



CANADA

House of Commons Debates

VOLUME 141 • NUMBER 072 • 1st SESSION • 39th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, October 30, 2006

—
Speaker: The Honourable Peter Milliken

CONTENTS

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

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Monday, October 30, 2006

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

INCOME TAX ACT

Mr. Jeff Watson (Essex, CPC) moved that Bill C-305, An Act to amend the Income Tax Act (exemption from taxation of 50% of United States social security payments to Canadian residents), be read the second time and referred to a committee.

He said: Mr. Speaker, I am very pleased to rise today to speak to Bill C-305, an act that is designed to lower from 85% to 50% the inclusion rate for the amount of income taxable for Canadian seniors who collect the U.S. social security pension.

I spent a lot of this past weekend in reflection, thinking about things that are important. I thought back to about 10 years ago and how very different things were for me, when I was unmarried and worked at a job scrubbing giant inflatable balloons as they came back from parades. Ten years later, some things have changed in my personal life. I am now married with four kids. I am no longer scrubbing inflatable balloons but have the great privilege of being a member of Parliament representing the communities of Essex.

Sadly, 10 years later some things have not changed. Bill C-305 exists because an injustice was committed a little more than 10 years ago and still needs to be righted.

As I said earlier, Bill C-305 is about lowering the inclusion rate from 85% to 50% for retired Canadian seniors who collect a U.S. social security benefit. This follows on the heels of two previous private members' bills, one by the member for Calgary Southeast and my own private member's bill in the last Parliament, Bill C-265, which passed second reading, as members of the House may know, and went to the finance committee, where it died a very slow death.

There are a lot of new members in the House since the last election and there may be Canadians looking in on this debate this morning who may not know exactly where this particular bill fits in history, so I want to take a few moments to go back and look at how we got to where we are today.

A major change occurred on January 1, 1996, for about 85,000 Canadian seniors in Ontario, Manitoba, British Columbia, Quebec and New Brunswick, who lived in Canada but happened to work in the United States and upon retirement collected U.S. social security cheques. What happened on January 1, 1996, is that their entire retirement changed. They were given a pretty substantial tax increase that changed the economic presumptions for their retirement years.

Of course, that all started three weeks before January 1, a week before Christmas in 1995. When most kids were writing letters to Santa Claus about all the good things they would like, these seniors received letters from a government agency informing them that in three weeks the way they were taxed was going to change.

We have a Canada-U.S. tax treaty that exists for some very important reasons. The two countries came together and agreed, for example, on how a Canadian resident in the United States, or an American who collects CPP, the Quebec pension plan or old age security, was going to be taxed and treated. We had to define on this side how we were going to treat Canadians who collect U.S. social security pensions or Americans who happened to be resident here as well.

At one time, these seniors were not taxed at all but in 1984 two protocols to the Canada-U.S. tax treaty changed the way they would be taxed. They were taxed in the country of residence, not in the source country, where the benefit came from. The maximum inclusion rate was set at 50%, so half their income would be included for taxable purposes. That was the situation that existed from 1984 to 1996.

Then came the third protocol, in the dreaded Christmas letter that these seniors got. The change was that their taxation would be done in the source country, where the benefit came from. They would have 25.5% of their income withheld at source.

Let us imagine this change. There was literally no time for these seniors to respond. There was no ability to cushion against the shock of such a change. There was no control over the benefit they received because it was withheld at source, so what they would get is all they would get. It was a tremendous and very drastic change that happened over that Christmas season. Starting January 1, suddenly 25.5% of their income was withheld at source and they got a much smaller pension cheque.

Private Members' Business

At that time, a citizens' group mobilized in the region. Canadians Asking for Social Security Equality mobilized very quickly and in large numbers, because many seniors were affected. In our region, I think the member for Windsor—Tecumseh will recall some of the meetings at the time. They came out in the thousands and forced the government of the day to go back to the table and renegotiate with the United States.

In Canada at the time, the finance minister, the current member for LaSalle—Émard, was looking to balance his budget. In the United States, President Clinton was looking to balance his budget and saw an opportunity to tax the richest of the seniors in the United States. He saw this as his opportunity to do that.

• (1110)

Therefore, we had a fourth protocol negotiated between the two countries. It changed back to residence taxation instead of these seniors being taxed in the nation where the benefit came from. But something interesting happened. After these seniors were promised that this was going to be a revenue neutral change, many of them were expecting that we were going back to the 50% inclusion rate. They had a really nasty surprise. The inclusion rate was set at 85%. It did not go back to the way it way before January 1, 1996, so instead of the wrong being righted, it was compounded.

It would be nice to point out, of course, that the finance minister of the day left a convenient loophole for family ships not to be taxed. That was in the same piece of legislation, the same treaty whereby these poor seniors were getting a whopping 70% tax increase. What a cruel irony that the rule-maker got to make the rules in his favour while thousands of seniors, who do not have any ability to make or change rules but are affected by them, had a tax increase instead.

As for Canadians Asking for Social Security Equality, what an incredible group. They mobilized in four successive elections, in 1997, forcing the government of the day to go back and renegotiate, and in 2000, 2004 and 2006. I say this with some bittersweet feelings. This group is very successful at mobilizing and at keeping this issue before candidates, prospective members of Parliament and prospective governments. However, I was talking not long ago with some of the folks doing the phone calls. With every election and every phone call, the cold hard reality is that yet another member is deceased, and another and another, or the latest ailment or disease is afflicting the few who survive.

Of course, this news kept coming, election after election. I can tell members that CASSE does not want to mobilize for another election. Quite frankly, its members should not have to. In my opinion, it is time to pass this private member's bill and get on with this measure. Or also, I would be pleased if this wound up being a line item in a budget, something for which I am working hard.

These seniors have been waiting a long time. They are looking for justice. Who are these seniors? Let us go back and look at what that generation achieved. Certainly they worked in the United States, but they lived in our communities. They built our communities across Canada. Talk about great foreign investment: they went to the United States, brought back their wealth and invested it in our communities here.

Let us go back and imagine these seniors in their prime. World War II has ended. They set about growing families and building homes and barns, hospitals and fire halls in their communities, delivering the services that were necessary and starting the businesses that employed others. They built community centres and churches, improving the quality of life in their communities. They went to work in the auto factories, building the cars their generation would drive. They worked the fields, harvesting and sending product to market.

Former NBC news anchor Tom Brokaw called these seniors “the greatest generation”. I do not call them the greatest generation; I call them the selfless generation, a good example to my generation. They were the dreamers. They had a good vision for this country. They were the builders. With their bare hands and their hard work they built this country and made it what it is today.

• (1115)

Those people were selfless because they thought about the generations to come. They did not think about what they wanted or what they could get from everyone else. They thought about what they could save and invest in their children and grandchildren. That is the kind of thinking of this generation. They planned for their own self-sufficiency. They did not ask anybody else to do anything for them. They saved their pennies. They worked hard. They did not just suddenly get to retirement and wonder who would take care of them. They were thinking long before that. This is why this was such a cruel thing. They knew that if they lived to a certain age they would need to save enough to be fine when they retired.

They were the givers. They gave to others and to charities. They started community groups that worked hard to meet the needs of people in their community. They were fundraisers. They went out and raised money for all kinds of noble purposes in their community. They were the generation that never asked for anything in return.

What happened to these seniors? Many have been forced from their modest accommodations into nursing homes or forced to move in with siblings who were also senior citizens. However, this move was symbolic of something, I think, much deeper. They have been forced from independence to a situation of dependence, which is what this tax increase did.

