recognition process. One wonders what is happening with colleges and universities, with employers and with other stakeholders in making sure we are looking at training Canadians who can also take those jobs.

I have to admit that I was a little surprised to hear that teachers from kindergarten to grade 12 were on this list. I wonder how we are working interprovincially in this area. There may be teachers who are available but are unable to take jobs in their own provinces. I wonder what kind of process is in place to address that scenario.

In response to a couple of problems that witnesses identified, New Democrats put forward a different recommendation, recommendation 4. The NDP's dissenting opinion states:

> A number of witnesses underscored the importance of starting the FQR process in the country of origin by issuing more certificates and licences to [internationally-trained individuals] before they come to Canada so that they are a step ahead of the game when they land. Others stated that for some occupations, such as pharmacy, there are online self-assessment tools that enable individuals to take examinations outside of Canada and obtain immediate feedback. Still others suggested Canada should go further and allow regulatory authorities to narrow the selection before ITIs land. Another suggestion was to incorporate a prequalification system into the immigration process.

Part of the problem that comes up here is that although there have been improvements in the information that is available to people who are coming to Canada hoping to have their qualifications recognized, I think we have all too often heard the horror stories about highly qualified individuals taking jobs that are not within the occupation they trained for. In my own riding I had a conversation with a young man who was an engineer. His experience before coming to Canada was that, first of all, the information he received about recognition of his qualifications in Canada was absolutely inadequate. He was led to believe something that turned out not to be true once he arrived in Canada.

Therefore, there are a couple of things. One piece is to make sure that people have good access to information before they make the decision to come to Canada based on their occupation. The second piece is wherever possible—and it is not always possible—to allow for a process to assess those qualifications prior to making that move.

Nothing is more disappointing to people than to come to Canada after having spent many years being trained in a particular occupation to find out that they cannot work here. Often that is a very big personal decision for the whole family. People come here expecting to take part in a lifestyle that simply is not going to be available to them because they end up being underemployed. Of course, we have heard that in some places we have highly trained people driving taxi, which is an honourable profession, but if one has been trained as an engineer or a physician or in some other occupation, one hopes to come to Canada and practise it.

One of the things that came before committee is an example that other countries are using. Australia has a pre-arrival qualification practice, and for the most part, Australia approaches the foreign qualification recognition the same way as Canada: employers, regulatory bodies and institutions are the entities that recognize the qualification of internationally-trained individuals. It also says that that people are fully screened before they come.

The New Democrats thought that this was an important matter to bring before the House, particularly in light of what is happening with the temporary foreign worker program, as well as in first nations, Metis and Inuit communities where we have young, capable, eager people who just need access to skills and training so that they can take part in the modern economy.

I would encourage members to take a hard look at this report to see where Canada could do better in terms of improving access to the labour market for both Canadians and immigrants who wish to come here and take part in the labour market.

● (1530)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I commend the member for her substantive remarks on the question of foreign credential recognition, although I must admit a certain degree of skepticism about her motive when she suggests it was because of the urgency of this issue as opposed to merely a dilatory effort to delay government business.

Is the member aware that we have made an investment of over $30 million in the Foreign Credentials Referral Office to offer pre-arrival information through the Canadian immigration integration project delivered by the Association of Canadian Community Colleges in such places as Seoul, Manila, Beijing, New Delhi, London, England and elsewhere?

Is she aware that some 80% of our selected economic immigrants have access to a free two-day seminar and personalized counselling on how to find employment and pre-apply for their credential recognition from the relevant Canadian professional bodies?

Would she agree with our recently instituted mandatory requirement that applicants for our federal skilled worker program submit an assessment of their education done by a designated expert agency in international education?

Would she agree with our expressed intention to adopt the Australian approach of a mandatory pre-assessment of credentials by the relevant licensing bodies at the national level to essentially replicate the pre-screening that Australia does for foreign trained professionals applying for immigration?

Ms. Jean Crowder: Mr. Speaker, what we would support is ensuring that when people immigrate to Canada, they are able to work in their chosen profession and whatever can be done to facilitate that is a step in the right direction. As always, we need to consider the implications, when we implement mandatory systems, to ensure we do not o short-circuit something that would be of benefit to Canada.

As well, I did not get a chance to talk about issues like the bridging programs and other supports for people once they come to Canada, but those are also very important elements of what needs to happen when we have workers come into Canada.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, immigrant credentials and their recognition of them has been an issue for many years. When I was first elected, it was one of the first resolutions in which I had the opportunity to debate, and that goes back to the late 1980s.

If we want to deal with immigrant credentials and get them recognized, there has to be more of a holistic approach that includes and goes far beyond just the federal government being engaged, but there is no doubt the federal government has a leadership role to play in it.

We need to get the different stakeholders, whether it is our educational institutions, our labour force, in particular unions, different levels of government and other stakeholders to come to the table, to recognize that individuals who come from foreign countries do in fact have the abilities and the credentials. Where we can, we have to take down the barriers that do not allow those legitimate credentials to be recognized.

I am interested in my colleague's comments on that assertion.

Ms. Jean Crowder: Mr. Speaker, in fact, there is a very real cost for non-recognition. A study carried out in 2001 stated that the cost of non-recognition of qualifications acquired outside of Canada was between $4.1 billion and $5.9 billion a year. When we talk about foreign credential recognition, this also includes Canadians who have gone abroad to get a credential and then have come back to Canada hoping to practise their particular profession.

The member is absolutely correct. What this file requires is federal leadership, but also working very closely with provinces and territories. In many cases, it is provincial organizations that actually implement the mechanisms to recognize credentials. Therefore, it is very important that there is this working together across levels of government, but the federal government must take leadership on this issue.

● (1535)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I come from Hamilton and our community is blessed with a very rich and diverse newcomer community. However, one of the jokes that goes around Hamilton, and sadly it is not very funny, is that the best place for women to have a baby in Hamilton is in a taxi cab because we have so many doctors in our community who are driving cabs instead of doing the job for which they have been trained.

I listened to the member's speech with great interest. She is very eloquent and right in her analysis of what needs to be done to make it possible for foreign trained professionals to succeed in Canada. The loss of their skills is a loss to our whole community. Certainly, it is to them and their families, but it is also a lost to our community and indeed to our whole country.

Canada kind of engages in false advertising when it comes to the recognition of credentials. We give people extra points because of their academic qualifications and because of their language skills. We encourage them to come here with their families and once they get here, we point the finger at the provincial governments and say that they have not done enough and it is their fault that folks are unable to get jobs here.

Could the member comment, once again, on how important it is that we do not engage in that kind of false advertising and that we provide real and meaningful support to newcomers so they can excel and help us build the Canadian economy?

Ms. Jean Crowder: Mr. Speaker, the member for Hamilton Mountain is absolutely correct. It is a complete waste of human resources when we say to people who want to come to Canada that we are opening our door to them. At least we used to open our door to them, but under the current government's policy branch, it is slamming doors all over the place when it comes to immigration. We tell people to come to Canada, that it is a great place to live and to work. They may have spent 8, 10, or 12 years in their profession acquiring the skills, the knowledge and ability to the job, but when they come to Canada we do not let them use those skills, knowledge and ability.

I cannot imagine what it must be like for families that come to Canada with the expectation they will be able to practise their profession only to find out they will have to spend years in order to requalify, for whatever reasons. One of the things that many people do not recognize is that when immigrants come to Canada, they are not automatically eligible for a Canada student loan, for example. Therefore, there often is not the financial wherewithal to get the training they need.

Canadians want to ensure that people who are practising their profession are skilled. They need the qualifications. Everyone agrees with that piece, but this is about the expectations we create when we are not clear with people about what it will take for them to practise in our country.

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, the immigration minister has indicated it would be good for the skilled people who are able to come here to have a job waiting for them when they do come. However, would the member agree with me that there are many foreign credentialling agencies involved? There are well over 400, many with provincial association or jurisdiction. The government has taken significant steps like ensuring there is pre-arrival information. Would she agree that is good? There is pre-assessment before they come to the country.

Then, of course, the government invested over $50 million over two years through the economic action plan 2009 and further contributes $25 million annually to improve the recognition of foreign qualifications. Some 14 priority occupations have been identified and there is continuing work to include further occupations that have assured newcomers they can have their credentials assessed within one year. Does she agree with that process, that it must be an ongoing process and that funds that have been committed need to be ongoing?

Furthermore, I recall being in Saskatoon, Saskatchewan, where a pilot was announced where internationally trained professionals were helped to bridge any shortcomings to ensure they could enter the workforce quickly and that this financing was provided.

Is she aware of all of these steps and would she agree that all of these need to happen, including having more people going through high school and skills training after high school, and that the government has approached every level and every facet of this to ensure we can bring Canadians to jobs as quickly as possible, including those who internationally are coming into our country?

● (1540)

Ms. Jean Crowder: Mr. Speaker, the member is the chair of HUMA. When I started my speech, I indicated that by and large the New Democrats did agree with the report that came out of the Standing Committee on Human Resources and Skills Development, but we had some suggestions on how to improve that.

One of them was around continuing to financially support the bridging programs. These bridging programs are very important in helping people make that adjustment to the way a profession is practised in Canada. Some of those bridging programs are very successful. However, we heard from some of the witnesses that the funding was not regularized. Projects would be up and running, they would be successful and then they would end. That consistency in funding is very important with regard to bridging.

We also said that the pre-qualifying internationally trained individuals for certain occupations needed to continue and that the federal government needed to approach provincial and territorial regulatory authorities to discuss this possibility and to expand it in certain occupations. I believe there are now 16, but there are many other occupations that should be included in that pre-qualification. We encourage the federal government to act as a model employer and include more internships.

Finally, the funding for the pan-Canadian framework for the assessments needs to be at least maintained at its previous levels.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It is my duty to interrupt the proceedings on the motion at this time.

Pursuant to an order made Wednesday, May 22, 2013, the debate is deemed adjourned. Accordingly, the debate on the motion will be rescheduled for another sitting.

[*English*]

PETITIONS

CANADA POST

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, I rise today to present a petition submitted by hundreds of constituents from my riding. The petitioners are concerned about the changes at Canada Post outlets in Cape Breton.

Following the downsizing of our customer service counter in North Sydney, the removal of our sorting centre and the relocating of overnight services to Halifax centre, the petitioners call on the government to reverse this decision and consult with the public before implementing any changes to Canada postal services.

LYME DISEASE

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have a petition from citizens who are concerned about the problem of Lyme disease.

Among other things, the petitioners are concerned that numerous field review scientific studies have warned that a warming climate will expand the geographic range of Lyme disease carrying tics further into Canada, including a 2012 paper by Leighton et al, which states that over 80% of the population in eastern and central Canada could be living in areas at risk of Lyme disease by 2020.

The petitioners ask that the government convene a national conference with provincial and territorial health ministers, representatives of the medical community and patients groups for the purpose of developing a national strategy that works toward ensuring the recognition, timely diagnosis and effective treatment of Lyme disease in Canada.

[*Translation*]

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I have the honour to present several petitions from my city, Edmonton, and from Leduc, Beaumont, St. Paul, Sherwood Park, Sturgeon County, Calgary and Saskatoon.

The petitioners call on the Minister of International Cooperation to reconsider CIDA's new priorities. They want the federal government to heed the pleas of southern countries concerning the activities of Canadian companies on their soil and to focus Canada's international aid priorities on poverty reduction and human rights.

● (1545)

[*English*]

FALUN GONG

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I am very pleased to rise today on behalf of the constituents of Fleetwood—Port Kells to present a petition signed by dozens of people from my riding. The petition urges the Government of Canada to call for an end to the persecution of Falun Gong in China and to criticize the Chinese Communist party for purportedly allowing the harvesting of organs from Falun Gong practitioners.

ABORTION

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I have another petition to present, signed by hundreds of residents of my riding. The petitioners call upon the House of Commons to join other western nations and speedily enact legislation that restricts abortion to the greatest extent possible.

SEX SELECTION

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I have a third petition signed by nearly 1,000 people from my riding. Petitioners call upon the House of Commons to condemn discrimination against girls through sex-selective abortion and to do all it can to prevent sex-selective abortions from being carried out in Canada.

RIGHTS OF THE UNBORN

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, the fourth petition I have to be presented is signed by residents from my riding. The petitioners call upon the House of Commons to confirm that every human being is recognized by Canadian law as human by amending Section 223 of the Criminal Code in such a way as to reflect 21st century medical evidence.

VIETNAMESE FREEDOM FLAG

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am very pleased to have the opportunity today to stand and present a petition on behalf of many of Toronto's Vietnamese community who organize a formal flag raising ceremony at Nathan Phillips Square every year. The ceremony is intended to commemorate and remember those who have given so much in the name of national service by both highlighting the differences that make us unique, and more importantly, by paying tribute to the qualities that cause us to work co-operatively for a better tomorrow.

Despite these laudable objectives, each year a true symbol of these ideas, also known as the flag of South Vietnam, or the freedom flag, is denied the status it rightfully deserves. Thousands of people have signed these petitions asking for some level of recognition of the freedom flag by the Government of Canada that would demonstrate an understanding and appreciation of those who have fought to uphold and protect the virtues of democracy.

GENETICALLY MODIFIED ALFALFA

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, I have two petitions today.

The first is from about 140 citizens in my riding of Nanaimo—Alberni. They are communities such as Parksville, Qualicum Beach, Coombs, Errington and Bowser. They wish to draw the attention of the House to concerns about genetically modified alfalfa. They note that it requires variety registration before it can be legally sold as seed in Canada, but it has already been approved for human consumption and environmental release and is currently planted in test plots in Canada. They are concerned about unwanted contamination by GM alfalfa and the impact that would have on organic farming.

Therefore, the petitioners are calling on Parliament to impose a moratorium on the release of genetically modified alfalfa.

SODIUM REDUCTION STRATEGY

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the second petition concerns Bill C-460, the Sodium Reduction Strategy for Canada Act and has about 25 signatures from the Nanaimo-Ladysmith area.

GENETICALLY MODIFIED ALFALFA

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I have three petitions.

The first one is also on a moratorium on GM alfalfa, from residents of Nelson, Slocan Valley, Kaslo, Castlegar, Rossland, Salmo, Ymir and Ainsworth, in my riding. They are saying that organic farming prohibits the use of genetic modification. They are concerned that contamination by genetically modified alfalfa will destroy the organic industry.

They are calling on Parliament to impose a moratorium on the release of genetically modified alfalfa to allow proper review on the impact on farmers.

ANIMAL WELFARE

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, the second petition, from the Chilliwack area, has about 200 names. The petitioners are calling upon the House of Commons to work with the provinces to ensure that federal and provincial laws are constructed and enforced that would ensure that those responsible for abusing, neglecting, torturing or otherwise harming animals are held accountable.

GENETICALLY MODIFIED FOODS

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, my last petition is from the Toronto area. It calls on Parliament to enact Bill C-257 to require mandatory labelling of all food in which the presence of genetically modified ingredients can be detected.

ABORTION

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have two petitions to present today on behalf of constituents. In the first, constituents note that Canada is one of the very few countries in the western world that has no law on abortion. They call on Parliament to do as the Supreme Court has suggested on a couple of occasions and put in place a law on abortion that would restrict abortion in some fashion.

● (1550)

SEX SELECTION

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, the second petition refers to the CBC program on sex-selective abortion. The petitioners call upon Parliament to make a strong statement against infanticide of females in this country and to end the practice of sex-selective abortion in Canada.

SEARCH AND RESCUE

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise to present two petitions signed by thousands of Canadians.

The first calls to save the Kitsilano Coast Guard station. The petitioners say that the recent decision by the federal government to close Kitsilano Coast Guard station is a grave mistake that will undoubtedly cost the lives of those in peril on the shores and waters near Vancouver harbour. They call on the Government of Canada to rescind this decision and reinstate full funding to maintain the Kitsilano Coast Guard station.

SHARK FINNING

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I would also like to present a petition on banning the importation of shark fins to Canada. The petitioners say that measures must be taken to stop the global practice of shark finning and to ensure the responsible conservation and management of sharks. They call on the Government of Canada to immediately ban the importation of shark fins to Canada.

EXPERIMENTAL LAKES AREA

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I am surprised that petitions continue to roll in concerning the Experimental Lakes Area. People all across Canada, but in this case from Winnipeg, really hope that the government will reverse its decision and fund the Experimental Lakes Area for the important work it does in science.

[*Translation*]

CANADA POST

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, once again, I am presenting a petition on behalf of hundreds of people in my riding who are opposed to the potential closure of the only public post office in the riding of Gatineau, at 139 Racine Street.

I am not surprised to see the number of people who continue to write to me or sign this petition and oppose this closure, given how important this post office is to the riding and the impact it has.

PEACE

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, the second petition I am presenting today is from people who are extremely concerned about peace around the world.

They have signed a petition urging Parliament to create a department of peace, headed by a minister for peace who would play a prominent role in cabinet. This concern is shared by people in a number of ridings.

[*English*]

LYME DISEASE

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am very pleased to rise today, and I wish to thank other hon. members who presented petitions today, as well, on the subject of Lyme disease and my private member's bill, Bill C-442. This bill would call for a national Lyme disease strategy to improve the sharing of best practices, federally and provincially, for diagnosis, cure and prevention of what is an extremely debilitating disease that is often misunderstood.

FOREIGN INVESTMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, my second petition today is from residents of Richmond, Comox, Vancouver and Victoria. It calls on the government to refuse to ratify the Canada–China investment treaty as it will compromise Canadian sovereignty and allow Chinese state-owned enterprises to bring arbitration cases against Canada for laws passed municipally, provincially or federally, or even for court judgments.

ANIMAL WELFARE

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I am presenting a petition that hundreds of constituents have signed. It calls on the Government of Canada to recognize that the use of shock collars on animals is barbaric and unnecessary. The petitioners also want the government to ban the sale and use of electric shock collars in Canada, as has been done in other countries. I have had many articulate and well-meaning constituents come into my office to talk to me about this. I would urge the government to take this petition seriously.

* * *

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 Acting Speaker (Mr. Barry Devolin): Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1555)

[*English*]

TECHNICAL TAX AMENDMENTS ACT, 2012

BILL C-48 — TIME ALLOCATION MOTION

Hon. Gail Shea (Minister of National Revenue and Minister for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I move:

> That, in relation to Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation, not more than five further hours shall be allotted to the consideration of the third reading stage of the Bill; and
>
> that at the expiry of the five hours provided for the consideration of the third reading stage of the said Bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and, in turn, every question necessary for the disposal of the said stage of the Bill shall be put forthwith and successively, without further debate or amendment.

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 67(1), there will now be a 30-minute question period.

The hon. member for Gatineau.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I have a lot of questions for the minister. This is ridiculous. Here we have another time allocation motion for the bill to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation.

We are all very aware, as are Canadians, that the government is up to the same old tricks. We have stopped counting, but the number keeps climbing. The government has used this same method 34 or 35 times now. That is likely what it will be known for in years to come. It has already earned the title of the most undemocratic government Canada has ever had. It is all the more astounding and ridiculous given that these people were elected in 2006 by making Canadians believe that they would be transparent, open and not like previous governments. They promised a change in culture. They essentially signed an agreement, a contract, with the Canadian people.

What are they doing? They insist on staying the course and what is even worse is that they are doing the same thing they criticized previous Liberal governments for doing. What is going on here boggles my mind. We have a total of five hours to discuss some extremely important issues. If that is not considered muzzling, I do not know what is.

I have a very simple question for the minister. Is she not embarrassed to rise in the House and tell Canadians that what she is doing is democratic? She is muzzling democratically elected members of Parliament more often than is necessary, which prevents them from representing Canadians. I would be embarrassed if I were her.

[*English*]

Hon. Gail Shea: Mr. Speaker, I can assure the hon. member that I am very proud of what our government has done for Canadian business and taxpayers.

It has been over a decade since Parliament last passed a comprehensive package of technical tax amendments. This particular bill has been in Parliament for nearly 200 days now. Surely 200 days is long enough. Let us show some respect for Canadian taxpayers and get moving on this bill.

Even before this bill was introduced, it was consulted on literally for years in advance, with repeated public consultations. We know that all sides support this bill. All sides recognize that it is a technical bill. All parties supported it at second reading at finance committee, without amendment.

We need to get on with it. We need to do this for Canadians.

● (1600)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, once again we are witness to the government House leader's inability to negotiate in good faith with the opposition parties. That is really what is lacking.

Typically what one would expect is the government House leader approaching opposition parties to give them some sort of an indication of what it is the government would like to be able to get through, in terms of a legislative agenda. Opposition parties would in turn try to work with the government to recognize those bills that the opposition is quite comfortable in passing, to make sure there is proper time given and ultimately bills would be passed.

The government should be going to time allocation as a last resort. In the past, political parties at the federal and provincial levels have resorted to time allocation. What makes this rather unique is the fact that never before in the history of the House of Commons, from what I understand, have we seen a government incorporate time allocation into the process of passing its legislation.

Time and time again, well over 30 times now since the last federal election, the government has stood in its place and moved time allocation, which restricts the ability of members of Parliament to represent their constituents. It restricts the ability of the opposition and the government backbenchers to afford comment on important pieces of legislation.

My question to the member is, why has the government made the decision to use time allocation as a part of a process, which is most inappropriate given the prestigious House in which we sit?

This is a majority Conservative Reform-type of government that has taken an attitude that has put democracy last in terms of processing legislation through this House.

My question is, why?

Hon. Gail Shea: Mr. Speaker, the answer is, because we are the party and government that gets things done.

This bill has been in Parliament for seven months now. It has had nearly 200 days for debate and study. It is a bill that all parties support. It is a bill that has been a decade in the making. We need to move forward. This is something that non-partisan groups have been demanding of us, groups like the Real Property Association of Canada, the Canadian Institute of Chartered Accountants, the Tax Executives Institute and the Canadian Tax Foundation.

Listen to what the Certified General Accountants Association of Canada, which is a professional organization representing over 75,000 tax professionals, had to say:

> Some of the measures contained in today's bill were initially proposed as early as 1999....With unlegislated tax measures, taxpayers and professional accountants must maintain their records and forms—sometimes for years—to be in a position to comply, even without knowing when and if these measures will be approved by Parliament and enacted. This uncertainty and unpredictability places an enormous compliance burden on taxpayers, businesses, professionals and their clients.

Our government wants to do the right thing by these groups.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, it is interesting to hear the minister talk about the fact that the bill has been in the House for 200 days.

I wonder if the minister could be reminded that it is actually the government that determines what bills are coming forward. The government had ample time to bring it forward for fulsome debate. Instead, as usual, the government is invoking closure, invoking time allocation on a very complex piece of legislation. I want to reference Thorsteinssons, the tax lawyers who say:

> My printed version of the changes and accompanying notes runs to well in excess of 900 pages. This Bill will also be passed without much in the way of informed debate in the House.

This seems to be a pattern in terms of the way the government is managing its business. We have seen it on the matrimonial real property bill, where there was time allocation in the House and there was time allocation in the committee. Now we have this complex piece of legislation, and the minister is quite correct, there have been changes out there since 1999 that two successive governments have failed to deal with.

I want to ask the minister if she feels, given the concerns that have been raised about the 900 pages, that parliamentarians have had sufficient time to study the 900 pages. Is the minister confident that the changes being proposed, all of the technical amendments being proposed, are actually going to do what they are purported to do?

● (1605)

Hon. Gail Shea: Mr. Speaker, as I did say, the bill has been before Parliament for 200 days. Even before the bill was introduced it was consulted on for literally years with repeated public consultations with professional groups.

I know that at finance committee all parties have supported the bill. They voted for it at second reading and at the finance committee stage. I should note that the all-party finance committee endorsed the bill without amendment after a detailed study. Indeed, witness after witness spoke in favour of the bill. Therefore, I want to share with the House what some of those witnesses said.

The vice-president of taxation at the Canadian Institute of Chartered Accountants stated:

> We support Bill C-48. [We understand] how important it is for taxpayers to have greater certainty and a clearer understanding of Canada's federal income tax system....Bill C-48 helps improve clarity and certainty, and it mitigates the negative effects of uncertainty identified by the Auditor General.

Therefore, it is important that we ensure that this bill is passed as soon as possible.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, people are watching this and they wonder how the government lost $3.1 billion through sheer incompetence. What we are seeing today is a good example.

We have a major technical bill that should be debated in the House. However, the government is trying to push it through as fast as it can because it wants to go home early and not stay and do the work for the Canadian people. Therefore, it is not allowing for a proper debate on it.

The Conservatives say that it has been in the House for 200 days. What they are not saying to the Canadian people is that it has been sitting on the minister's desk for 200 days. Therefore, when we are now supposed to debate serious technical amendments they are suddenly concerned about getting down to business. Let us see what they will slough off without having proper parliamentary scrutiny.

These are hundreds of amendments that are technical in nature. It is a tax omnibus bill that includes the issues of anti-avoidance measures on specific leasing properties, ensuring that income trusts and partnerships are subject to the same loss utilization restrictions as between corporations, limits on the use of the foreign tax credit generated for international tax avoidance, clarifying rules on Canadian tax property for non-residents and migrants, and providing an information reporting regime for tax avoidance and transactions.

Those are only a small number of the issues to be debated in this House and the government is passing it off as quickly as it can.

I would ask the hon. member this. Given the incompetence of her government in losing $3.1 billion, why is she trying to allow this important tax bill to just slip through?

Hon. Gail Shea: Mr. Speaker, that is some slip, 200 days.

I want to first point out in response to the hon. member that it was his party, the NDP, that moved to end debate last week because it wanted to go home from the House. We came here to work and we came here to work for Canadians. On this side of the House we know how important it is to pay our taxes and to collect our taxes. That is what we intend to do.

I could go on about the groups that support this bill and want to have it passed very quickly.

I will quote Larry Chapman, who is the executive director and CEO of the Canadian Tax Foundation. He stated:

> Bill C-48, the Technical Tax Amendments Act....represents 10 years of repairs and maintenance in updating the Income Tax Act and the Excise Tax Act. Its passage is important to all Canadians. You heard that in the earlier presentation. I want to emphasize it again. Its passage is very important to all Canadians.

Further, he said:

> Delays in the passage of tax legislation leave taxpayers and their advisers in a no man's land of uncertainty. My message for the Standing Committee on Finance is that you should encourage passage of this legislation....

That is what we intend to do.

The Acting Speaker (Mr. Barry Devolin): Order. Before we continue with questions, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for New Westminster—Coquitlam, Search and Rescue; the hon. member for Charlesbourg—Haute-Saint-Charles, Employment Insurance; the hon. member for Kingston and the Islands, The Environment.

● (1610)

[*Translation*]

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, I always find it interesting to hear the government talk about time allocation and about what we could have done, when this is the 34th, 35th or 36th time we have seen time allocation.

This bill has 1,000 pages, which deal with very technical issues, and the government has decided that we should be able to determine the fate of the bill in less than five hours.

What is preventing the government, the committee and the opposition from identifying the problem, making suggestions and changing the legislation to ensure that it meets the expectations and needs of Canadians and the government?

I asked this question the last time that time allocation came up, but nothing has changed. What is the government so afraid of that it is forcing us to quickly study bills? What ends up happening is that the government has to ask the Senate to make corrections. They always regret having moved so quickly.

What are you so afraid of? Why are you pushing us to pass or refuse to pass a bill because it has not been studied?

It is almost June, and as my colleague pointed out, we have to wonder whether the Conservatives want to go home early and break for the summer. We are here to work until June 20.

[*English*]

The Acting Speaker (Mr. Barry Devolin): Before I go to the minister, I remind all hon. members to address their questions and comments to the Chair rather than directly to other members of the House.

The hon. Minister of National Revenue.

Hon. Gail Shea: Mr. Speaker, I will remind this member that it was the NDP members who wanted to go home early last week. On this side of the House we come to work for Canadians.

On meeting the needs of Canadians, this bill has probably been more than 14 years in the making, so it is hardly rushing anything through. There has been a lot of public consultation on the bill, and it has been before Parliament for 200 days now.

Part of the bill would also close tax loopholes. What could the opposition possibly have against closing tax loopholes? When we collect tax owed by Canadians, we can fund the services that Canadians need to have, like schools, hospitals and other services that we provide for Canadians. Bill C-48 contains measures that would implement a more rigorous information reporting regime for certain transactions associated with schemes to avoid taxes. This, along with our budget this year, contains measures as well to crack down on tax evasion and tax avoidance. We certainly hope that the NDP will be supporting not just this bill, but our budget as well.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, with all due respect to the hon. minister, the government should have a level of confidence in the bills it puts forward, that they have been thoroughly discussed and that the government members are prepared to stand and debate them fully. Bringing in closure on something we have already indicated on this end of the House that we are supporting really makes it frustrating. Closure means to me that the Conservatives want to shut down debate because they do not believe in what they are trying to put through.

If the Conservatives had the confidence they should have in putting forth this legislation and knowing we are prepared to support it, they would want to encourage that rather than shut down debate to try to force it through, because probably they are more anxious to get out of here than anybody else in this House.

I ask the minister, does she have confidence in the bill that is before us, and if so, why is it necessary to bring in closure because she does not have the confidence to stand and debate it fully?

Hon. Gail Shea: Mr. Speaker, if both opposition parties have said that they support the bill and have supported the bill, one can assume they have read the bill and they are fine with the bill.

Let me just quote a tax partner from KPMG, Paul Hickey. He said:

> [I] ask Parliament to act decisively and to pass Bill C-48 to essentially clean the slate of this old pending legislation and to finally bring the Income Tax Act up to date. Taxpayers could then move on and focus on running their business, and the CRA could carry on administering and collecting tax in a more stable system.

I believe this is what all Canadians want. It is obviously what the professionals are asking for. I urge the opposition members to support the bill.

● (1615)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I have listened to the minister try to rationalize why the government has to move closure for the 34th time in this very short Parliament and so far I have not found anything persuasive. Frankly, I am not sure whether she has been following the debate on this bill at all. On this side of the House, we are supporting the bill. We are not trying to hold it up unreasonably. We, like she purports to, believe in cracking down on both tax avoidance and tax evasion, but it is a 1,000-page bill.

Whatever happened to the way this place used to run? It is not that I have been here forever, but this is my third term and there were times when House leaders would come to the table, ask each other how much time they needed to debate the bill, what they thought due diligence would look like on a bill and they would negotiate. That is why we did not have these massive numbers of time allocation motions because Parliament worked like it was supposed to. There is a bit of give and take, some bills members pass very quickly, they agree to do that and other bills merit more debate.

Frankly, government members sometimes wanted more debate because they thought the content of their bills was so good, they wanted to ensure every Canadian knew about them. They wanted to have consultations in committee and extensive committee hearings so their supporters could tell everybody that the government was doing a bang-up job. I guess not very many Canadians think the current government is doing a bang-up job because it is sure afraid of hearing from Canadians.

There is nothing wrong with giving a bill good, detailed scrutiny. That is what our job is as parliamentarians. Could the minister explain to the House why her government is so afraid of detailed scrutiny of their bills? What it is trying to hide? What does it not want Canadians to know about?

Hon. Gail Shea: Mr. Speaker, as I have said, this bill is more than 10 years in the making and throughout that time, extensive consultations have been had with industry and professional associations on many aspects of this bill.

I will quote Carole Presseault, who is the vice-president of Government Regulatory Affairs for the Certified General Accountants Association of Canada. In her remarks to the committee, she said:

> —I wish to say that we support the tabling of the bill and that we encourage you to move swiftly to pass this important piece of legislation. The bill deals with a massive backlog of unlegislated tax measures. Its passage would, in our opinion, bring greater clarity to the tax system and strengthen the integrity of our laws.

We intend to support requests such as Carole Presseault's and pass this legislation swiftly.

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, as a small business person, I have been aware for 60 some-odd years, though recently it has changed a bit, that nothing is certain but death, taxes and time allocation motions by the Conservatives. I hope we get that list back down to just two.

I want to go on record as saying that as a small business person representing other small business people, I do not know yet how I will vote on this legislation. I really need more information and debate on it. I want to hear the opinions of others and I really hope this is one that we decide not to put time allocation on.

Hon. Gail Shea: Mr. Speaker, I applaud the hon. member for being a small business owner because our government has done a lot to support small businesses since we became government, probably more than any other government in history.

One of the changes I am very proud of is that we have lowered taxes for small businesses a number of times to allow them to keep more of their own money and invest in their own businesses. Small business is the backbone of the Canadian economy.

As I said, this is a very technical bill. The hon. member wants to hear the opinions of others before he makes his decision. I have just shared the opinions of six or seven professional associations, which they shared in the finance committee. This represents a wide variety of Canadians from coast to coast to coast, who urge us to pass this bill swiftly to give them certainty in their professions.

● (1620)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to clarify the record. I think there is quite a difference between the official opposition requesting to adjourn at 11:45 p.m. and the government trying to stop debate at four o'clock in the afternoon. I understand it is tea time in some parts of the world, but we are elected to debate and that is what the official opposition would like to do.

I would like to bring attention to the comments of Sheila Fraser, the former Auditor General of Canada, whom I think the whole House has a high degree of respect for. Her comment was, "No income tax technical bill has been passed since 2001".

One of my colleagues has quietly pointed something out, which is a bit surprising to us. Generally speaking, the Conservative government thumbs its nose at any bill passed by a previous government, particularly a Liberal previous government. Therefore, we are a little surprised that it is now enacting tax amendments that would have been brought forward by a previous Liberal government. So be it, but finally, to the Conservatives' credit, a non-partisan bill.

Sheila Fraser further said:

> Although the government has said that an annual technical bill of routine housekeeping amendments to the Act is desirable, this has not happened. As a result, the Department of Finance Canada has a backlog of at least 400 technical amendments that have not been enacted, including 250 "comfort letters" dating back to 1998...

Why is that important? Because, with the comfort letters, until legislated, one must assume what the law is, which is fine if one has an accounting firm doing one's taxes. However, many small businesses, individuals and seniors do not have high-paid chartered accountants advising on what the law is, including new rules not even enacted yet.

The final comment I would like to make, and would appreciate a response to, is the minister said that there were many experts that came to committee who were in support of it. This is one amendment that the Certified General Accountants Association of Canada called for because it was clearly fed up waiting for more than 10 years to finally get these amendments. It called upon the government to implement a sunset provision to prevent future legislative backlogs.

Will the minister tell us today that this will not happen again? Can we anticipate that we will have annual updates to the tax code so all Canadians have equality when they fill out their tax returns to submit?