Seniors have been forced into making choices that they never thought would happen. They do not know whether to pay for their prescription drugs this month or to pay the gas bill to keep the gas on in their homes. They do not know whether they should buy groceries or pay the electric bill? The wonder if they can buy a gift for their grandchild's birthday or if they can lend money to their son or daughter who is in a bit of financial difficulty. This is the generation that saved and planned so they could give to other generations but they cannot make those choices any more. That is what this tax increase did to them.

Private Members' Business

They are bitter. They were misled. They were told that things would go back to the way they were before. It never happened. Their esteem and their future plans for retirement have been shattered through no fault of their own.

There are several roots to bitterness but one of them is the feeling that we are owed something.

While tax relief for any senior is good thing, and I support those measures, for these seniors they are owed something. They are owed a change, a change that will help them heal and help them get to back on top of their lives.

I am calling on members of this House to come together and to find the will to act now so that these seniors get back on top. We owe it to them.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the last time an initiative like this was brought before Parliament, some members of Parliament raised a number of serious concerns. Just to help convince those members, I wonder if the member could just enumerate those concerns and explain why they are not valid and why they should not be used to stop the passage of this act.

Mr. Jeff Watson: Mr. Speaker, actually, in the last Parliament when this bill was before the House and it went to committee, I was asked by the office of the finance minister of the day to meet with some of his officials and finance department officials. I heard the same thing that I heard many times in the chamber during that debate. One of the things they had raised with some amount of concern was that a Canadian who collects Canada pension plan living next door to a Canadian who collects a U.S. social security cheque, the Canadian who collects the U.S. social security cheque is already getting a 15% benefit and this would create a situation somehow of greater inequality.

I challenged the members at that time or certainly had challenged the thinking under that.

First, no one has ever complained that the senior citizen living next door was receiving a much better benefit than they themselves were getting. There is no great clamour in the streets. Nobody is saying that we need to raise their taxes to create a situation of equality.

Second, this is going back and addressing a wrong that was created. We need to go back and revisit this issue and make the proper change for those seniors.

I take the position that raising taxes on somebody after they have retired is something cruel and it must be reversed.

If we want to create a situation of greater tax equity between two neighbours living next door to each but collecting a different pension benefit, maybe we should be looking at lowering the inclusion rate for taxation for seniors who collect the Canada pension plan. I would say that is a much healthier way of creating a situation of tax equity rather than creating harm on a particular group and raising their taxes to create equality.

• (1120)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I had an aunt who lived with me until she passed away in 1999. She collected social security from the United

States and I did not quite understand the mechanism. I knew she received a cheque but I did not realize the procedure.

I do not understand what the difference is now in what he is proposing. If we were to take a social security pension of \$300, what would the difference be according to the proposed legislation from what it is now? I want to get this a little clearer in my mind and I would appreciate some clarification on it.

Mr. Jeff Watson: Mr. Speaker, this measure is designed to do one thing and one thing only, which is to lower the amount of income that is included for the taxation of a benefit. Let us take a number like \$15,000. If that were my benefit, instead of having 85% of it eligible to be taxed, we are now only talking about having 50% of it eligible to be taxed.

If we were to apply this to Americans who collect the Canada pension plan, they are taxed as if they were receiving a U.S. social security benefit over there. What this means in their law is that most seniors would not even be paying tax.

The current rate is 85%. In the United States only 6% of seniors would be taxed at the highest level. More than half would not even pay a cent of tax and the rest would be somewhere in between that. If it were 50%, the way it was before, virtually no seniors would be paying tax.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to speak to Bill C-305, which has been before Parliament before. I took the opportunity to look back at some history and noticed that this bill passed at second reading and was sent to committee where it died. Some members of Parliament are fortunate enough to get high enough in the lottery so their bills can be considered, but I have a great deal of sympathy for those members who face the worst possible outcome of not getting them through the entire legislative process before an election is called.

Bill C-305 raises an important question. I think the member has a reasonable argument but he will need to convince members about some of the differences that have occurred since the time we entered into a tax treaty with the U.S. in 1984.

Before I became a member of Parliament, I had a CA practice in which I did tax returns mainly in Canada but had some experience with United States returns. The member will know that the tax systems between the two countries are very different. The Americans charge a capital gains tax on the sale of a home, but they also have mortgage interest deductibility. They have deductions for taxes paid to other jurisdictions. They also have joint filing for couples. However, members should understand that it is not the filing of one tax return for two people using the same tax tables as one person. It is a separate schedule of taxation for joint filers. It is not exactly seamless but at least it is a bit better than what we have here.

I would not even try to do a quantitative analysis about the tax burden between Canada and the U.S. Our health care system is paid by our tax dollars, whereas it is not in the United States. The cost of buying health insurance in the United States is very prohibitive for many people. I just want to point out that there are some differences.

Private Members' Business

Interesting enough, the tax treaty treatment of U.S. social security payments received by Canadians who worked in the U.S. and are eligible for U.S. social security are outside the ambit of the traditional tax treaty treatment.

Something that is important for members to acknowledge is that this is not a simple issue. It is a complex issue. Members need to understand where we started so that when we look at where we end up to determine whether or not there is an inequity compared to where we started as opposed to whether there is an inequity compared to somebody else? That happens to be the crux of the issue here.

The member's argument has basically been that people receiving U.S. social security were treated in a certain way back in 1984 when in fact they were taxed in the country in which they were resident. Any payments received from the United States were taxed in Canada. It had a 50% exclusion rate which meant that if someone received a U.S. social security benefit of \$100, they person only had to include 50% of that in his or her Canadian income tax return.

That changed in 1996 when the third protocol was negotiated. It was decided to change where the taxation would occur. It was changed so that a Canadian receiving a U.S. social security benefit would actually be taxed in the United States which had a withholding tax of 25.5%. I could go into the details of how the differences were worked out but I do not believe that is the fundamental issue.

The member referred to what happened on April 9, 1997 when the fourth protocol was negotiated with the United States. It reverted back to where the tax benefit would be taxed in the country of residence. However, it did not restore the 50% exclusion rate that was in the 1984 tax treaty.

• (1125)

Therefore, we have a situation where in 1984 only half of U.S. social security payments were included in Canadian income taxes. In 1997 it was all included, except for a 15% exclusion. This was basically to mirror the withholdings that generally would happen when a United States corporation would pay, for instance, investment income to a Canadian where there was withholding at source.

If we look at some of the machinations that the finance department had to go through in terms of the tax equity between two countries in dealing with payments to non-residents or to foreign jurisdictions, we can see that it really is not very easy to explain. One of the things I conclude from this is that the inequity the member is referring to is the fact that back in 1984 there was a 50% exclusion rate. He would like to have it back now because in both instances individuals were taxed in the residence of the person who received the money. That is a non sequitur. It does not follow because there were other things that were taken into account.

The inequity is not an inequity between a Canadian receiving U.S. social security payments and an American receiving Canada pension payments. Argument has been made that, and if we look at the Debates from the last Parliament, the Americans have a different system. They have to make \$59,000 before they have to start including any, and even then there is an exclusion rate.

Why are we comparing, or trying to compare, Canadian tax burden to U.S. tax burden for the same receipt of U.S. social security payments? It is not possible to do that in a clear fashion. In fact, here is the real comparison that we should be looking at. If a Canadian receives a Canada pension plan of \$100 and has to include that \$100 in his or her income tax return, why is it that a Canadian receiving U.S. social security payments should only include one-half of the amount in the Canadian income tax return?

In fact, two people receiving a \$100 benefit, one paid by Canada and one paid by the U.S., would be treated totally differently. In fact, the inequity that is being proposed by this bill would increase, but if we make the argument about a Canadian receiving U.S. social security compared to an American receiving social security, it is suggested that we should have this changed so that it gets us back to what we had in 1984.