Hon. Gail Shea: Mr. Speaker, that is exactly why it is important that we pass this legislation and soon, because it does date back so long.

We have applauded the Office of the Auditor General for its report on this issue and its success in highlighting the need for action both from government and from Parliament. The Auditor General made a series of recommendations to help deal with this issue going forward, and we agree with each of those recommendations.

For instance, the Auditor General recommended that the Department of Finance use an integrated and consistent process for reporting, tracking and prioritizing all technical issues for possible legislative amendment. We agreed and moved to consolidate the Department of Finance's system to ensure technical issues would be documented and catalogued consistently and that the system would be maintained and kept up to date.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, as the Minister of National Revenue herself has said, this legislation has been 10 years in the making.

The NDP has not been opposing this legislation for 10 years. This delay is where the whole problem of the backlog comes from. The government has obviously not been very serious about following up on the implementation of tax legislation and drafting and passing new legislation. We are not the only ones saying so. For 10 years now, all stakeholders have been calling for more rigorous management of tax legislation.

Therefore I would like to ask the government representative and Minister of National Revenue how combining all this in one bill and hastily voting on it is going to protect us from the mistakes that have been plaguing this legislation for 10 years.

Rather than breaking up this bill, taking the time to consider it more thoroughly and ensuring that we will never again have to deal with a 10-year delay, the government is going full steam ahead with a single bill.

How can all these problems possibly be addressed by this—please excuse my language—last-minute bullshit?

● (1625)

[*English*]

Hon. Gail Shea: Mr. Speaker, all these amendments are currently being used in our tax system and that is why it is important they be enshrined in legislation as soon as possible. Most of what is in this technical tax bill has been discussed at length with the professional organizations.

I also want to add that in the Auditor General's report, he also recommended the Department of Finance regularly develop and release draft technical amendments, including those that arose from comfort letters, so taxpayers and tax practitioners would know what change would be made and could provide input. Again, we have agreed with that and we are formally committed to bringing technical amendments packages forward for consideration where appropriate, notwithstanding the fact that the prior technical amendments had not yet been adopted by Parliament.

In fact, this past December, the Department of Finance released a package of draft legislative proposals for public comment relating to a number of technical tax changes.

We know we have to do a better job going forward and a more consistent job so that we do not end up with very large bills like this, which has been a backlog for the last 10 years.

The Acting Speaker (Mr. Barry Devolin): It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

● (1705)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 696)

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Armstrong	Ashfield
Aspin	Benoit
Bernier	Bezan
Blaney	Block
Boughen	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Butt	Calandra
Calkins	Cannan
Carmichael	Carrie
Chisu	Chong
Clarke	Clement
Crockatt	Daniel
Davidson	Dechert
Del Mastro	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Fantino	Fast
Findlay (Delta—Richmond East)	Fletcher
Galipeau	Gallant
Glover	Goguen
Goodyear	Gosal
Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hayes	Hiebert
Hoback	Holder
James	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kenney (Calgary Southeast)
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Leitch	Lemieux
Leung	Lizon
Lobb	Lukiwski
Lunney	MacKay (Central Nova)
MacKenzie	Mayes
McColeman	McLeod
Menegakis	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	Obhrai
O'Connor	Oliver
O'Neill Gordon	Opitz
O'Toole	Paradis
Payne	Poilievre
Preston	Raitt
Rajotte	Rathgeber
Reid	Rempel
Richards	Rickford
Ritz	Saxton
Seeback	Shea
Shipley	Shory
Smith	Sopuck
Sorenson	Stanton
Storseth	Strahl
Sweet	Tilson
Toet	Toews
Trost	Trottier
Truppe	Tweed
Uppal	Van Kesteren
Van Loan	Wallace
Warawa	Warkentin
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Chow
Cleary
Crowder
Cuzner
Day
Dionne Labelle
Doré Lefebvre
Duncan (Etobicoke North)
Dusseault
Eyking
Fortin
Fry
Garrison
Genest-Jourdain
Goodale
Groguhé
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Hughes
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Lamoureux
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PAIRED

Nil

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

[For continuation of proceedings see part B]

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OFFICIAL REPORT
(HANSARD)

Monday, May 27, 2013
(Part B)

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, May 27, 2013

[Continuation of proceedings from part A]

GOVERNMENT ORDERS

● (1705)

NOT CRIMINALLY RESPONSIBLE REFORM ACT

BILL C-54—TIME ALLOCATION MOTION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC) moved:

> That, in relation to Bill C-54, An Act to amend the Criminal Code and the National Defence Act (mental disorder), not more than five further hours shall be allotted to the consideration of the second reading stage of the Bill; and
>
> that, at the expiry of the five hours provided for the consideration of the second reading stage of the said Bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and, in turn, every question necessary for the disposal of the said stage of the Bill shall be put forthwith and successively, without further debate or amendment.

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 67(1), there will now be a 30-minute question period. I invite hon. members who wish to ask questions to rise in their places so the Chair has some idea of the number of members who wish to participate in the debate.

Questions and comments, the hon. member for Gatineau.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I am not sure I should be thanking anyone. No more than an hour ago, I was rising in response to the 34th time allocation motion. Now here we are with another time allocation motion for Bill C-54.

I will not repeat what I said about Bill C-48. However, in the words of Captain Haddock "ten thousand thundering typhoons" that is quite the gang of "bashi-bazouk" across the way.

As far as Bill C-48 is concerned, I understood from the minister that it was extremely technical aspects that have been backlogged for over 10 years. Anyone who has read Bill C-54 knows that it is highly contested by experts in the field. I am talking about the Canadian Psychiatric Association and the Canadian Forensic Mental Health Network. Many people are questioning Bill C-54.

It is highly likely that the bill will ultimately pass, but we are only at second reading stage. The government is toying with extremely complex concepts having to do with mental disorders and being not criminally responsible. I think that 11 people at most have spoken on the subject, and the government is moving a time allocation motion.

I would like the Minister of Justice to say a few words about this to explain why the government thinks it is necessary to move a time allocation motion at this stage, when there has been no evidence of dilatory practice. I think that everyone has the right to speak to—

● (1710)

The Acting Speaker (Mr. Barry Devolin): The hon. Minister of Justice.

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I want to thank the hon. member for her interest in this area and thank her for the question.

We introduced the bill, as members know, quite some time ago. I believe that the bill has been well received. Certainly my colleagues, victims groups and other individuals have had a look at this and were quite impressed by it.

Again, it has been some time since this whole area was updated. That being said, we have introduced the bill for second reading. The bill has been debated. The House leader, in his motion that we just heard, is going to allow another five hours. This is still at the second reading debate. Then—I think the hon. member would agree with me—we get this into committee and we hear from individuals who want to make comment on it. This is all for the good. We will get the bill into committee. We are not even at the third reading stage of the bill yet. So, again, there is quite a bit of discussion, quite a bit of analysis, but I think there has been a fair amount up to this point already.

As I say, I am generally pleased with all the comments we have received. The good thing is there is going to more debate, more analysis of this, and it is going to a committee. I look forward to hearing the witnesses who will be appearing at that time.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the debate is not about this particular bill. The debate should be about the behaviour of the Conservative/Reform government.

There is a genuine lack of respect for due process. The current government, more than any other government before it, continues to use time allocation as a way in which to limit debate on important issues that are here and need to be debated. It is not appropriate. It is not accountable.

This is from the same government in which the Prime Minister goes into hiding when his Prime Minister's Office is being held up to question.

It is not appropriate behaviour. We are calling upon the government to do the right thing: to show and demonstrate some respect for this institution; to show some respect in terms of public accountability and the types of things that are supposed to be taking place inside this chamber.

My question for the minister is this. When is the government, the Conservative/Reform party, going to give the respect that is necessary for this chamber to be able to proceed into the future with dignity?

Hon. Rob Nicholson: Mr. Speaker, no party in the history of this country has had more respect for Parliament and its institutions than the Conservative Party. Do not take my word it. Ask any of the individuals here in the house. They will say the same thing, that we have a long record, a long history of that.

I have to say the government House leader—I am familiar with that role; I was the government House leader back in 2006—has great respect—

● (1715)

[*Translation*]

Ms. Françoise Boivin: Huge, even.

[*English*]

Hon. Rob Nicholson: Thanks very much for that.

Again, Mr. Speaker, he has great respect for the institution of Parliament. He allows debate on all of these things.

However, we have to continue to move forward. The Canadian public is expecting us to move forward. These are important pieces of legislation.

The Liberals say this is not about this bill. Of course it is about this bill. This is better protecting Canadians, standing up for victims in this country. That is what this party is all about. We have made that a priority. That is exactly what we are doing, and that is exactly what we are going to continue to do.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I want to thank the minister for bringing forward government legislation like this, government legislation we called for when we were in opposition, government legislation that would enhance victims' rights. I remember that as the official opposition, we talked about the protection of society being the guiding principle. It is here in this legislation. The high-risk offender designation is also included in this legislation.

Concerns have been expressed about the potential for day passes or even longer passes, in some cases. Mentally disordered accused could be granted out-of-hospital passes. These are people accused under the jurisdiction of review boards who may pose a danger to society. In at least one recent case, such an unescorted absence from the hospital led to the killing of an innocent victim.

Could the minister please explain to the House how the bill aims to prevent such tragic incidents from occurring in the future?

Hon. Rob Nicholson: Mr. Speaker, I am pleased to have that question. That question is about this legislation. That question is about what we are trying to do here.

One of the important changes we would make with this legislation would be to make it very clear that the protection of the public is paramount. That would be the very first consideration, the paramount consideration, when review boards were looking at this.

The member is alluding, as well, to the fact that we have a whole new designation, the high-risk offender designation. We are going to get out of the business, as it were, of escorted passes for individuals who get this designation. This designation is for a small group of highly dangerous individuals who have been designated so by the courts. They will be detained within the institution for their protection and for the public's protection unless the procedures outlined in the bill are followed.

I hear what the hon. member is saying. This is a definite improvement, and that is why I think the bill has been so well received.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the previous member's comments revealed exactly the reason we need to have an open debate on these bills. We see bill after bill brought forward by the government being overturned by the courts, generally speaking because of a charter challenge.

For as long as I am still in this place, we will still have the Charter of Rights and Freedoms. It is absolutely critical, when the government comes forward with legislation, that it reviews the laws to make sure they adhere to the Charter of Rights and Freedoms.

The reason to have open debate when we bring forward legislation is to make sure that we are balancing those interests. The last thing we want is to have laws that have the best of intentions but are not properly drafted and are thrown out when they finally come before the courts. That is all the more reason to have full debate in the House.

There has been occasion after occasion when we have found errors in a law, even though we have agreed with the intent of the law, generally speaking, and have tabled amendments. That is exactly why we have debate in the House of Commons.

Hon. Rob Nicholson: Mr. Speaker, I completely disagree with the hon. member that all of these bills are being overturned. That is not the case. We are in court defending all of these when the matter arises, and we have been very successful.

What we are proposing, not just with this bill but with all of our criminal justice legislative agenda, are very reasonable pieces of legislation that would do the great thing, which is better protect victims in this country. Sometimes it is to increase justice efficiency to better protect victims and to make sure that individuals who are found guilty are held accountable.

We have a great record in terms of bills being sustained, because all of them get proper analysis before they are introduced in court so that they comply with the charter and with John Diefenbaker's Canadian Bill of Rights. We want to make sure that all of them are compliant with those, and all of them are. I am very confident that they will sustain any future challenge.

● (1720)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, what the minister is doing is exactly what we want to do—that is, discuss the content of the bill. However, the content of the bill is not the current order of business. The current order of business is the fact that the debate is being cut short.

This is the 34th time the government has done this. For the sake of democracy, the government must give us a chance to discuss this, just as it replies and addresses its comments to its members. It was not speaking to you, Mr. Speaker, but rather to its members. You must have noticed this.

We want to have a debate. The government needs to stop shutting down debate and let us speak. In any case, we plan to support this. The Schizophrenia Society of Canada has asked for more time in order to meet with the minister on this issue. People also want to discuss it, and that is what we want to do.

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I want to make it very clear that we have carefully analyzed this particular piece of legislation, and we have discussed it with groups and individuals for quite some time now. I have met with a number, particularly with victims groups, on what it is they want to see and some of the challenges they have had.

Again, we have had debate here in the House of Commons. As I pointed out to the justice critic for the NDP, the bill has been debated. We are going to have more hours of debate this evening. Then it will go to the committee. They can call witnesses before the committee. This is even before we get back to third reading in the House. We have not even gotten to that. Again, there is plenty of time for debate.

What I will not agree with the NDP on is that we should continue to debate on and on. Again, with respect to our criminal justice legislation, many times the NDP members, to be fair, either completely oppose it and are upfront about that or say that it must be debated ad infinitum and on forever. I disagree with that approach.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would simply like to ask the minister if he believes that it is a majority government's prerogative to introduce time allocation motions whenever it wants. I find this to be completely undemocratic behaviour that shows utter contempt for this House, parliamentarians and Canadians.

My question is simple. I would like to hear the minister explain to Canadians why he is introducing this time allocation motion.

[*English*]

Hon. Rob Nicholson: Mr. Speaker, the member asked what the prerogatives of a majority government are. I think the prerogative is the same for all governments that are elected, and that is to do and deliver to Canadians what Canadians were promised in the previous election. That is exactly what we have done. We have made it very clear in every election that with respect to our criminal justice legislation, better protection of the public would be a priority.

Every single election we have made that promise. We have been upfront with Canadians about that. The great thing about that is that our support has grown in every single election. More and more Canadians are joining us in every single election and are saying that we are on the right track when we stand up for victims in this country and when we make individuals accountable for the crimes they commit.

I am so grateful to the people of this country who have given us a majority government. I can promise them that we will deliver on exactly what we promised in the last election.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, the victims of some convicted individuals who were found not criminally responsible are concerned that inadequate consideration is being given to their safety by review boards when decisions are made regarding mentally disordered accused people.

Victims have also raised concerns about the fact that they may have no way of knowing when an accused is released, maybe into their own communities. They are afraid that they might bump into them on the street or on some other unexpected occasion.

Could the minister please explain how this bill better responds to those kinds of concerns and the needs of the victims?

Hon. Rob Nicholson: Mr. Speaker, again, victims can currently attend hearings and present victim impact statements when these matters are before the provincial review boards.

We want to go further than that. We want to make it explicit that the safety of victims, first of all, must be considered in the whole process and that individuals who want to be notified if and when these individuals are released or escorted into the community have that ability. It should not come as some sort of surprise if they see these individuals at a restaurant, downtown, at church or some other place where they were not expecting it.

We have to make sure that what we are doing aligns with those people who have been victimized and have done nothing wrong but have found themselves in the middle of this very difficult situation.

A major component of what we are doing is to better protect and illuminate and set out the rights victims have. Again, as I pointed out, it is consistent with what we have been doing with all our criminal legislation.

● (1725)

[*Translation*]

Ms. Élaine Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, for the past little while, government members have been asking questions about the content of the bill, which is what we were supposed to debate during the time that was just taken away from us.

This is the second time allocation vote already this afternoon. Apparently, the government is going to give us five hours for second reading, which is not very much considering how important this bill is. If the government truly believed its bill was appropriate and would have a positive effect on victims, it would understand that we need enough time to consider and debate this bill thoroughly.

Does the government really believe that this bill does enough to help victims? Does it believe the bill will achieve the stated objectives? We do not know.

We know how things go in committee with this government. It has a majority, so it will call whatever witnesses it wants, and they will say what it wants to hear. It will limit the number of witnesses the opposition can call. We also expect to see another time allocation motion at third reading.

I have never heard a single group ask the government to adopt motions quickly and undemocratically. How can this government justify systematically acting this way and refusing to listen to the opposition?

We deserve to be heard. After all, the opposition parties in the House represent 60% of Canadians. This government seems to forget that every time it introduces a bill.

[*English*]

Hon. Rob Nicholson: Mr. Speaker, there is one part on which I actually agree with the hon. member. She said that government MPs have been asking questions on the substance of the bill. That is wonderful. Again, this is the kind of input I have had over the last number of months. Every time I talk with my colleagues, they are worried about this whole issue and are very pleased that we are moving forward on it.

The hon. member said that she has not talked to any groups that are pushing forward with this. I would suggest that she sit down with victims groups. I have said this before to the NDP. If members want to hear an excellent analysis of these different pieces of legislation, I say that they should sit down with victims groups, as I have when I have gone across this country. They will tell you that we are on the right track with these initiatives and that a bill like this better protects victims. It is consistent with all of the other pieces of legislation. If they are looking for groups that like these government bills, I always say to start with victims. That is a good place to start and sometimes to end.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, I just got it. I just had a total revelation.

The minister does not understand the concept of a time allocation motion. The issue is whether the government is right to move a time allocation motion. This is not the time to debate the substance of the bill.

Perhaps five hours of debate would have been enough, but the government is constantly imposing this way of operating on us here in the House. In the long run, it becomes fairly absurd and undemocratic. That is one reason why we feel it is important to debate the bill a little longer than the five hours allotted.

When the minister introduced his bill—one of the rare times he has done so—he used tons of statistics. However, according to a study in *Blacklock's Reporter*, they were not even the right statistics. Therefore, it would be good for us to have more time for debate.

In fact, after taking part in the debate myself, I realize that members of the House would be able to ask more questions. If they could, then when we receive the bill in committee, we would be readier to do our job and we would not have to engage again in preliminary debates before being able to discuss the bill in committee.

This is completely undemocratic. While the minister is bragging about being there for victims, in reality he is laying it on thick but not giving them what they want.

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I agree with her that for the NDP, these things are always about procedures. I am very pleased with the fact that for government members, it is about the substance. It is about what is in the bills. That is what is important to them.

The member said that we are always pushing through our legislation. The government House leader has been very reasonable in terms of the debate. There has been a lot of debate. I believe that these debates often go until midnight. There is extra time now for members of Parliament to debate. They can argue about the procedure and talk about that forever, if they like, or at least until a vote on this matter.

I am glad so many government members are in the House this evening, because I appreciate the input they have given and their concern in this area. They are on the right track. I can tell them that.

● (1730)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, it is interesting to hear the minister talk about the NDP wanting to talk about procedures when we have a government motion that has been introduced to talk about procedures. We are actually debating the motion the government introduced about time allocation. That is what it is asking us to talk about right now, not the substance of the bill.

It was interesting to hear the minister talk about how his goal was to fulfill the promises that the Conservatives made during that last election campaign, and some of the promises we heard were about openness, transparency and accountability. I am glad to hear the applause from the other side, because it would be wonderful if they actually followed up on those promises about openness, transparency and accountability. I believe in most Canadians' minds that those elements are all included in fulsome debate around legislation that can have profound impact.

The minister mentioned that the Conservatives have had a full study of the bill, yet we have seen other government bills that come before the House that require amendment. That is the purpose of having debate around bills, to have a fulsome study and have witnesses called.

We have seen the Conservatives shut down witness testimony at committee. I wonder if the minister could commit today to allow full debate at committee with a full slate of witnesses who represent both the opposition and the government members.

Hon. Rob Nicholson: Mr. Speaker, obviously committees are in charge of their own agenda. I see my parliamentary secretary here and other members of that committee, and they have done an outstanding job in terms of moving forward on these important pieces of legislation.

The hon. member is right when she said what we talked about in the last election. We were very clear in the last election that we would move forward with all the bills that we could not get through because the NDP, the Liberals and their other friends wanted to talk forever on these things and did not want to move forward on them.

Bill C-10 is the bill that cracks down on people who sexually exploit children, that cracks down on drug dealers. We indicated to Canadians in the last election that we were coming forward with this and we would get it passed within 100 days. We were on the right track with that bill, and this is part of that agenda of moving forward, standing up for victims and—

Some hon. members: Oh, oh!

The Acting Speaker (Mr. Bruce Stanton): Questions, the hon. member for Essex.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, if we want to know where NDP members stand on a bill like Bill C-54, we should read all the speeches they have already given, because they are almost identical, speech after speech, the same rehashed talking points. What is the substantive point of moving the debate forward if they do not actually debate, they just read the same handful of talking points over and over again?

It is time to get on. We have heard plenty of what NDP members believe about this. They are on the wrong side of the issue on the substance of it, but it is time to get on with it. Let us get on to talking about this particular bill. We will hear the same handful of talking points again in the next few hours, I am sure about that.

Let us get on with it. What does the minister have to say about what NDP members will say over the next few hours?

Hon. Rob Nicholson: It is true, Mr. Speaker, that very often NDP members make the same point, the same arguments over and over again. To be fair, it is their right to do so. They can repeat themselves ad infinitum on these, but I think it is important for Canada that we move forward on these important pieces of legislation and get them enacted into law. This country is better off when we modernize the Criminal Code, increase justice efficiencies, when we hold offenders accountable for the crimes they have committed and when we better protect victims.

However, they can repeat the same arguments on all of these if they like. That is what democracy is all about. We obviously take a different approach.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, we are now debating time allocation on the bill and the Conservative majority will get the time allocation they want. Whenever there is time allocation, the position I hold being a member of a party with one seat is that those of us in the backbenches over in this corner will not get any opportunity to participate in debate. Over and over again time allocation means that we do not get a speech on the key issues.

I am surprised the Minister of Justice believes the bill has been well received. I have seen from the experts in the area of mental health and the experts in criminal justice that there is no evidence whatsoever for the changes that are being proposed and that the bill needs a proper, full and thorough debate in this House.

I ask the Minister of Justice how he could miss the comments of Professor Anne Crocker, who did a report for his own department, and said, "I would say there's no current evidence indicating the need for changing the way things are being done at the moment".

Then she went on to say, "You wonder why you commission reports [referring to the Department of Justice] if you're not going to use them".

● (1735)

Hon. Rob Nicholson: Mr. Speaker, we have actually commissioned a couple of reports and I referred to some of the statistics in the final report that was given to us in November 2012. Indeed, there was one from 2006 that underscored some of the challenges that we have.

The member asks who we have been listening to. I make no bones about it, we have been listening to victims. We meet with victims groups. I would give the member the same advice that I would given to the NDP on a hundred different occasions. Sit down with victims groups across this country. I know members are busy and have lots of things to do, they have a constituency to look after. Even if they are down to one seat, as the Green Party is, they can still make time for victims groups across this country. I think they will be very impressed. I believe once having sat down with victims groups, members will be very supportive of what this government is doing to better protect victims.

Mr. Charlie Angus: Mr. Speaker, I rise on a point of order. This is a place of dignity. Every member in the House has a right to be here whether the minister likes it or not. I am not going to sit back and allow him to insult members who come here and have a right to be—

The Acting Speaker (Mr. Bruce Stanton): That is not really a point of order.

Questions, the hon. member for La Pointe-de-l'Île.

[*Translation*]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, my colleague's speech on victims is quite respectable, but we are debating a time allocation motion.

I would like the minister to save his political propaganda for the Conservatives and tell us what he is going to say to the young people of my generation who have lost their confidence in politics and democratic institutions since the Conservatives were elected in 2011. What will he say to them after closure has been invoked 34 times? What will he say to young political science students who are told ad nauseam that Canadian democracy serves as an example? What will he say to these students and the young people watching us today who have lost confidence in this Parliament because of the Conservatives?

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I would tell those young people, as I have told young people, that it does not get any better anywhere in the world than right here in Canada. Nobody is fairer. Nobody has better, more open debates. Nobody is more reasonable. This country is an example of what the world should become. Indeed, all of these matters will be debated and since we are talking about this particular bill, yes, we can debate this again for five hours and I am open to questions. Members do not have to ask me anything about the substance. I appreciate this is a democracy. They can just ask me about procedure if they like.

But again, for me it is the content of this legislation that is very important. Once this debate goes for second reading, as I pointed out, it will go to committee, there will be witnesses and great debate. I have complete confidence in my parliamentary secretary and all those who work with him on the justice committee that there will be good and fulsome debate. I would say to the hon. member to tune into those debates. The good thing about CPAC is that it continues to broadcast those committee meetings over and over again. If people miss it once, they will have the opportunity to get it later on, and to see politics in action.

Ms. Elizabeth May: Mr. Speaker, I rise on a point of order. I wanted to know if the Minister of Justice had meant to use the word "fulsome", which in relation to debate means noxious and disgusting?

The Acting Speaker (Mr. Bruce Stanton): Again, it is a matter of debate, not really a point of order.

● (1740)

[*Translation*]

It is my duty to interrupt the proceedings and put forthwith the question necessary to dispose of the motion now before the House.

[*English*]

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bruce Stanton): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): Call in the members.

● (1820)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 697)

YEAS

Members

Ablonczy
Adler
Albas
Alexander
Allison
Ambrose
Armstrong
Aspin
Bernier
Blaney
Boughen
Breitkreuz
Brown (Newmarket—Aurora)
Bruinooge
Calandra
Cannan
Carrie
Chong
Clement
Daniel
Dechert
Devolin
Duncan (Vancouver Island North)
Fantino
Findlay (Delta—Richmond East)
Galipeau
Glover
Goodyear
Gourde
Harper
Hawn
Hiebert
Holder
Jean
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Leung
Lobb
Lunney
MacKenzie
McColeman
Menegakis
Miller
Moore (Fundy Royal)
Norlock
O'Connor
O'Neill Gordon
O'Toole
Payne
Preston
Rajotte
Reid
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Smith
Sorenson
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Brown (Barrie)
Butt
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Carmichael
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Davidson
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Dreeshen
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Fast
Fletcher
Gallant
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Gosal
Grewal
Harris (Cariboo—Prince George)
Hayes
Hoback
James
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kerr
Kramp (Prince Edward—Hastings)
Lauzon
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Lizon
Lukiwski
MacKay (Central Nova)
Mayes
McLeod
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Nicholson
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Oliver
Opitz
Paradis
Poilievre
Raitt
Rathgeber
Rempel
Rickford
Saxton
Shea
Shory
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Stanton
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Toews
Trottier
Tweed
Van Kesteren
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wilks
Wong
Yelich
Young (Vancouver South)

NAYS

Members

Allen (Welland)	Andrews
Angus	Atamanenko
Aubin	Ayala
Bélanger	Bennett
Blanchette	Blanchette-Lamothe
Boivin	Boulerice
Boutin-Sweet	Brison
Brosseau	Caron
Casey	Cash
Charlton	Chicoine
Chisholm	Choquette
Chow	Christopherson
Cleary	Côté
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Day	Dewar
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseault	Easter
Eyking	Foote
Fortin	Freeman
Fry	Garneau
Garrison	Genest
Genest-Jourdain	Giguère
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Groguhé	Harris (Scarborough Southwest)
Harris (St. John's East)	Hsu
Hughes	Hyer
Julian	Kellway
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
Leslie	Liu
MacAulay	Mai
Marston	Martin
Masse	Mathyssen
May	McCallum
Michaud	Moore (Abitibi—Témiscamingue)
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Morin (Laurentides—Labelle)	Mulcair
Murray	Nantel
Nash	Nicholls
Nunez-Melo	Papillon
Patry	Péclet
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Rankin	Raynault
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PAIRED

Nil

The Speaker: I declare the motion carried.

SECOND READING

The House resumed from April 26 consideration of the motion that Bill C-54, An Act to amend the Criminal Code and the National Defence Act (mental disorder), be read the second time and referred to a committee.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to have the opportunity to participate in the second reading debate on Bill C-54, the not criminally responsible reform act. This is a legal policy issue that has preoccupied many Canadians, not only today but over the years.

Recent high profile cases in many parts of Canada have caused Canadians to question whether our laws in this area are strong enough or clear enough to ensure that the public is adequately protected when a risk to public safety exists.

In my remarks, I plan to outline the key milestones of Parliaments consideration of this issue. It is important to canvass the legislative history of the Criminal Code mental disorder regime in order to put today's debate into context, essentially to have a clear understanding of how Bill C-54 seeks to build on and improve the existing law.

What used to be referred to as the "insanity defence" was included in Canada's first Criminal Code, which was enacted in 1892. Even before then the defence existed at common law. It stemmed from a decision rendered in 1843 from the British House of Lords. The common law principle was known as the M'Naghten Rules, which stated:

> —every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defence on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.

The text of the first Criminal Code stated:

> No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such act or omission was wrong.

This legislation continued to apply relatively unchanged and without much public debate for the first half of the 20th century.

In 1977, the Law Reform Commission of Canada produced a report to Parliament on mental disorder in the criminal process, which made 44 recommendations about procedures and dispositions for the mentally disordered offender. In order to consider and respond to the recommendations, the Department of Justice launched the mental disorder project in 1978. The review process led to the release of a discussion paper in 1983, exploring over 100 issues in the area of psychiatric remand, fitness to stand trial, the defence of insanity and criminal responsibility, just to name a few. A final report was produced in 1985, followed shortly thereafter by a draft bill that was introduced in the House of Commons by the then minister of justice John Crosbie.

The proposed amendments to the Criminal Code and the draft bill were the first formulation of what would eventually become the new Criminal Code mental disorder regime.

The proposed amendments sought to modernize and clarify the criminal law on mental disorder, strengthen due process and ensure the continued protection of the public. It proposed to change the law in a number of respects.

Under the law at the time, insane or unfit accused were held in strict custody under the pleasure of the lieutenant-governor of the province was known. There was not a requirement to hold a hearing and the lieutenant-governor's decisions, essentially the provincial cabinets, were not subject to appeal. Therefore, there were many gaps with respect to due process that needed to be remedied.

In 1986, the draft bill proposed to remove the role of lieutenant-governors in the process and to establish review boards in all jurisdictions, with uniform procedures to follow across the country. Another significant change in the draft bill was to replace the defence of insanity with the verdict of "not criminally responsible on account of mental disorder". I will have more to say about that amendment in a moment.

Discussions and consultations with the provinces and territories on the draft bill and other intervening events resulted in the bill not being introduced until 1991 as Bill C-30. It proposed much of what was contained in the 1986 draft bill.

With respect to the previous defence of "not guilty by reason of insanity", it is noteworthy to highlight the remarks of Kim Campbell, the then minister of justice, about that amendment. She said that a number of psychiatrists had indicated that persons found not guilty by reason of insanity deluded themselves into thinking that they had done nothing wrong and this presented an obstacle to therapy. She also explained that the previous wording was difficult for the public to understand how the accused could be found not guilty despite proof that he committed the offence. The "not guilty by reason of insanity" defence was therefore replaced with a verdict of "not criminally responsible on account of mental disorder".

● (1825)

However, I think it fair to say that the public still has difficulty understanding a "not criminally responsible" verdict. I believe it is part of our job as parliamentarians to talk about the verdict and to help explain it to the public. Therefore, I would like to reiterate that the verdict of not criminally responsible on account of mental disorder is not an acquittal; nor is it a conviction; it is a special verdict that the court makes when it has been established that a person committed an act or made an omission that constitutes a criminal offence. What has also to be established as a legal issue for the court to determine is whether the person suffered from a mental disorder at the time of the commission of the act, or the omission, that rendered the person incapable of appreciating what he or she did or of knowing that it was wrong.

When the court enters a verdict of not criminally responsible on account of mental disorder, it does not release the accused. The accused is referred to a provincial or territorial review board that is responsible for making orders to govern how the accused will be dealt with.

Bill C-30 introduced three possible orders that could be put into place, depending on the level of risk posed by the person. Only if the person did not pose a significant threat to the public safety would the person be discharged without conditions. If the person posed a significant threat to the safety of the public, the person would be kept in custody in a hospital or discharged with conditions. The choice between custody or a conditional discharge is determined in accordance with the level of risk posed to the public safety.

Bill C-30 also introduced the factors that must be taken into consideration in deciding which order should be put in place. The section provides that the court or review board shall take into consideration the need to protect the public from dangerous persons, the mental condition of the accused, the reintegration of the accused into society and the other needs of the accused. This is a key provision of the Criminal Code mental disorder regime, as it guides the courts and review boards in their decision-making. It was introduced in 1991 by Bill C-30 to provide criteria and factors that did not previously exist in the legislation.

As I mentioned in the beginning of my remarks, I want to take some time to canvass the legislative history of the Criminal Code mental disorder regime in order to put Bill C-54 in context and to better understand how it seeks to build on and improve the existing law.

With respect to this key decision-making process, Bill C-54 proposes to clarify that among the existing listed factors that the courts and review boards must consider when they make decisions with respect to the mentally disordered accused, public safety is the paramount consideration.

In clause 9, it says:

> When a court or Review Board makes a disposition... it shall, taking into account the safety of the public, which is the paramount consideration, the mental condition of the accused, the reintegration of the accused into society and the other needs of the accused, make...[the disposition] that is necessary and appropriate in the circumstances....

Bill C-54 would also clarify what is meant by the phrase "significant threat to the safety of the public". In 1999, the case of Winko v. British Columbia (Forensic Psychiatric Institute), the Supreme Court of Canada interpreted that phrase to mean a risk of serious physical or psychological harm to members of the public resulting from conduct that is criminal in nature but not necessarily violent. Bill C-54 would codify the Supreme Court's interpretation.

The mental disorder regime that was introduced in 1992 included new rules and procedures with respect to appeals. I mentioned earlier that the previous law did not provide either party with a right of appeal of a lieutenant-governor's decision. Last year, the Court of Appeal for Ontario identified a problem with one of the appeal provisions in this part of the code. The Criminal Code currently states that when an absolute discharge is appealed, the absolute discharge is automatically suspended. In R. v. Kobzar, the Court of Appeal for Ontario found this automatic suspension to be in violation of sections 7 and 9 of the charter, but suspended its order to allow Parliament to pass an amendment to correct the defect. The proposed reforms would eliminate the automatic suspension of the absolute discharge and instead would grant the Court of Appeal the discretionary power to suspend the absolute discharge if the mental condition of the accused justifies it.

I support the effort to clarify this area of the criminal law. The reform seeks to improve the existing legislative framework that guides decision-making when courts and review boards hear matters involving mentally disordered accused persons. Bill C-54 would help ensure more consistent interpretation and application of the law across the country. That is a valuable goal.

● (1830)

In my view, the proposed reforms are reasonable measures to take into consideration the protection of the public and to ensure confidence in our justice system. Mentally disordered accused will continue to receive treatment and have their cases overseen by the courts and review boards.

I encourage all members to support passage at second reading of Bill C-54. This would mean that it would be referred to committee for further study.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, given that it is focusing in part on victims in this bill, does the government intend to bring forward new programs to provide further assistance for victims?

Mr. Robert Goguen: Mr. Speaker, I thank the hon. member for her question.

As she knows, the government already provides a wide range of services. When we study this bill in committee, it may very well be that evidence is presented that will lead us to consider even more carefully if there are gaps, if there are things that can be improved and if we can provide better services. We know that the Federal Ombudsman for Victims of Crime is still waiting and is taking a hard look at this important issue.

[*English*]

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I would certainly like to thank the Parliamentary Secretary to the Minister of Justice for his speech in regard to this much-needed legislation. In fact, this is something that is of concern in my riding of Okanagan—Coquihalla, and was particularly so during the last election, when I was door-knocking. There was a tragic case of three children being murdered by their father in the city of Merritt, and this is still a very difficult issue for my riding.

The parliamentary secretary has certainly done a lot of work in supporting victims' rights, particularly with the victim surcharge. We have doubled that. Many opposition members chose to vote against that important legislation, but what I would like to ask the parliamentary secretary is not so much about victims' rights at this time.

We want to empower victims so they have more information, but we also want to empower the judiciary to be able to put forward high-risk designations. That allows for a check in an area that many victims have raised as a gap in the system.

I would like to hear the parliamentary secretary's comments on empowering the courts and also on helping victims to be protected through this legislation.

● (1835)

Mr. Robert Goguen: Mr. Speaker, certainly the tragedy that occurred in his riding is an illustration of why this law has been brought forward, which is to make the protection of the public the paramount consideration when it comes to the release of mentally affected offenders.

Not all mentally-affected offenders will be given high-risk designations, but the court will always look at this question. In the event an offender is in fact a high-risk offender, much more security will be placed around that person, who will not be able to go on unescorted visits. Escorted visits will be for health reasons. Victims will always be informed upon their release, when and if that occurs, and there will be enough information so that victims can avoid encounters with the people whom they are absolutely terrified of.

This is all about one single thing: protecting the public while balancing the protection of the public with the rehabilitation of offenders and causing less of a disruption for the victims, who have basically been sentenced for the rest of their lives through circumstances beyond their control.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I have seen many bills go through the House in which financial obligations are passed on to provinces, cities or first nations. I want to ask the parliamentary secretary if he can assure the House that financial discussions have taken place with the provinces so that they are not left holding the bag. Who is responsible for carrying out the responsibilities for this bill, and will any federal transfers will be made to the provinces?

Mr. Robert Goguen: Mr. Speaker, this bill was brought forward at the request of the provinces and territories because they have concerns for the safety of the public.

As to the costs, transfers to the provinces are at an all-time high. I believe it was $64 billion last year. There is a cost to protecting the public, and certainly in this case the provinces and territories have sought to get additional protection. It is, of course, within their purview to want to protect their public, as do we.

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, I will be splitting my time with the member for Portneuf—Jacques-Cartier.

I stand in support of Bill C-54, an act to amend the Criminal Code and the National Defence Act in relation to mental disorder. The bill's short title is the “not criminally responsible reform act”.

To be more specific, New Democrats support the bill so that it can be further studied in committee. It merits further study.

Cutting to the chase, this bill amends the legislative framework applicable to mental disorder in the Criminal Code and the National Defence Act.

It amends the legislation to specify that the safety of the public is the paramount consideration in the decision-making process. I repeat, because this is key, that public safety must be paramount in the decision-making process.

The bill also creates a mechanism by which Canadians who are found not criminally responsible on account of mental disorder may be declared high risk, and the bill increases the involvement of victims. I will have more to say about that in just a moment, but first I will provide an overview of the current Criminal Code mental disorder regime.

The current Criminal Code mental disorder regime applies to a small percentage of accused. Under Canadian criminal law, if an accused person cannot understand the nature of the trial or the consequences and cannot communicate with their lawyer on account of a mental disorder, the court will find that the person is unfit to stand trial. Then, once that person becomes fit to stand trial, they are tried for the offence with which they were initially charged.

At the same time, if a person is found to have committed an offence but, because of a mental disorder at the time, lacked the capacity to appreciate what they did or know that it was wrong, the court makes a special verdict of not criminally responsible on account of mental disorder. They are either convicted or they are acquitted.

A person found either unfit to stand trial or not criminally responsible is referred to a provincial or territorial review board, and the board decides on the course of action.

Under the current law, a review board can make one of three possible decisions.

First, if the person does not pose a significant threat to public safety, there can be an absolute discharge. That is only available to a person found not criminally responsible.

The second possibility is a conditional discharge.

A third option that is open to a review board is detention in custody or detention in a hospital.

This bill proposes to amend the mental disorder regime in three ways. The first is by putting public safety first. I cannot stress that enough: public safety must come first. The changes proposed in this bill would explicitly make public safety the paramount consideration in the court and in the review board decision-making process.

Second, the legislation would amend the Criminal Code to create a process for the designation of those found not criminally responsible as "high risk". That is the designation, "high risk". That would be in the case when the accused person has been found not criminally responsible for a serious personal injury offence where there is a high likelihood for further violence that would endanger the public, or else in cases where the acts were of such a brutal nature as to constitute a risk of grave harm to the public.

As for what happens when a not criminally responsible person is designated high risk, they would not be granted a conditional or absolute discharge. That would not happen. Further, the designation of high risk would only be revoked by the court following a recommendation of the review board.

This bill outlines that a high-risk, not criminally responsible person would not be allowed to go into the community unescorted. Again, it is all about public safety. The escorted passes would only be allowed in narrow circumstances and subject to conditions sufficient to protect public safety. Also, the review board could decide to extend the review period for those designated high risk to up to every three years instead of annually.

● (1840)

The third way this bill proposes to amend the mental disorder regime is by enhancing the safety of the victims and by providing them with opportunities for greater involvement of the Criminal Code mental disorder regime in three ways.

First is by ensuring that they are notified, upon request, when the accused is discharged. Second is by allowing non-communications orders between the accused and the victim. Third is by ensuring that the safety of victims is considered when decisions are made about an accused person.

Provisions in the proposed legislation would also help ensure the consistent interpretation and application of the law across the country.

Amending the legislative framework applicable to mental disorder in the Criminal Code and National Defence Act is a difficult issue for victims, families and communities. However, and I cannot repeat this enough, public safety must come first when complying with the rule of law and the Canadian Charter of Rights and Freedoms.

We support this bill so that it can be further studied in committee. In the coming weeks, at the committee stage, we will talk to mental health experts, victims and the provinces to find out what they believe is the best approach, but, and this is a big but, we do not want to play political games with this bill. We must focus on the policy's merits.

As for consultation and who pays the cost, which was a question asked of the Conservative speaker who spoke last, in a *Global News* interview, a spokesperson for the Department of Justice stated that the provinces would be responsible for assuming the costs of the new policy. That said, we must ensure that the provinces have the financial resources to pay for the new policy.

However, there are other unknowns. There are outstanding questions and information the federal Conservatives should be able to provide. Again, with this bill, public safety must be paramount, but we also need the information and data to make the best decisions we can make.

There are several outstanding questions. First, what statistics did the government collect on persons deemed not criminally responsible on account of mental disorder? We would be looking for those statistics by province, by territory and by type of offence.

Second, how many people were deemed not criminally responsible over the past ten years, and how many of those people were granted an unconditional discharge?

Third, which persons deemed not criminally responsible and discharged were found guilty of a subsequent offence? That is a good question. Fourth, what persons deemed not criminally responsible and discharged were deemed not criminally responsible for a subsequent offence? What was the nature of the subsequent offence?

Fifth, for each of the last ten years, what was the rate of repeat offences for all offenders under federal jurisdiction by province and by territory?

Finally, which treatment facilities across the country, public and private, accept people deemed not criminally responsible, and how much money is out there to actually look after these people once they are in institution, if they go to an institution?

Most Canadians are familiar with Sheldon Kennedy. He is a former National Hockey League player. He is also an abuse victim. His story is well known across the country. Here is what Kennedy had to say when he heard about this bill. He said:

> What I really like is the focus on victims. I think that's key, and when we look at this type of crime we catch some child sex perpetrators but I think it's paramount we take care of the victims of these perpetrators.

Let me be clear. We want to know how we can help victims. Over the next few weeks, we will talk to mental health experts, victims and the provinces to learn what they believe is the best approach.

I cannot stress this enough: we do not want to play political games with this. We want to examine the merits of the bill, which must be adequately funded by the federal government. We need answers to those outstanding questions. What I listed were just several questions. There are many more. We need the answers to those questions to make the best decisions about moving forward.

● (1845)

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, my colleague rightly pointed out that he has lots of questions. I have lots of questions as well. I spoke to the bill earlier, and I still have questions. One reason we are not able to get answers to these questions, in my opinion, is that we do not know who the government has consulted on this.

I want to ask my colleague if he knows of the organizations, individuals and experts in his community the government consulted. At the law school in Halifax, professor Archie Kaiser teaches disability law. We have Atlantic regional offices, for example, of the Canadian Mental Health Association and the schizophrenia association. As far as I know, none of these organizations have been consulted.

We want to make sure that public policy is based on the best evidence out there, not on just our gut reaction to a couple of high-profile cases. I wonder if my colleague has heard of any consultation on this legislation happening in his community.

Mr. Ryan Cleary: Mr. Speaker, the short answer to the hon. member's question is that I do not know. I do not know who has been consulted. In my riding of St. John's South—Mount Pearl, there is a lot of talk, especially among police authorities, about mental health and the fact that the services are not there for people who suffer from mental health illness.

I mentioned in my speech a number of questions, but the list of questions is as long as my arm. We have many questions that are outstanding. Which treatment facilities, for example, accept people with the mental health illnesses we outlined? Of the facilities, which are private? How many people can each facility accept? How many people are currently in each facility? What analysis has the government done to determine that these legislative measures will require these facilities to increase their capacity? There are so many questions we just do not have answers to.

● (1850)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank the member for St. John's South—Mount Pearl for yet another speech in the House that has brought us a lot more sense of what is missing from this particular legislation. The member for St. John's South—Mount Pearl is one of the most eloquent members in the House of Commons. He is very hard working. He does a terrific job. He raised significant questions for which the government does not seem to have any answers.

We all support the principle of the legislation. We support the principle of helping victims, but the fact that the government is incapable of answering these key questions is very important.

The government has a history of, and unfortunately there is no other way of putting it, screwing up legislation. I think of the refugee legislation and the veterans charter. In each case, the government tried to rush through legislation that had not received due diligence.

I am wondering if the member for St. John's South—Mount Pearl is concerned about the closure motion the government has brought forward. Is it repeating the same mistakes it has made in the past?

Mr. Ryan Cleary: Mr. Speaker, I am very concerned about closure, and I am always concerned any time the government limits debate. To me, that interferes with our democracy. It interferes with the way this place is supposed to run.

The bottom line is that our party supports the bill going to committee, and in committee, we are going to bring in experts and have further study. With all of these outstanding questions, we are going to need answers. The government had better be prepared when we go to committee stage to answer some important questions.

We do not know if the homework has been done on the bill in terms of treatment facilities and raw numbers. If Canadians with mental health issues are charged and convicted of a crime, how often do they repeat crimes? How often are they put back in jail? We do not know whether they get the treatment they need or whether the treatment is out there. There are so many questions. We do not know if the homework is being done, because we do not have any answers yet. We will see at committee stage.

[*Translation*]

Ms. Élaine Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, I am proud to join my hon. colleagues in speaking about Bill C-54, An Act to amend the Criminal Code and the National Defence Act (mental disorder). We have discussed it at length in the House today.

The bill addresses a particularly important and troubling issue for victims and other Canadians. Regrettably, almost every region or community in Canada has seen some tragic event of this kind. I will refrain from naming some high-profile cases in Quebec since everyone already knows what we are talking about.

However, it is important to take the time to debate this properly in the House. I find it deplorable that once again, the government has moved time allocation to limit debate on an important bill that has a direct bearing on the problems victims experience. The time allotted for debate at second reading has again been reduced. I hope that we do not have to face the same situation in committee as we have in other committees, where the government has put restrictions on the witnesses who come forward to tell us about their experience and their views on the bill. In several other committees, we have seen the government abuse its majority to silence opinions that are not necessarily in line with its proposals. I hope that will change this time. This is a crucial issue.

This bill was introduced in the wake of events that made headlines and, not surprisingly, shocked people. We have to take the time to study this bill thoroughly. It would amend certain Criminal Code provisions to make the safety of the public the paramount consideration in courts' and review boards' decision-making processes involving persons found not criminally responsible.

The bill would also create a new mechanism to designate NCR accused as high risk and subject them to additional restrictions with respect to parole and conditions under which an offender can be released. It would also enhance victims' involvement in the release process for persons found not criminally responsible.

Bill C-54 puts forward major changes worthy of in-depth consideration in committee. That is why my colleagues and I will support it at second reading. We believe that the Standing Committee on Justice and Human Rights must take a very close, non-partisan look at the bill's provisions.

We can all agree that partisanship and political games have no place in our debate on this issue. We need genuine consultation with mental health experts, the provinces and victims to ensure that this approach is really the best possible approach for Canada. We all know that protecting public safety is the highest priority, but that protection must go hand in hand with respect for the rule of law and the Canadian Charter of Rights and Freedoms.

The committee's study will enable us to ensure that the bill before us is truly in line with the basic principles our country was founded on. These principles must be evident in every law we pass and must be our foremost consideration for every bill introduced in the House, be it to protect victims or anything else.

We also have to make sure that we are doing everything in our power to support victims of crime. I have no doubt that all parties in the House consider that a priority.

● (1855)

We all have a duty to provide victims with the services they need and to ensure that we give them the best support possible during their hardship. We must also continue to provide that support well into the future, so that they can truly reintegrate into society and move beyond the tragic events they experienced. It is difficult to do, but as parliamentarians, it is our responsibility to put those measures forward. We know that victims are the hardest hit by crime, and we have a duty to help them.

There are already various victim compensation programs in place, and they are essential. However, when faced with a bill such as Bill C-54, we must ask ourselves whether or not the measures it contains will really be enough to protect victims of crime from potentially being revictimized.

We must also ask ourselves whether the bill will truly offer more support to victims of crime. I hope that the committee will at least be able to take a closer look at those elements, which are priorities for the NDP, and shed some light on them.

There are other elements that should also direct the committee's work, and I hope that they will be reflected in the work that will begin after the mere five hours of debate allocated for second reading in the House.

Some mental health experts are already concerned about the potentially harmful effects this bill may have on Canadians with mental health issues who do not break the law. These people obey our country's laws, but they still need additional support from the different levels of government.

Based on what I have heard in the various speeches about Bill C-54, it seems as though the government believes that there are quite a few individuals who would have been found not criminally responsible for crimes, and that these individuals are hiding on every street corner. However, such is not the case. We need to keep these statistics in perspective.

For example, in Ontario, the most populated province in the country, only 0.0001% of people accused of a Criminal Code offence were found to be not criminally responsible. That is a very low number. That does not mean that we do not still have work to do to provide better protection for victims in the future and to prevent more people from becoming victims of crime. However, when we adopt such measures, we must also consider what kind of effect they could have on other Canadians living with mental health issues.

Before I became an MP, I earned a bachelor's degree in psychology from Laval University. During my studies I learned about the stigma experienced by people living with mental illness. These issues are still poorly understood by the vast majority of Canadians.

For example, according to a fairly widespread stereotype, people living with schizophrenia are considered to be violent. That is often not at all the case. These people certainly have some problems, but it is rare for them to commit violent crimes.

There are already a number of community services available. A number of organizations are doing excellent work. Take, for example, Arc-en-ciel, which serves the people of Portneuf, in my riding. This organization is trying to challenge mental health stereotypes.

These are issues I would like to see studied in committee, which is why I support Bill C-54 at second reading. I look forward to seeing what the committee comes up with, so we can ensure that the Criminal Code is properly equipped to deal with people who are declared not criminally responsible.

● (1900)

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I congratulate my colleague for a very thoughtful speech on a very difficult subject.

When we are dealing with issues of justice in this country, dealing with crimes that involve some of the most serious emotions and serious impacts on people that we can imagine, it behooves us as parliamentarians to move very prudently and cautiously, because what we need is an incredible balance. We need a sensitive balance that recognizes the unbelievable pain victims experience when they suffer from a crime committed against them or their loved ones. We must also balance and temper that with a sense of justice for the person who has committed that crime, because the point of our criminal justice system is, at the very end, to do justice.

I ask my hon. colleague if there are any facts or statistics that were used by the government in crafting this law, or does she feel that, like so many other Conservative laws before it, this is a law that is more about politics and wedging than it is about coming to thoughtful, effective criminal law?

[*Translation*]

Ms. Élaine Michaud: Mr. Speaker, I thank my colleague for his excellent question.

It is difficult to deal with such a serious and complex subject when confronted with political games. Unfortunately, that happens far too often in the House.

Unless I am mistaken, the time allocation motion that was debated a little earlier today was the 33rd one that has been imposed. Another time allocation motion was moved this afternoon, which makes this the 34th time the government has decided to close down debate.

My colleague from Gatineau pointed out to the Minister of Justice that the statistics he used to justify the bill before us were not the right ones.

Too often, we see the government making decisions that are perhaps based on the media and on what we see in the newspapers; reactions may be very strong and people may be on edge following incidents that are very difficult for communities and families to deal with.

I hope the committee will be able to fill in the gaps that we unfortunately see far too often when this government drafts bills.

● (1905)

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, speaking of political games, my question to my colleague is about political games when it comes to victims.

As we all know, there is a bit of a scandal happening around expenses in the Senate. I heard one of our Conservative colleagues on the radio saying that this is not what Canadians really care about, but Canadians really care about keeping our streets safe and keeping pedophiles off the street.

Really? We are talking about Senate expenses, and our Conservative colleague is talking about keeping pedophiles off the street. This is not what people are actually talking about to me day to day in my riding. They are talking to me about things that are happening in their real lives.

In that vein, it is like creating a fear, creating a sense that all these bogeymen are out there to get us, and then creating public policy based on a couple of instances of tragedy, which need to be addressed but do not necessarily create the best basis for public policy for all.

I wonder where the attention to victims is. Why do we not actually have funding for victims organizations, have funding for victims to be able to get on with their lives? That would be true attention to victims, as far as I am concerned. I wonder if she agrees.

[*Translation*]

Ms. Élaine Michaud: Mr. Speaker, I thank my colleague for her excellent question. She has basically summarized my point of view on this.

Some provisions allow victims to be more involved in the release process for persons who are found not criminally responsible. However, this does not provide them with direct assistance in surviving and overcoming the terrible experiences they have had.

I have been a member of the Standing Committee on Public Safety and National Security for a short while. From our discussions and from meeting with witnesses, we have seen how important it is to focus on prevention in order to protect against having new victims. It is one aspect of the job that the government often forgets about, so it takes advantage of very hot issues that have shocked people. However, it is not putting much more thought into it, yet this is the type of work that we need in the House, not just the knee-jerk reactions that we see too often from the government.

[*English*]

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, before I start, I would like to let you know that I will be sharing my time with the hon. member for Crowfoot. I am looking forward to his speech.

I am very pleased to have the opportunity to speak on second reading debate of Bill C-54. As a retired police officer, I hold this very close to my heart. I have seen many cases where this has been traumatic on both sides, not only for the victims but also for those who have been found not criminally responsible.

The bill would reform not just the Criminal Code mental disorder regime but also the corresponding regime in the National Defence Act, to ensure these regimes develop harmoniously.

The bill is very complex, not only from a technical and legal perspective but also because of the sensitive issues it seeks to address.

At the heart of the bill is the complex matter of assessing the risk to public safety of people who have committed horrific crimes, who suffer from a mental disorder. Unlike convicted offenders, mentally disordered accused persons are not held criminally responsible for their actions due to the presence of mental illness at the time of the commission of the offence that prevented them from knowing what they were doing or what it was that they were doing wrong.

The concept is not only difficult for many Canadians to understand. It is also difficult for many Canadians to accept. It is particularly difficult when a very tragic or horrific incident has occurred. Not-criminally-responsible accused persons are not held accountable and sentenced like convicted offenders are. Instead, they may be detained under the criminal law power if they pose a significant threat to public safety.

Decisions about individuals found not criminally responsible are made by provincially constituted administrative tribunals known as review boards. The Criminal Code mental disorder regime guides the review boards in their ultimate goal of protecting the public from mentally disordered accused persons who continue to pose a danger.

I would like to focus my remarks on the public safety elements of Bill C-54.

First, the bill would clarify that public safety must be the paramount consideration in the decision-making factors that the courts and review boards apply when dealing with cases of mentally disordered accused persons.

The goal of ensuring public safety animates the entire legal regime that applies to mentally disordered accused persons who are referred to the review boards. One could say that is their raison d'être, as the review boards' main task is assessing the public safety risk posed by a particular unfit or not-criminally-responsible accused and making orders to address those risks.

In short, it is appropriate to highlight public safety as being the paramount factor in the review board decision-making process. If there are no real risks to public safety, the legislation is clear in requiring that an absolute discharge would be made.

Another key public safety element of Bill C-54 would be the new hearing process for the courts to determine whether a particular not-criminally-responsible accused were a high-risk accused and, where so, to impose stricter rules of detention more tailored to protecting the public.

Concerns have been expressed about the potential for day passes, or passes longer in nature from a hospital, being granted to a mentally disordered accused who, under the jurisdiction of the review boards, might pose a danger to society. In at least one recent case, allowing an unescorted absentee to leave a hospital led to the killing of an innocent victim. The bill aims to prevent such tragedies from occurring.

The proposed high-risk designation scheme would be tailored to respond to situations where the risk to the public safety posed by certain not-criminally-responsible accused is considered to be greater and, therefore, would require greater protection.

● (1910)

Designations could be made in one of two possible situations. First, when there is a substantial likelihood that the accused will commit further violence that could endanger the public, or second, where the offence that led to the not criminally responsible verdict was of such a brutal nature as to indicate a risk of grave harm to the public.

Procedurally, the high-risk designation scheme would be launched by way of an application by the prosecutor to the courts after a not criminally responsible verdict had been rendered for a serious personal injury offence. An application could only be made if the accused had not already been absolutely discharged. However, if the accused were still in the review board system, whether in custody or subject to a conditional discharge, the Crown could bring an application if it wished to obtain an order designating a particular accused as high risk. The court would consider all relevant evidence, including the nature and circumstances of the offence, any relevant pattern of repetitive behaviour, the accused's current mental condition, the past and expected course of treatment and the accused's willingness to follow treatment as well as expert medical opinions.

If the court made the high-risk accused finding, a disposition requiring detention of the accused in a hospital would have to be made. No conditions permitting absences from the hospital would be authorized unless a structured plan had been prepared to address any risk to the public and only with an authorized escort. Absences from the hospital would only be permitted for medical reasons and for any purpose necessary for the accused's treatment.

Bill C-54 also mentions that decision makers, the court and review boards shall consider whether it is desirable in the interest of the safety and security of any person, particularly a victim, to include a condition requiring the accused to abstain from communicating with the victim or attending a specified place. There is also authority for any other condition to be made to ensure the safety and security of victims. These are very reasonable proposals and I am pleased to see them in the bill.

I would like to commend the Minister of Justice for introducing this important piece of legislation. I would urge all members of the House to support the passage of Bill C-54 at second reading as this would enable further study of the bill at committee.

As I mentioned at the outset, this is a very complex area of the law and I am sure that the task of assessing risks with respect to this population is very complex as well. I am aware that the Department of Justice conducted research on the review boards systems in Canada. A research report on their data collection study was published in 2006 on the Department of Justice website. It contains a great deal of relevant statistical information such as the nature of the offence that brought the person into the review board system, the nature of their diagnosis, prior involvement in the criminal justice system, types of decisions made, total caseloads, et cetera. No doubt this data will assist the Standing Committee on Justice and Human Rights when it studies the bill.

Before closing, I would like to take a moment to clarify an important point. Although Bill C-54 addresses the difficult and sensitive issue of how to effectively manage the risk posed by accused persons who have been found by the courts to be not criminally responsible or unfit to stand trial on account of mental disorder, it should not be interpreted as a suggestion that all mentally ill people are dangerous. That is simply not the case.

The debate around the bill must not lead to negative stereotyping about mental illness. To put things into perspective, it is estimated that 20%, or one in five Canadians, will suffer from a mental illness at some point in their life.

● (1915)

This bill does not target the mentally ill at large. This bill provides clear guidance on how those very few mentally ill accused persons who find themselves before the review board system should be dealt with in order to ensure that the safety of the public is adequately considered when there is significant threat to their safety.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I asked the Parliamentary Secretary to the Minister of Justice earlier about the costs associated with the bill. I did not get a satisfactory answer and so I will ask the hon. member if he could enlighten us.

With Bill C-54, there would be costs downloaded to the provinces, and we have seen this with many other bills. The bills are drafted, and without any consultation, the provinces are left holding the expenses. The provinces have to provide the infrastructure and services, which are a cost to them.

Is the member aware of any consultations that have taken place with the provinces regarding the downloading of costs?

Mr. David Wilks: Mr. Speaker, certainly consultations have been done with the provinces. We have held consultations with the provinces as well as a number of individuals and organizations that specialize in law, victim services, justice services and mental health services. In fact, our government has invested over $376 million in mental health research. We have also established the Mental Health Commission.

We are committed to ensuring that not criminally responsible people are taken care of to the best of our ability and to the best of the ability of the provinces.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I would like to thank the hon. member for his great work on the justice committee.

Since the hon. member was in the RCMP for many years, I am wondering if he could share his experience as an RCMP officer on how strengthening the provisions of the bill would help in the field. We know that the officers end up dealing with these individuals day in and day out.

● (1920)

Mr. David Wilks: Mr. Speaker, certainly in my years as a police officer I saw many cases where not criminally responsible people were involved in crimes, and some of those crimes were horrific. However, those people did not know what they were doing.

We have to provide the best services we can to those people recognizing that some of them may need a lot of years of help to ensure that they can be integrated back into society. We have to ensure that those people get all the help they can from the best that is available.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, we support the bill. We support the principle of providing support for victims. There is no doubt about that. However, we have also asked a number of questions and as yet have not had the kinds of answers that should be forthcoming in terms of this legislation.

We support the bill, but we have seen a number of cases where bills that we have supported in principle have been poorly drafted. In a number of cases, because of court actions, the government has had to redraft the work that was not necessarily effectively done in the first place. We would like to get it right from the start. However, we have concerns around the fact that the government is bringing closure and has not been able to answer a number of questions that have been asked by members of this House.

Particularly in light of some of the concerns coming from the provinces, we have seen significant cutbacks in crime prevention programs, which has meant that municipalities and provinces have had to fill the void where the federal government has simply not provided the funding that is necessary.

Can the member respond to the questions about the downloading to provinces? We want to make sure that this legislation is done effectively.

Mr. David Wilks: Mr. Speaker, this government has recognized over the years the importance of health care to all provinces. In fact, we have increased the transfer payments to the provinces to a total of $62 billion, which is nearly a 50% increase since 2006. A significant amount of that money has gone to mental health. We will continue to support the provinces in their efforts to ensure that mentally handicapped people and those not criminally responsible are brought the best opportunities available to make them better.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I appreciate the ability to stand in the House this evening to discuss this bill that has been brought forward through the justice committee. I have the privilege of chairing the public safety and national security committee. One thing that I think all of us realize is the number of issues that arise around mental health issues. We have seen in it in the news and at committee. We understand this is one of the issues we have to deal with.

This issue is not just of concern to members of Parliament. It is increasingly of concern to many Canadians. The question that lies at the heart of this bill is how to ensure public safety is paramount when decisions are made about individuals who have been found not criminally responsible for their criminal offences on account of mental disorders. This bill would amend the Criminal Code and the National Defence Act's mental disorder regime to ensure that public safety is the paramount consideration and that victims no longer feel left out of the process. The changes to the National Defence Act essentially mirror those being proposed in the Criminal Code to ensure that public safety and victim-related improvements also apply when dealing with individuals who have been found not responsible for offences within the military justice system.

I am going to focus my comments this evening on the elements of the bill that relate to victims. On the day the bill was introduced, the Prime Minister and the Minister of Justice emphasized that this bill aims to enhance victims' safety and involvement in the decision-making process. It is important to make sure that our laws reflect those objectives explicitly and adequately.

The victims of individuals who are found not criminally responsible are concerned that inadequate consideration is given to their safety by the review boards when a decision is made regarding a mentally disordered person who has been accused of a criminal offence. Victims have also raised concern about the fact that they have no way of knowing when an accused who is found not criminally responsible has been released into or given access to their communities. They are, therefore, afraid that they may encounter the accused person unexpectedly and without being adequately prepared. We know of the damage that can be done when those types of incidents take place, where the ones who have been victimized all of a sudden bump into accused persons at the neighbourhood grocery shop or wherever it may be in their communities. Bill C-54 would address these issues.

I am very pleased to note that Bill C-54 includes specific measures to better protect victims. The bill expressly provides that when a court or review board decides on a course of action relating to a mentally disordered accused person, the victim's safety would be taken into consideration. That is the first thing, that they view this through the scope of the victim.

In addition, the proposed reforms would allow the court or review board to order that the person found not criminally responsible abstain from communicating with the victim. We know of occasions where victims become re-victimized when alleged offenders or the ones not guilty because of mental disorders then begin communicating with the very people they have victimized.

In addition to the reforms relating to victims' safety, Bill C-54 proposes amendments to improve notification to victims and enhance victims' involvement. The bill provides that at a victim's request, he or she will be informed when a mentally disordered accused person is being absolutely or conditionally discharged.

Victims may also request to be informed of the holding of any hearing in respect of the accused, including hearings concerning any possible finding that an accused is high risk or revocation of such a finding. This bill would increase awareness to society, but also certainly to the one victimized.

● (1925)

Since some victims do not wish to participate in the hearings and thus relive the trauma of the incident, they have been given the choice of not requesting notice. However, again, the victim decides. It is up to the victims to choose whether they want to appear or be made aware of any of these requests.

The notice will enable victims to exercise their right to file a victim impact statement if they desire, for consideration by the court or by the review board, outlining the harm done to them or the loss that they have suffered.

I am very pleased to see how the bill adds to the government's many initiatives to meet the needs of victims. Since the federal victim strategy was announced in 2007, our government has supported many different measures to meet the needs of victims of crime, including enhancing the victim assistance program across Canada and increasing the capacity of non-governmental organizations to deliver victim impact statements or to deliver victims' services.

The bill is full of public safety measures to make certain that the guiding principle of protection of society remains the guiding principle. In addition the specific measures, I am pleased the bill includes that.

The Prime Minister stated on February 8, “Canadians want a justice system that puts the safety of our communities and our families first”.

The legislative amendments proposed in the not criminally responsible reform bill will clarify that the safety of the public is the paramount consideration in the court and in the review board decision-making process in respect of individuals found to be not criminally responsible on account of mental disorder or also if they are found to be unfit to stand trial.

The proposed bill will also amend the Criminal Code to create a process by which a court may find that a not criminally responsible accused is a high-risk accused. The court can make this finding with regard to individuals who has been found not criminally responsible for a serious personal injury offence where there is a substantial likelihood that they will use violence that they will endanger the life or safety of another person.

There are several effects of this high-risk designation. A high-risk accused would have to remain in hospital and a review board would not be authorized to order a conditional or absolute release until a court had revoked the finding.

Moreover, the review period for an accused found to be high risk would be extended for up to three years, whereas the general rule that a mentally disordered accused under the jurisdiction of a review board would have his or her case reviewed on an annual basis.

As well, the individual would only be permitted escorted absences from the hospital for medical reasons or reasons related to his or her treatment and in accordance with a structured plan prepared to address risk related to the mentally disordered accused absent from the hospital.

While the bill proposes to make important changes to the mental disorder regime, I feel it is incumbent upon me to point out some things that the bill will not impact. We have already had constituents call us in regard to some of these.

For example, the proposed bill will not impact in any way the access to treatment to which a mentally disordered accused has access. The bill will also not impact the location of detention for mentally disordered accused. They individuals would continue to be detained in appropriate mental health facilities and not in prisons.

The criminal law governing persons found not criminally responsible on account of mental disorder is not well known. Part XX.1 of the Criminal Code comprehensively sets out the law and procedure governing persons found not criminally responsible on account of mental disorder and those found unfit to stand trial. This regime provides for both the supervision and treatment of mentally disordered accused, as well as the protection of public safety.

Another point I would like to make in closing is that although Bill C-54 asks us to consider how to strengthen the law to ensure it protects Canadians from actual threats to public safety, this is not meant to suggest that all people who suffer from a mental disorder commit criminal offences and are dangerous. Some mentally disordered persons will commit minor offences, but others commit major violent offences.

● (1930)

The bill would help to address these issues. It is timely. It was learned over the period of time that we needed to make changes. It is good to hear that the opposition is supportive of these measures as well.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, in response to a question from one of my colleagues earlier, the member's colleague suggested that the provinces were consulted. I would be very curious to know, first of all, what sort of consultation took place. Furthermore, were the provinces that were supposedly consulted aware that they would be the ones to bear the brunt of the costs associated with this bill, and did they agree to that?

[*English*]

Mr. Kevin Sorenson: Mr. Speaker, this type of legislation moves forward. We have been able to, first, address a situation and then our minister always works closely with his attorneys general in the many different provinces. There have been many different cross-country consultations.

A lot of the legislation comes from concerns that are brought to the government. It is not that the minister is sitting back thinking what we can bring forward on legislation. This is reactive to many different issues and to many different stories in the news. We see these are the issues about which provinces and people all across Canada are concerned.

Some provinces and territories expressed concern in the lead-up to this legislation that public safety was not the guiding principle and that more needed to be done around the area of mental health issues.

In our committee, we realize that our prisons are full of individuals who really need to have some type of help for mental disorders. Years ago, our provinces stepped back in some respect to institutionalization of some of these individuals. We find them in many of our prisons. We need to find ways that we can find the proper therapy for those who suffer from these kinds of illnesses, but we also need to make certain, as the provinces have expressed to us, that public safety remains the guiding principle.

● (1935)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I listened closely to what the member had to say. He emphasizes and reinforces victims. I would like to share with him a concern that residents of Winnipeg North share, I believe, with all Canadians. It is the government is not doing enough in preventing crimes from taking place in the first place.