Members can see this is very convoluted. Having said that, this issue has gone on for some time and I do know that the member and many members in this place have expressed some concern about the tax burden of Canadians who receive foreign pension payments. It is not possible to actually explain it to members in the two hours of debate.

I suspect that there may be an appetite for this matter to go to the finance committee to get the full details out. The finance department has to explain all of the implications that it took into account in negotiating for separate protocols since 1984 on how to deal with these matters.

Further, I would respectfully suggest to the member that in consultation with finance officials, he may be able to provide members with some analytical samples which could show, in very simple terms, the difference in the tax burden today between a Canadian receiving CPP and a Canadian receiving U.S. social security payments.

He may also want to consider that, in my view and I think many share it, the best outcome of a private member's bill is to get the government to adopt it as its own and to make appropriate other consequential changes, or maybe inconsequential changes, which will make absolutely sure that there is as little inequity between taxpayers as possible.

• (1130)

[*Translation*]

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, I am happy to speak about this issue today. I also had the opportunity to talk about Bill C-265.

This is not the first time a bill on taxing social security payments has come before this House. In November 2004, my Conservative colleague was on this side of the House, and we shared his joy when his spouse gave birth to a child. Naturally, we congratulated him.

Today, I congratulate him on again raising this issue by introducing Bill C-305. The purpose of this bill is to reduce the tax rate from 85% to 50% for Canadians and Quebeckers who receive United States social security payments.

At first glance, this bill might not seem very important. But this issue affects thousands of Quebecers and Canadians. For over 20 years, we have been looking for an equitable way to solve the legislative problem facing Quebecers and Canadians.

Why could Canadian and Quebec citizens who receive payments from the American government not benefit from the same conditions as American citizens who receive a pension from the Canadian and Quebec governments?

To help members understand where we are at today, I will give some background on this issue. Four protocols have been negotiated between the United States and Canada. I want to talk about the fourth protocol, signed in July 1997 with a number of other countries, including the United States. Under this protocol, only the country of residence is able to tax social security benefits. Since then, Canada has been able to tax American benefits paid to residents of Canada and Quebec.

The problem is that the protocol gave Canada, under the U.S. Social Security Act, the right to increase the tax rate from 50% to 85%. Bill C-305, before us today, would correct this situation.

The Bloc Québécois supports the bill, because it rectifies an error the previous government made in 1997. Several thousands of Quebecers left their families to go work in the United States, often for years, and have been punished by the provisions of this legislation. These are people who, in many cases, were close to their roots and did not want to leave their country for the United States.

The 1997 legislative amendment enabled the federal government to bring in a lot more revenue at the expense of a population that could be considered vulnerable and economically weak. It is important to understand why Bill C-305 is now before the House and how it corrects a past blunder.

As I mentioned, historically, four protocols have modified the Canada-United States tax convention. In 1980, the income tax convention provided that social security benefits are taxable only in the originating country. It was only sometime later that the benefits were initially taxed in the United States.

The portion of benefits deemed taxable rose from 0% to 50%, depending on the taxpayer's net revenue and when the benefits were paid.

• (1135)

Modest income families and individuals were generally exempt from paying taxes on their benefits. In March 1984, a second protocol modified the Canada-U.S. tax convention. This agreement made social security benefits taxable only in the taxpayer's country of residence. From then on, 50% of the benefit amount was exempt from taxation.

For example, an American citizen residing in Canada was taxed on 50% of the benefits received from the United States. Bill C-305 is designed to return to this situation.

A third protocol was signed in March 1995. It gave the country paying benefits under social security legislation the exclusive right to tax those benefits.

Private Members' Business

This means that the United States taxed social security benefits paid to Quebec and Canadian residents at a rate of 25.5%, while Canada did not tax benefits received by American taxpayers.

Finally, the fourth agreement to amend the tax treaty was signed in July 1997. It provided that benefits paid under U.S. social security legislation to a resident of Canada would be taxable only in Canada, as if they were benefits under the Canada Pension Plan, except that 15% of benefits were made tax exempt in Canada.

Under this agreement, the tax rate became 85% of the payments made to Canadian residents.

However, the last agreement provides that the benefits paid under Canada's social security legislation to a resident of the United States are taxable only in the United States.

Essentially, the purpose of Bill C-305 is to reduce from 85% to 50% the tax rate on United States social security payments received by Canadian taxpayers.

For over 20 years now we have been trying to find a fair and equitable solution for all Quebecers and Canadians dealing with this problem.

Thousands of Quebecers and Canadians live near the border and have been suffering the never-ending repercussions of these tax reforms over the past 20 years.

Of course, this measure does not come without a price, but it is a small price to pay considering the thousands of people who have sacrificed their lives and their families to work far from home and their loved ones. These people wanted to stay here and keep their identity.

We, the Bloc Québécois, support lowering the tax rate on benefits paid to taxpayers, from 85% to 50%, because it corrects certain injustices. For this reason, I would like to congratulate the hon. member for his bill, which we will support.

• (1140)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, this bill deals with an issue which I spoke to in the 2000, the 2004 and now the 2006 parliaments. I raised this issue in 2001, in the very first speech I made in the House.

As we heard from the member for Essex, the author of the bill, this matter has been outstanding for over 10 years. It is a history of injustice, a history of governments changing the rules after the fact. In effect, whether intentional or simply systemic, it is an attack on our seniors, as we heard from the member for Essex, a generation of whom this country has every reason to be supportive and protective, and not to misuse or abuse. That is what happened in 1996. Part of this is a mistake that was made by a number of officials at that time, officials who, to this day, still refuse to admit that mistake, but it left a great number of our seniors vulnerable.

Private Members' Business

Basically they had lived under a tax system and had taken deductions at 50% instead of the full 100% as we have for RRSPs in Canada. They had planned their retirement based on having a certain level of income. A great number of them, including those who unfortunately have passed away, said that they could live to a certain standard if they had this income and they retired on that basis. Then in the 1996-97 period, the Canadian federal government put into place a new regime which seriously impaired their ability to live that lifestyle.

I am speaking as a lawyer. This is about a deal that was made. The seniors have lived up to it but the federal government has not. The United States federal government has, because there were corresponding responsibilities as we entered into amendments to our tax treaties with the United States. It had certain responsibilities as to how it would treat the recipients of Canada pension. The United States federal government has lived up to that. It did not change the responsibility of Americans receiving Canada pension benefits while living in the United States. We did and we changed them quite dramatically, especially when we consider how vulnerable a large number of those 85,000 were at that time and how dependent they were on that income.

By the standards of the income that members of Parliament receive, we are talking a pittance. The average recipient of social security receives less than \$100 a month, which does not sound like a lot of money. It is less than \$1,200 a year, but when one is living on a basic fixed income, that is a very significant amount of money.

I am going to tell two stories of our experience in this regard in the Windsor area. I was canvassing one time during an election campaign. At one door I met a man who told me that his brother lived with him. The brother used to live on his own but he could not afford to any more. He was one of those recipients. When the extra tax was taken from him, he no longer could live on his own. He would not even come out of his room, except to use the washroom. The man would take food to his brother in his room. I wanted to talk with the brother and asked if he would meet with me, but he would not. That is typical.

• (1145)

Then there is my friend at church who, to this day, even at church, still curses the former prime minister who originally was from my riding. She is a very saintly woman but she and her husband were both recipients. They came back from the United States, bought a house and had a mortgage to pay. When the tax grab by the federal government came in, they no longer could afford the house and they had to sell it. As saintly and holy a woman as she is, she retains that anger.