When we look at it from that perspective, the government neglect in that area allows for more victims of crimes to occur. This is really important to the constituents who I represent. They want to see a government that takes more of a proactive approach in dealing with things such as diverting youth out of gangs into a more creative, positive atmosphere. It seems to me that its focus is too narrow in its scope.

Could the member indicate to the House when, or if at all, the government has any clear intention to deal with issues specific to preventing crimes from taking place in the first place? What bold new initiatives can we anticipate in the next few months dealing with that issue?

Mr. Kevin Sorenson: Mr. Speaker, that is a good question. Right now, our committee is travelling across the country and looking at best practices. Last week it was in Prince Albert, in Calgary and other places as well. Among the many things it has found is that we need a community reaction, not only a knee-jerk reaction, as someone earlier said, but we need to work with all the different aspects of the community, such as mental health, health care, the education system, all of those. We are seeing more and more where our government is working on strategies and plans to bring people together to prevent. This has come out in our committee. All members understand that.

Let me say what our government has done. When we were first elected in 2006, we created a mental health commission. It was not there before. We invested over $376 million in mental health research because we realized that it was not just about health care; it was about the justice system, public safety and all those things. We have continued to work with the provinces in areas where we ask how we can network better and find the therapy and help that these people need to prevent recidivism. That word, recidivism, is a big word when we deal with mental health.

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, I am speaking tonight in full support of our government's decision to introduce the not criminally responsible reform act, also known as Bill C-54.

Consistently since 2006, our government, under the strong leadership of the Prime Minister, has always championed tackling crime by holding violent criminals accountable for their actions, giving victims of crime a stronger voice and increasing the efficiency of the justice system. To date, the government has achieved over 30 significant accomplishments in furtherance of these objectives.

Many of these accomplishments are embodied in the Safe Streets and Communities Act. There are numerous measures in that act, but allow me to highlight just a few.

The ending house arrest for property and other serious crime amendments restricted the use of conditional sentences, including house arrest, to ensure that this tool would be used appropriately and provides clarity on the list of offences covered.

The Safe Streets and Communities Act also amended the Controlled Drugs and Substances Act to address serious organized drug crime. The CDSA now provides mandatory minimum penalties for serious drug offences, including those carried out for organized crime purposes and those that involve targeting youth. The legislation supported the national anti-drug strategy's efforts to combat illicit drug production and distribution and helped disrupt criminal enterprises by targeting drug suppliers.

The protecting children from sexual predators component amended the Criminal Code to better protect children from sexual predators. It achieves that by ensuring that the penalties imposed by sexual offences against children are consistent and better reflect the heinous nature of these acts by creating two new offences that take aim at conduct that could facilitate the sexual abuse of a child.

These are just a few of the important measures that this act helped make Canadians safer and got tough on criminals.

While our government has been clear that we are getting tough on crime, we have also taken action to improve victims' rights in the justice system. While there are numerous examples of our government's approach, including the Citizen's Arrest and Self-defence Act and the Protecting Victims from Sex Offenders Act, I would like to focus on a few initiatives.

First, our government's federal victims strategy has been a great success at ensuring that victims' rights are respected. The objective of the federal victims strategy is to give victims a more effective voice in the criminal justice system. The Department of Justice works in close collaboration with other federal institutions, as well as victims, victims' advocates, provincial and territorial governments, service providers and others involved in the criminal justice system.

The Department of Justice develops policy and criminal law reform, funds various programs to meet the needs of victims of crime and shares information about issues of importance to victims of crime. Within the federal victims strategy, the victims fund is a grants and contributions program administered by the Department of Justice. Funds are available each year to fund provinces, territories and non-governmental organizations whose projects, activities and operations support the objectives of the federal victims strategy.

Since 2007, when the government introduced the federal victims strategy, more than $90 million has been committed to respond to the needs of victims of crime. Most recently, in economic action plan 2012, the government committed an additional $5 million over five years for new or enhanced child advocacy centres, bringing the total Government of Canada commitment to these centres at $10.25 million.

Child advocacy centres aim to minimize the trauma of being a child victim of crime. These centres are a collaborative team of professionals that work in a child-friendly setting to help a child, or youth victim or witness navigate the criminal justice system. The work of the staff can greatly reduce the emotional and mental harm to the child.

● (1940)

Furthermore, we instituted the Office of the Federal Ombudsman for Victims of Crime as an independent resource for victims in Canada. The office was created in 2007 to ensure that the federal government meets its responsibilities to victims of crime.

Victims can also contact the office to learn more about their rights under federal law and the services available to them or to make a complaint about any federal agency or federal legislation dealing with victims of crime.

In addition to its direct work with victims, the office also works to ensure that policy makers and other criminal justice personnel are aware of victims' needs and concerns, and to identify the important issues and trends that may negatively impact victims. Where appropriate, the ombudsman may also make recommendations to the federal government.

Under the leadership of the Prime Minister, we are extremely proud of our record and we continue to improve it, which brings me to today's topic, Bill C-54, the not criminally responsible reform act.

Before I begin describing the important measures in this bill, allow me to explain a few key concepts.

Under current Canadian criminal law, if the accused cannot understand the nature of the trial or its consequence and cannot communicate with his or her lawyer on account of a mental disorder, the court will find the accused unfit to stand trial. Similarly, if a person is found to have committed an offence but lacks the capacity to understand what he or she did, or to know that it was wrong, due to a mental disorder at the time, the court will make a special verdict of not criminally responsible on account of mental disorder.

In either case, whether the accused is unfit to stand trial or is not criminally responsible, the appropriate provincial or territorial review board may take one of three actions: it could place the accused in hospital detention within custody, grant a conditional discharge or grant an absolute discharge.

Bill C-54 would amend the Criminal Code by emphasizing three primary objectives. It would explicitly place public safety first, it would create a new high-risk designation and it would enhance victim involvement.

First, the current approach has public safety as one of four factors. This legislation would clarify that the highest priority of this government is to keep Canadian citizens safe. It would do this by explicitly making public safety the paramount consideration in the decision-making process relating to an accused found to be unfit to stand trial or not criminally responsible.

We are also codifying what is meant by the term "significant threat to the safety of the public". This test determines whether a review board should continue to supervise the accused. Some provinces have told us that they believe the review boards are interpreting this term too narrowly.

Our approach would codify it along the lines of its interpretation by the Supreme Court of Canada. It would clarify that the review board could continue to impose restrictions on not criminally responsible accused who risk committing further criminal acts even though they do not pose a threat of violence per se. For example, if the board were concerned about a not criminally responsible accused committing thefts or break-ins, it would be able to maintain jurisdiction over him or her and impose the necessary and appropriate conditions.

Second, the creation of a new high-risk designation is absolutely necessary. Such a designation would classify as high risk an accused who has been found not criminally responsible for a serious personal injury offence and who poses a substantial risk of committing further violent acts. It is important to note that this high-risk accused designation would only apply following a verdict of not criminally responsible, rather than applying to someone who was deemed unfit to stand trial, because that person would not yet have been tried for the offence.

● (1945)

The process would allow the prosecutor to apply to the court if the criteria were met. Once designated, a high-risk, not criminally responsible accused would be held in custody and not considered for release until the high risk status were revoked. High-risk accused may have their review period extended up to three years, if they consent or if the board is satisfied it would be highly unlikely that the individuals' condition would improve in that time period. The annual review would continue to be available for all other not criminally responsible accused persons.

Bill C-54 outlines that a high-risk, not criminally responsible accused person would not be allowed to go into the community unescorted. Escorted passes would only be allowed in narrow circumstances and would be subject to sufficient conditions to protect public safety.

Third, victims are concerned that their safety is not being specifically taken into consideration by review boards when they make a disposition. Victims are also concerned that they often have no way of knowing if and when a not criminally responsible accused will be given access to the community. They are afraid they might unexpectedly run into the person who injured them, without being adequately prepared.

The proposed legislation would enhance the safety of victims and provide an opportunity for their greater involvement in the Criminal Code mental disorder regime. The legislation would help ensure that victims were notified upon request when a not criminally responsible accused was discharged, allow non-communication orders between a not criminally responsible accused and the victim, and ensure that the safety of victims be considered when decisions were being made about a not criminally responsible accused person.

The proposed legislation would build on actions that have already been taken to further advance the interests of victims of crime.

While it is important to know what is in this bill and how it would further strengthen our justice system, it is also important to know what is not in the bill.

First, nowhere in this bill do we seek to impose penal consequences on people who are found to be not criminally responsible due to mental disorder. The goal of this bill is public safety and protecting Canadians from those who pose a danger. Our current public safety objective is the basis of our legislative regime on mental disorders, and this bill further would strengthen that objective.

Second, there are no changes that would impact the ability of the accused to access mental health treatment. Issues surrounding mental health are prevalent in the criminal justice system and pose special challenges to law enforcement officials. We remain committed to ensuring that these challenges are addressed through the criminal justice system.

Finally, it is important to note that this bill would not apply to all individuals who have a mental illness in the court system. These provisions would only apply to those individuals who are not fit to stand trial or not criminally responsible due to their mental disorder. Those individuals who have not been found unfit or not criminally responsible would be dealt with in the traditional criminal justice system.

Our government recognizes that mental health is a serious issue that needs to be addressed. Our intention is to strike a better balance between the need to protect society against those who pose a significant threat to the public and the need to appropriately treat the mentally disordered accused.

Our government continues to place a high priority on mental health initiatives. Our achievements include establishing the Mental Health Commission, investing over $376 million in mental health research and continuing to work with the provinces.

Mental health issues have been a focus of co-operative work among federal, provincial and territorial ministers of justice and public safety. At a meeting in November 2012, the ministers acknowledged that persons with mental health issues present significant challenges for the justice system and especially for correctional systems, and agreed that close collaboration is required between jurisdictions to better address the needs of the mentally ill.

We continue to take concrete steps on the issue of mental health in prison. Since 2006, we have invested nearly $90 million in mental health for prisoners.

● (1950)

[*Translation*]

I would like to summarize the bill, which has three main components.

First of all, the bill explicitly sets out that public safety is the paramount consideration in the decision-making process relating to accused persons found to be not criminally responsible.

Second, the bill creates a new designation to protect the public from high-risk NCR accused.

Third, the legislation will enhance the safety of victims by ensuring that they are specifically considered when decisions are being made about accused persons found NCR, ensuring they are notified when an NCR accused is discharged, and allowing non-communication orders between an NCR accused and the victim.

● (1955)

[*English*]

To conclude, our government has been clear that we put victims first. We have taken action to improve the justice system in this important regard. We have taken the action necessary to get tough on crime. Unfortunately, the opposition has opposed us at every turn.

I hope all members will see that Bill C-54 is a step forward in the right direction. It is demanded and expected by law-abiding Canadians, and our government is responding by supplying this necessary legislation. It would place the protection, well-being and safety of Canadians first, it would create a high-risk designation of not criminally responsible accused and it would empower victims of such crimes.

I am a strong supporter of Bill C-54, and I encourage my House colleagues and the whole of Parliament to demonstrate their support in achieving and maintaining these objectives for Canadians.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, first of all, we are willing to support this bill in principle and examine it more thoroughly. However, it does raise some questions, and I wonder if the member could clarify one thing for me regarding this bill.

Passing bills and trying to play the father figure are all well and good. However, is it not the father figure's responsibility to pay for changes made to certain laws?

There are often direct and indirect costs associated with changes to legislation. In this case, some of the costs could be downloaded onto the provinces.

Did the government think of that? Does it know if the provinces will be left to pay some of the costs of these changes to the legislation? Is the government also considering footing the bill for these new changes?

[*English*]

Hon. Joe Oliver: Mr. Speaker, this bill has been developed in consultation with the provinces across the country. They are fully aware of the financial and other consequences that would flow from this bill.

They are also, of course, supportive of our overarching objective of protecting the public. There are positive consequences to that, as well as the equity involved in protecting victims, something that needed to be addressed and is a continuing issue in this country.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, over the years, a number of adoptive parents of children with fetal alcohol syndrome have asked that when their children, as adults, get into trouble that they be incarcerated separately from the rest of the population.

We heard how there is a concern over the provinces having money, but right now, until some of these people commit a crime, there is no access to mental health treatment. In Ontario, we see that they blow $1 billion on moving a gas plant to get a couple of candidates elected.

My question to the minister is whether or not this bill would make provisions to ensure that the people who have suffered all their lives from fetal alcohol syndrome would get the treatment they need, as well as not be put in with the general criminal population.

Hon. Joe Oliver: Mr. Speaker, the bill is designed, of course, to protect the population from people who pose a risk. In this case, we do not see that as an issue.

The government has devoted significant amounts of money to the issue of mental health and is concerned, of course, about this issue in particular. I can give assurances to my colleague that the issue is being addressed.

● (2000)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the minister spoke of Bill C-54 itself, which New Democrats support, in principle, at second reading.

A number of questions have come from the NDP that remain unanswered. Unfortunately, although I followed the minister's speech with interest, he was not able to respond to any of those questions. This is somewhat worrisome, because we want to make sure that this bill supports victims and that the bill will do what it purports to do. We have asked these questions, and they still remain unanswered.

Since we have a minister from the cabinet, I have to ask a question with regard to this legislation and other legislation the government has brought forward. Twice the House has voted to bring in the public safety officer compensation fund. Cabinet has refused to bring in that support. These are victims—firefighters and police officers—who die in the line of duty. There is nothing available to support their families.

I would like to ask the minister why cabinet has now overruled two votes in the House on this and why this and other legislation does not bring in the public safety officer compensation fund.

The Acting Speaker (Mr. Barry Devolin): Before I go to the minister, I would like to remind all hon. members that their questions and comments ought to be related to the matter before the House rather than other matters. Having said that, I will allow the minister to respond, if he wishes.

The hon. Minister of Natural Resources.

Hon. Joe Oliver: Mr. Speaker, you actually spoke for me in that regard. This is not the subject of today's debate, and I would refer the hon. member to my colleague, the Minister of Justice.

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, I want to comment on the minister's presentation. He has covered the bill well, and I appreciate his presentation tonight.

He spoke about victims' rights and some of the victims' concerns that are, for the government, a foundational principle of this bill. I wonder if he could specifically address some of the victims' concerns that were raised during the research on this bill.

Hon. Joe Oliver: Mr. Speaker, I thank the hon. member for Don Valley West for his question, which really goes to the heart of the one of the critical objectives of this bill.

Victims are concerned that their safety is not being specifically taken into consideration by review boards when they make dispositions. Victims are also concerned that they often have no way of knowing if and when a not criminally responsible accused is given access to the community. They can frequently be concerned, indeed afraid, that they will unexpectedly run into that individual without being adequately prepared or without the opportunity to avoid the encounter.

The proposed legislation would enhance the safety of victims and would provide an opportunity for greater involvement of victims in the Criminal Code's mental disorder regime. The legislation would help ensure that victims are notified, upon request, when an NCR accused is discharged. It would allow non-communication orders between an NCR accused and the victim. It would ensure that the safety of victims is considered when decisions are being made about NCR accused persons. The proposed legislation would build on actions that have already been taken to further advance the interests of victims of crime. These actions include the creation of the Office of the Federal Ombudsman for Victims of Crime and the introduction of legislation to double the victim surcharge.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I had a chance on the weekend to talk to a service provider in my riding of Surrey North who provides services to people with mental illness and homeless people. One of the things that person mentioned was that there is a lack of resources for treatment and prevention, which is what works. Research after research has shown that if we pour one-tenth of the money into prevention and treatment, the dividend is paid back manyfold over time.

I know that Bill C-54 talks about punishment. However, can the minister tell us if any additional funding is going into prevention and treatment for the mentally ill in our society?

● (2005)

Hon. Joe Oliver: Mr. Speaker, the first point is that this bill does not talk about punishment, and I regret that the member opposite missed the basic thrust of the bill.

Transfer payments to the provinces will total $62 billion this year, which is nearly a 50% increase since 2006, when we formed government. It is our intention to strike a better balance between the need to protect society from those who pose a significant risk to the public and the need to treat the mentally disordered accused appropriately.

Our government continues to place a high priority on mental health initiatives. Our achievements include establishing the Mental Health Commission, investing over $376 million in mental health research and continuing to work with the provinces. Mental health issues have been a focus of co-operative work among federal, provincial and territorial ministries of justice and public safety.

In a meeting in November 2012, the ministers acknowledged that persons with mental health issues present significant challenges for the justice system, and especially for corrections systems. They agreed that close collaboration is required between jurisdictions to better address the needs of the mentally ill.

We continue to take concrete steps on the issue of mental health in prisons. Since 2006, we have invested nearly $90 million in mental health for prisoners.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I take this opportunity to say that I will be sharing my time with my colleague from Vancouver Centre.

I find myself in, I suppose, a not unusual position for me, but nevertheless, one where I am swimming against the tide.

I have no doubt at all that there is a need for us to take the issue of victims and victims' rights very seriously. If we were to look back at how the law could be improved, this would be one area in which we can all agree. However, when I look at the legislation overall, and after the discussions I have had over the last several weeks with a number of groups involved with the issues of mental health and mental illness, I find myself unable to recommend to my colleagues that we vote in favour of this legislation, even at second reading.

I know that when I say that, there will be members who will be struck with disbelief and others who will say that surely I recognize that dangerous people should be kept off the street. My answer to that is, of course, and they are.

The facts are these. The defence of insanity, the recognition that people who are not able to judge the consequences of their acts and are unable to say whether they are right or wrong and are found either not able to even stand trial or not criminally responsible, has been a foundation of our criminal justice system in the common law world for hundreds of years. It is a basic principle of the criminal law that people who can understand the consequences of their actions and have the necessary intent should be found criminally responsible. Others have to be treated in a different way. They are not simply set free, as some using stereotypes might like to make people believe, but rather are kept away from society, and today, as we try to deal with these issues, are hopefully treated and rehabilitated in such a way that they are able to be successfully reintegrated into society.

It was Madam Justice McLachlin, who, in consideration of a case before the court before she became chief justice, said:

> Treatment, not incarceration, is necessary to stabilize the mental condition of a dangerous NCR accused and reduce the threat to public safety created by that condition.

That was in the so-called Winko case.

Until the early nineties, the rule was that one was held at will under a lieutenant-governor's warrant. The lieutenant-governors in the provinces established review committees, but there were really no clear criteria that established how incarceration would suddenly end. It was response to a decision of the Supreme Court, in the Swain case, that said that the protection of the public was not guaranteed by that practice and that we had to establish a new system.

The basis of the new system was to say that first of all, we are not punishing people, because they are not capable of being punished. I am glad that the Minister of Natural Resources emphasized that in the speech he gave. We are not punishing people. We are incarcerating people for the protection of the public. Yes, of course. Public safety is an absolutely important concern we all have and all share. No one wants to see public safety in any way, shape or form compromised. It is also to allow people to become rehabilitated, because they were not capable of understanding what they were doing. We want to put them in a condition where they will be able to understand what they are doing. We understand that this is an area of life that is full of fear, insecurity, mythology and misunderstanding and in which it is only too easy, from time to time, to say, "We have a hot button. Let's press it".

I certainly believe and share the comments made by members of both the Conservative and New Democratic parties that it is entirely legitimate for us to take the concerns of victims far more seriously than we have in the past. I can say, as someone who has been in government, that we have made every effort to do that, when it was important for us to do that, in terms of having victim statements and the courts taking what is happening to victims much more seriously than they had.

However, we also have to understand that we live in a society governed by the rule of law, wherein we cannot incarcerate people indefinitely without providing for due process, which is what the court told us in 1991. There had to be due process.

● (2010)

The government will argue that it has provided for due process and that the process it is establishing is perfectly adequate. I have to say to the government that I am not sure it has been able to do that. In fact, I have recommended strongly to my colleagues, when I was in a position to recommend something to my colleagues, that we not support this legislation, although I said to them that this response will not be politically popular. This will not be a winner with people because when we press a button like this, we will get a response from the public.

I say to my colleagues in the Conservative Party as well as in the New Democratic Party, both of which are now supporting this legislation, let us not manufacture a crisis that does not exist. There is no crisis in public safety. It does not exist.

The evidence is not there that justifies the sense that if someone has committed a horrible crime and is mentally ill, he or she is any more likely than anyone else to commit that crime again. In fact, the opposite is true. The rate of recidivism for those people who are found to be not criminally responsible is 4% for those people who have been given an absolute discharge; for people who have left prison, it is 44%.

The fact of the matter is we cannot incarcerate people indefinitely. We have to have a process that respects the rights of the individual as well as the rights of society. That is the balance we have to strike.

[*Translation*]

Naturally, there will be situations that are trying and emotional. We see that. However, people with a mental illness who are linked to a serious crime are not criminals. That is not a principle that the Liberal Party just made up. It is a long-standing principle of natural justice within our society. This bill is off kilter and, unfortunately, that is why we cannot support it.

[*English*]

I spent particularly the last few years of my political life campaigning for people to better understand the nature of mental illness, the importance of getting rid of stigma, the importance of understanding that the mad individual is not necessarily and in all circumstances someone who is to be incarcerated for an indefinite period of time and the importance of understanding that we have gone through a steady evolution over the last 100 years in understanding how important it is to treat, yes, the causes of crime, just as truly as we treat crime itself.

If I believed that our current legislation denigrated the importance of public security and public safety, I would agree with the government and I would agree with the New Democratic Party, but that simply is not the case. It simply is not the case to say that these review boards are conducting their work as if public safety were of no concern or of no consequence to them or to anyone else.

We have allowed certain mythologies, certain stereotypes, to take over. We are failing to recognize the real risks that apply to this legislation.

I was interested that Mr. Sapers, the corrections investigations officer for the country, expressed concern about this legislation, saying it would increase the number of mentally ill people in jail, not decrease that number.

I may be at risk of being even further stereotyped by my colleagues in the other way when I say this. Shakespeare said it best:

> The quality of mercy is not strain'd.
> It droppeth as the gentle rain from heaven
> Upon the place beneath. It is twice blest:
> It blesseth him that gives and him that takes.
> 'Tis mightiest in the mightiest. It becomes
> The thronèd monarch better than his crown.
> His sceptre shows the force of temporal power,
> The attribute to awe and majesty
> Wherein doth sit the dread and fear of kings,
> But mercy is above this sceptred sway;
> It is enthronèd in the hearts of kings,
> It is an attribute to God himself.
> And earthly power doth then show likest God's
> When mercy seasons justice.

Let us never forget, colleagues, that mercy must season the justice that we seek.

● (2015)

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, since we are quoting this evening, I may say, "More matter with less art". If one is going to talk about mercy and if one is going to quote the figure of 4% acceptability, I ask my colleague this: is he assuming that there is an acceptable limit or a floor in which the circumstances that we are trying to prevent in the bill become acceptable or merciful?

I do not think that is the case, and I would implore him to think quite carefully about his answer, as those 4%, the people who are impacted, have just as many rights as those that he spoke against this evening.

That is the definition of mercy in this place, I would argue, and that is why the bill is worthy of study.

I would ask the member to explain what rights the 4% have.

Hon. Bob Rae: Mr. Speaker, if we follow down the path the member for Calgary Centre-North is suggesting we should follow, the logic would be that we would never let anybody out of prison at all, ever, if we ever thought there was any risk whatsoever of their recommitting an offence.

The fact of the matter is that those who are found to be criminally responsible for their crimes, even under all the changes to the Criminal Code that the members opposite would like to make, eventually are going to be released. The statistics show that for those people, the rate of likelihood of recommitting a crime is 44%.

What I am suggesting is that the stereotype that says the person who has been found not criminally responsible is likely to recommit a crime is false. The evidence does not support it.

The premise of the Conservative bill, which unhappily is being supported by the New Democratic Party, is that somehow the current system is broken and that there are dangerous, crazy people running around that we have to lock up for even longer. That stereotype is completely false.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, this is a good discussion.

My hon. colleague for Toronto Centre was talking about a 44% recidivism rate of the prison population at large. What percentage of those are people who have committed the kinds of heinous crimes we are talking about and are concerned about with the 4%?

I do not know what the number is and I do not know whether my colleague knows or not, but there needs to be some perspective in terms of the kinds of crimes we are talking about, the not criminally responsible that we are most concerned about versus the broader prison population that has the 44% recidivism rate. I accept the member's numbers. Is there some perspective there?

Hon. Bob Rae: Mr. Speaker, the member is a friend of mine.

I say this to my colleague from Edmonton: even in the system that you are inventing or creating, wherein you add the category of a high-risk crime or you add the additional factors the review board has to consider, people will still be allowed out. Eventually they are going to be allowed out, once they are able to convince people that they are in fact better and are not likely to commit another crime.

Who knows? There is no perfect system that says none of those people will ever commit another crime.

The other thing you have to understand is that when we talk about the high-risk situation and the heinous crimes, not every person who is found to be not criminally responsible is guilty of a heinous crime.

There are horrible crimes. Some of them are committed by people who were found to be criminally responsible and some of them were committed by people who were found to be mentally ill and not capable of understanding their actions. In both cases we want to establish a system that does everything possible to see that people are rehabilitated and are not likely to recommit a crime.

I do not think this measure adds to the protection of the public. If I thought it would, I might change my mind.

● (2020)

The Acting Speaker (Mr. Barry Devolin): Before we resume debate, I just want to remind all hon. members to direct their comments to the Chair rather than directly to their colleagues.

Resuming debate, the hon. member for Vancouver Centre.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, my colleague from Toronto Centre said that he is advising us not to support the bill, but we as Liberals will be voting against it on a basic premise, the premise being that Bill C-54, which is the non-criminally responsible reform act, would not achieve the desired result. Instead, it would cause more harm than good and further stigmatize the mentally ill at a time when the good work of the Mental Health Commission of Canada has begun to undo that misinformation with good evidence and is encouraging mentally ill people to seek the treatment and the early diagnosis that they need.

This is the most important thing that we want to stress here. This legislation would send mentally ill people back underground, because they will be terrified of being stigmatized in the way that they used to be in the past.

Liberals agree fully that the rights of the victims should be enhanced. We have no problem with that part of the bill. We agree that public safety is of the utmost importance and is a core part of the justice system. We have no problem with the issue of public safety, but our concern lies with the lack of balance in the bill.

The designation of high-risk offender for a person who is not criminally responsible would create a fear of the mentally ill. The point to remember is that only 0.2% of all criminal cases in the courts—any criminal case at all—is an NCR person, and only 10% of that 0.2% are violent offenders. We are talking about a very small number of people.

This is the kind of problem that we do not want to see, this knee-jerk reaction of creating legislation that would do more harm by trying to deal with a problem that has been dealt with already in a manner that has been shown to be successful with some tweaking.

We agree that the bill needs some enhancement. We would like to see an evidence-based approach that would incorporate the experience and the expertise of professionals in the field of mental health and justice. Our approach would enhance public safety by focusing on the prevention of violence by individuals with severe mental illness, and that means early diagnosis.

A lot of time should be spent in catching young offenders and diagnosing them before they offend. Many instances of NCR cases who commit violent crimes involve people who did not know they had a mental illness and suddenly had a crisis and became severely incapable of being criminally responsible. They became schizophrenic or they had an acute episode of manic depression or something that caused them to do that violent act.

Therefore, we would also like to see intervention and treatment as part of a good solid bill that would deal with this issue. Rather than adding to the stigmatization of the mentally ill by using a small number of high-profile cases to foster the impression that Canada is overrun with dangerous psychopaths, we would like to reduce the stigma. We would like to encourage Canadians suffering from severe mental illness to seek treatment. If we keep the stigma up, people with mental illness do not want to seek treatment.

That has been the whole problem over all the years, and it is why the Canadian Mental Health Commission has stepped in to deal with this issue. The government has repeated many times in the House that it wants to decrease stigmatization, but this legislation would do the exact opposite.

The mental health groups, all of whom claim that they have never been consulted by the government despite the minister saying that he had consulted them, feel very strongly about this issue.

I would like to quote the Mental Health Commission of Canada, which was created by the federal government. It says that in fact this bill

> ...paints an inaccurate picture of violence and mental illness. The more mental illness is stigmatized, the harder it is to get people to seek treatment and to stay in treatment. Yet treatment is the most effective preventive measure for the small number of people with mental illness who commit violent offenses."

The Mental Health Commission of Canada, which the government has mentioned in many speeches, says that it did not necessarily approve of the bill.

Let us look at the evidence.

As I said earlier, non-criminally responsible offenders make up only 0.2% of all criminal cases, and only 10% of that 0.2%, which is 0.02%, are actually violent offenders, so we are talking about a very small group of people.

● (2025)

When appropriately treated, the recidivism rate of these offenders is actually 7%. However, if they are not appropriately treated in a mental institution, their recidivism rate becomes increasingly high, something like 63%.

I ask hon. members to think about it and compare 7% recidivism rate when properly treated and a 63% recidivism rate when put into the criminal justice system and imprisoned.

I want hon. members to look at what we can do, because the problem, and we have heard this said before by the Bar Association and by many people, is that if we force people who are mentally ill into this mandatory three year treatment in a hospital before they get any release leave, so lawyers tell their clients not to ask for an NCR designation. In other words, these people therefore will go to courts and they will be put into the criminal justice system, they will be put into prison and therefore we will see what damage is done and that recidivism rate will rise to 63%.

We are talking about a bill that can damage and can cause more harm than good, and I want to stress that.

The point is that the recidivism rate of all persons released from any kind of federal custody in terms of the criminal justice system and prisons is 46%. That means all people, not just people with violent crimes. The key is to recognize that NCR offenders, by being put into the appropriate criminal treatment facility as opposed to prison, will actually be able to achieve the kind of treatment they require, the ability then to go out and be rehabilitated.

I think this is the some of the problem that everyone wants to talk about, that in fact the public fear of people who have their NCR, who have been treated and are going through their actual community rehabilitation, are out on the street. This concerns people. It could be easily looked at, in spite of evidence, to ensure that every time this community rehabilitation occurs and the offenders are out in the community, that there is a custodian with them. They are actually with someone who is looking after them so they are not alone in the system. That would help to bring down the kind of public fear about which we are talking.

Let us look at the system currently. When offenders currently are NCR and they are put into the appropriate facility, which is a mental hospital, they have a yearly review. Every year they are reviewed and that is done by a review board. This has worked very well in the past. The review board has psychiatrists and other people who then decide whether the individuals have been cured and are ready for the next stage in rehabilitation, so the public safety is assured that they do not go out into the public until they are ready to go do so.

If people are concerned, we could tighten this. We could look at a judicial review instead of an ordinary review by psychiatrists only, as long as the judge who is reviewing someone is in fact learned in mental illness, how mental offenders are treated and the treatment facilities. We could live with that.

However, we do not want people to be sent to federal prison. When we demand that they have three years, a lot of people will not claim NCR and instead go into prison, and that could be a problem.

The other thing is that there are people currently in the system who may have been rehabilitated, are ready for community rehabilitation and to go back out into the system. This retroactivity in the bill would force them to stay for a further three years within the system. I do not know if this meets the charter challenge. I do not know if anyone looked at the constitutionality of that kind of mandatory incarceration of offenders for three years, regardless of whether they are ready to go out and regardless of whether people have said that they are ready to leave.

We would want to look at the bill. It does not have charter scrutiny. There are no prevention components in the bill. There is no early diagnosis of mental illness in the bill. There are no community institutional support systems in the bill. We heard this very clearly. Mr. Howard Sapers, a correctional investigator, had this to say:

> My concern is that we may see an increased number of offenders going into penitentiaries who have known significant diagnosed mental illness including major psychosis, and the concerns around the capacity of the correctional service to deal with that [is a problem]

● (2030)

We would like to look at something else. In fact, my colleague, the hon. member for Mount Royal, had a bill when he was justice minister in our government, and it was excellent. The current Minister of Public Safety said that he thought it was a great bill. Therefore, why do we not look at that bill again? Why do we not bring it in, instead of something that would do more harm than good and stigmatize the mentally ill?

[*Translation*]

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, I am not familiar with the member for Mount Royal's bill, but based on what I heard, the Liberal Party is arguing in favour of the status quo in the system.

I have a question for the hon. member for Vancouver Centre. A victim, Isabelle Gaston, is quite vocal about the injustice of it all and is calling for changes to the system. She said:

> Even if I devote my time to changing the justice system, if ministers, deputy ministers, the Barreau and the Collège des médecins do not change their ways, then injustices like this one will continue.

How will the hon. member explain to Ms. Gaston that we are keeping the system as is?

[*English*]

Hon. Hedy Fry: Mr. Speaker, I guess the hon. member did not really listen to my speech. We did not argue for the status quo at all. We suggested that it was important to look at ways in which we could enhance public security and ensure that the anxiety of the public was brought down.

One of those ways would be to look at a judicial review instead of the review that currently is going on. We also suggested custodial community rehabilitation. Every time a rehabilitated person is put into the community, there is a custodian for a particular period of time until the psychiatrist is absolutely assured that the person is ready to be out on his or her own. We have agreed with the victims' problems. We think a judicial review should actually look at victims' impact statements. We were in agreement with some of the things that would support victims.

We are not seeking status quo at all, so I would ask the member to try to listen in future.

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, I would like to cite a few statistics relating to recidivism and then make a general point about stigmatization. It is very important that when we talk about what the risk to the public is, we try to get as close as we can to the facts. The facts are: 27.3% of not criminally responsible accused have a past finding of NCR; 38.1% of NCR accused of a sexual offence had at least one prior NCR finding; 27.7% of NCR accused of attempted murder had at least one prior NCR finding; and 19% of NCR accused of murder or homicide had at least one prior NCR finding. Those facts have to be brought into the analytical picture so we get a more objective understanding of what is in fact going on.

Few individuals, as the member opposite—

● (2035)

The Acting Speaker (Mr. Bruce Stanton): Order, please. Other members still have comments and questions and we have about a five minute period so we like to keep it to around one minute.

The hon. member for Vancouver Centre.

Hon. Hedy Fry: Mr. Speaker, I have absolutely no idea where the hon. member is getting his statistics from, but we got our statistics from the source like the Mental Health Commission of Canada, the Canadian Psychiatric Association and all of the mental health groups that have collected this data over all of the years. The Canadian Bar Association also has these kinds of statistics.