Mr. Leon Benoit: That was the last government.

Mr. Joe Comartin: Mr. Speaker, I hear from a member of the Conservative Party that was the last government, but it has now been repeated by the present government.

I want to be very critical of the government. The Conservatives stand every single day in the House and talk about being a new government. This change could have been made in the budget. Then it would not have been necessary for the member for Essex to bring

forward this private member's bill. The government had the opportunity.

The current Prime Minister was in my city during the election campaign in January. He promised that this change would be in the budget, but the member for Essex has had to bring the issue forward once again. The Prime Minister's parliamentary secretary had private members' bills in the House twice and he could not get the Prime Minister and the finance minister to put this into the budget.

We are not talking about a lot of money. Some \$13.5 billion was put toward the debt. This injustice could be corrected by an amount in the range of \$25 million a year, or smaller given the number of people who have passed away. The new government has not done that and I am calling on it to do so. There will be another budget in February or March 2007. We do not need this private member's bill for the government to do that.

What is the Parliamentary Secretary to the Prime Minister, the member for Calgary Southeast, going to do if the budget comes down in 2007 and this is not in it. I have to ask the same thing of the member for Essex. What is he going to do? He is in government now and has the opportunity, finally, to do this. The Liberals would never do it. Both of those members are in government and have the opportunity to correct this injustice.

Then maybe that saintly lady from my church will stop cursing in church. Maybe she will have some peace. That incident was compounded by the fact that at the same time that this was happening, her husband contracted a serious illness and passed away within a year. She is a very bitter woman, but she is not the only one in this country.

As the member for Essex mentioned, he and I have been at a number of meetings in the last three years. The meetings are getting smaller because so many of the seniors have passed away. That bitterness and anger is there. We owe them a lot and we have fallen down. This injustice needs to be corrected, not five years from now when most of them will be gone, but immediately.

If the Minister of Finance is not prepared to stand in the House and say it before the budget, he has to guarantee that it will be in the budget. If not, there will be political ramifications in Essex and Calgary Southeast and any number of other ridings that the Conservatives hold in this country.

• (1150)

Ms. Diane Ablonczy (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I welcome this opportunity to comment on Bill C-305. The subject of the bill is the income tax treatment of social security benefits that some residents of Canada receive from the government of the United States.

Private Members' Business

I applaud my colleague, the hon. member for Essex, for his initiative to provide a higher standard of living for Canadian retirees. Indeed, this government has taken action directly to raise their standard of living. It is, of course, important to approach such issues in a disciplined and focused manner. We have to set priorities and take action where we see the potential for the greatest gains overall, gains in terms of fairness, gains in terms of raising standards of living, and gains also in terms of unleashing Canada's long term economic potential, something that will be essential if we were to guarantee secure support for all tomorrow's seniors and today's seniors as well.

One of this government's key priorities is tax relief. Canadians have been shouldering an unduly heavy tax burden for far too long, but we are working hard to lighten that load. In budget 2006 we delivered on our promise to double the pension income that can be claimed tax free to \$2,000. This relief will benefit the nearly 2.7 million taxpayers who receive eligible pension income and it will take 85,000 of them completely off the tax rolls. That is certainly not all. Retired Canadians, like other Canadians, will benefit from many of the tax relief measures in our first budget. This includes dropping the GST rate by one percentage point to 6%, effective last July 1.

The GST cut will make a real difference to Canadians. In fact, it will benefit all Canadians by close to \$9 billion over two years, even those who do not earn enough to pay personal income tax. In fact, the National Anti-Poverty Organization, as well as academics and think tanks have undertaken research on the distributional effects of various tax cuts. They have found that lower income families pay about 8% of the money collected from the GST, but only half a per cent of income taxes. Conversely, the richest families, those with incomes over \$100,000, pay about 4% of all GST and 10% of income taxes.

In consequence, according to the National Anti-Poverty Organization, the general principle is clear. Families with incomes under about \$50,000, which include many, many seniors, will gain more benefit from reductions in the GST than from reductions in income tax.

Also, even though we reduced the GST rate, we have kept the GST credit at current levels to further protect low and modest income Canadians, including seniors. In fact, including the GST cut, budget 2006 delivered almost \$20 billion in tax relief for individual Canadians over two years. That is more tax relief in one budget than in the last four budgets of the previous government.

All Canadian taxpayers, including seniors, will benefit from permanent increases in the basic personal amount, the amount of income Canadians can earn without paying federal income taxes. By 2009, this amount is legislated to reach \$10,000.

All taxpayers will also benefit from the permanent reduction to 15.5% in the lowest personal income tax rate. This is the rate that applies on the first \$36,400 of income.

Providing a secure retirement for seniors will also mean investing to ensure a strong, productive and growing economy in the future. It is vitally important that Canada's economy is poised to meet the challenges of an aging population in an increasingly competitive

economy. Again, this government is taking action, focusing our investments on the highest priorities.

• (1155)

Budget 2006 proposed measures to help federally regulated, defined benefit pension plans make an orderly return to full funding while protecting the security of pension benefits. Budget 2006 also took important steps toward building a competitive tax system. This is a key priority if Canada is to continue on the path to more and better jobs and stronger economic growth.

For a start, we delivered on tax relief that was only promised by others, but never delivered. In particular, we eliminated the federal capital tax as of January 2006. We will eliminate the corporate surtax, starting in 2008. We will reduce the general corporate tax rate. These proposed reductions will allow Canada to regain the solid statutory tax advantage that we had prior to the 2004 tax changes in the United States. This is important since 85% of Canada's trade, and we are a trading nation, is primarily with the U.S.

In terms of health, budget 2006 provides \$1 billion over the next five years to improve Canada's ability to respond to a pandemic or other health emergencies to which seniors may be particularly vulnerable. We have set aside an additional \$52 million per year for the next five years to implement a Canadian strategy for cancer control.

Finally, seniors deserve to feel safe in their homes and communities. The 2006 budget provides over \$200 million in funding to vigorously combat crime. This includes funding to hire an additional 1,000 RCMP officers and federal prosecutors. It includes enhanced training for the RCMP and also provides funding for crime prevention in communities.

Early in my remarks I flagged the importance of identifying priorities and acting on them. All the things I have mentioned, reducing the tax burden, increasing spending on health and on ensuring safety in our communities, including ensuring that our economy continues to flourish, and supporting the benefits we provide to seniors and to other Canadians, are very important. We must ensure that we not only identify priorities but have the importance to act on them as well.

This brings us back to the private member's bill before us today. My hon. colleague from Essex has raised an important issue. We believe this issue deserves to be considered, along with many other potential budget priorities that are on the minds of each and every member of the House. The goal must always be to proceed in a fair and balanced way for all seniors and for all Canadians.

• (1200)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

*Government Orders***GOVERNMENT ORDERS***[English]***BUDGET IMPLEMENTATION ACT, 2006, NO. 2**

The House resumed from October 27 consideration of the motion that Bill C-28, A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006, be read the second time and referred to a committee.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, I am very pleased to rise to resume our opposition to the budget bill. Earlier in the original debate, I characterized the budget as being meanspirited, dishonest and visionless. In the days that have elapsed since that original statement, those three characteristics have only increased in magnitude.

In terms of meanspiritedness, at the time I referred to cuts to the most vulnerable in Canadian society, such as the cut to the Kelowna agreement, the cuts to the child care agreements, the abandonment and elimination of some of the most productive programs in natural resources, in energy efficiency, such as EnerGuide, and the increase in income tax applied to the lowest income Canadians. All of this is meanspirited.

Since that time, the meanspiritedness has gone up a notch, if that is possible, with the announcement of all the cuts a few weeks ago by the Minister of Finance and the President of the Treasury Board, cuts that are difficult to exceed in terms of the degree to which they impact the most vulnerable in our society. These include cuts to literacy programs, to museums and to the Status of Women. The original contention that this was a meanspirited budget has simply escalated in the intervening days and weeks.

It is no less the case today than it was before that it is also a dishonest budget in the sense that, while it purports to cut income tax, it in fact raises income tax. Relative to what Canadians were actually paying in 2005, the income tax rate has gone from 15% to 15.5%. In addition, rather than taking Canadians off the tax rolls, as the budget purports to do, it does the reverse. It adds Canadians to the tax roll by reducing the basic personal amount that Canadians are allowed to deduct at tax time.

Therefore, it is a meanspirited budget and it is a dishonest budget.

However, what I really want to focus on today is that it is a visionless budget. It is visionless in terms of the central challenge facing any government of our country, and that is our long term prosperity, competitiveness and productivity. The government does not seem to understand that the world does not owe Canada a living, therefore, it has to be the central responsibility of any finance minister to prepare our country for the competitive world that we face in coming years. The budget does absolutely nothing to that end. In fact, it is counterproductive.

If we look at the four largest spending items in the budget, none of them has anything to do with productivity or competitiveness. The four include a big increase in defence spending, GST cuts, narrowly based tax credits, scattered all over the place, and the child benefit of \$100 per child. We can debate the merits of these four items and in some cases there may well be merits, but not one of them has anything to do with improving the prosperity, the competitiveness,

the productivity of our country as we enter a period of challenges vis-à-vis the emergence of China and India as global economic powers and the aging population.

A responsible government has to take concrete actions to deal with this economic challenge to our country. The government in its budget did nothing. Worse, we know the finance minister will have his November economic update and he will talk about productivity and competitiveness. The problem is that the fiscal cupboard is bare. He has spent the vast majority of the money in this budget in unproductive ways, on GST cuts, universal child benefits, defence and narrowly based tax credits, none of which have anything to do with productivity. Now having spent the money, the horse having left the stable, he is going to try to tell us that he really cares about productivity and competitiveness, having devoted his funding to things that have nothing to do with this.

● (1205)

It is worse again because he still has two liabilities out there on which he has not yet spent money, neither of which has anything to do with productivity, but which will claim large amounts of future budgets. I refer, first, to the second GST cut of \$5 billion or \$6 billion a year, depending on when he does it. I refer also to the fiscal imbalance where the Prime Minister made commitments in the election to fix it. He has not given any money yet to the provinces. In fact, he has taken money away.

Those two fiscal items of fixing the fiscal imbalance and cutting the GST will weigh heavily on future budgets. Neither of those two items have anything whatsoever to do with productivity.

The notion that GST cuts, which are cuts to consumption tax, do nothing for productivity, every economist in the world, with the exception of the Prime Minister, agrees, whether it is the OECD, the IMF, or recently Dale Orr, the chief economist for Global Insight who said:

Some in the business community and some in the media are quick to identify a productivity/economic growth agenda with tax reductions.

This is a bad mistake.

It is a bad mistake to think that GST cuts have anything whatsoever to do with improving the productivity and the competitiveness of our country.

I would also add that we recently had two weeks of hearings of the finance committee across the country. I asked this question and I did polls of our witnesses, one in Vancouver and one on the opposite coast, in St. John's. In each case there were about eight witnesses, with widely disparate interests and priorities. I asked them if they thought it was a good idea to do the second GST cut that would crowd out so many other possible initiatives which would cost approximately \$6 billion in additional funding per year. All the witnesses in Vancouver and St. John's were unanimous in saying that the government should not do the second GST cut because there were so many other much more important things that could be done with those funds.

Government Orders

A recent survey of leading Canadian business executives asked about priorities for income tax cuts, which we the Liberals wanted to do, versus a GST cut. Support for GST cuts has plummeted in recent months among the chief executives surveyed, while support for income tax cuts has gone in the other direction.

I have no hesitation for one nanosecond, and neither does the official opposition, to oppose the budget. It was meanspirited on the day it was given. The degree of meanspiritedness has been ratcheted up by these cuts to literacy and other programs, affecting the most vulnerable Canadians. It is dishonest because it purports to cut income tax when it raises income tax.

Perhaps most important and fundamental for the future of our country is it is a visionless budget which does nothing for our productivity and future prosperity. It does not acknowledge that the world does not owe Canada a living and it spends the money in unproductive ways with future huge liabilities for fiscal imbalance in the second GST cut, leaving very little money left for the Minister of Finance's economic update. Given that he has spent the money and given these liabilities still have to be paid, the statement will be words, but they will be hollow words because he has spent the money in unproductive ways.

For all these reasons, we on this side of the House will oppose the budget.

• (1210)

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I listened with interest to my hon. colleague's remarks. I must first note that calling other members and their motions "meanspirited and dishonest" lowers the decorum of this place. I would exhort my hon. friend to use less controversial language so the decorum of this place may be improved.

My question for the hon. member is on the point that he continually criticizes these things. We are in a minority government. There may be another election next spring.

I have two basic questions.

First, by some miracle, if the hon. member's party happened to form the government again, would he guarantee to reverse the cut to the GST and bring it back up? Would the hon. member guarantee that the Liberals would reverse the tax credits?

Second, if in the next budget the government presents next spring, there were across the board income tax cuts, broad categories, raising the basic deduction, would the hon. member then commit to supporting that? This seems to be the thrust of his objections to the current budget.

Hon. John McCallum: Mr. Speaker, with regard to decorum in the House, I was simply stating the facts. I think members on that side of the House, with their canine references, are not really well placed to provide lessons to us on that subject.

How can we reverse a tax cut when it was not a tax cut; it was a tax increase? I do not know how many times we have to repeat this point before it sinks in to the opposition. The opposition raised income tax.

The choice before us, were we to form a government, which I think we have a very good chance of doing, would be whether we

reverse the income tax hike imposed by the Conservative government. One cannot say for sure right now, but we would certainly wish very much to reverse that income tax hike imposed on the lowest income Canadians and at least reduce the income tax rate from the 15.5% where it stands today, after the budget, back to 15% where it was before the budget was enacted.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I listened to the hon. member's speech quite carefully and agree with every word that he said. He and I went across the country together as part of the finance committee. He did in fact conduct these mini polls and they were overwhelming in their consistency.

I want to pick up on this mishmash of tax credits, GST, child benefits and things of that nature, regardless of their political merits. I want the hon. member for Markham—Unionville to comment on why this is mishmash and myriad of tax credits, which adds to the confusion of tax filers, is actually worse than doing nothing.

Hon. John McCallum: Mr. Speaker, the hon. member will remember that we had a very good presentation by the head of the chamber of commerce for Kitchener who explicitly criticized the government for this mishmash of a tax credit here for textbooks and a tax credit there for transit, things which were ineffective. For instance, in the case of transit, the studies show that some 95% of the recipients would use those services anyway. The least effective way of helping students is some sort of tax credit on textbooks and does not help access one little bit.

However, the point that this chamber of commerce representative made is that we want simplicity in our tax system. If we have a myriad of tax credits requiring a mounting bureaucracy to administer and to make judgments, for example, is dance eligible, is horseback riding eligible, is soccer eligible, all of these unproductive activities detract from a productive tax system and this witness, and many other witnesses as well, made strong cases for broad-based tax relief.