However, if the member wants to talk about one prior, and we are talking about 0.2% of people in the criminal system who have committed violent acts, he should get his facts correct and look at the numbers with which he is dealing. When he is dealing with such tiny numbers, it really does not make much sense for him to quote the—

The Acting Speaker (Mr. Bruce Stanton): Order, please. The hon. member for St. Paul's.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, as the member for Toronto Centre explained about the hot button issue and as the member for Vancouver Centre said, this is an issue of public safety. If lawyers are advising the accused to not plead NCR, he or she will end up on the streets earlier and with a greater recidivism rate.

Could the member explain really what it means to be NCR, what it means to have a treatable condition that very quickly can be remedied and within one year this could be a very different person than the person who committed the crime?

Hon. Hedy Fry: Mr. Speaker, absolutely, because we have to understand the nature of mental illness. We have to understand that it is a mental illness, not simply a disorder, as I heard it referred to here. It is a mental illness and the many people who commit violent crimes who have a mental illness are not aware they have one. They suddenly have a schizophrenic episode or suddenly have a manic depressive episode that they have never had before, and they can have these when they are 30.

We know these are treatable people. My colleague is right. Within a year, with good treatment, these people could be ready. Many of them, when they are aware of the criminal act they have committed, are appalled at the fact that they did such a thing. Many of them become—

The Acting Speaker (Mr. Bruce Stanton): Order, please. The time has expired for this round of questions and comments.

Just to let all hon. members know, we have passed the five-hour mark since the first round of speeches on this stage of the bill. From this point forward all interventions will be 10-minute speeches, followed by a 5-minute period for questions and comments.

Resuming debate, the hon. member for Etobicoke—Lakeshore.

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Speaker, I am pleased to participate in the second reading debate in support of Bill C-54, the not criminally responsible reform act. This bill would ensure that the mental disorder regime found in the Criminal Code and the National Defence Act achieves its objective of protecting the Canadian public by addressing a small but, nonetheless, significant segment of the cases that come before our country's courts, those in which a person is found to be not criminally responsible, or NCR, for his or her actions, on account of mental disorder.

In my remarks today, I would like to explain why I think Bill C-54 is a targeted measure that would advance protection of the public while upholding the fundamental principle that a person found NCR for an offence must be treated differently than an offender who is convicted of a criminal offence.

Before I address the particular reforms contained in this bill, I believe it is critical to state up front what this bill is not about. In particular, this bill is absolutely not about seeking to punish persons found not criminally responsible. In Canada's system of criminal justice, we draw a distinction between, on the one hand, individuals who possess the requisite capacity and intent to know that their conduct was wrong and, on the other hand, those individuals who are so mentally ill that their illnesses prevent them from appreciating the basic tenets of moral culpability that allow them to safely function in our society.

The verdict of not criminally responsible is the means through which our justice system mutually recognizes the fact that harmful conduct was committed, which has real consequences for the victims and society more broadly, and the reality that the individual who committed that conduct suffers from a mental disorder. It is for this reason that Bill C-54 would maintain the distinction between those found not criminally responsible and those who are convicted. The mentally disordered regime in the Criminal Code and National Defence Act creates a separate process that aims to determine the risk that the person poses to society and decides how to best mitigate that risk in all of the surrounding circumstances.

However, Canadians agree that one key consideration that is common to persons found not criminally responsible and to those who are found guilty is the protection of the public. The Supreme Court of Canada has rightfully recognized in its 2010 decision in Regina v. Conway that public safety is paramount. As a result, sometimes there is simply no other choice than to restrict the liberty of an individual who is very ill in order to mitigate the risk that his or her unique illness poses to others, to ensure that the risks to the safety of our communities are meaningfully addressed irrespective of their source. Society expects no less of the government. That is what Bill C-54 aims to achieve: a tailored and fair procedure to confront the real and significant risks posed by a small number of ill persons who commit criminal conduct.

Bill C-54 would achieve its objective by establishing a new tool for Crown prosecutors that mitigates the risk posed by a small subset of accused who are found to be not criminally responsible. That tool is the discretionary option for the Crown to apply to seek a determination that a particular individual is a "high-risk accused". The high-risk designation made by the court is to be based on all of the relevant circumstances and evidence relating to that individual's particular illness, treatment and behaviour.

In assessing the merits of Bill C-54, it is important to situate this high-risk designation in its proper context. It is not a mandatory procedure and it would not be used in each and every case where a person is found not criminally responsible. This is because the risk posed by a person who is seriously ill depends on the unique facts of his or her case. This high-risk designation would only be available in cases involving serious personal injury offences, where a court is satisfied that there is a substantial likelihood that the accused would use violence that could endanger the life or safety of another person, or where the court is of the opinion that the acts that constitute the offence were of such a brutal nature as to indicate a risk of grave physical or psychological harm to another person.

I am confident that Crown prosecutors will exercise their discretion to bring such an application in instances where the public interest in keeping our communities safe is present. A further feature of the process is that the threshold in the proposed test for the high-risk designation is higher than the threshold in the standard test under the current law for continuing to supervise a mentally disordered accused and the burden of meeting this threshold is on the Crown, not the accused.

● (2040)

Bill C-54 also recognizes that the risk to public safety of an individual can change over time. High-risk NCR accused would still be entitled to regular reviews to determine their progress. The starting point is for them to receive annual reviews, but this review period could be extended up to three years if the accused and the Crown consent. The period can also be increased at the discretion of the review board members if they are satisfied that the high-risk NCR accused person's condition is unlikely to improve in the following three years.

This is an incremental change from the current law that already allows for extending the review period from one year to two years. It is a sensible approach that properly recognizes that each and every illness is unique, including such grave conditions that so profoundly affect the behaviour of individuals. When seen through this perspective, it becomes abundantly clear that Bill C-54 is a just and reasonable approach.

I am sure we all recognize that all serious offences are tragedies for the victims as well as for our communities. Bill C-54 would preserve confidence in the administration of justice, protect the safety of the public and uphold fair treatment of ill persons who are found not criminally responsible. It is a targeted bill that I am proud to stand in support of.

● (2045)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to pick up on some of the points that have been made.

It is hard when battling statistics are raised in debates and people are left to wonder what the actual state of evidence is. I am persuaded by the various briefs by the Canadian Bar Association, scientists and people who have dedicated their life's work to this area, such as McGill University psychiatrists and others.

The rate of recidivism for people who actually have been found not criminally responsible is extremely small. Therefore, I was baffled by the statistics used earlier in the debate by the Minister of Natural Resources, and I wish I could have gotten a question to him. However, the best statistics I can find say that only 7.3% of designated NCR accused actually return to commit a violent offence within the next three years.

The experts in this area are saying that this is not where we need to fix the problem. They are not saying that there is no problem, but they are saying that where we really need to focus resources is on adequate treatment and identification of people with mental health issues to ensure that both they and society are protected.

Mr. Bernard Trottier: Mr. Speaker, the Minister of Natural Resources cited a few recidivism statistics, and whether it is 27.3% of NCR accused who have had past findings of NCR, or 4%, or 7% as the member stated, what is important in this legislation is that prosecutors would have some additional tools at their disposal, and we leave it to the people with the expertise to decide where and when the appropriate time is to use those tools. Ultimately, the protection of society is paramount.

I think we can all agree that these are all terrible tragedies, whether it is 4 out of 100 people who experience recidivism or 25. We need to do everything we can as a society and as a justice system to make sure that the experts and the prosecutors who deal with these kinds of things, using the advice of mental health experts, can decide whether these kinds of tools need to be applied in each individual case.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, throughout this debate this evening my colleagues in the NDP caucus have been asking a series of questions that seem to come with no response. We are supportive of the legislation. We are supportive of the principles. We have said this a number of times, but we do need answers to these important questions that we have been asking.

One question is on the fact that there appears not to have been any real discussions in any meaningful way with the provinces. Given the fact that the Conservative government has moved to cut back on health care funding, as we know, following next year, we are seeing a cut in transfers to the provinces, which was something that was done unilaterally the year before last. The concern is that the government is putting forward legislation without providing the financial support to ensure that the legislation could actually be put into effect.

Can the member comment on the cutbacks that the Conservative government is effecting in health care transfers?

Mr. Bernard Trottier: Mr. Speaker, no government has done more to support the provinces when it comes to transfers. Just to cite some numbers, we are currently transferring to the provinces $62 billion a year, which is up 50% since 2006. When it comes to provinces managing their budgets, we are really providing them with the resources they need through the strong economy that we have.

I want to thank the member for his question because I do recognize that NDP members have decided to support this bill and advance it through second reading. I think they recognize that there was a lot of consultation done, there is a lot of balance here, and it certainly deserves to go to committee.

To cite another voice on this, *The Globe and Mail* from my city of Toronto said, "The Conservative government's proposed new law aimed at making sure severely mentally ill offenders are not set free while they're still dangerous is a fair and measured response to the problem of Vince Li, Allan Schoenborn and Guy Turcotte".

That is one voice, but there are many others. People have weighed in, including mental health experts and criminal law experts. Also, all the provinces and territories were consulted on this bill. That is why we think it is fair and balanced, and deserves to go to third reading.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, just before I begin my remarks tonight, when we gather in this place here late at night, away from our families, sometimes it behooves us to take a moment to remember them. With that, I beg the indulgence of the House to wish my stepfather, Randy Field, a very happy 60th birthday. I am so sorry I am missing his birthday tonight.

What is very interesting about the bill is the stage that it is at in debate here in the House. We are debating, as a group of colleagues, whether or not it has merit to move to the committee stage of review. I have spoken in this House a few times now about the difference between the how and the why of an issue. I think we need to set the record straight on the why of looking at this legislation, first.

I had some notes prepared tonight. I think I want to start off by looking at my Twitter feed. I have someone named Dave Teixeira talking about the Darcie Clarke family and thanking government members, as well as my colleagues opposite, for at least giving this legislation a chance to go to committee, because the why of the bill is important.

I have heard colleagues opposite talk about rehabilitation rates and times and the rights of the offender. We do, as legislators, have an obligation to examine the rights of all individuals in this country. However, for this legislation, the why is looking at victims of crime who are victimized, who, day after day, wonder if they are going to be threatened again, living in a state of fear. These are real people with real questions as to how they are going to be protected by us who stand here in this place. I just do not accept the premise of some of my colleagues' arguments. I am quite shocked, frankly, to hear them say that somehow this is not an issue.

What I had hoped to hear tonight was acknowledgement that the why of this issue is fundamentally important and worthy of study. That is why I am very glad to hear my colleagues opposite in the NDP at least support moving this to the committee stage, because the why here is so vitally important that we look at as legislators.

I will speak very briefly to the technical aspects of the bill. There are three components that we on the government side see it addressing.

The first is to enhance victims' rights. The legislation would enhance the safety of victims by ensuring that they are specifically considered when decisions are being made about accused persons found NCR, not criminally responsible; ensuring that they are notified when an NCR accused is discharged; and allowing non-communication orders between an NCR accused and the victim.

The second component is to put public safety first. The legislation would explicitly set out that public safety is the paramount consideration in the decision-making process related to accused persons found to be NCR.

The last component is to create a high-risk designation. The legislation would create a new designation to protect the public from high-risk NCR accused. Upon being designated by a court as a high risk, an NCR accused must be held in custody and cannot be considered for release by a review board until his or her designation is revoked by a court.

Now, some of the questions that have come up tonight are very valid and they should be looked at, at committee stage. Specifically on the question of consultation, absolutely, we want to consult with affected stakeholder groups on any legislation. That is our job as legislators. That is what we do at committee stage.

However, I think it is worth noting the amount of discussion that this legislation has generated in federal, provincial and territorial discussions between public safety ministers and ministers of justice. We have heard from our provincial and territorial counterparts that this is something that is important.

Now, why is that important? Because for such a long time, we have not addressed the rights of victims such as Miss Darcie Clarke and her family. I think that for anyone who is sitting at home, watching this debate, we would be hard-pressed to find someone who would say that this is not worthy of at least moving to committee stage.

Some of the other points that I wanted to make were with regard to some of the content of the bill; for example, that the bill proposes to expand the notice requirement so that victims would be made aware when a mentally disordered accused person is to be discharged into the community.

● (2050)

This is something that is quite reasonable. I think if we took it to the Canadian public or to a constituent, most people would find it reasonable to notify a victim when someone is going into the community who has committed a crime against them or their family, often an atrocious crime. I would love to hear the results of the committee phase hearings on this, of course, but I think this is something most Canadians would say is fundamentally reasonable.

The approach of the bill also reflects the reality that not all victims want to participate in some of the hearings around the NCR designation, nor do all victims want to be kept abreast of when and if an NCR accused is to be discharged. This is understandable, because people who have been victimized probably do not want to be re-traumatized over and over again. An automatic notice provision, as would be alleviated in this bill, might cause them to be further traumatized by forcing them to relive the incident. The requirement that victims must request notification is therefore intended to protect those victims who do not wish to be notified.

I will go back to the second element of Bill C-54, related specifically to the safety of victims. Currently, the mental disorder regime requires the review boards to consider on an annual basis whether or not an NCR accused still represents a significant threat to public safety. However, at present there is no requirement that the review boards take into account the safety of the victim when they conduct their analysis. That is something that is perfectly reasonable to take into consideration.

Yes, we have to look at the balance between the individual and society, as some of my colleagues have mentioned. However, in this case, to take the safety of the victim into account is something that I find reasonable. I am pretty certain that, if I took it back to my constituents, they would find it reasonable as well.

What would Bill C-54 do to change this? It would clarify that a significant threat to the safety of the public includes the safety of the victim. This would ensure that when a review board is considering whether or not an NCR accused person continues to pose a significant threat to the safety of the public, it would be required to specifically consider the safety of the victim.

This element would provide some much-needed assurance for victims who are concerned that their interests are not being adequately considered by the review boards. In that, giving victims a little bit more assurance that their rights are at least being considered by our review boards is another thing that is perfectly reasonable and should also be used to support the passage of this bill into committee stage.

This bill also proposes that the review board consider whether or not it is in the victim's interest to make an order of non-communication between an NCR accused person and the victim, and to make an order that the accused person not attend a specified place. Although it is currently possible for review boards to make these orders, the proposals in Bill C-54 would require the review board to turn its mind to the issue in every case.

These are practical solutions that could be considered to address the safety and peace of mind of a victim. The goal of these orders would be to provide increased security to victims and much-needed peace of mind and to ensure that NCR accused would not be permitted to have any contact with them. They may, in fact, be ordered to stay away from certain places, such as the victims' place of employment or their children's school.

When we stand here in this place, we have to consider all sides of an issue. I know there are very many views of how we can address the “why” of this concern, but one should not just oppose it without even giving pause to think of people who have been victimized.

We can cite recidivism rates all we want. My question to my colleagues opposite is this. What percentage is acceptable? What percentage requires us to abdicate our duty to look at those who may be affected in a situation like this?

That is why I certainly support this bill's passage to committee stage. I know the justice committee would conduct further diligence and bring in witnesses to review this bill.

I ask, with great honesty, my colleagues in the Liberal Party to at least consider voting for this at second reading due to the "why", and to really consider asking themselves when they go home at night what percentage is acceptable.

● (2055)

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I thank the hon. member for her comments, and I really appreciate the emphasis she gave to improvements for victims that would be contained in this legislation, because that is a large part of why we in the New Democratic Party are in support of this in principle.

I do have a concern, and that is the use of time allocation again on this bill. The chair of the Mental Health Commission of Canada, Louise Bradley, said:

> We encourage all legislators and stakeholders to work together to ensure Bill C-54 strikes the right balance to encourage treatment and to avoid the unnecessary stigmatization of Canadians who live with mental illness.

Therefore, my concern is that, when we get to committee, we do hear from those who have those concerns, and see if there are changes that need to be made in this legislation that would help mitigate those concerns, because I do think the legislation is fundamentally sound. Therefore, I would like to hear some assurance from the other side that we would hear those voices at committee.

● (2100)

Ms. Michelle Rempel: Mr. Speaker, I thank my colleague for his very respectful comment on this issue.

I will answer the question in two parts. First, it was our government that actually established the Mental Health Commission, so we do have an emphasis on this issue. Second, as someone whose family is affected by mental health issues, I am quite cognizant of the effect that these particular disorders and illnesses have on family and people around them.

Certainly, we need to be cognizant of ensuring we are supporting those with mental health concerns, not only in this context but also in the greater health care provision. I would certainly support a full review of this at committee, ensuring we have the best legislation possible.

I do respect my colleague for stating he will support this bill's passage to the committee stage.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, it was of interest to me that the member from the Liberal Party spoke about lawyers advising the accused not to plead not criminally responsible, that they could go through the normal process of court and probably get out earlier. That would probably indicate to me that they are not NCR from that perspective, because they would understand that they could go through the normal court process.

This leads to my question. Could the parliamentary secretary explain to the Canadian public who is actually affected by the reforms and the three-year review period?

Ms. Michelle Rempel: Mr. Speaker, to answer my colleague's question, I will go back to the start of my speech, and that is the substance or the "why" we are looking at this legislation.

This legislation has been proposed to be respectful of the rights of victims, as well as to provide them with additional peace of mind and security. Given their recovery from a traumatic situation, we have to be cognizant of their mental health as well. That is what this bill proposes to do. I cannot speak on behalf of some of these victims because I have never had something like this happen to me, but I can only imagine, and that is why we stand here today in support of this legislation.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am afraid that I am not yet at the place where I think this legislation would actually do more good than harm. I am trying to debate that in my own mind, looking at the evidence and the expertise that comes forward.

One of the experts to whom I referred earlier, Dr. Anne Crocker, professor of psychiatry at McGill University, put the statistics this way, so we really can focus on this. She said that, of all those offenders considered not criminally responsible, in B.C., Ontario and Quebec, less than 10% of that group were responsible for violent crime. Within that group, getting down to very small numbers, less than 15% went on to reoffend.

Therefore, what happens is that we have some very high-profile, extremely upsetting cases. It is devastating when we have the kind of cases that we all have on our minds as we debate this legislation. I do not need to mention the names. However, this legislation would do nothing to prevent somebody with a mental health issue who had no previous record from committing the offence. Surely, when we have experts in mental health and in the criminal justice system who are saying that the current system is not letting us down in terms of handling NCR cases and avoiding recidivism, where we are being let down is that we are not putting in place the structures to support those people so that mental health issues can be streamed into the health system and not into the criminal justice system.

Ms. Michelle Rempel: Mr. Speaker, I am glad my colleague opposite has admitted that she is looking at this bill and trying to decide whether or not it should pass at the committee stage.

I implore her to at least get it to the committee stage for a few reasons. First of all, yes, we can talk about recidivism, absolutely. However, the point I am trying to make here today is that when we talk about percentages of reoccurrence, we have not acknowledged the fact that there are high-profile cases, and the lack of legislation we have in this area can lead to deep distress and a deep sense of non-peace in the minds of victims.

For that reason, it is very important that we at least examine the merits of this bill at the committee stage. I fundamentally feel that, as legislators, we cannot fail even one person in this regard, in this context. That is why it is so important.

● (2105)

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I am honoured to speak to Bill C-54 on behalf of my constituents from Surrey North. Last week, in the debate on Bill C-489, I spoke about the impact the proposed legislation could have on victim rights. Today I will speak about it again but in the context of Bill C-54, which is an act to amend the Criminal Code and the National Defence Act.

Bill C-54 would modify the legislative framework in the Criminal Code and National Defence Act that applies to trials that result in an alleged offender being deemed not criminally responsible on account of mental disorder. The bill presents a timely and very important discussion on mental health issues, victim rights and public safety. It is clear, in the wake of several recent highly publicized cases, that we need to examine the current legal instruments to ensure that adequate protection is awarded to the public and that victims' needs, particularly in relation to psychological healing and safety, are being considered and given the utmost priority.

However, as with any discussion in the House, we must carefully weigh the balance between perspectives. Many mental health professionals have already voiced their concerns about the effect the bill will have on people with mental health issues. Those concerns are legitimate and deserve the chance to be explored in depth. This is a fragile issue for victims, families and communities, and we must be careful that we protect the interests of all Canadians in our deliberations. Bill C-54 proposes to amend the current legislative mental disorder regime by putting public safety first, creating a high-risk designation for certain offenders and enhancing victims' involvement in the justice process.

Obviously, as members of Parliament and legislative decision-makers, we need to place Canadian interests and security as paramount in all our evaluations and resolutions. From this perspective, the public-safety-first focus Bill C-54 proposes should be reflective of the majority of Canadian legislation, and we should welcome its relevance to the common good. However, this must be met with balance. The concerns of mental health professionals are that Bill C-54 might create mass panic, resulting in increased prejudice and decreased understanding of mental illness. We need to be cautious that we are not perpetuating an unwarranted stereotype that all people with mental illness have the potential for violence.

Furthermore, Bill C-54 proposes that some offenders deemed not criminally responsible may be categorized as high risk when the person has been involved in a serious injury offence and there is a considerable likelihood of further violence that would endanger the public. High-risk offenders should be subject to an increased amount of time between review board hearings. It would be 36 months instead of the 12 months it is currently. They would also have escorted community visits, and in some cases, community visits would be eliminated.

There is a concern that some defence attorneys may avoid seeking a mental illness defence because of the limits of this designation, limiting the treatment and resources available to their clients and potentially exposing their clients to harm in traditional detention facilities.

Bill C-54 also enhances victims' involvement in the Criminal Code mental disorder regime. They would be notified, upon request, when the accused is discharged. The bill would provide for non-communication orders between the accused and the victim and would ensure that the safety of the victim was paramount in the judicial decision-making process. This element of Bill C-54 could be particularly important for the healing process of victims and their families. It might be essential to the development of a safety response strategy.

Obviously, I have reservations about the proposals in the bill, but we must equally weigh the balance of arguments of any proposal that comes across the floor of the House. Specifically, in the discussion around Bill C-54, we need to be conscious of the fact that only a small number of cases are found not criminally responsible on account of mental disorder under the Criminal Code.

● (2110)

Furthermore, the rate of reoffending for an accused found not criminally responsible due to mental disorder is only 2.5% to 7.5% compared to a reoffending rate of 41% to 44% for federal offenders in the regular justice system. That being said, our focus in this debate must be public safety as well as justice and support for victims. We need to explore Bill C-54 in detail to ensure that it offers effective solutions for victims and adequate protection for the public. At the same time, we need to be respectful of the challenges that face people with mental health issues. We must keep the focus on prevention, treatment and support resources.

I will be supporting Bill C-54 so that it can be studied extensively. I am looking forward to the opportunity to hear from mental health professionals, legal professionals, victims' rights groups and the families of victims to ensure that we are making informed decisions that will be valuable to Canadians and will have their best interests at the core.

I would encourage my Conservative colleagues to not only listen to the professionals but to make the appropriate amendments needed to make this bill even better than its current state. I know that the Conservatives hesitate to add amendments, as we have seen over the last year or two, when 99% of the amendments introduced by my NDP colleagues have been rejected by the sitting government. I would encourage them to listen to the front-line workers and the people providing these services.

The Correctional Investigator, Howard Sapers, pointed out today in the media that he has some concerns. I am hoping that the Conservatives will listen to the concerns of not only government workers but of the people on the front lines so that we can further enhance this bill.

It is important to note that, in its current form, Bill C-54 would rest all financial obligations with the provinces. The federal government should ensure that adequate financial support is provided so that provinces have the financial capacity to carry out these responsibilities.

Bill C-54 presents an opportunity for us to review how underfunded mental health services are in Canada. In fact, recently I spoke to social service providers in my riding who have expressed their frustration in not being able to provide adequate mental health resources to their clients due to funding challenges. We must ensure that adequate funding is provided for mental health services, as their work is invaluable to prevention, treatment and advocacy for accused offenders deemed not criminally responsible due to mental disorder.

In closing, I hope the government will seriously consider the amendments proposed by the opposition parties as well as the advice and stories of mental health professionals, legal professionals, victims' families and rights groups. As policy-makers, we must be open to institutional changes that are productive and effective. We cannot present grandiose ideas with little to back them up. We must ensure that potential legislation we debate is critically explored and presents effective remedies for its intended focus.

● (2115)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I had the opportunity to talk about the whole idea of prevention and how we would love a government more focused on prevention. We have this bill before us, and I understand that the New Democrats will be supporting its passage to committee stage.

I have a question regarding the need for amendments or changes to the current legislation. I anticipate that New Democrats will be bringing forward amendments. Are they saying that if the amendments do not pass, they will not support the bill? Is there tentative support for second reading subject to amendments from the New Democratic caucus being passed?

Mr. Jasbir Sandhu: Mr. Speaker, it amazes me that every time the Liberals stand in the House, they talk about what they want to do. However, when they are in government, they basically do what the Conservatives do, which is nothing, most of the time.

My answer to the hon. member's question is that I do not have a crystal ball. In principle, we agree with this bill going to committee, and we are hoping that the Conservatives will listen to the advice provided in committee by experts and community workers and that they will make some of the changes to make this bill much better than it is already.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank the member for Surrey North for his very eloquent speech tonight. He brings a lot of experience and knowledge to the justice sector, having worked for the Justice Institute in the Lower Mainland of British Columbia. It was clear tonight from all he said. The member has great knowledge of these issues. He was asking questions other NDP members have been asking about how the government actually put together the legislation, which we support, and who they are going to be consulting with.

Another concern we on this side of the House have been raising is that ultimately, this will be downloaded onto the provinces. Members of the Conservative Party have been saying that it is not true and that they have been increasing health transfers. The Parliamentary Budget Officer says different. We are looking at 20% of health care funding for the provinces coming from the federal government. That is going to fall to 18%, then 13%, then 11%. This is a matter of real concern. We are talking about victims, yet the federal government is trying to cut back on services for health care, services for mental health and services for victims. Does that concern the member for Surrey North?

Mr. Jasbir Sandhu: Mr. Speaker, I have seen a trend from the Conservatives over the last two years I have been here, and I have seen the downloading of responsibilities to the provinces and the downloading of costs to the provinces. Of course, I am very concerned about what the Conservatives have been doing over the last two years and about what they have done with our health care transfer funding to the provinces, which is going to be cut over the next few years.

On issues such as mental health, we need preventive programs. We need programs that will help the mentally ill. Clearly, the Conservatives are not supporting the services needed in our communities.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, this legislation proposes to make it explicit that the review boards need to take public safety into account in their decision-making. However, when I go back to the Criminal Code, which talks about dispositions from a court or review board, it says that, in fact, the review board needs to take into consideration the need to protect the public from dangerous persons.

I do not understand even what this legislation does. How is this actually anything new, and where is the evidence that we actually need to have another provision saying to take into account public safety? I do not know if my colleague will have any answers to this, but where is the evidence that this needs to be done, and how is this different?

Mr. Jasbir Sandhu: Mr. Speaker, I have similar questions for the hon. members' across the floor. We are hoping that Conservatives will provide those answers at committee. We asked those questions throughout this session earlier today, and we have not had any satisfactory answers from the government side. Hopefully, we will be getting an answer to my hon. colleague's question at the committee stage. Hopefully, the Conservatives will look at some of the amendments and some of the expert testimony we will hear at committee so that we can make a bill that truly helps victims and also addresses the needs of the mentally ill.

● (2120)

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, it is a pleasure to rise tonight to speak to Bill C-54. Canadians expect that their justice system will keep them safe from high-risk individuals and that is why our government has introduced Bill C-54, the not criminally responsible reform act.

It is paramount that victims' rights and public safety are balanced off with the decisions taken for high-risk patients who are accused of being not criminally responsible for their actions. Our government's intention is to strike a better balance between the need to protect society against those who pose a significant threat to the public and the need to treat the mentally disordered accused appropriately. Our government has always put victims first and we always will.

The timing of this debate unfortunately is late. Just last week in Manitoba, the Manitoba Criminal Code Review Board made a decision that I was extremely disappointed in when it granted increased community access for Mr. Vince Li.

As most of us will remember, Vince Li was on a Greyhound bus in Manitoba just outside of Portage la Prairie on July 30, 2008, when all of a sudden he started stabbing a young carnival worker by the name of Tim McLean. As the bus stopped and horrified passengers fled, Mr. Li went on to cut up Mr. McLean's body and ate parts of it. Vince Li told a mental health advocate that he heard voices, including the voice of God, telling him that Mr. McLean was an alien who he needed to destroy.

Vince Li was not found criminally responsible and was sent to the Selkirk Mental Health Centre in my riding. It was incredibly disappointing to hear the decision reached, because that decision did not put the victim's rights first and it definitely did not put public safety first, and I will speak to that in more detail.

As everyone knows from tonight's speeches, the not criminally responsible reform act, which we introduced on February 8, would do three main things.

First, it would enhance victims' rights and that includes enhancing the safety of the victims by ensuring that they would be specifically considered when decisions were made about accused persons found not criminally responsible.

Carol de Delley, who is the mother of Tim McLean, said in the *Winnipeg Free Press* on Monday:

> I don't feel particularly safe or comfortable with Vince Li having these outings...I had the assumption before all of this happened that we all have basic human rights. So how come Timothy's aren't being considered here and only Vince Li's are?

She is concerned that now he has free and open access on the grounds at the Selkirk Mental Health Centre as well as escorted leave into Selkirk, Winnipeg, Lockport and the surrounding beautiful beaches on the south basin of Lake Winnipeg, she feels she may come into contact with him because she does not know where he is going. This is why it is important that there needs to be a non-communications order between an NCR accused and the victim as well as notifying victims when a not criminally responsible individual like Mr. Li is discharged so they can make plans as to where they are going to be in the community that day and avoid the happenstance of running into the individual who has harmed a loved one.

It is important that we put victims' rights first because the decision was just made in Winnipeg by the Manitoba Criminal Code Review Board did not at all consider the victim's rights or the family of Tim McLean. Both Tim's sister and mother read victim impact statements at that trial and again their considerations were thrown by the wayside.

The second thing the bill would do is put public safety first. Bill C-54 explicitly sets out that the public's safety is the paramount consideration in the decision-making process relating to accused persons found not criminally responsible.

This weekend at home I heard from constituents across the riding, especially constituents in the city of Selkirk, about how concerned they were that Mr. Li had free and open access to the grounds of the Selkirk Mental Health Centre, beautiful grounds, unfenced, right across the street the new public library is going up, just down the street is Walmart, Canadian Tire and Home Hardware. There is all sorts of activities happening around the mental health centre. He has the ability to roam those grounds and, without being monitored, easily walk off the grounds. Therefore, the public is extremely concerned.

● (2125)

It is not at all comforting for people to run into Mr. Vince Li when he is being escorted in the community. Even when he has a health care worker and a security guard with him, it is still disconcerting to see Mr. Li walk past the front of their home or to bump into him in a shopping mall. Although he has escorted leave, whenever I run across a murderer who is under the control and oversight of a security officer, I do not feel any more safe knowing that security guard is there. It is more troubling to see that level of security required for an individual to be constrained while he or she is out in public.

The third thing proposed Bill C-54 will do is create a higher risk designation to protect the public from those accused who are deemed not criminally responsible. Upon being designated as a high-risk offender by a court, that person must be held in custody and cannot be considered for release by a review board until his or her designation is revoked by a court. There needs to be that higher judicial oversight that does not exist with the review board process. It allows for access to treatment for any accused person deemed not criminally responsible, so it would not affect that. It also needs to propose reforms.

Earlier I heard the concern from the member for Halifax that this was not warranted. The constituents in my community want to see this bill go through as quickly as possible. In the case of Mr. Li, it is already too late. However, our mental health centre is one of the main health centres in Manitoba. It is located in Selkirk. The public is concerned about who else might be found not criminally responsible and end up housed there.

I also heard member for Saanich—Gulf Islands say earlier that this was completely unwarranted, that there was no need for it. I do not think we need to look at all of the cases as to why we need it. However, I want to draw to everyone's attention the situation of Andre Denny.

Andre Denny was detained at a secure hospital in Halifax in 2012 after a court ruled that he was not criminally responsible for a charge of assault causing bodily harm. Under this act, he would be considered a high-risk offender. As a teenager he was diagnosed with schizophrenia. The records showed that after the court verdict, he was agitated, argumentative and paranoid in hospital. Therefore, he was a problem patient. The hospital adjusted his medication, his condition improved and he was granted supervised outings in early February 2012, just over a year ago. Several weeks later, while on a one-hour pass, he failed to return to the hospital. He is now charged with second degree murder in the beating death of activist Raymond Taavel who was killed after he tried to break up a fight between two men outside a bar.

I do not think we need to argue about the need or talk about the conditions of individuals. I know that medication does not always work for some people who struggle with mood and personality disorders. Sometimes medication can amplify the problem or create other violent tendencies. Because of that, we have to err on the side of public safety and consider the rights of the victims and their families so they do not have to endure the long, drawn-out hardship of having these people in their communities, knowing that their loved ones are never coming back because of the very violent acts committed by those individuals who have definitely been found by the courts to have some form of mental health issue. At the same time, a very horrific and heinous crime has been committed and they feel there needs to be some justification for that individual to undergo the proper treatment under close supervision, putting the rights of victims and public safety first.

● (2130)

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, my question is for my colleague.

Why is it that, most of the time, the Conservatives' bills are punitive rather than preventive? If we really want to focus on victims, why do bills such as this one not come with financial support for victims, for example?

[*English*]

Mr. James Bezan: Mr. Speaker, victims are not looking for financial help. They are not necessarily looking for increased punishment. What they are looking for is that their rights are respected, that they are put first and foremost in these decisions and that the memories of their loved ones are not insulted, like we just saw in Manitoba.

We want to ensure that we find a balance. We also have to look at the overall aspect, so we are putting, as a paramount decision, through the review board process, the victims' rights and public safety first and foremost.

If we talk to those who are impacted, some have had to go on long-term disability because of their own mental health after they lose a loved one. Our government has introduced a number of reforms to EI to help with that fact.

More important, they are not looking for those types of supports as much as they are looking to ensure public safety is put first and that their loved ones' memories are honoured.

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, first, I really appreciate my colleague's presentation. However, I was kind of shocked when I heard the member for Halifax ask a question earlier. Her question was about why this was needed.

In the member's presentation, he talked about Mr. Denny, who is from the home riding of the member for Halifax. He is a perfect example of exactly why this legislation is needed. How can that member stand and ask why this is needed when a constituent of hers killed again and the victim would have been protected, probably, by a law like this?

I would like to ask the member why there is a disconnect, if he wants to take a guess, in the reasoning of this issue by the member for Halifax.

Mr. James Bezan: Mr. Speaker, I do not think anyone who was a friend of Raymond Taavel—

Ms. Megan Leslie: I was.