Let the government get out of the decision making process of families, of soccer versus horseback riding, versus music, versus dance. Let the government not be such a social engineer. Let families make their own decision and let the government administer broad-based tax relief. That was always the philosophy of our government. That was the philosophy of the witnesses who spoke to us. That is the way to ensure greater productivity, and a streamlining and a simplification of the tax system rather than a complicating, bureaucracy-enhancing level of more and more silly little tax credits.

• (1215)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for St. Catharines, for a very short question.

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I must rise to pay little homage to the review or the so-called poll that my good friend on the finance committee, the member for Markham—Unionville, actually held. He only held it in very specific spots of the country. He asked if those who wanted to abstain could abstain. Province after province and, quite frankly, chamber of commerce after chamber of commerce in provinces across the country supported the cut.

Why, if the cut did not work, according to the member, in 2006, would it have worked in 1993 when the Liberal Party of the day promised to get rid of the GST and not just reduce it?

Government Orders

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Markham—Unionville for an even shorter answer, please.

Hon. John McCallum: Mr. Speaker, neither of us were in politics in 1993 and it sounds like the two of us were not in the same room when I did these polls. With group after group, there was either unanimity in opposing the GST cut, and once in a while a few people abstained, perhaps because they feared the—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Winnipeg North.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to have an opportunity to participate in the finishing touches on the Conservative budget of May 2.

The bill we have before us today is one of a number of budget implementation bills that deal with the Conservative plan for this country and, as my colleagues from the Liberal Party have said, it is truly a budget without vision. It is truly a budget that is meanspirited, short-sighted, and will hurt Canadians in ways too numerous to mention in the short 10 minutes that I have. Needless to say, when we opposed the budget on May 2, we indicated our general position on the budget, so we oppose this bill.

The part that I find the most interesting, having listened to my colleague, the Liberal finance critic, is the similarity between the Liberal budgets of the last 10 years and the Conservative budget of May 2. It is hard to really tell the difference.

When the Liberal finance critic stands up and talks about a meanspirited budget, I can only think of half a dozen Liberal budgets. When the finance critic for the Liberals stands up and says this budget lacks vision, I can only think of Liberals and a decade of leaderless budgets. When I think of meanspirited, callous, short-sighted, and hurtful budgets, I think of Liberals and Conservatives.

I cannot tell the difference between this budget of May 2 and what the Liberals handed Canadians over the past decade, both equally hurtful, both equally lacking in vision, and both equally missing the mark in terms of what this country needs at this moment.

We described the Conservative budget on May 2 as being a missed opportunity. That it was, just like the last several budgets of the Liberals were missed opportunities because we have been in a significant surplus situation for a good number of years. We have actually considered how Canada could reap the benefits of this new-found wealth, and how for once in this period of 13 or more years, we would see money actually invested in things that matter to Canadians. Money invested in those areas would actually grow the economy, get people working again, and allow people to juggle work and family responsibilities with some comfort and some ease. It would also see that money generated back into the economy in terms of more taxes being paid, a better quality of life for all Canadians, and a benefit for all of us, in fact, the debt going down.

Instead, again we are faced with the same simplistic approach that the Liberals have used for a decade, being used now by the Conservatives. They are using the simplistic approach of simply taking any dividend, any surplus, and putting it against corporate tax cuts and benefits for the wealthy in this country, and putting the money against the debt. That is the simple scenario. That is what we get with Liberals and Conservatives, nothing more. There is no

sophisticated analysis, no ability to think in terms of a balanced position, and no understanding of real economics in terms of what it means to actually pay down a debt and how to pay down a debt.

We keep getting efforts that in fact set Canada further and further behind. They are efforts that cut off our nose to spite our face. If we were to take every penny of our dividend and every cent of our surplus, and put it into corporate tax cuts or against our debt, we would do nothing to get ordinary Canadians working to their fullest potentials, contributing to the economy, and paying taxes, and thereby growing the economy and bringing down the debt. That is what we in this party have asked for during the last decade.

• (1220)

We have not asked for a complete allocation of money to go toward program spending. We have not said to not pay down the debt. We have said bring some balance to this place. As long as we have a surplus situation, we should make an annual contribution of significance toward the debt. We should take another part of that surplus and invest it in programs that have a dual purpose: first, they should help Canadians deal with difficult economic and social problems, and second, they should help them contribute back to the economy. They should help them participate in the economy so that we all benefit.

Every economist in this country will demonstrate for us and Conservatives and Liberals right across the board that we do not pay the debt down much faster than a few seconds by putting all of our money against the debt and none into programs that grow the economy.

It is a simple economic fact that if we were to take money and invest it in areas that help people achieve employment that matches their skills, we would reap some benefit. If we were to help women, who would now like to use their skills to get into the workforce because quality day care is available, we would reap the benefit. If we were to put money into pollution saving technologies, we would not only save costs in terms of our health care system but we would invest in a whole new direction of economic growth.

A new set of possibilities opens up this whole area for new green technologies. It will be a new economy that our young people can participate in and feel good about their participation. They will not feel like they are just another cog in a wheel and not feel that they have to handle two or three part time jobs in order to provide for their families. They will not feel they have to give up their quality of life or participation in their community or their church life. They would not have to give up being good parents; being there for their children at school, in their sports days and other activities; and being able to do it all without feeling guilty, without feeling depressed, and without feeling hamstrung by virtue of what the government has done to our economy.

Government Orders

We are here today to make one more plea to the Conservatives because there is a new opportunity unfolding. As my colleagues on the Liberal side have mentioned, we have just criss-crossed the country to hear from Canadians about the next budget. We have heard again what we have heard over the last number of years. Canadians want some of their money invested in programs that will help themselves, their families and other Canadians. They do not want a government to simply ram through a budget and with some deal-making get the Bloc on side to sustain the government, only to see programs that they believe in cut back.

They are appalled number one, by the low balling of the surplus dollars that we have seen now repeated by consecutive Liberal and Conservative governments, which means we as parliamentarians and as Canadians do not have an opportunity to actually deliberate upon where the money should go when there is a surplus. Number two, we have seen through consecutive Liberal and Conservative governments money slip out of this country into tax havens. We just saw it in the news this week. Under the Conservatives, we have \$2 billion of lost revenue because Merck Frosst, a large brand name drug company, has shipped that money into a Barbados tax haven to avoid paying taxes. That is just like the Liberals did for years. We saw in the Auditor General's report comments to the effect that tax arrangements for foreign affiliates have eroded Canadian tax revenues of hundreds of millions of dollars over the last 10 years.

Finally, just like Liberals, we have seen with Conservatives that once the budget is through, they slip through cuts to programs that in fact have no mandate. They do not have to return to Parliament but they do it anyway. They cut literacy, job career placement programs for young people, housing, child care, women's resource centres, volunteer initiatives, social economy initiatives, and housing co-ops. They cut anything that is important to the life, breath and depth of our communities. That we speak against.

We speak against this measure, we speak against this budget bill, and we speak against this tradition of meanspirited, visionless budgets by Liberals and Conservatives.

• (1225)

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I always listen with interest to my hon. colleague's impassioned speeches. She is very good at that and I know she cares about the issues deeply, but unfortunately I also think she has a tendency not to let the truth get in the way of a good story.

Even though we have saved \$1 billion, 37% of which was money that was not spent at all and 63% of which in total was money that was either not spent at all or spent with no return on investment, what she neglects to say is that at the same time we have increased program spending by 4.5% to deal with some of the issues that she feels are so important. I do not disagree that they are important.

I think we do know how to pay down debt. We reduced the debt by \$13 billion, freeing up \$650 million next year and every year thereafter for program spending, which I am sure the hon. member would have good ideas on how to spend. I am interested that she can speak for every single economist in the country from coast to coast as well.