Mr. James Bezan: I understand that. I am just saying that we cannot return that life. If this had been in place, it is very unlikely that Andre Denny could have done that heinous crime, that horrific second degree murder of Mr. Taavel. He was doing a lot of good in the gay community in Halifax. His family and his friends were devastated. I think we all saw the media coverage of that.

It always concerns us when somebody who is dealing with a mental health issue becomes this violent. However, for those individuals, like Mr. Denny, we have to take the measures possible to confine them and protect the public so these types of crimes do not happen.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, I hear the dialogue tonight and I hear Conservative members defending the memory of Raymond Taavel from Halifax. I know the member for Halifax has raised this issue in good faith in the House.

First, we cannot bring someone back. Second, in this debate the Conservatives continue to demonize and stigmatize people with mental health issues, not to protect the public but to pit one group of Canadians against another.

Where is the member's passion to defend the rights of gay and lesbian Canadians? Where was it during the debate on same sex marriage?

While I thank the member for his interest in these issues tonight, I would ask him to actually consider his long-term perspective and his party's long-term perspective on these issues and not to use the memory of Raymond Taavel to try to take and defend a position that Raymond Taavel would find—

● (2135)

The Acting Speaker (Mr. Bruce Stanton): We are out of time. The hon. member for Selkirk—Interlake, a short response.

Mr. James Bezan: Mr. Speaker, I do not find our debate here at all divisive. This is a commentary about wanting to improve the system. I appreciate the work that Raymond Taavel did on behalf of the gay community.

If the hon. member wants to talk about divisive comments, what about the leader of the Liberal Party earlier this week talking about the rights of one region of Canada versus the other? Let us pit east against west. This is what we are hearing coming from the Liberal end of this House.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, thank you for giving me the opportunity to speak to Bill C-54. The bill amends the mental disorder regime in the Criminal Code and the National Defence Act to specify that public safety comes first in the decision-making process. The bill creates a mechanism for ensuring that certain persons who have been found not criminally responsible on account of mental disorder can be designated as high-risk accused. It also promotes the greater involvement of victims in the regime.

I will come back to the reasons why we must discuss the bill today. Recently, a number of very high-profile cases involving very serious offences, where the accused was declared not criminally responsible, have brought the issue to the forefront. In Quebec, there was the case of Guy Turcotte, a man who killed his two young children. This story shocked people, not just because of the violence of the act, but also because of the verdict. Even though this man obviously committed the act, he was declared not criminally responsible.

First and foremost, we want to determine how we can better help the victims in such situations. As with a number of other cases, the Turcotte case planted doubt in the minds of many people as to the effectiveness of the current approach to criminal responsibility. It is especially important to restore public confidence in the administration of justice.

According to his psychiatrist, the anger of a certain segment of the population with respect to this situation is due to a lack of understanding of how the mental disorder review board works. I would therefore like to make a few comments about the nature of the current process. First, we must reassure viewers by pointing out that the mental disorder regime in the Criminal Code applies only to a very small percentage of accused persons. It is not as if it applies to every accused person.

If an accused cannot understand the nature or the consequences of the trial and cannot communicate with his lawyer on account of a mental disorder, the court can find the person unfit to stand trial. Obviously, if that person can stand trial later, the case will be heard by a court at that time.

There is another possibility, but that would apply during the trial. If a person is found to have committed the act that constitutes an offence, but lacked the capacity to appreciate the seriousness of what they did, the court can make a special verdict of not criminally responsible. Note that they are neither convicted, nor acquitted.

A person found either unfit to stand trial or not criminally responsible for reasons of mental disorder is referred to a provincial or territorial review board, which reviews the person's situation and can make one of three possible decisions: if the person does not pose a significant threat to public safety, an absolute discharge; a conditional discharge; or, detention in custody in a hospital.

Bill C-54 would amend the Criminal Code to clarify certain provisions in the mental disorder regime and make public safety the paramount consideration in the court and the provincial review board decision-making process. The bill would amend the Criminal Code to create a process for the designation of not criminally responsible accused persons as high risk where the person was accused of a serious personal injury offence and there is a substantial likelihood for further violence that would endanger the public. Those persons would not be granted a conditional or absolute discharge, which means they would be detained in custody in a hospital. The designation could only be revoked by the court following a recommendation of the review board.

A high-risk not criminally responsible accused person would not be allowed to go into the community unescorted, and escorted passes would only be allowed in narrow circumstances and subject to sufficient conditions to protect public safety. The review board may decide to extend the review period to up to three years for those designated high risk, instead of annually.

The bill is also designed to enhance the safety of victims by allowing them to be more involved in the process. It is designed to ensure that victims are notified, upon request, when the accused is discharged. It also allows non-communication orders between the accused and the victim and ensures that the safety of victims is considered when decisions are made about an accused person.

● (2140)

The NDP agrees that public safety needs to be protected, as long as the rule of law and the Canadian Charter of Rights and Freedoms are upheld. We believe that these changes are desirable, but we need to ensure that they will allow us to deal effectively with accused individuals who are mentally ill.

According to an estimate from the justice department, Criminal Code offences in Canada cost more than $31 billion. Of that, nearly half is directly absorbed by the victims. We are talking about more than $14 billion a year. That is huge. That is the cost of medical care, hospitalization, lost wages, school absences and stolen or damaged property.

In addition to the direct victims, people close to the victims also suffer harm. It is estimated that the various costs reach $2.1 billion for third parties. Those costs are even higher if we take into consideration intangible costs such as lost productivity over a lifetime, mental health costs, psychological effects on other family members and so on. We are talking about nearly $70 billion.

Each year, crime costs Canadian taxpayers' approximately $100 billion, although we need to remember that those are just estimates. However, they give us an idea of the impact that crime can have on society as a whole.

I would like to talk more about Guy Turcotte because his is probably the best-known and highest-profile case, at least in Quebec. As I was saying, Mr. Turcotte was found not criminally responsible by the court that tried his case. The review board decided that he could leave the psychiatric facility under certain conditions. The team of psychiatrists working on his case agreed. He is no longer sick or a danger to society.

His former partner, Isabelle Gaston, is still fighting to change the system. I would like to share her words with the House, as someone else did earlier.

> Even if I devote my time to changing the justice system, if ministers, deputy ministers, the Barreau and the Collège des médecins do not change their ways, then injustices like this one will continue.

The NDP supports the aim and the spirit of this bill. That is why we will vote at second reading to study it further in committee. Still, some things need to be clarified. Even though we agree for the time being, we are concerned that the proposed changes might be mere window dressing.

Allow me to explain. The most significant change contemplated in Bill C-54 is that review boards will have to make public safety the paramount consideration in their decision-making process. The fact is, they already consider public safety, so I do not see what real difference this bill will make.

There are other legitimate questions we should be asking. Were mental health experts and other stakeholders in the system consulted, or did the government work with them to ensure that this new approach is the best one? Will the government set aside additional funding for the provinces and territories to cover the cost of the review boards' new responsibilities? I do not believe so. Will additional measures be implemented to support victims? We have not heard anything about that either.

Nevertheless, the NDP and I are open to the proposed changes. We will support this bill at second reading so that the committee can study it further.

● (2145)

[*English*]

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, I wanted to get up this evening on behalf of a mom who lives in a small town not very far from where I live. Her family was victimized. Her son was murdered brutally. Two young fellows murdered her son, Rob Vicente. He was shot twice in the head. Then he was taken, rolled out of a vehicle and shot in the head again. Then he was buried in the yard of the home of one of the murderers' grandmother.

The mom does not sleep. The family is having a very difficult time with the murderers getting off on second-degree murder. Living in a small community, they are very worried that these young people will come back.

How do we tell that mom that her story is not as important, that all the things that happened to her are not quite what we want to hear? These young people showed no remorse and the mom has to live with losing her son. What do we tell the mom that would assure her that these young men will never ever get out of jail?

[*Translation*]

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, as I said at the beginning of my speech, there are some truly horrible cases like that, and this has caused the public to lose confidence in the justice system. That is one of the reasons why we want to support this bill, even though we think there are already safeguards in place against this type of crime.

Moreover, mothers like this one are victims and should receive assistance. Earlier I asked the Conservatives, twice, whether help would be provided to victims. Well, there is no such help.

If the government really wants to help this mother—and my heart goes out to her—something more than this type of bill is needed. This bill already covers most of the points made by my colleague.

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, my question addresses just this point.

Given that the federal government's health transfers to the provinces have started free-falling, is the hon. member concerned that the provinces will not be able to meet victims' needs?

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, obviously reduced funding will make it increasingly difficult to meet victims' needs.

A number of Conservatives said they consulted with the provinces. When I asked specifically what kind of consultations these were, I did not get an answer. I would really like to know—and I still have no answer on this—whether the government consulted with the provinces on the financial aspects of this issue.

Did the provinces, if they were indeed consulted, realize they had to bear all the financial burden, and if so, did they agree to this?

● (2150)

[*English*]

Hon. Lynne Yelich: Mr. Speaker, I thank the hon. member for the answer to my last question, but that was my point. It was not the resources; they did get help. She went to Edmonton and joined self-help groups, but what she wanted was to see first-degree murder apply to these young people. She wants to make sure they never get out. They are going to get out in 15 years. They will have a parole review.

She does not want to have them out and released. All the self-help groups in the world are not helping her get through this. What would help her get through it is to know that those two murderers will never get out again.

What do I tell her?

[*Translation*]

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, we can tell this woman that we understand what happened and that the first thing we need to deal with is public safety. That is why the NDP decided to support this bill. That will make it possible to study it in second reading and improve it. However, we care a great deal about public safety, particularly the safety of this person's child.

[*English*]

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I am pleased to participate in the second reading debate in support of Bill C-54, the not criminally responsible reform act. I am going to focus my comments around how the bill reflects and builds upon the legal foundation provided by the Supreme Court of Canada on controlling the risks posed by the accused who are found not criminally responsible on account of mental disorder, or NCR.

The bill would provide enhanced guidance to the courts in applying several key legal tests that are present in the mental disorder regime of the Criminal Code. This is the part of the Criminal Code that deals with the mentally disordered accused, including those who are found NCR. The introduction of more straightforward terminology and clearer language proposed in Bill C-54 would better ensure that the courts accord the proper weight to the protection of the public. It is about keeping it as simple and clear as possible.

At the heart of the bill is the concern for protecting public safety, which is the first and foremost duty of any government, and everybody in the House agrees with that. Certainly my constituents have told me that, time after time. It has been recognized by the Supreme Court of Canada on numerous occasions, most recently in the 2010 case of R. v. Conway, as a paramount duty of review boards in the context of dealing with NCR accused.

In that case, the Supreme Court noted that, while an NCR patient's liberty must be a major occupation of these boards, it is still situated within the fence posts of public safety. That is the first priority, and if it does not fit within those fence posts, it is not going to happen. Bill C-54 proposes to clearly articulate those fence posts in an accessible and forthright manner.

The bill would ensure that the procedures put in place for reviewing the disposition of NCR accused are tailored responses that take into account the risk that any particular individual poses to society at large. It is not a cookie-cutter approach; it goes on a case-by-case basis. This is why Bill C-54 proposes to introduce the new designation of a high-risk NCR accused. It is not intended to apply to all persons found NCR; rather it is only directed at a subset of these persons after a court is first satisfied that there is a substantial likelihood that the accused would use violence that could endanger the life or safety of another person, or after a court comes to the opinion that the acts that constitute the offence are of such a brutal nature as to indicate a risk of grave physical or psychological harm to another person.

With reference to an earlier debate we had with the member for Toronto Centre and others in the Liberal Party, I would have to ask again a rhetorical question. What level of risk is acceptable to the public? The answer, I would say, is very little.

By introducing this designation, the bill responds to the paramount interest in protecting public safety cited by the Supreme Court in Conway. Specifically, the bill addresses the cases at the highest end of the risk spectrum when applied in the appropriate circumstances.

Bill C-54 also builds on the Supreme Court of Canada's 1996 decision in Winko v. British Columbia. In that case, the court interpreted the phrase in the existing section 672.54 of the Criminal Code regarding what is "a significant threat to the safety of the public". This is the test used in the NCR regime by a court or review board in determining whether an accused should be discharged absolutely, or with conditions, or detained in a hospital.

In Winko, the court concluded that a "significant threat to the safety of the public" means a real risk of physical or psychological harm to members of the public that is criminal in nature and serious in the sense of going beyond the merely trivial or annoying. Again, I would ask what level of risk is acceptable to the public. The answer that my constituents would give and I think most people would give is, very little.

Bill C-54 is consistent with the Supreme Court of Canada's approach. It would clarify the meaning of significant threat to the safety of the public by specifically defining it in the law as:

> ...the serious physical or psychological harm to members of the public — including any victim of or witness to the offence, or any person under the age of 18 years — resulting from conduct that is criminal in nature but not necessarily violent.

This clarification is specifically intended to adopt and confirm the interpretation of the Supreme Court of Canada in Winko. It ensures that a court considering the threat posed by an NCR accused is able to take into account all the appropriate circumstances, including criminal conduct that is not overtly violent but may nonetheless signal a real risk to the public.

This definition also addresses a key concern we have heard time and time again—namely, the need to ensure victims' interests are acknowledged in the criminal justice system. With this amendment, Bill C-54 would make it clear that when a court or review board considered what is a threat, it must consider not only the general public at large but also any victims, witnesses or any person under the age of 18.

● (2155)

This would help ensure that any particular threat or danger to the victim is not forgotten or overlooked. Safety to the public must include the safety of its most vulnerable members, and Bill C-54 recognizes and affirms this objective.

I welcome the proposed addition of this specific definition to the mental disorder regime. It would help to clarify this crucial point of law and provide assistance to the courts and review boards that have to make these very challenging decisions.

Bill C-54 aims to clarify another important issue, which is the meaning of the phrase in section 672.54 of the Criminal Code: disposition "that is the least onerous and least restrictive to the accused". There is no mention of victims. That phrase refers to the duty of the review board to choose between the possible dispositions for an NCR accused, including absolute or conditional discharge and detention in a hospital subject to any appropriate conditions. However, it is also a phrase that is not easily understood or as clear as it could be. Therefore, Bill C-54 proposes to replace this phrase with the far more accessible and understandable wording: "that is necessary and appropriate in the circumstances". In other words, it would give some balance between the rights of the victims and the rights of the NCR accused.

This change is consistent with the authorities I have referred to, who held that in deciding between dispositions, safety of the public must be the primary consideration. What is a necessary and appropriate disposition will depend on the threat posed by the particular NCR accused. The language of Bill C-54 would still require review boards to consider all the relevant circumstances in making such a determination.

I think many will appreciate that reviewing legal areas such as the appropriate disposition for NCR accused is not always easy for Parliament or the courts to discuss. Decisions of the courts, such as the Winko and Conway cases I have referred to, can signal to Parliament that an area of law would benefit from clarification from the legislature. Bill C-54 is an important and significant step in this direction as it pertains to the legal regime for determining appropriate dispositions for NCR accused. It is a bill that would clearly indicate that the protection of the public is the guiding principle that courts and review boards must address in arriving at dispositions under the regime.

This balanced bill deserves the approval of the House, because it should also be a guiding principle of this place that we find the correct balance between the rights of victims when dealing with criminal justice and the rights of the accused. In this case, our first priority should always be the rights of victims and the protection of the public. I urge members to vote for this bill.

From what I am hearing, I am certain the bill will pass second reading and move to committee, where it can receive fuller discussion and input from witnesses; and we can address some of the legitimate points that have been brought up tonight by members on both sides of the House.

I encourage all members of this House to join me in supporting Bill C-54. Let us get it to committee and do the right thing for victims while still doing the right thing for those who are caught up in the justice system through no fault of their own, through mental illness.

● (2200)

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, first, the member for Selkirk—Interlake mischaracterized my position a little when he alleged that I said the bill was unwarranted. I did not say anything of that nature. However, I am looking forward to seeing the evidence that is out there to say we need the bill, and I am looking forward to hearing that at committee.

The bill would make explicit the fact that the review board needs to take into consideration public safety, which is the paramount consideration. I want to know if the boards are not already making public safety the paramount consideration. I have read the Criminal Code, and I think it says so explicitly. However, even if it did not, one would assume that would be the paramount consideration. Therefore, how would Bill C-54 actually do anything different?

Hon. Laurie Hawn: Mr. Speaker, there is no bolt of lightening or anything like that to throw out the old and bring in the new. As I said, it is a matter of refining what is there. It is a matter of making the wording clearer so that review boards could have more guidance and clarity.

As I mentioned, section 672.54 of the Criminal Code says: disposition "that is least onerous and least restrictive to the accused". It says nothing about victims. We are talking about replacing that with, "that is necessary and appropriate in the circumstances". This is a broader statement that also brings into play the rights of the victim as well as the rights of the accused. It is a more balanced approach in our view.

My colleague raises legitimate questions. These are not simple issues. Therefore, Bill C-54 is an effort to make it clearer and make it easier for boards to come to the appropriate decision. I think once we get to committee there will be another opportunity to address more of these issues in a fuller manner.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, as has been said, New Democrats are pleased to support this bill at this stage. However, we have lots of questions, and that is why it should go to committee, so we can get the questions clarified, have debate and move amendments; that is, if the Conservatives accept any constructive amendments. On this side, we always live in hope.

My question to the member across the way is, basically, what the difference is between this bill and the current legislation and whether the courts and review boards already take public safety into consideration when they make their decisions.

Hon. Laurie Hawn: Mr. Speaker, I would say to my hon. colleague that for all of us hope springs eternal.

My colleague from Halifax is wearing orange and my colleague from Newton—North Delta is wearing orange, and they asked the exact same question as well.

Ms. Jinny Jogindera Sims: We just want an answer.

Hon. Laurie Hawn: I am sorry, Mr. Speaker; I will have to give them the same one that I gave just a moment ago, and that is to clarify some of the language to make it simpler and more clear to review boards that this is a balanced approach between the rights of the victims and the rights of the NCR accused. It is not a cookie-cutter approach. They have to take public safety as the primary consideration, but in a balanced and more definitive way. These are the kinds of questions that can be addressed at committee with various expert witnesses, to find wording that might make it even more clear than what is in the bill right now.

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, Samuel Clemens once said, "Whenever you find yourself on the side of the majority, it is time to pause and reflect". Tonight I find myself on the side of the majority of members in the House, as well as the majority of Canadians who are looking to us in the House to reform our treatment of NCR people.

I mention this because, by looking at real tragedies such as the Tim McLean murder or the Turcotte murders, the public is understandably outraged at what they perceive as a miscarriage of justice. The majority of Canadians usually do not agree with the verdicts given or with the way the cases are treated in general.

We in the NDP support Bill C-54 at second reading because we think we need to look seriously at how review boards handle reviews, as well as how victims' rights are considered during the reviews. However, I want to pause and reflect, because this bill needs to be studied in committee. We must not let the outrage outweigh sound policy decisions in deliberating on Bill C-54.

It is hard as a parliamentarian to separate emotion or personal ideas of justice from what is actually a sound and informed policy deliberation. I am encouraged to hear sound policy deliberations from my colleagues on both sides of the aisle tonight, and I hope we can come to a consensus to work together to put public safety first when complying with the rule of law and the Canadian Charter of Rights and Freedoms.

● (2205)

[*Translation*]

As a human being and a father, I am absolutely disgusted and puzzled. For the life of me, I cannot understand how a man can murder his children. It is horrible. I feel very emotional about it. Who would not be shaken by reading the headlines about such crimes? I was saddened to hear about Guy Turcotte. Cases like that one that receive a lot of media attention suggest that the current approach may not be effective.

I am thinking of Isabelle Gaston and all victims. I would like to know how we can help victims get through this. We need to understand that Isabelle Gaston just wanted her two children, Anne-Sophie and Olivier, to still be alive. However, no court decision will bring her children back. After the trial, Ms. Gaston wanted the media to leave her alone so that she could get on with her life.

We need to ask ourselves some serious questions. How can we help victims? The member for Okanagan—Coquihalla talked about failing victims. I am putting myself in the shoes of victims who have lost children and, in my opinion, financial compensation from the government will never soothe a parent who has lost a child. As individuals, we are not capable of determining what victims need.

In the coming weeks, I hope that we will be talking to mental health experts, victims and provincial representatives to find out what they think the best approach is.

[*English*]

If we rush ahead with a poorly-thought-out policy, we will not be better off. If we make only cosmetic changes for the sake of the government to merely appear as if it is acting on this file, we will not be any further advanced.

The government has had six months to put this on the agenda. It has waited six months to put this on the agenda. Let us be honest: We need expert opinions. We need to consult with victims and with provinces. If the government were honest, it would admit that both crime and mental illness are wicked problems; if we plan to solve them, we will require complex, well-thought-out solutions, and even then we might not arrive at the right solution.

The definition of a wicked problem is a problem that is "difficult or even impossible to solve because of complex interdependencies and contradictory and incomplete requirements".

Professor Nancy C. Roberts has said there are three main approaches when approaching a wicked problem. The first is an authoritative approach, whereby all the competing points are eliminated, the problem is simplified and power is vested into fewer hands. The consequence is that not all points may be taken into account to solve the problem.

The second is a competitive approach. It is an adversarial approach in which two sides come at each other. In that approach, knowledge-sharing might not happen and parties who care about their solution winning might not come to consensus to find the best approach.

The third approach is the collaborative approach. This approach engages all stakeholders to come to a consensus, to come to a common, agreed approach.

In the NDP, we believe in that third approach, that collaborative approach.

In the coming weeks we should meet with mental health experts, victims and provinces to find out what they believe is the best approach. However, and I should caution members, we do not want to play political games or use tragedies for political advantage with this file.

Let us take Samuel Clemens' words into account and focus together, working together on crafting what is the best policy.

● (2210)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I appreciated the comments of the member for Vaudreuil-Soulanges. He is a very eloquent new member of the House and does a very effective job in the House of Commons.

I appreciate his remarks particularly when it comes to the difference between what legislation purports to do and what it actually does. What goes beyond just looking at the legislation is what resources are being allocated by the federal government—in other words, what is it doing to provide the resources to support victims and support this legislation?

Throughout the evening, we have been asking questions. The member for Vaudreuil-Soulanges has been asking questions. We have not got answers back from the government about how it will provide resources for this legislation. It seems apparent that it will be put on the backs of the provinces.

When we look at the cutbacks the government is making in health transfers, we see it is basically cutting back 50% of health care transfers over the next few years. In this context, we have concerns about whether this legislation is being adequately funded.

Does the member for Vaudreuil-Soulanges share the concern about the government not providing the funding to support the legislation?

[*Translation*]

Mr. Jamie Nicholls: Mr. Speaker, I am very concerned about the financial implications of this bill. Indeed, I fear that the government did not do its homework and plan for adequate transfers to the provinces in order to meet their needs in the area of treating mental illness.

Let us look at the facts. A PBO document states the following:

> Assuming that the new CHT escalator is maintained indefinitely, PBO projects that the share of federal CHT cash payments in provincial-territorial health spending will decrease substantially from 20.4% in 2010-11 to average 18.6% over 2011-12 to 2035-36; then 13.8% over the following 25 years; and, 11.9% over the remainder of the projection horizon.

This means that health transfers to the provinces are expected to decrease over the long term. As a result, I am very concerned about the fact that the government has not sufficiently planned how it will meet the provinces' needs in this area.

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my hon. colleague from Vaudreuil-Soulanges. That was a very fine speech indeed.

I want to turn our attention to another piece of this. As much as we can say we want to address the problem and that the problem is the people who are held not criminally responsible, if the legislation that is passed is not compliant with the charter, it will make things worse, even with the aims that the Conservatives claim they want to address here.

If my hon. colleague is familiar with the position of the Canadian Bar Association, its members have looked at this and at the removal of the language of the "least onerous and least restrictive" requirement, which is essential in their mind to constitutional validity of the provisions that we now have. The Supreme Court of Canada has underscored this: that if we remove, as Bill C-54 would, the language of the "least onerous and least restrictive" requirement, we may well find that this legislation would be susceptible to a constitutional challenge and that it would fail to survive.

Mr. Jamie Nicholls: Mr. Speaker, these are definitely matters that we would like to discuss with the government side in committee. We would like to talk about the balance between the rights of individuals and the rights of victims. These are things that can be explored and debated in committee. We can discuss the serious questions about the charter and the balance between the rights of victims and the rights of individuals. That is why we are supporting it at second reading: so that it can get to committee and we can discuss these issues.

● (2215)

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, I am thankful to have the opportunity today to contribute to the second reading debate on Bill C-54, the not criminally responsible reform act. The bill proposes to amend the mental disorder regime in the Criminal Code and the National Defence Act to strengthen their ability to better protect the safety of the public, as well as do a better job at responding to the needs of victims in the mental disorder regime.

It may be useful to provide a bit of background on the existing mental disorder regime before I outline the amendments proposed in Bill C-54 and why they are important reforms.

A fundamental principle of our criminal law, including the mental disorder regime, is that a person must be morally blameworthy to be criminally liable for a wrongful act or omission. They must have the mental capacity to know and appreciate what they are doing and the mental capacity to distinguish between what is right and wrong. Also, they must be able to communicate and give instructions to their lawyer and understand the nature and consequences of a criminal trial in order to be tried.

If, at the time the act was committed, a person suffered from a mental disorder that rendered that person incapable of knowing what they did or that it was wrong, the trial court can find the person committed the act in question but order a verdict of not criminally responsible on account of mental disorder. If at that time of trial the mentally disordered person does not have the capacity to understand the nature and the consequences of the criminal trial, they may be found unfit to stand trial.

After either of these findings, the person will be dealt with according to the mental disorder regime, which is designed to balance the twin goals of public protection and fair treatment of the accused, usually by provincially appointed review boards. The review boards are composed of at least five members with legal and psychiatric expertise.

As I noted, the bill contains elements that address both public safety and victims. In terms of the public safety reforms, the bill would amend the Criminal Code and clarify that public safety is paramount in consideration for the review board decision-making process. Although the Supreme Court of Canada has said that public safety is already the paramount consideration, most recently in its 2010 judgment of Regina v. Conway, the proposed amendment would ensure consistent application in cases across the country.

The reforms would also codify the Supreme Court of Canada's interpretation of "significant threat to the safety of the public", which is the current test for determining whether review boards can continue to supervise the not criminally responsible accused. The Supreme Court interpreted this phrase in the Winko case in 1999.

The amendment would also clarify that the accused need not pose a threat of violence, but must pose a real risk of physical or psychological harm to members of the public that is more than merely trivial or annoying and must be criminal in nature. This would ensure this test is applied consistently across all jurisdictions.

Bill C-54 also proposes to create a new high-risk mentally disordered accused designation scheme. This new scheme would only apply to the accused who were found not criminally responsible for a serious personal injury offence. The mental disorder regime would define a serious personal injury offence as an indictable offence involving the use or attempted use of violence, conduct endangering life or safety, or sexual offences. In these cases, the Crown would apply for the high-risk designation to be made by the court.

This designation could be made in two situations. The first would occur when the court was satisfied that there was a substantial likelihood that the not criminally responsible accused would commit violence that would endanger the life or safety of another person. The second situation would be if the court was of the opinion that the offence for which the not criminally responsible accused was found to be not criminally responsible was particularly brutal, so as to indicate a risk of grave harm to the public.

Accused persons who are found to be unfit are not included in this high-risk designated scheme because they have not yet been tried and determined by a court to have committed the act. The effect of such a judicial designation is to protect society from a high-risk individual and prevent the accused from being conditionally or absolutely discharged.

As well, a high-risk not criminally responsible accused would not be permitted unescorted passes in the community. This is particularly important. Escorted passes would only be permitted for medical reasons and only when a structured plan was in place to ensure the safety of the public.

● (2220)

It is important to clarify that the high-risk designation would not be permanent. Once a review board was satisfied that the high-risk, not criminally responsible accused no longer posed a substantial likelihood of committing violence that would endanger the life or safety of another person, it would make a recommendation to the superior court of criminal jurisdiction for review. The court would then hold another hearing to determine whether the designation should be removed. If it reached the same conclusion as the review board, the designation would be revoked. The accused would then become a regular not criminally responsible accused and would be dealt with under the regular procedures of the mental disorder regime. These are balanced proposals that seek to protect both the safety of the public and the rights of accused persons to fair and appropriate treatment.

I would like to return to the victim-related reforms. The mental disorder regime already offers many opportunities for victims to be involved in this process. They can attend hearings and present victim impact statements.

The proposed reforms would enhance victim involvement by providing that victims be notified, on request, when a discharge order has been made. This would ensure that victims have advance notice about the fact that they may run into the mentally disordered accused. This is especially concerning if the person is released into a small community.

The law would also be clarified explicitly to provide that the safety of victims be considered in the decision-making process. Further, Bill C-54 proposes to clarify that the review board shall consider whether it is desirable to issue a non-communication order between the not criminally responsible accused and the victim. The review board would also consider whether to order the not criminally responsible accused to not attend a specific place, such as the victim's home or place of work.

In closing, I would like to encourage all members to support this bill's passage at second reading. This is a bill that would provide balanced measures to protect public safety and enhance victim involvement in the mental disorder regime. These are reforms we should all support.

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, I would like to have the member again emphasize how important it is for the victims to be part of decision-making and how important this legislation is for public safety to be at the forefront of decision-making.

Mr. Patrick Brown: Mr. Speaker, one of the important aspects of this bill is that it takes into consideration the role of the victims.

To go through an ordeal as a victim is a huge challenge, but to then have this memory revisited by potentially having the person who was convicted in your small town or place of work and not know about it would be harrowing. That is why this bill takes the rights of the victims into consideration and involves them in the process by giving them advance notice and the ability to have conditions placed upon the release.

It is the right balance. The bill recognizes the role of the victims. I applaud the minister and the team for putting that in Bill C-54.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I think the member would likely agree that such a bill—one that changes so many measures and creates an obligation to monitor these individuals—will cost money.

After the costs are assessed, we are left with two options: the government either passes the bill onto someone else or it pays for these changes.

If these costs are not included in any programs, has the government decided what it will do? Will the provinces be left to foot the bill or will the government pay for these changes?

[*English*]

Mr. Patrick Brown: Mr. Speaker, on the issue of cost, I would note that this government has invested a lot in mental health. Since 2006, the government has invested nearly $90 million in mental health for prisoners.

In terms of transfer payments and the costs the provinces accrue, the provinces have received transfer payments that this year now total $62 million. That is nearly a 50% increase since 2006. This government has been very generous with the provinces.

What it comes down to is making sure that we have balance and fairness in our justice system. If there is a cost associated with protecting and being aware of the rights of victims in the process of ensuring public safety in our communities, then that is certainly the right decision to be made.

● (2225)

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, after my speech earlier, I was asked about what we are supposed to tell a mother whose child was murdered. My family experienced something like that. My cousin was tortured and killed. His murderer spent the rest of his life in jail, where he died. He never got out. This bill would not have done anything to help his family.

I would like to know how the member can put so much faith in this bill that ultimately does not change very much. What is there of substance in this bill?

[*English*]

Mr. Patrick Brown: Mr. Speaker, obviously I do not know the details of the specific case raised by the member.

This legislation is important, because it would do three things. It would enhance victims rights. It would put public safety first, and it would create a very important high-risk designation. I want to speak directly to the high-risk designation.

The legislation would create a new designation to protect the public from a high-risk, not criminally responsible accused. Upon this high-risk designation by a court, a not criminally responsible accused would have to be held in custody and could not be considered for release by a review board until his or her designation was revoked by a court.

This is important for our communities. If the member is asking what the point of the bill is, it is about protecting public safety. Obviously, there is a lot of support for this in the country. Any of us who have constituents who have heard about these reforms know that there is a lot of support for it. I am glad that this government is putting victims first and is protecting public safety across the country.

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, it is a real honour to speak to Bill C-54, the not criminally responsible reform act, at second reading.

As we know, the Government of Canada is committed to protecting victims of crime and to making our streets and communities safer for all Canadians. To this end, on February 8, our government introduced the not criminally responsible reform act. The act would ensure that public safety comes first in the decision-making process with respect to accused persons found not criminally responsible on account of a mental disorder. It would enhance the safety of victims and would promote greater victim involvement in the Criminal Code mental disorder regime.

When this bill was first introduced last February, I am sure that many, if not all of us, received support from across this great country. We each received a lot of input through emails, phone calls and letters and when we were at community meetings. When this was first introduced in February, there was a lot of positive response. Canadians want this. Victims need this.

The Criminal Code mental disorder regime applies to a very small percentage of accused persons. Under Canadian criminal law, if an accused person cannot understand what the nature of the trial is or its consequences and cannot communicate with his or her lawyer because of a mental disorder, the court will find that the person is unfit to stand trial. Once an accused becomes fit to stand trial, he or she is then tried for the offence for which he or she was initially charged.

If a person is found to have committed an act that constitutes an offence but lacks the capacity to appreciate what he or she did or know that it was wrong due to a mental disorder at the time, the court makes a special verdict of not criminally responsible on account of a mental disorder, also known as NCR. That person is neither convicted nor acquitted.

If a person is found to be either unfit to stand trial or NCR, the board then decides on a course of action. Under the current law, the review board can make one of three possible decisions. If the person does not pose a significant threat to public safety, there could be an absolute discharge, a conditional discharge or a detention in custody in a hospital.

Bill C-54 proposes to amend the mental disorder regime, which deals with accused persons who are found to be unfit to stand trial or are NCR.

The legislative amendments to the mental disorder regime in the Criminal Code proposed in the not criminally responsible reform act would explicitly make public safety the paramount consideration in the court and review board decision-making process related to accused persons found to be NCR or unfit to stand trial.

The legislation would amend the Criminal Code to create a process for the designation of NCR-accused persons as high risk in cases where the accused person has been found NCR of a serious personal injury offence and there is a substantial likelihood of further violence that would endanger the public, or in cases in which the acts were of such a brutal nature as to indicate a risk of grave harm to the public.

There has been a lot of comment made in the House over the last number of hours. Hopefully, that clarifies the bill. This is to be considered in the most dangerous and extreme cases. Those designated as high-risk NCR-accused persons would not be granted a conditional or absolute discharge, and the designation could only be revoked by the court following a recommendation by the review board. This designation would apply only to those found NCR and not to persons found unfit to stand trial.