We have looked at other examples around the world. Ireland is a good example from some years past. It bit the bullet, took some very

tough measures and is now one of the strongest economies, with the kinds of social services, education benefits and so on that I am sure the hon. member and everybody here would like to see. I am wondering if she has any comments on the Irish example and how that may or may not apply to hard lessons for Canada, to things we might consider.

Ms. Judy Wasylycia-Leis: Mr. Speaker, I want my colleague to know that I will concede that I do not speak for every economist in this country. I will speak for the facts about what most economists say when they analyze what happens to our debt to GDP ratio when a lump sum is put against it, as the government just did with its \$13 billion and is likely to do again next year because it has lowballed the surplus once again. We are already at \$6 billion at the five month mark, which is \$2 billion over anticipated revenues.

What happens when that is put against the debt is that the debt to GDP ratio is reduced at about the same rate it would be if we had put that money into areas that grew the economy. That is a known fact. That is the kind of balance we in the NDP are asking for. That in fact is what Ireland did.

The member should also know that while there was a government in Ireland that was committed to reducing taxes, it was also committed to putting money into education, for example, so that post-secondary education is available without charge. Ireland in fact has done what we have called for, which is a balanced approach so that we invest in our economy, address taxation on a targeted basis, where productivity and competition are increased, and ensure that the debt to GDP ratio is going down at a reasonable rate.

• (1230)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, the member for Winnipeg North has given a very passionate speech. In fact, I am a great believer in and a strong supporter of the agenda for social vision that we should have for this country, but at the same time we must have strong fiscal management.

I am certain the member knows that when the Liberals took power away from the Conservatives in 1993 Canada was going down and was in debt by \$40 billion. We had to do something and we did it. At the same time, we restored social benefits, whether it was child care agreements with the provinces, health care or home care for seniors.

However, she talked about what economists have been saying for the last 13 years. She should look at the report in *The Economist* magazine, which said that workers were taking home 11% more income than they were in 1993. The hon. member can look at that magazine's report from last year which said that Canada was the second best country to invest in, next to Denmark. I do not believe that the hon. member is giving a fair statement when it comes to the record of the Liberal Party.

The Acting Speaker (Mr. Royal Galipeau): There are 45 seconds left for the answer.

Government Orders

Ms. Judy Wasylycia-Leis: First, Mr. Speaker, I would like to point out that most economists and analysts in this country will give credit to NDP governments, whenever they have been in power, for running good, sound fiscal programs. In fact, recent surveys show, by the government's own statistics, that of those governments that balanced their books, 49% were NDP, 39% were Conservative and only 23% were Liberal.

The NDP has as good a track record as anyone in the House for being good fiscal managers. The Liberals, unfortunately, were not. They approached the deficit situation in 1993 like a bull in a china shop. They put all of their eggs in one basket. They took the biggest bite in history out of education and health—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Dartmouth—Cole Harbour.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to have an opportunity to speak on the budget implementation bill. I am following the member for Markham—Unionville, who took an awful lot of good arguments, so I will try to scrape together what is left.

I think that this particular time at which we are debating this bill we have the most attractive economy in the history of Canada. We can recall headlines in the *Globe and Mail* not too long ago which said that Ottawa is “awash in...cash”.

That cash is the cash of the people of Canada and it is the fiscal dividend of a decade of effective financial management. It was not an easy time in Canadian history. Canadians made sacrifices. In Atlantic Canada, we saw many sacrifices. The employment insurance system was changed. In my own community of Dartmouth—Cole Harbour, the Shearwater base was closed.

There were a lot of cuts. There were reductions in the CHST, health care, social services and post-secondary education, which were necessary in order to preserve those very things. Would we even have a publicly funded health care system today if we had continued in the ways of the Conservative government that we took over from in 1993?

Since we got the economy under control, the Liberal government has reduced taxes. We reduced the deficit prudently. We balanced our priorities, much like the previous speaker said we should. We in fact did that, bringing in things like the child tax benefit, which economists have attributed with actually having had an impact in reducing childhood poverty, although there is much that we need to do.

When the economy improved, we put money into post-secondary education, health care, the child tax benefit and a host of other things. Today we have an unprecedented opportunity and I believe it has been wasted. It is an unequalled opportunity to invest in the social infrastructure that makes Canada unique, to close the gap between the rich and the poor, between those who have and those who have not. This budget does not do it. In fact, it does not even speak to the millions of Canadians who need a hand up.

The major priorities of this government do not make sense. The GST cut from 7% to 6%, and perhaps eventually to 5%, has been called the “triumph of politics over policy”. No serious unbiased economist in Canada thinks it was a sensible thing to do, particularly

from a productivity point of view. It does nothing to help low income Canadians.

In fact, the government could have put the money into the child tax benefit. We hear, and the government seems to believe it, that the GST is good for lowest income Canadians because they do not benefit from personal income tax reductions, but there are other ways of helping the lowest income people in Canada. There are many others who would benefit from lower marginal income tax on the lowest rate and increasing the basic personal exemption to where it was in the economic update that we introduced last year.

Even business groups said this. My colleague from Markham—Unionville indicated his survey. He mentioned St. John's and Vancouver. I know he did it in Halifax and I know it was unanimous. I do not believe that in Halifax anybody even dissented or abstained. They all said it does not make any sense. They said that we have all these priorities in Canada, such as regional development and child care, and that there all kinds of things we could put the money into instead of wasting billions of dollars giving it to people who buy expensive cars and furniture.

And there are other priorities. We all would like to have low income tax and we would all like to have a lower GST, but the job of government is to make priorities. Surely when a government is awash in cash those who most need the help should be at the top of the list. It did not happen.

As for child care, in our finance committee travels, which my colleague mentioned, we met with dozens of groups to talk about child care. I am not sure of the exact number. It could have been 25, 35 or 40. Overwhelmingly they preferred a plan similar to the previous Liberal government plan of putting the infrastructure in place, because money on a monthly basis does nothing if one cannot find a space.

Even with the government bringing in the universal child care benefit, the \$1,200 a year, it should have been done in such a way that it actually went to the people who needed help, not the way the government did it, where in many cases it actually favours people with higher incomes versus low income families who are struggling to get along.

In the budget, the cut for the GST and the child care plan are flops. They do not help Canadians who need help the most.

What is missing in the budget? I would have to say, first of all, that regional development is missing. We heard all the time from ministers of regional development agencies that they would not in fact be hurt, and then we saw the cuts of a couple of weeks ago, cuts that take the social economy initiative out of budgets like ACOA's, for example, which means \$7 million to \$10 million for worthy organizations. Co-ops, for example, came before us and said it was crazy and did not make any sense, and they are right.

Government Orders

•(1235)

Next let us talk about post-secondary education, which is a particular interest of mine. This has to be if not the most pressing need for Canada, then certainly one of them. How can any government in Canada have five priorities but not have one of them include education? I think it is the biggest issue facing Canada.

We have an educated population. We have done a good job of educating Canadians, including in post-secondary education, but other countries are catching up. We all know the story of the emerging economies and how they are investing. Countries in the European Union are putting money into education as well.

We need to keep up the strength on the research side, as an example, which the Liberal government invested in once we controlled the economy. We have put in some \$13 billion since 1998, taking Canada from the bottom of the G-7 to the absolute top in terms of publicly funded research.

That is an amazing accomplishment. It has reversed the brain drain. That is what we heard all over the place five years ago. Now we do not hear about it. In fact, there is a reverse brain drain. Universities across Canada will tell us about accomplished scholars, researchers and graduate students coming back to Canada, choosing Canada because of our investments in the granting councils and CFI, Genome Canada and others. It is a significant contribution.