● (2230)

The proposed legislation outlines that high-risk NCR accused persons will not be allowed to go into the community unescorted. The public supports that. Escorted passes will only be allowed in narrow circumstances and subject to significant conditions, to protect the public safety. Canadians support that. Also, the review board may decide to extend the review period for up to three years for those designated high risk, instead of annually. Canadians support that. The high-risk NCR designation will not affect access to treatment by the accused. Canadians support that.

In addition, the proposed reforms will codify the meaning of "significant threat" to the safety of the public, which is the current test used to determine whether a review board can maintain jurisdiction and continue to supervise a mentally disordered accused. It will clarify that the risk to the public safety must be criminal in nature, but not necessarily violent in form, for restrictions to be imposed upon the accused.

The legislation would enhance the safety of victims and provide them with opportunities for greater involvement in the Criminal Code mental disorder regime by ensuring that they would be notified, upon request, when the accused was discharged; allow non-communication orders between the accused and the victim; and ensure that the safety of victims be considered when decisions were made about an accused person.

This is what I have heard also from Canadians, which is the importance of the consideration of the families of the victims.

Often, we have heard that the consideration and the involvement of these families that are dealing with a loss in a traumatic situation in their lives need to be considered and way too often that has not happened.

Provisions of the proposed legislation will also help to ensure consistent interpretation and have application of the law across our great country. These proposed reforms will not change the existing Criminal Code eligibility criteria for the exception from criminally responsibility on account of mental disorder.

Since the introduction of the federal victims strategy in 2008, our government has responded to the needs of victims of crime in an effort to give them a more effective voice in the criminal justice system. Canadians are very happy with what has been accomplished.

Funding has been provided to projects and activities that enhance victim assistance programs across Canada, that promote access to justice and participation in the justice system and the development of law, policies and programs, that promote the implementation of principles, guidelines and laws designed to address the needs of victims of crime and articulate their role in the criminal justice system, that contribute to increased knowledge and awareness of the impact of victimization, the needs of victims of crime, available services, assistance in programs and legislation and also that promote, encourage and enhance governmental and non-governmental organizations' involvement in the identification of victims' needs and gaps in service and in the development and delivery of programs, services and assistance to victims, including capacity-building in the non-governmental organizations.

The legislation would enhance victims' rights. It would enhance the safety of victims by ensuring that they would be specifically considered when decisions were being made about accused persons found NCR. We will put the public safety first. The legislation would explicitly set out that public safety is the paramount consideration in the decision-making process. Also, the legislation would create a new designation to protect the public from high-risk NCR accused.

Canadians want this. Canadians need this. I encourage all members to support this.

● (2235)

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, I will repeat my last question.

I mentioned that my cousin was tortured and murdered. The murderer went to jail and never got out because his crime was too horrible. He died in jail. The answer to my question was that the government wants to protect Canadians.

How would this bill have better protected Canadians when this criminal in particular remained in jail? It would not apply to him. What more will it do?

[*English*]

Mr. Mark Warawa: Mr. Speaker, we are very sorry for the loss that she has experienced. However, law cannot be based on any one example. We heard an example from the Winnipeg, Manitoba area of a person who was released and how it had created a lot of angst within the community, about whether people's safety were at risk.

We need to have legislation built on logic that reaches a balance. We are at second reading right now. If this bill passes second reading, it will go to the committee. The justice committee will deal with this legislation and possibly make some changes to make it better.

Legislation cannot be built on one example.

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Speaker, one of the things my colleague described in his speech was the discretion that was utilized when it came to applying the not criminally responsible provisions in the bill.

Could the member expand on why this is really not a case of one size fits all, but that this is a tool that is being deployed and is at the disposal of prosecutors who will look at the specific examples of the case?

Could the member expand on why this is a useful adaptation for the judicial system, looking at specific cases and that it is really not a case of treating all cases the same?

Mr. Mark Warawa: Mr. Speaker, the hon. member brings up a very good question.

The courts still have discretion. If the courts deem an individual not criminally responsible, but that the individual involved has committed a very serious offence and is possibly a risk to the community, then that individual will have this high-risk designation. That could be removed at a future time, if the review board applies to have it removed.

Right now, someone who is found not criminally responsible does not have that designation. Having that designation for the very serious offences, provides the courts discretion but it also provides another step of assurance that public safety is paramount.

● (2240)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to return to the concern that I have expressed this evening, that despite good intentions perhaps in the way this legislation is drafted to deal with a concern the public has, which I feel is driven by the headlines as opposed to empirical evidence, we may inadvertently make the situation worse.

The courts have been very clear that the not criminally insane provisions and much of the law that surrounds them must be seen in the context of mental health and treatment and not in a more punitive approach.

In evidence of this, I would just cite briefly from Mr. Justice Binnie in the Owen case, who said:

> It is of central importance to the constitutional validity of this statutory arrangement that the individual...be confined only for reasons of public protection, not punishment.

I put it for my friend from Langley, that this bill, in many areas, seems to trespass from the preventative mental health focus to one that is treating mentally ill persons as criminals and subject to more severe punishment.

Mr. Mark Warawa: Mr. Speaker, I thank the member for being here during these late hours.

As parties, we have the opportunity to take a breather, but she is here, faithfully representing her community. I want to thank her for that. It takes a lot of effort for her to do it by herself.

To the member's question about whether this is punitive, it is absolutely not. This is reaching a balance where the courts still have discretion to put a classification on somebody who presents, or could present, a very high risk of reoffending. The paramount consideration is whether this designation needs to be put on an individual to protect the public.

The courts have the discretion. If the designation is put on, it would only be the courts that could remove it.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am pleased to rise to speak to this profoundly important bill before the House. Bill C-54 is one that calls for all parliamentarians to reach deeply into their experience and their commitment to making good sound public policy in the country and it calls upon us to balance some of the most important values that we have, not only as parliamentarians but as Canadians.

The proposed legislation will amend the Criminal Code to create a process for the designation of "not criminally responsible" accused persons as high risk where the accused person has been found not criminally responsible of a serious personal injury offence and there is a substantial likelihood for further violence that would endanger the public or, alternately, in cases in which the acts were of such a brutal nature as to indicate a risk of grave harm to the public.Those designated as "high-risk" accused persons will not be granted a conditional or absolute discharge and the designation can only be revoked by the court, following a recommendation of the review board. It is important that this designation will apply only to those found not criminally responsible and not to persons found unfit to stand trial.

The proposed legislation outlines that a high-risk accused person would not be allowed to go into the community unescorted and escorted passes would only be allowed in narrow circumstances and subject to sufficient conditions to protect public safety. Also, the review board may decide to extend the review period for up to three years for those designated high risk, instead of annually. The high-risk NCR designation would not affect access to treatment by the accused.

This bill would also speak to the very important role of victims in this important matter. These changes would ensure that victims were notified upon request when an accused who had been found guilty and received a not criminally responsible designation was discharged. It would allow non-communication orders to be issued between the accused and the victim. Finally, it would ensure that the safety of victims be considered when decisions were being made about an accused person.

Provisions in the proposed legislation would also help ensure consistent interpretation and application of the law across the country. These proposed reforms would not change the existing Criminal Code eligibility for the exemption from criminal responsibility on account of mental disorders.

This is a very difficult issue for victims, families and communities and for all of those involved in the criminal justice system, from the police to the prosecutors to the defence bar to the judiciary. Public safety must come first when complying with the rule of law and the Canadian Charter of Rights and Freedoms, but it calls on very important balancing to be done. A number of recent cases that received significant media attention in Canada raised questions about the appropriateness and effectiveness of the current approach. In particular, we want to know how we can help victims better in the process and deal sensitively, fairly and effectively with not criminally responsible offenders.

In the coming weeks, we New Democrats want to talk with mental health experts, victims and members of the bar in provinces to find out what they believe is the best approach. It is important to note that we New Democrats do not want to play political games with this file. We must focus on the policies, merits and serious issues that are involved in this matter.

I want to talk about some things that jump out as inherently positive from the bill. First, Public safety as a paramount consideration is important to note. Second, increasing the involvement of victims in the process is something that will find favour on all sides of this House. Third, the ability of victims to be notified, to have non-communication orders issued and to have their own safety be considered in all matters respecting a not criminally responsible offender are all laudable goals.

It is positive to have review boards have the option and not the obligation to extend the time for review and it is something that will expand the efficiency of our system. However, it is important to note that there are important causes for concern and pause here.

● (2245)

This bill proposes that there be a limit to the number of community visits for high-risk accused persons. That introduces the concept of having mandatory minimum approaches to this area of the law that I think is so typical and characteristic of the Conservative approach to crime, which study, statistics and experience of jurisdictions around the world have shown to be such an utter failure. There is also a legitimate concern about charter compliance and, very importantly, unjustifiable stigmatization of those with mental illness.

I want to address something that I think the Minister of Natural Resources mentioned a couple of hours ago, and that is the fact that a very sizable proportion of offenders who get NCR designations had some experience with the law prior. In fact, a very sizable percentage of those people had been incarcerated before. It is very important for us to note what kind of assistance is available to people with mental health issues in the current federal justice and penal systems and what the Conservatives' record is on dealing with the people who have experience with our criminal system before they get NCR designations.

There was a committee prepared in December 2010 entitled, "Mental Health and Drug and Alcohol Addiction in the Federal Correctional System". In that report, after exhaustive study across this country, visiting some 20 federal institutions and hearing from all kinds of witnesses, there were 71 recommendations made to the government to deal with mental health in our prison system. Those recommendations were for the very people whose mental health issues first emanate in our system and end up getting NCR designations in many cases. These were some of the things recommended.

Recommendation 1 stated:

> That the federal government, in cooperation with the provinces and territories, make a commitment to and a serious investment in the mental health system, in order to ease the identification of and access to treatment for people suffering from mental health and addictions before they end up in the correctional system.

Recommendation 3 stated:

> That the federal government work with provinces and territories in order to ensure that police officers, Crown prosecutors and other key players in the criminal justice system be trained to recognize the symptoms of mental health problems, mental illness and drug and alcohol abuse so that they can direct offenders to the appropriate treatment services.

Recommendation 4 stated:

> That the federal government work with the provinces and territories on early identification of mental health and addiction issues affecting offenders in remand, and secure access to treatment services for them in order to address conditions that are so often precursors to escalating crime and incarceration.

Recommendation 5 stated:

> That the federal government support the creation and funding of more drug treatment courts to divert offenders with addictions to treatment centres and mental health courts to divert those with mental health needs to appropriate services.

Recommendation 17 stated:

> That Correctional Service Canada work towards a psychologist/patient ratio of no more than 1:35 at all federal institutions.

That was evidence received from the Canadian Psychological Association.

Recommendation 19 stated:

> That Correctional Service Canada add psychiatric nurses and nurses at every federal institution.

Recommendation 21 stated:

> That Correctional Service Canada place a renewed focus on individualized treatment for all offenders with diagnosed mental health conditions, including addiction issues.

Recommendation 28 stated:

> That Correctional Service Canada cover the cost of all medication prescribed to treat mental illness of offenders on conditional release in the community through warrant expiry.

Those are just a handful of the 71 recommendations made three years ago to the government. Do members know how many recommendations the Conservatives have put into practice? Not one, not one of 71 recommendations, yet the Conservatives stand in the House when there is a serious media story of someone who finally commits a serious act, someone who has been involved with the correctional system, and want to pass a law that deals with the aftermath.

Here is the difference between the New Democrats and the Conservatives. New Democrats want to work to prevent crime from happening in the first place. New Democrats care more about victims than the Conservatives do because we want to make sure that there are no victims in the first place. Instead of trying to deal with the aftermath, the shattered lives of victims after crimes have been committed, New Democrats will actually put money and resources into the system, unlike the Conservatives. Instead of chasing cheap headlines and cheap answers that do not work, we will put the resources in so that people suffering from mental health in this country get the treatment they deserve that will keep them out of the penal system, out of the courts and, most importantly, keep our communities safe. That is the sensible approach to mental health in this country. That is a sensible approach to deal with people in the criminal justice system. It is the only way we are going to make the public safe in this country. That is the New Democrat way.

● (2250)

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I want to pick up on a point my hon. colleague made about wanting more mental health professionals in the system. It is very laudable and a very appropriate thing to do. The NDP railed against this for another issue that involved that and that was getting more mental health professionals into the military system to deal with veterans and PTSD and so on. We started with 225, tried to get to 450, we have it to about 350 and that is far as we can get because those people simply do not exist. It came to the point where the civilian mental health world was getting a little cranky with the Canadian Armed Forces because they were taking all the people and there were none left for anyone else.

This is not a criticism of the member's statement. The question is, when there is such a paucity of mental health professionals and we cannot get there with Veterans Affairs or the Canadian Armed Forces, how does he suggest that we overcome that challenge for the bigger picture of getting more mental health professionals into the prison system?

Mr. Don Davies: Mr. Speaker, that is an excellent question and one that the committee looked at extensively in 2010, because there is a problem attracting and retaining health care professionals into the prison system. We looked into that very issue. In fact, recommendation 16 of our report says that Correctional Service Canada should develop an attraction and retention program for psychologists, nurses, psychiatric nurses, occupational therapists, social workers and other necessary professionals including paying market salaries, that Correctional Service Canada provide for dedicated budgets for the ongoing training of health professionals in order to make the environment more attractive to them.

These were two very tangible recommendations already made to the government three years ago. A further suggestion that was made as well was to locate prisons near hospitals, as is happening in Saskatchewan, where there can be a synergy between the psychology and psychiatric divisions of hospitals and universities working with the prison.

These are the kinds of innovative measures that have been taken in other countries and this is why the countries are having greater success at lowering recidivism rates than Canada is, but how much money have the Conservatives put in the Correctional Service system in terms of adding to the salaries to attract these professionals to the prison system? They have not done the job. They did not get the job done and that is why there is a paucity of those professionals in our system.

● (2255)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, thanks to the member for Vancouver Kingsway for putting forward the committee report on the record. It is very clear that the government seems to pay lip service to the whole issue of mental health services in this country.

I am wondering two things. One is that we have seen the Conservative government actually cut back on crime prevention programs. The member for Vancouver Kingsway said very eloquently a few moments ago the difference between New Democrats and Conservatives is Conservatives will perhaps do something after the fact, but New Democrats want to prevent the crime from being perpetrated in the first place.

Is the member concerned about the government's propensity to eliminate the funding that would actually prevent victims from being victims and prevent crimes from being committed?

Mr. Don Davies: Mr. Speaker, not only has the Conservative government failed to add resources to make a meaningful improvement to treating mental health in our prisons, it has cut resources.

We had the prison farm system at a number of institutions in this country that was a resounding success, where we had mentally ill offenders working with animals. Prison psychologists and psychiatrists pointed out that it made a profound difference in the abilities of these people. Many of them had difficulty relating well to other human beings, but through the use of animal husbandry and other responsibilities, they learned the value of work and learned how to relate to other living beings.

The government cut the CORCAN program, a program where prisoners learned skills and trades and would build furniture that would then be sold to the federal government at reduced rates and give them a reason to work and adequate skills. There are closed CORCAN industrial arts places across this country in prisons.

Finally, there is not one stand-alone psychiatric facility for women in this country. The only one in Saskatchewan is in a male institution. There was a little part carved off for women in the middle of a male institution. Most of those women have been sexually abused or suffered from traumatic abuse and they are in the middle of a male institution. In our report we recommended that there be a stand-alone women's psychiatric facility. The government would not even do that.

Not only did it not put the resources in, it has cut the very resources in our system that would actually make our communities safer.

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, it has been a pleasant evening listening to the debate on this important piece of legislation. Canadians have been talking about and asking for this legislation. They want to see some changes in this area with regard to the Canadian Criminal Code.

The not criminally responsible reform act was introduced on February 8, 2013. This legislation would, in brief, enhance victims rights. The legislation would enhance the safety of victims by ensuring that they are specifically considered when decisions are being made about an accused person, an NCR, and ensure that they are notified when an NCR accused is discharged. The bill would allow non-communication orders between an NCR accused and the victim.

Putting public safety first of course is our main concern. The legislation explicitly sets out the public safety parameter considerations in the decision-making process relating to accused persons found to be NCR. The legislation would create a new designation to protect the public from high-risk NCR accused. Upon being designated by the court as a high risk, an NCR accused must be held in custody and cannot be considered for release by a review board until the designation has been revoked by the courts.

There are some good questions that I will go through here. I will talk about what some of my constituents have been telling me and some of the questions they have in regard to this piece of legislation and why it is so important. Why do we not look at those questions in the order that some of them have addressed to me?

One of the questions that I have had is, what happens to someone who is found not criminally responsible? If a person is found to have committed an act that constitutes an offence but lacks the capacity to appreciate what he or she did or know that it was wrong due to a mental disorder at the time, the court makes a special verdict of not criminally responsible on account of mental disorder. The person is neither convicted nor acquitted. Instead, that person is referred to a provincial or territorial review board, which decides on the course of action to both protect the public and provide opportunities for treatment for the underlying mental disorder. Under the current law, a review board can make one of three possible decisions: an absolute discharge for a person who does not pose a significant threat to public safety, a conditional discharge or detention in custody in hospital.

One of the other questions that I have been asked is, how will the proposed amendments better protect Canadians? The highest priority of this government is to keep citizens safe. This legislation would amend the mental disorder regime of the Criminal Code proposed in the not criminally responsible reform act and explicitly set out that public safety is the paramount consideration in the court and review board decision-making process relating to an accused person found to be not criminally responsible on account of mental disorders or unfit to stand trial.

The legislation would also amend the Criminal Code to create a process to designate an accused person found NCR for serious personal injury offences who poses a substantial risk to commit further violent acts as a high-risk accused. Upon being designated by the court, a high-risk NCR accused must be held in custody and cannot be considered for release by a review board until the high risk status is revoked by the court.

The other consequences of being designated as a high-risk NCR accused include his or her review period being extended up to three years. Such individuals would not be entitled to unescorted passes and could only obtain an escorted pass in narrow circumstances and subject to sufficient conditions to protect the public safety.

Why does the high-risk NCR designation apply to those found unfit to stand trial? The high-risk accused designation only applies to the verdict of an NCR because the person was found by the courts to have committed the alleged act and an unfit accused has not yet been tried for the offence. If a person is not fit to stand trial, he or she would not be fit to participate in a high-risk hearing. The majority of unfit accused become fit within a very short period of time at which point they would be tried. An individual may be convicted as charged, acquitted or found NCR. If found NCR, the individual could be subject to a high-risk designation if the criteria were met.

Will legislation increase the possibility of an NCR accused person being kept in custody longer or indefinitely regardless of whether he or she continues to pose a risk to society? This is a good question. As long as the NCR accused person continued to pose a risk to public safety, the individual would remain under supervision of the provincial or territorial review board. The issue of whether the individual is kept in custody in a hospital or under conditional discharge would depend on the level of risk in each case. The creation of a high-risk NCR accused designation further enhances public safety while ensuring judicial and review board oversight and ongoing detention of these individuals. The possibility of indefinite detention exists under the current law and would continue to exist under the proposed law.

Why is this legislation tightening the eligibility criteria for the Criminal Code defence and mental disorders?

● (2300)

The purpose of the legislation is focusing on the decision-making process after a person has been found NCR. This proposed legislation responds to the primary concerns of the stakeholders, including victims as well as provincial and territorial governments.

Will these amendments apply to all accused persons who suffer from a mental illness who come into contact with the criminal justice system? No. The bill only applies to accused persons who are either found unfit to stand trial on account of mental disorder or who are found by the court to be NCR.

What is the difference between someone who is found unfit to stand trial and someone who is found not criminally responsible on account of mental disorder? That is again another good question.

Under criminal law, if an accused person cannot understand the nature of the trial or its consequences and cannot communicate with his or her lawyer on account of mental disorder, the court will find that person unfit to stand trial. Once an accused becomes fit to stand trial, that person will then be tried for the offence with which they were initially charged.

If a person is found to have committed an act that constitutes an offence but lacks the capacity to appreciate what they did or know that it is wrong due to mental disorder at the time, the court makes a special verdict of not criminally responsible on account of mental disorder. Such a person is neither convicted nor acquitted.

Do these reforms address situations like the one that occurred with Ashley Smith? No, they do not. The bill does not deal with the correctional system. Persons found to be NCR are unfit to stand trial on account of mental disorder and are not imprisoned. They may, however, be detained in a hospital or psychiatric facility.

What information or research does the government have on reoffending by NCR accused persons to justify these reforms? There has been a limited amount of data on the rates of reoffending by NCR accused persons. What we do know about NCR accused persons is that the majority have committed serious acts that brought them into the review board system. These reforms will provide the data we consider necessary for public safety to come first. Let me make that point clear: public safety must come first.

Why are changes to the current regime for NCR accused being proposed? Is there evidence that the system is not working?

Recent high-profile cases, including in British Columbia, Manitoba, Quebec, Nova Scotia, have caused Canadians to question whether or not the laws are strong or clear enough to ensure that public safety is given paramount consideration in decision-making.

Stakeholders, including victims, provincial and territorial ministers responsible for justice and public safety, and concerned Canadians have urged the government to take action that would ensure the safety of the public is paramount in consideration of the decision-making process regarding NCR accused persons and enhance the role of victims in the process.

The responsibility of the ongoing monitoring of NCR accused persons rests with the provincial established review boards.

If the bill passes, would it prevent people like Guy Turcotte, Vince Li, Alan Schoenborn and Andre Denny from being released into the community?

This proposed legislation provides important new tools to deal with high-risk NCR accused and ensure that the concerns of the victims are heard. It would not be appropriate to comment on specific cases, of course.

What were some of the concerns raised by victims? This is important because the victims should be considered.

Victims were concerned that their safety was not being specifically taken into consideration by review boards when they made a disposition. Victims often expressed concern that they often had no way of knowing if and when an NCR accused would be given access to the community and were afraid that they would unexpectedly run into them without being adequately prepared.

That would be a shock. A victim would walk down the street and all of a sudden see the person who did harm to a family member, colleague or friend and not know about it. I do not think that is acceptable and I do not think that constituents accept it, which is another reason the bill is moving forward.

How would the bill respond to the concerns raised by victims? The bill would enhance the safety of victims and provide an opportunity for greater involvement of the victims in the Criminal Code mental disorder regime. The legislation would help ensure that victims were notified upon request when an NCR accused is discharged, allow a non-communication order between NCR accused and the victim and ensure that the safety of the victims would be considered when decisions are being made about an NCR accused person.

What are the concerns raised by provinces and territories? Some provinces and territories expressed concerns that public safety was not being adequately taken into consideration by review boards when determining which decision to order for a mentally disordered accused.

How would our new legislation address the concerns raised by these provinces and territories? Addressing concerns raised by victims, provinces and territories, the proposed legislation would clarify that the safety of the victim must specifically be considered and that public safety must always be of paramount consideration in the review of decisions.

● (2305)

There are lots of questions and there are lots of good answers. That is why it is a good idea to get this bill to the next stage and to move it forward to committee. I notice that the New Democrats have some questions, and I look forward to their participation in the committee work.

I see this piece of legislation actually meeting the needs that our constituents have asked the government to meet, by making sure victims are understood and their rights are protected in these situations.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, the member mentioned that he is looking forward to working in committee. I presume that he sits on this committee, but I am not certain that I understood correctly.

I wonder if the Conservative members plan on listening to the witnesses this time because, most of the time, they interpret what the witnesses say. Do they intend to really listen to the expert witnesses on mental health, for example, and to act on the suggestions made by these witnesses?

[*English*]

Mr. Randy Hoback: Mr. Speaker, that is one thing we always do. We always listen to all the witnesses, and we evaluate what they say and how they participate in the committee work. I look forward to seeing them work with all sides of the House to bring forward the best piece of legislation.

However, we must keep in mind that as this legislation was being drafted, we talked to a lot of people. We addressed and talked with a lot of victims and specialists in this field. We will find that a lot of witnesses who come forward to committee actually back this piece of legislation and say we have come very close and have done very well in bringing forward what is required for them to do their jobs.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, with regard to NCR, the NDP has been speaking all night specifically on criminal issues and how we are going to try to deal with those who are within the criminal system.

The proposed reforms would extend the annual review to three years with regard to the NCR. I wonder if my colleague could talk about that a bit?

● (2310)

Mr. Randy Hoback: Mr. Speaker, I thank the member for his question and I appreciate all the hard work he has done on this file. I know he has put a lot of time and effort into it and it is something he is taking very seriously. I appreciate that.

He asks a good question. What it would do is change the review period from an annual review to a three-year review. This is a situation where the accused would not have to go through this review every year. Instead of having to look at the possibility of this person coming up for review and release every year, and going through the process of being a victim and testifying in this type of situation, it would only be once every three years.

That would provide a little bit more stability for the victims and the families of the victims to proceed with their lives and move on and get this type of horrible situation behind them.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I will try to ask my question very simply to ensure that the member does not go off topic in his reply.

There are costs associated with a bill such as this. Who will foot the bill?

[*English*]

Mr. Randy Hoback: Mr. Speaker, I guess there are a lot of questions that need to be answered.

There is cost involved. There is also cost in being a victim. There is cost involved in having a family member put into this type of situation and trying to recover from that. There are a lot of costs that need to be considered, and the appropriate governments will take on their role in paying for the costs accordingly.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I am actually going to ask the same question again. The member pointed out that there are governments that will bear this cost. What we have heard from the justice official is that the costs would be paid by the provinces.

Have they discussed this with the provinces, in particular with regard to costs being downloaded to the provinces?

Mr. Randy Hoback: Mr. Speaker, it was actually the provinces that asked us to do this to protect society.

I would like to remind members that we have invested close to $376 million in mental health research and continuing work for the provinces. We will continue to that as it is required.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, I rise tonight to speak in support of Bill C-54, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

The NDP supports sending the bill to committee. As a number of people have said before me, there are some serious flaws in the bill that we want to address there. I have heard some welcoming comments from members across the aisle that they are looking forward to our amendments. I hope they really want to work with the opposition to make the legislation work. With that in mind, I am sure that the NDP representatives on the committee will put their hearts and souls into writing those amendments.

However, it will be the first time since I have been in the House.

I do not think there is anybody in this room who would disagree that public safety is paramount. No matter what part of the country one goes to, whether one has children or not, people really care about their communities and making sure they are safe.

I have strong feelings about the very poor job we are doing as a country and in the provinces addressing mental health issues. Recent reports show that depression is on the increase. The economic and health care costs related to that are huge.

For example, in my province of British Columbia, we saw many institutions that used to house people with mental disabilities and disorders shut down. Where did those people go? They ended up on the streets getting into all kinds of trouble, simply because they are ill and not able to manage on their own.

Bill C-54 is not talking about that larger group. We are talking about a very tiny group. It is a very small percentage of those with mental disorders who commit serious violent crimes. That is the crux of the legislation.

As many members are aware, based on a psychiatric report, even those who commit serious violent crimes can be released. We have examples of that. I have an example in my riding. A mother comes to see me quite regularly because she just cannot understand how that can happen.

We are talking about those who commit serious violent crimes. They would go before a review board, and now the victims would have a right to go to the review board and make impact statements. Not everybody can do that. Not every victim would be able to face the person who did them harm directly or indirectly. However, it is a very important part of the healing process and the social justice process for a person to be able to give an account of the impact a crime has had. I think that is a welcome piece of this legislation.

Of course, when the psychiatric review board made a decision, it would be reviewed by the courts before the accused was released. That is an additional element to ensure public safety and keep our communities safe.

● (2315)

It seems reasonable that before we release somebody, we would want to have that review so the medical and psychiatric professions have their input. A review board takes place at that time, impact statements are made and as a measure to ensure that everything is on track, the court will review that before the person is released. All of that sounds really good.

Then we get to the crux of the matter, which is who will pay for this? If this is more downloading of costs to the provinces, then I will have some serious concerns because we have had so much downloading of costs to them. There is so much they have had to pick up. We know where that ends up in each province. In British Columbia it has led to impacting the education and health care systems and many other programs. Therefore, we want to ensure we look at that.

As I mentioned earlier on, having been a teacher and counsellor in a high school, as well as a counsellor in the community, what hits me hard is that I absolutely believe in our judicial system, which is a rehabilitative system, but I also believe in prevention programs and taking proactive steps. It is high time the federal and provincial parties work together to find ways to address mental health issues as well as the costs associated with that.

Some people would say that we cannot afford to do that. However, the costs of incarceration are eightfold to the cost of quality education. It seems that in many cases we are not willing to spend $8,000 a year on educating a child, but we are willing to spend $60,000 to $100,000 a year to incarcerate people and keep them in prison. If incarceration were a judgment of how safe we are as a society, we just have to look to the south where the U.S. probably has a very high number of people in prisons. It does not make its streets and communities any safer. I would say it is less so.

We are pleased to support this and send it to committee where we will bring in amendments. We are pleased to see that for the very small percentage of people with mental disorders who commit violent crimes there will be an opportunity for victims to make statements. Also, through Bill C-10, there will be a review by the courts for those people to be released.

● (2320)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It being 11:22 p.m., pursuant to an order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the second reading stage of the bill now before the House.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the yeas have it.

And five or more members having risen:

[*English*]

The Acting Speaker (Mr. Barry Devolin): Pursuant to an order made Wednesday, May 22 the division stands deferred until Tuesday, May 28 at the expiry of time provided for oral questions.

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BILL C-48, TECHNICAL TAX AMENDMENTS ACT, 2012

The House resumed from May 21 consideration of the motion.

Mrs. Cathy McLeod (Parliamentary Secretary to the Minister of National Revenue, CPC): Mr. Speaker, I am delighted to stand to talk to this very important piece of legislation. As many members in the House may be aware, I had actually started the speech and was a good 10 minutes into it when I was interrupted. Of course, I had to defer it until this fine hour. In spite of the many jokes I have heard tonight about talking about the technical tax act at 11:20 in the evening, it truly is an important piece of legislation. Even though the insomniacs will enjoy it, it is a very important debate we are having in the House tonight.

At this point, I need to pick up where I left off. I had talked a bit about the process and how we actually prepared this important piece of legislation. I had talked about the significant consultation that happened previously, and I also recognized in the House the work of all the finance committee members from all sides in terms of saying that this was an important piece of legislation and that it was time to move forward.

The other items I talked about in my first number of hours were parts 1 through 4, so I will not actually go back through parts 1 to 4. I will pick up right where we left off with part 5 of the legislation.

Part 5 of the legislation is designed with fairness for the taxpayers in mind. It sets out to close tax loopholes to ensure that all Canadians pay their fair share of taxes. Some of the specific things the act would do is close loopholes related to specified leasing property and ensure that the conversion of specified investment flow-through trusts and partnerships into corporations would be subject to the same rules as transactions between corporations. It would prevent schemes designed to shelter tax by artificially increasing foreign tax credits. Finally, it would implement a regime for information reporting of tax avoidance transactions.

As we can see, when this is viewed as a whole, these measures would play a very important role in the government's fight against tax avoidance and would help improve the integrity of the tax system. This is a really important goal, and we are proud of our record. Not only are we moving forward with this landmark piece of technical tax legislation, but our economic action plan 2013 affirms our commitment to making the tax system more fair and equitable for all Canadians.

Setting aside the legislation before us today for just a moment, I would like to remind members why improving the integrity of our tax system is so important. By neglecting to close loopholes that allow a select few businesses and individuals to avoid paying their fair share of tax, ordinary law-abiding Canadians are punished with higher taxes.

We will not let this happen. We are committed to building on our strong record of closing tax loopholes. It is a record that speaks for itself, because we have acted to close tax loopholes more than 50 times. By ensuring that taxes are applied fairly and are consistent with their intended objective, we have gained over $2 billion in added revenue for the government, which is used to fund important front-line services for all Canadians.

I would hope that all parliamentarians would agree that closing loopholes that permit a few select corporations and individuals to skip out on paying their fair share of tax is important. In support of that goal, today's legislation would combat many complex tax planning schemes, as I identified in my remarks a couple of days ago.

I would like to pause here for a moment to note that many provincial governments are looking at this legislation to help guide their further actions, especially when it comes to closing tax loopholes. As a matter of fact, the Province of Ontario tabled its 2013 budget in May of this year. In that document, there was a section on closing tax loopholes that underlined the common belief among all the governments, federal and provincial, that everyone should pay their fair share of taxes. As part of its campaign to crack down on tax loopholes, the Ontario government looked specifically at the federal government's technical tax amendments act 2012 for inspiration.

● (2325)

Indeed, let me quote verbatim from page 266 of the Ontario budget document, "In addition, the [Ontario] government will be proposing legislation to introduce new disclosure rules for aggressive tax avoidance transactions similar to the rules introduced by the federal government as part of Bill C-48". We can see they are even directly referring to the important legislation that we put forward. "This new measure would require taxpayers to report aggressive tax avoidance transactions that attempt to avoid Ontario tax."

Again, this is an important reason to finally move forward with this important legislation.

I want to assure this House and Canada that, as we move forward, our Conservative government will keep taking the necessary steps to protect the integrity of the tax system. By doing that and helping end tax loopholes, we are going to help keep taxes low for Canadians and their families.

Before continuing to part 6, I want to outline that part 5 also includes numerous, more technical changes. These changes would merely be made to ensure the income tax system works in the same way as the underlying policy intent that guides it.

I should flag that many of these technical changes are relieving, addressing issues identified by individual taxpayers in the course of interacting with their income tax rules and how these rules apply to their own situations.

Finally, we will be looking at implementing an income tax amendment relating to the enactment of the fairness for the self-employed act. Thanks to this new initiative recently enacted by the Conservative government, self-employed Canadians will no longer have to choose between their families and their business responsibilities. I think we can all agree that this initiative was good family policy. It represents one of the most significant positive measures for the self-employed in decades.

The technical tax amendments act, 2012, would make some changes to help fully implement that legislation. Specifically, consequential changes to the Income Tax Act are required in order to provide for a personal income tax credit in respect of premiums paid consistent with the existing credit in respect of employee EI premiums.

Moving on, part 6 of the bill would implement a series of technical improvements to the GST-HST framework, such as relieving the GST-HST on administrative costs of collecting and distributing the levy on blank media imposed under the Copyright Act.

Part 7 of the bill, and I am sure members are waiting for part 7, the last part of the act, simply, would provide for a few minor and administrative changes to the federal-provincial fiscal arrangements act.

Before ending my remarks, let me again thank the members of the finance committee of all parties for their unanimous support of this legislation and their co-operative attitude to ensure a swift implementation; something that we hope continues into this third reading debate. I think all members on the finance committee would agree that, in a nutshell, it is so important to pass this lengthy bill. It would provide certainty for taxpayers, it would make compliance easier and it would improve tax fairness for all Canadians.

Like I did during my remarks at second reading, I would like to finish with a quote from an op ed in the June 2011 edition of *The Globe and Mail* written by Tim Wach, a respected tax professional with Gowling Lafleur Henderson LLP:

> When taxpayers are uncertain about their obligations, their trust and faith in the system diminishes....parliamentarians can bring a higher degree of certainty to our tax laws by moving swiftly, in a non-partisan, non-politicized manner, to enact outstanding changes. Let's hope they do just that.

I know I might have a minute left but I think, at this point, I would like to close and, again, just say it is an incredibly important piece of legislation. It is a lengthy piece of legislation. It has been a long time in the making. Certainly, as we have done pre-budget consultations year after year, we have heard from accountants and business people across this country that this is timely and it needs to be done now.

● (2330)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is a pleasure to be here this evening.

I heard the Parliamentary Secretary to the Minister of National Revenue express dismay at having to speak at this hour of the evening. I remind her that many Canadians are working around the clock. I, myself, have worked shift work for many years. I think it is quite appropriate that we be here, sitting at this hour, debating something so important as the taxes Canadians pay.

Let me ask the hon. parliamentary secretary a question. It has been more than a decade since there was a technical tax bill passed by the current or the previous government. This bill contains more than 1,000 pages, many technical tax amendments.

We support the changes that are contained within this bill, but clearly the process is unsustainable. We have had to wait more than a decade for comfort letters to be put into an actual tax bill.

Can the parliamentary secretary tell this House what changes her government is making to improve the process, so that the changes that are made in tax legislation are actually passed into law? Will she finally tell us how the government is making a change to modernize the tax legislation in this country?

Mrs. Cathy McLeod: Mr. Speaker, I am delighted to respond to the question. I, too, am someone who has worked shift work for many years.

I think we all recognize that there are some pieces of legislation that are very fascinating. This is fascinating, also, in terms of the importance of what we are actually dealing with.

I guess I have to speak to the idea of our moving forward with it. I believe it was at second reading where there was delay after delay. We finally felt it necessary to create some sort of framework around the conversation. Obviously people were asking for this legislation. We wanted to get it to committee.

I do not think our government has any lessons to learn from the NDP members in terms of trying to move legislation forward in a timely way. They seem to obstruct the progress on a fairly regular basis.

● (2335)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I would tend to disagree with the member on her last statement.

At the end of the day, this is legislation that has been needed and has had the support of all members of the House of Commons. Any competent government House leader should have been able to negotiate with opposition leaders in good faith to actually have this legislation passed earlier.

It is the attitude of the government, that majority Conservative/Reform party mentality, that it feels it always has to allocate time. It has to bring in time closure.

In regard to tax increases, there have been tax increases by the government, net tax increases, for the last four or five years.

Having said that, my question is related to the process. I think the question that was just posed to the member deserves a better answer in regard to what the minister foresees in terms of ensuring that in fact future changes are done in a more timely fashion.

If we take a look at the book, where she has the asterisk—

The Acting Speaker (Mr. Bruce Stanton): Order. We have to give the parliamentary secretary some time to answer the question. The hon. parliamentary secretary.

Mrs. Cathy McLeod: Mr. Speaker, I believe that while the Conservatives have a strong stable majority government, we will move forward on a regular basis to update this important piece of legislation.

This piece of legislation and the timeliness goes back a number of years to when the member's party did not see fit to bring forward these important measures.

What I really want to focus in on is how our business community and our accountants have said it was so important. During our pre-budget consultations, we heard about how it would give stability to the organizations and the accountants. Again, they all encouraged us.

I do want to say that I am very pleased that all parties actually saw fit to move forward again and support the legislation.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, it is interesting to see the Liberals and the Conservatives pointing fingers back and forth, one saying "It took you five years and you did not do anything" and the other saying "It took you seven years". The reality is that both parties are at fault for running pretty shoddy administrations.

Now we have this 1,000-page brick, and the Conservatives have invoked closure. We have a history of the government screwing up legislation. It has brought forward legislation and botched it badly. We saw that with refugees. We saw that with veterans. It brings forward these bills, invokes closure, and then screws it up. In fact, all Canadians pay for the cleanup costs and having to revise legislation to which it did not give adequate time in the House in the first place.

My question is very simple. How do we know, since for the 34th time Conservatives have invoked closure, that they got it right this time, when they have screwed it up so many other times?

Mrs. Cathy McLeod: Mr. Speaker, the fact that we had debate in the House, that we went to committee and that this legislation was supported by all parties in the clause-by-clause study speaks to the fact that members of all parties feel that we have significantly got this right.

This bill has been debated for 200 days already. We are only in the House of Commons stage, so it is time to move it this on. Every witness we had to committee said that it was time, it was right and it had been consulted on so let us move on, let us get this legislation passed.

● (2340)

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, I think suspect why the NDP wants to delay the passing of this bill. Does this bill force the New Democrats to pay their taxes like other Canadians, or is there somewhere in this bill that does not allow that? They are desperate to delay the bill, so I suspect maybe this would force the New Democrats to come clean and finally pay the taxes they owe Canada.

Mrs. Cathy McLeod: Mr. Speaker, we have certainly heard day after day about the issue of the tax gap. We have heard about the issue of how important it is for Canadians to pay their fair share. All of us in the House were quite stunned and very surprised to hear that the New Democrats were so remiss in that area. I appreciate the member's bringing that to my attention.

On this side of the House, we recognize the importance of Canadians paying their fair share of taxes.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, the hon. member, the parliamentary secretary, speaks broadly of tax policy in addition to the specific measures in this bill. In the most recent budget implementation act, the Conservatives stated that "cutting tariffs helps middle-class families and helps decrease the price gap between Canadian and U.S. products".

Therefore, would the hon. member agree that the $250-million net increase in tariffs in this budget would, in the words of the Conservatives "hurt middle-class families and increase the price gap between products in Canada and the U.S."?

The Acting Speaker (Mr. Bruce Stanton): Just a reminder to hon. members, I know it is late but they certainly should make the best attempt possible to ensure their questions that are posed under questions and comments are pertinent to the matter at hand. I say this in reference to the last question and the one prior to it.

The hon. parliamentary secretary.

Mrs. Cathy McLeod: Mr. Speaker, I was going to bring up exactly that same point. I believe the member is talking about Bill C-60. We are going through clause-by-clause study tomorrow and we look forward to having that conversation in the House.

However, I want to note the tax loopholes that the government has consistently closed and the integrity of our tax system has improved immensely since 2006 when we took over government.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is a great pleasure to speak to Canadians this evening on Bill C-48, which is a technical tax bill. We dealt with this bill at the finance committee. Bill C-48 is a very large piece of legislation that contains more than 1,000 pages and presents numerous technical tax changes to the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and other legislation.

I said these are technical tax changes. These are changes to the tax code that, in sum, will be revenue positive for Canadians. They generally move to discourage tax avoidance, which is a positive thing. All Canadians should pay their fair share. The vast majority of the changes contained in Bill C-48 are already adopted in practice. Tax practitioners across the country are respecting these changes, which have already been announced by the government. Many have been in practice for several years, because there has not been a technical tax bill like Bill C-48 since 2001. Clearly, we are long overdue in terms of updating our tax legislation.

These changes have already been in place and taking effect for several years. What has not been in place are elements of the direct reporting that is required under Bill C-48, aspects of the compliance contained in this bill. Clearly, this bill is of massive scale. As I said, it consists of more than 1,000 pages of tax legislation, very technical, detailed tax changes. The scale of this bill clearly indicates that not only the current government but the previous government has been asleep at the wheel in terms of updating these changes on a regular basis.

We have heard from tax practitioners across the country who have said it creates confusion and uncertainty generally for Canadians and it is particularly difficult for businesses that are trying to do tax planning when they do not have the certainty of these tax changes taking place in law. Clearly, the government has been falling down on the job by not updating the tax legislation on a regular basis. We do not want this uncertainty, but it has also created a bill of great scale—as I said, 1,000 pages of technical tax changes. Tax specialists went before the finance committee and said there are some changes that are so detailed and arcane that they had difficulty understanding them, yet the finance committee had very limited time to study these changes and once again the government has put time allocation in the House to limit the amount of time to study and debate something so complex.

We want to emphasize the importance of focusing on compliance in this bill in order to ensure the integrity of our tax system. We would argue that we need to close unexpected tax loopholes in a timely manner. This bill would close unexpected loopholes, but it has taken more than a decade to do so. Clearly, the Conservatives are not doing their job as government in making sure Canadians comply with tax legislation.

We want to point out the ever-growing complexity of the tax code and the need for simplification of the tax code that needs to take place. I want to emphasize that the New Democrats on this side of the House believe in cracking down on tax avoidance and tax evasion. We had to fight hard to get the government to complete a study of tax evasion and tax havens that was begun by the previous government. If members can believe it, prior to the election in 2011, there was a study on tax havens that was almost completed. We have had to fight since the election in 2011 to get the government to complete that study.

● (2345)

Conservatives wanted to have more than 10 meetings to look at increasing charitable tax donations. They put a whole range of bills through the Standing Committee on Finance, but surprisingly, they did not want to study tax havens, tax evasion or tax avoidance. The government seems to at least say that it wants to focus on fixing the deficit the government has created, and that we face still, and that it wants to restore the books to balance. One would think that a government in that situation would be scrambling to close tax loopholes and to ensure that every bit of money salted away in tax havens and some islands where tax laws currently are not capturing that revenue could be tracked down.

However, we had to fight, and it was only this spring that we were able to drag the government, kicking and screaming, to a study of tax havens. We had very few meetings, by the way. We had far fewer sessions to study tax havens than we should have had. It is a disgrace. When we look at what is happening in the United Kingdom, in the U.S., large corporations have not been paying their fair share of taxes. Major companies, such as Starbucks, Amazon and Google, have been found in other countries to not be paying their fair share of taxes.

The government suddenly wants to scuttle away and not study these issues of corporate taxation. I say that the Conservatives are falling down on the job, but no fear, this side of the House will do a much better job after 2015.

The bill we are presented with and that we are debating this evening is more than 1,000 pages. It is definitely an omnibus bill. New Democrats have complained vigorously about the omnibus budget bills the government has put before the House and put before our finance company. They are Trojan Horse budget bills that have contained everything but the kitchen. We have been debating the inspector general of CSIS, the navigable waters act and first nations legislation. We have been debating all manner of legislation. Clearly the government has wanted to gut in every way possible environmental legislation. It has all come before the finance committee, as opposed to the appropriate committees, for study in the House. We have been vociferous in opposing the omnibus budget bills, which clearly are an affront to democracy and which Canadians have joined with us in opposing.

However, while this bill is an exceptionally large bill, the fact is that it is all on related subject matter. It is a detailed tax bill, and all of the provisions in it make technical tax changes, which clearly are related and are quite properly housed in one bill. However, again, I want to emphasize that the government has fallen down on the job by being asleep at the switch for over a decade and not presenting these technical tax changes in a more timely fashion.

Clearly, there was still tremendous work to do to create the system whereby these technical tax changes were put in place in a timely manner. I am sure that Canadians, who I am sure are listening, whose attention is gripped before the television, are understandably concerned about tax legislation, because Canadians work hard. We heard the Parliamentary Secretary to the President of the Treasury Board complain about having to be here at this hour of the evening, whereas Canadians are working hard across the country in manufacturing, the service sector, retail and all kinds of sectors across this country. They are hard at work, and they are sending their precious dollars to Ottawa in the form of taxes, and they want to be sure that all Canadians are paying their fair share of taxes.

● (2350)

Let me explain what happens to those Canadians who are watching this evening.

When changes are announced in budgets and other pieces of legislation, the Department of Finance issues what are called "comfort letters". These letters give comfort to businesses and individuals that these changes are being brought into practice and are to be complied with even though the actual legislation has not yet been changed. The vast majority of these changes subsequently are adopted, and then the technical changes are later made as amendments to tax legislation and adopted as tax law.

As I said, the last technical tax bill was adopted in 2001, so Canadians quite rightly are concerned about the uncertainty that this delay has caused.

When the Conservative government was in power in 2009, the Auditor General raised concerns that there were at least 400 outstanding technical amendments that had not yet been put into legislation. Some 200 or so of these changes are contained in Bill C-48. Bravo; it is maybe a decade late, but bravo. Here they are.

The comfort letter process generally works well, but the Auditor General expressed in 2009, in the report that I previously referred to, that tax practitioners "expressed a need for the legislative changes that the comfort letters identified to be enacted."

While the vast majority of these changes have already been announced in press releases, Department of Finance comfort letters and budgets over the last 11 years since the last technical bill was passed, the bill also contains a few previously unannounced measures, which we also support. I will not go into them because, as I have said, they are extremely detailed.

We have consulted with tax specialists and lawyers, who have indicated that the measures in Bill C-48 are overwhelmingly positive. They generally support these measures, and New Democrats on this side of the House support these as necessary technical tax changes.

However, I want to emphasize our concerns about the generally slow pace with which the government is legislating the technical changes found in the Department of Finance comfort letters. This is what we emphasized at the finance committee and what we have been emphasizing in the House of Commons, and it is what members opposite do not seem to understand and do not want to hear.

I want to emphasize the size of the bill. The bill contains more than 1,000 pages of very dense technical tax changes. It really indicates the long, slow, lapse of time between Bill C-48 and the last technical tax bill. This process definitely needs improvement, but the government clearly has presented no plan and refuses to answer the question of how it is going to improve this process.

We heard some testimony before the finance committee that Britain, for example, has a law that if technical tax amendments that are announced are not brought into law within one year, those amendments are null and void and have to be reintroduced. We heard others say that there may be a different way to deal with this need for timeliness in introducing technical tax changes.

What we felt was important was perhaps to change the Standing Orders for the House so that the finance committee would be required every year to hear a report from the Department of Finance on how many outstanding technical tax changes there were that had not yet been put into law. That seems like a very common sense proposal that would remind the finance committee, the Department of Finance and the Minister of Finance that they better do some housekeeping and get these technical tax changes into law on an annual basis.

● (2355)

We did have quite a bit of debate about whether we wanted to have a drop dead date whereby these changes had to be made. That is still an open question because we really did not have enough time to debate that measure fully.

I see my time is almost up. I am sorry about that. I appreciate the opportunity to be here this evening and to have the chance to debate this important issue on behalf of all Canadians.

Again, we support the changes that are being made, we disagree with being forced to limit the amount of time on debate of these important measures and we do, again, urge the government to put a measure or procedure in place that requires these changes to be made on a timely basis every year on behalf of all Canadians.

The Acting Speaker (Mr. Bruce Stanton): The member for Parkdale—High Park will have four minutes remaining for her remarks when the House next resumes debate on the question.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (2400)

[*English*]

SEARCH AND RESCUE

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, over the past year, I have stood up more than a dozen times in this place and challenged the government to back down from its reckless plan to shut down the Kitsilano Coast Guard station.

Soon after the government first announced the closure, marine safety experts, former Coast Guard officials, the city of Vancouver and Vancouver's fire and police chiefs warned that this closure was reckless and would put lives at risk. This decision was undertaken with no consultation of its local search and rescue partners, and the government has ignored expert advice that the closure is irresponsible.

Let me remind the House that Vancouver is home to Canada's largest and busiest port. Proposed pipeline expansion projects, like Kinder Morgan, are projected to significantly increase tanker traffic in Vancouver, yet the government's record has been to slash funds for oil spill response services and Coast Guard search and rescue services.

Months after the closure was announced last spring, we found out, from testimony provided at the fisheries and oceans committee, that the Coast Guard expected to save $700,000 a year by moving ahead with this controversial plan.

I am reminded of the story of Mandip Sandhu, whose brother's life was tragically lost in 2001. One night, his car fell into the Fraser River, trapping him and another passenger inside. When Coast Guard responders arrived on scene, they told the fire department that they could no longer carry out underwater dives. In fact, their dive team had been cut just days before as part of a so-called cost saving measure by the federal government.

The Coast Guard is projecting an annual saving of a mere $700,000 by closing the Kitsilano Coast Guard station. As many have asked before, is it worth it? The Conservative government insisted that the decision was made after careful analysis. In fact, Coast Guard officials claimed that there was a completed risk analysis report.

Last summer, I requested a copy of this risk analysis report through an access to information request. I finally received a response last week, which claimed, “The Canadian Coast Guard has advised that there is no stand-alone risk analysis document”.

How can the government expect British Columbians to trust it as a prudent manager of both our country's finances and public safety when its decisions are not based on evidence or fact? How can the government and, in particular, government MPs who claim that they represent British Columbian ridings stand behind this reckless decision to close the Kitsilano Coast Guard station, when they cannot even produce a risk analysis report on this decision?

I find this unacceptable. It was a very controversial decision. There has been ample time for the government to respond to the public outcry, to reverse this reckless decision and do the right thing, yet we find that it is not doing that. It is not listening to experts, public safety experts or the public, in fact. British Columbians have said loud and clear that they want this station open.

I hope the government will actually listen and reverse this closure.

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, as always, I welcome the opportunity to respond to my hon. colleague, the member of Parliament for New Westminster—Coquitlam, on the provision of search and rescue resources in the Vancouver area.

The Canadian Coast Guard is responsible for the effective and efficient use of federally supported maritime search and rescue resources to respond to distress calls. The Coast Guard carefully considers all resources available to respond in any given area, as well as their combined capacity and capability to meet local search and rescue needs when making decisions regarding asset placement. I assure the House that the decision to close Kitsilano was made with careful consideration and planning.

As with any transition, there are upfront costs associated with it. In this case, there were start-up costs for the inshore rescue boat station. However, the ongoing costs of the inshore rescue boat and the increased contribution to the Royal Canadian Marine Search and Rescue is less than a quarter of the full costs of operating Kitsilano station. After accounting for these costs and the anticipated increased operations of Sea Island hovercraft, the Canadian Coast Guard is achieving significant net savings while maintaining a very high level of service.

The Canadian Coast Guard developed the Vancouver search and rescue plan in collaboration with the search and rescue partners in the area. The plan enhances interoperability and improves communication among agencies to ensure that search and rescue responses will continue to be coordinated in an effective manner. The Vancouver search and rescue plan is fully implemented and working well in Vancouver.

Since the closure of the Kitsilano base on February 19, the Canadian Coast Guard Sea Island hovercraft has consistently had a reaction time of less than 10 minutes after receiving a tasking, which is well within the national service standards of 30 minutes.

In addition to the highly professional services of the Sea Island station, we have implemented a number of initiatives to ensure the ongoing integrity of the search and rescue system in Vancouver.

On April 15, the new inshore rescue boat became operational at HMCS *Discovery*, located in Coal Harbour. This inshore rescue boat station is strategically located and is providing an enhanced level of service during the busy summer boating season, similar to other locations in Canada.

The inshore rescue boat program has been a successful and integral part of the Canadian search and rescue system since the 1970s.

Furthermore, the increased investment in the Royal Canadian Marine Search and Rescue volunteer organization has enhanced its response capabilities in locations throughout the Vancouver area. In fact, one station was relocated to a more central location several months ago, adjacent to the Ironworkers Memorial Bridge, which will reduce response times within the high traffic areas of the harbour.

It is important for mariners to remember that the Coast Guard is only one element of a network of government organizations, volunteers and private or international entities that make up Canada's search and rescue system. All available resources will be directed and expected to respond to distress incidents.

Let me conclude with the assurance that the resources and plans are in place in Vancouver to ensure a professional and timely response to all maritime search and rescue incidents. The safety of Canadians is always the top priority of the Conservative government and the Canadian Coast Guard.

● (2405)

Mr. Fin Donnelly: Mr. Speaker, I appreciate the response from the parliamentary secretary, but the government's response is not good enough. It is simply not adequate.

One question that has not been answered throughout this entire debate and the closure of this very strategically located facility is who the government consulted.

We understand that it only consulted with the Department of National Defence and no one else—not the city, not the province, not any public marine safety experts, not even those experts within the Coast Guard. It would have heard overwhelmingly that this was a bad decision.

Therefore, I ask the government this question: will the government today commit to proving that it did complete a risk analysis document by tabling it in the House of Commons by the end of this week? If it is the case that there is a report and there was due diligence, let us see the document. I would ask the parliamentary secretary to stand up and say that he will table this report in the House.

Let us hope that this is not a decision that the government will regret with a lost life. Let us hope that is not the case.

Mr. Randy Kamp: Mr. Speaker, let me begin by extending birthday greetings to my colleague across the way.

I want to assure him as well that the number one priority of the Coast Guard is the safety of mariners. The Canadian Coast Guard determined that search and rescue services can be delivered more efficiently in the Vancouver area without increased risk to sailors, fishermen and pleasure boaters, while also achieving significant cost savings.

Since the closure of the Kitsilano lifeboat station on February 19, the Canadian Coast Guard Sea Island base, the inshore rescue boat and HMCS *Discovery* have responded to 107 search and rescue and marine distress incidents involving 165 lives at risk in the greater Vancouver area and have done so with a very good record.

The network of search and rescue responders in the Vancouver area is functioning well. This reflects the careful consideration and planning that led to the decision to consolidate the Kitsilano lifeboat station.

● (2410)

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the Conservatives see crime everywhere, even where there is none. They send inspectors to spy on the unemployed in their homes. They suspect everyone of being a criminal. What are the unemployed guilty of? Are they guilty of losing their jobs or of living in a region where seasonal employment is predominant?

On March 5, during question period, I asked the Minister of Human Resources and Skills Development about the home visits and the techniques one might describe as spying on employment insurance claimants by government representatives. In my opinion, the Conservatives are becoming more fierce in their attack on people's rights, and that is unacceptable.

We now know that thousands of randomly selected claimants were visited directly at their homes by Service Canada representatives. Apparently, the purpose of those visits was to ensure that the unemployed workers were seriously looking for employment.

Although the techniques for verifying the integrity of the system were implemented a long time ago and using the necessary means to prevent fraud is entirely justified, one has to wonder about the legitimacy of the current approach. There is a fine line between a legitimate verification and outright bullying.

We have even heard stories of EI claimants who had to explain to Service Canada why they were not home, when they were out looking for work, applying for jobs or doing an interview.

Unfortunately, it seems clear that this system is not designed to verify whether a claimant is eligible. Instead, the Conservatives want to covertly send unemployed workers the message that the government is keeping an eye on them. The vast majority of Canadians would rather see the Conservatives focus their efforts on the many scandals that abound in the Senate and in the Prime Minister's Office.

There is no data to support the claim that home visits are an effective way to uncover fraud, and Canadians have every reason to question what is going on, since all of the Conservatives' arguments are filled with half-truths.

I remind Canadians that, although the government claims it could recover millions of dollars from fraud, errors with EI benefits payments come from three sources: from the claimants themselves, from employers and from the administrative system. The government claims there is $330 million in potential fraud, and that includes errors, improper payments and future corrections or claims processed incorrectly.

Service Canada employees say that there is no indication that the number of cases of fraud in the system has increased. The most recent data analyzed by the Auditor General, along with the numbers that have appeared in the newspapers, show that less than 1%, approximately 0.6%, of the budget allocated to the employment insurance system is attributable to fraud. That money is nearly fully recovered, except for about $21,000. Those figures come from the 2012 Public Accounts.

There are relentless attacks on honest workers, the vast majority of whom pay their taxes and ask for nothing more than to work and live with dignity in the regions of this country. The thousands of workers who are proud to participate in a diverse economy are victims of stereotypes perpetuated by the Conservative Party, yet a senator had to give $90,000 back to taxpayers.

Fraud is never acceptable.

[*English*]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, it gives me great pleasure to speak in the House tonight on a topic about which I would love to speak more. That is ensuring Canadians have long-term prosperity, they have jobs into the future and, when they may fall down on their luck, they have a stable and well-functioning employment insurance system upon which they know they can rely.

If we divide this argument into two parts, I would like to start with the job creation component. I certainly sit here and answer questions on the environment quite often, but when my colleagues opposite speak about this particular portfolio, I very rarely hear them advocate for job creation. It is actually a rare thing.

I sit here and look at the various sectors of our economy across the country, be they manufacturing or high tech industries. Very rarely do I ever hear a question from the NDP to our Minister of Industry on ways to promote and enhance economic growth.

My colleagues spoke about economic diversification. More often than not, on this particular point I hear one of two things: first, that we should increase the tax burden on job-creating companies, and I am from a school of economic thought that questions the validity of that particular process; or second, that they simply denigrate a sector of the economy, saying it is unimportant to Canadians or it is something of which we should be ashamed. Of course, I am speaking specifically of the energy sector.

I wish my colleagues, when they put these questions forward, would for once talk about the first part of that argument, the job creation argument. I find it a disservice to anyone seeking jobs in this country to not talk about that, and I very rarely hear that.

One the second part of the argument, talking about the functionality and effective stewardship of the EI program, I think it is worth pointing out that through Service Canada we became aware of nearly half a billion dollars in ineligible EI payments that were detected and stopped by Service Canada.

As legislators, we are tasked with looking at the functionality of a program and making sure those who play by the rules are afforded good service and are afforded the benefits for which they are eligible under the program. However it is also fair to look at ways in which we can ensure fraud does not occur. The activities Service Canada undertakes are designed to do just that. They are designed to ensure that those who play by the rules are eligible for the program and receive payments and that those who do not play by the rules do not receive these benefits. It is as simple as that.

I ask my colleague opposite to step beyond her talking points, because I have heard this argument over and over again with my colleague the Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour as I sit here in adjournment proceedings. How does she feel about her party's lack of argument for job-creating growth, or putting forward a budget that has no costing in it, or denigrating whole sectors of our Canadian economy?

Perhaps for once she could speak to job creation instead of just perpetuating myths about certain programs in our country.

● (2415)

[*Translation*]

Mrs. Anne-Marie Day: Mr. Speaker, what the member just said is so interesting, it is incredible.

First of all, it is all false, because we do talk about job creation on this side of the House. The member really stepped in it. Just think of Canada's manufacturing sector, which is steadily declining. That is what we referred to as Dutch disease, and our leader talked about it. Canada has suffered as a result. The NDP does talk about the economy.

The solution is the job creation program, not cuts that hurt unemployed workers. Half of the Canadian provinces oppose the program because it is bad for economic recovery in provinces with a lot of seasonal employment.

These provinces are not lucky enough to have oil wells or a knowledge economy based on something like pharmacology.

Currently, 50% of the population is experiencing a recession and job loss. We fully support the idea of finding work for employment insurance claimants, but the government has to stop scaring them, showing up on their doorsteps and accusing them of fraud, because most of them are not fraudsters.

[*English*]

Ms. Michelle Rempel: Mr. Speaker, unfortunately for my colleague opposite, I think she will find, when her leader's office members review her statement tonight, that they will be quite disappointed in the fact that she pointed out that the Leader of the Opposition did raise the Dutch elm disease comment. It is a comment he has stepped back from, because he knows that the economic argument in there has been largely debunked by the Statistics Canada numbers, which have shown a growth in the manufacturing sector in Canada.

The member should also know that the manufacturing sector growth in this country is not just determinant on one sector being dependent on another. It is determinant on things such as input costs. I would suggest the member look at the policy of the recent Ontario government that increased electricity rates, which is an input cost of manufacturing.

The NDP hears something like Dutch elm disease and does not look at the oil sands or support them as a job creator. It is failing to look at basic economic principles on the validity of some rhetoric that the NDP leader might put forward.

The Leader of the Opposition did step back from these comments, because he knows how important this sector is to the economy. The member should review this statement and hopefully retract it in the House of Commons.

● (2420)

The Acting Speaker (Mr. Bruce Stanton): Just before we resume debate, this is just another reminder to all hon. members that during the adjournment proceedings, members are welcome to take any seat in the chamber that happens to suit them.

The hon. member for Kingston and the Islands.

THE ENVIRONMENT

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, earlier this year the Commissioner of the Environment and Sustainable Development tabled the 2012 fall report in this House. One of the topics this report dealt with was the financial guarantees that are supposed to be posted to cover the reclamation costs of mines in Canada's north.

The commissioner brought up a number of issues that he found. One was that there was missing information about some of the securities, and that they were not matched with particular projects or particular mines for which the financial value of those securities was supposed to pay for reclamation costs. For example, he found that there were 11 mines in Nunavut, and there was a difference of $11 million in the reclamation costs for those mines and the value of the securities.

The report also covered missing inspections of mines. This is important, because when a mine is started, companies do not know exactly what the ore body looks like below. They do not know how the mine is going to develop. They have to inspect the mine and see how the environment has been disturbed, and try to estimate how that affects reclamation costs, and then see if they have the financial securities to cover that.

In 2011, 70% of required site visits to natural resources projects were not made.

Then there were improper securities posted. The Environment Commissioner mentioned $17.6 million in promissory notes, which were not guaranteed by a bank in Canada, and stated that he had concerns about the continuing enforceability of the security. In other words, when it came time to clean up the mine, the commissioner did not feel confident that that money could be collected to pay for the cleanup.

This is important because of a number of values, one being honest accounting: an honest accounting of the liabilities, an honest accounting of the reclamation costs of mines and the actual value of securities to cover the reclamation costs. It is important that we have honest accounting so that we do not have hidden liabilities, surprises that our kids and grandkids would inherit, burdens on our future generations.

The second principle is the polluter pay principle, which I understand the government believes in and which I hope the government will apply honestly in all areas of environmental protection. It is important that the operator of the mine pay for the reclamation of the mine, so proper securities have to be posted.

This is important. It is important, in managing a business, to match assets and liabilities. It is important, in managing an economy, to make sure there are no hidden liabilities. It is important to run a tight ship when managing an economy.

The government should realize this. I know that from time to time the government has other problems to worry about, but I think it is important to have honest accounting of assets and liabilities so that one properly manages an economy.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, if there is one thing upon which my colleague and I can agree, it is that the development of our natural resources in this country does play a significant role in our economy. It creates jobs and economic growth. That said, it does have an impact on our landscape; it does have an impact on Canadians. One principle I certainly share with him quite strongly is that these resources need to be developed in an environmentally sustainable way. It is something Canadians demand and something in which the international community seeks us to be leaders.

Overall, Canada has a very good track record in this regard. We have, both federally and within provincial jurisdiction, very robust environmental assessment regimes, so on the front end of a project we are looking at what the costs are to the community in which it is being developed, be they actual or defined in other ways, and whether things are being done in an environmentally responsible way, all the way through build out, through safeguarding, through the operation and through the abandonment of projects.

This particular principle, in which our government believes, is reflected in the responsible resource development package that we tabled last year, wherein we did things like increase safety inspections for pipelines and increase the strength of the tanker safety regime. This is a principle that certainly I bear very near and dear to my heart, and I know the government does as well.

The concept of polluter pay is one that is very important and it is one about which I know the Prime Minister has spoken in the House, where he says our government recognizes the importance because it ties into the overall concept of the environmental safeguarding of our country while we balance the need to develop our natural resource sector. Again, it is important to the economy.

My colleague opposite brought up the report from the Commissioner of the Environment and Sustainable Development, which we talked about at length in the House of Commons during various question periods. We also had the environment commissioner at the Standing Committee on Environment and Sustainable Development. We asked him some questions around this report, and I will note a couple of things he talked about with regard to the specific report my colleague referenced. He said, "I don't have the slightest doubt that this government is absolutely focused on closing the gaps we've identified". Therefore, where we need to ensure we have increased policy and tighter rules, we will be sure to follow through with that.

However, it is important to note that we as a government have also, in other areas regarding liability, put forward legislation that has been overturned time and again by the House of Commons. I am speaking specifically to nuclear liability. I believe it was Bill C-63 in a previous Parliament, and Bill C-5. Time and again, this was actually a concept that was voted down by the New Democrats.

This is a concept with which our government has been seized. I certainly hope that, if we have bills put forward in the House of Commons again, my colleague would work with me to see them pass, and perhaps convince our colleagues who are in apt numbers in the House of Commons right now to support it. However, certainly this is something our government respects and on which it is working very hard.

● (2425)

Mr. Ted Hsu: Mr. Speaker, I have just a couple of comments. First, I would like to get my hon. colleague, the parliamentary secretary, to address this. She did the same thing that the Minister of the Environment did in question period, the one behind this particular adjournment proceeding. That is, they both failed to address the issue of northern mines. They talked rather generally but did not talk about northern mines, and I want to give my colleague a chance to talk about northern mines.

The second thing I would tell my colleague, the parliamentary secretary, about liability caps for nuclear operators is what became of the three bills. The first bill died because of the election that was called before the fixed election date mandated by Elections Canada. An early election call by the Prime Minister killed the first bill. The second bill was killed by prorogation, again a choice of the Prime Minister. The third bill was tabled in 2010, but it just sat there and nothing happened to it, again a choice of the government, until the election in 2011 killed that bill.

Now we have a majority Conservative government, and no bill has been tabled. Therefore, I do not think the Conservatives really want to pass legislation related to raising the liability caps for nuclear operators. I would make that point to rebut the parliamentary secretary's statement, and I would also ask her to address northern mines and the financial securities that should be on deposit to cover the—

The Acting Speaker (Mr. Bruce Stanton): Order, please. We are well over the one-minute mark.

The hon. Parliamentary Secretary.

Ms. Michelle Rempel: Mr. Speaker, I have two points for my colleague opposite. I think he is failing to remember the countless amendments and filibusters by the opposition during the introduction of this bill. There is always a reason something dies on the order paper, and certainly I hope he would agree with me that filibustering an important bill like that was something he omitted from the history of the passage of those bills. It was certainly detrimental to its passage.

With regard to northern mines, obviously Canada's north is blessed with an abundance of wealth and natural resources, but it is also one of the most sensitive ecological areas in our country and indeed in the world. I absolutely agree with him that when developing these resources, the utmost environmental standards need to be reviewed and applied to the development of these situations. It is not just on the front end, on the review of these projects, but also through abandonment and risk planning.

The important point to note in the commissioner for the environment quote, which I mentioned earlier, is that we are focused on closing any gaps that exist, and he recognized that.

● (2430)

The Acting Speaker (Mr. Bruce Stanton): Pursuant to an order made on Wednesday, May 22, 2013, the motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until later this day at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 12:31 a.m.)

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