In fact, the government's own budget books indicate that the federal government contribution to post-secondary education has stayed constant over the past 10 years. We often hear that it has been gutted. In fact, the contribution has stayed constant and, although it has not been in the direct transfer, in the CHST, it has gone into research and to students in forms like the millennium scholarship, the learning bond or the Canada access grants at 25%.

However, I would argue that is the challenge of Canada because of the changing nature of the world. Although enrolments have not declined, we do know that there are three areas in which Canadians are not getting to post-secondary education, be it university, community college, apprenticeships, advanced training or catch-up training. We know there are three areas of Canadians who are not accessing it: low income Canadians, aboriginal Canadians, and persons with disabilities.

Last fall, the member for Wascana, who was the minister of finance, introduced an economic update that addressed these needs in a huge way, but budget 2006 did nothing. Tax tinkering assists those who are already in university or community college; it does not help those who are not there to get there. I believe that should be a role of the federal government, both from a social justice point of view because we want all Canadians to have equal opportunity, and also in an economic argument, in that it is good for the county.

Canada is a unique nation. It is a nation that we are all proud of. There are many things that symbolize Canada, both to Canadians and to the world: this great geography of a vast land; our cultural diversity, Canada being the first nation on earth to proclaim multiculturalism as a national policy; and our linguistic duality.

I also think Canadians take pride in the belief that we believe government has a role to play in bridging the opportunity gap

between the richest and those most in need. Even some Progressive Conservative governments in the past have stated that as a goal and have done some things to try to make it better.

The budget does not even pretend to help those who need help. The government is neither progressive nor fair. The government speaks to a narrow constituency with narrow views. Canada is a wide country, of huge dimensions, huge dreams and huge visions, and Canadians reject the government's view of their land.

•(1240)

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, up until the tail end of that presentation I kind of enjoyed it. It was largely factual until that little partisan diatribe at the end. I thank the member and congratulate him for his comments and his participation on the House of Commons finance committee in the pre-budget consultation process. It has been engaging in a very inclusive and educational way. The member for Markham—Unionville who spoke earlier, has also been part of that process.

I would like to respond though because I am sure the members would not want any kind of misperception to be on the record concerning the polling to which the member for Markham—Unionville alluded in terms of polling people who came to the committee and asking them a question concerning the GST.

It is important to put on the record that the question and the way in which it was worded was essentially this: "Would you support raising the GST to 7% again if it meant that we could then fund your specific project?". The member directed that question to each of the witnesses, as he did at numerous meetings across the country.

Naturally, as we all understand very well, the fundamental principle of concentrated benefits versus disbursed costs, it would be very logical that the people to whom he would direct the question, who would be there on behalf of specific interest groups and lobbying on behalf of their chief issue of concern, would naturally answer yes, that they would like to see the GST higher to support their specific project because they would like to see, obviously, benefits concentrated in the hands of those they are there to represent.

That is quite defensible, However what is not defensible is putting on the record that it is somehow an indication of a broad based concern that the GST was lowered. It certainly is not evidence of that and I am sure the member knows that.

As far as the comments concerning mean-spiritedness, the member did not address a number of issues which I guess is understandable because they certainly supply strong and compelling evidence of something more than a compassionate nature, certainly more compassionate than would be the case under the previous government, the transit pass program, the tools programs, the textbook programs, the kids sports programs and numerous others which the member chose not to address.

Government Orders

No member here has yet addressed those issues. Those seem to be very well received and I think acknowledged by most in the House as positive and progressive initiatives that would be well received by Canadians, most of which were issues that we raised as a party in the last election campaign which saw considerable support brought to our party as a consequence.

The member is essentially saying to the witnesses who asked for more money from the taxpayer that they should trust us with the money. What the members are saying, in contradiction to their previous position on the GST reduction which they supported the abolition of in the past, is that we should keep it higher. The Liberals are asking us to trust them with the money but that they will not trust Canadians with 1% less on the GST. I would like the member to explain why that is.

•(1245)

Mr. Michael Savage: Mr. Speaker, I enjoy being on the finance committee. The hon. member is a good chair and I actually look up to him, but he is six foot nine so that is about what one might expect. However, what he says, unfortunately, is hogwash. We do not mistrust Canadians at all.

He mentioned many things in his 25 minute question, things like the tax break for students and the tax break for recreation. We actually asked a number of witnesses who were involved and liked those measures as well if they would prefer to see tax tinkering, little bits here, throw crumbs out to people or would they rather see investment in infrastructure, for example, recreation infrastructure through their municipalities, or the child care program as opposed to little bits of money. Most people, even people who were directly involved in the areas he mentioned, preferred the investment in infrastructure that all Canadians could use without a membership card and without having to pay a membership fee, that they would have access to whether it is education, whether it is child care, whether it is physical recreation.

It is all a balance but Canadians do not want little piecemeal solutions. We heard that from the Chambers of Commerce in Kingston and Waterloo. Canadians want solutions, they want vision and they want a government that understands their problems and will work on them. They have not seen it from the current government.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I appreciate the opportunity to put a few thoughts on the record because I believe, and I think everyone would agree, that one of the most important things that we have responsibility for as a federal government is laying out a budget and speaking to the priorities that we see needing to be looked at, invested in for the people of our constituencies and the country and doing that in a fiscally responsible and fair way.

Members will note and people listening to this debate will note that the budget that was brought down by the Conservatives earlier this year is not that dissimilar from the budget that was initially brought down by the Liberals of the previous Parliament. The only change in that budget came when we as New Democrats found a way to wedge ourselves into the debate and make some significant changes that reflected the priority that we would bring if we were government in this place to the budgetary process to which I will speak just briefly because I have such little time.

The things we brought to the budget at that time, which were so important to people across this province, were gas tax flowing to municipalities, foreign aid, the first affordable housing project in years and investment in post-secondary education. Those things were just the beginning of the kinds of things that I believe people want the federal government to be taking a serious look at, be willing to give leadership on and to actually invest in if this country is to move forward.

We as New Democrats, wherever we have governed, are shown now, by way of a federal government financial department release, to be of the most responsible of governments, balancing our budgets 49% of the time when we have had a chance. The Conservatives have only balanced their budgets 39% of the time, while the Liberals, lagging behind, balanced their budgets only 23% of the time.

When we talk about delivering budgets that reflect the priorities of communities, families and individuals across the province, we are not talking about breaking the bank. We are talking about being very particular in terms of where we spend our money and where we make our investments. We certainly would not be going down the road of huge, mega tax breaks to corporations and individuals in this province who really do not need them and, in the long run, as has been proven over time, do not really reinvest them in things that help communities, people and workers across this province.

As I scoured my community over the last month to hear what they would like to see in a budget certainly reflected the priorities of the New Democratic caucus and the New Democratic Party. They were concerned that the money that has begun to flow by way of the NDP budget of 1985 might not continue to flow. They want the investment in affordable housing, the investment in post-secondary education and the investment in communities through the flowing of the gas tax to continue.

They also told us that they were very concerned about the cuts announced recently by the Conservative government. They said that if that were an indication of where the government was going that they would be thinking twice and working hard to ensure the Conservatives would not be returned after the next election to be the government of this country.

In my own riding, the municipalities had real concern that the gas tax that has begun to flow would continue to flow because the municipalities have been the biggest victim of the download by federal government to provincial government to municipalities over the last 10 to 15 years as the previous Liberal government tried to balance its budget on the backs of communities and on the backs of the families who live in those communities who are now expected, through their property taxes, to pay for health care, affordable housing, public health care and a number of things that previously the senior level of government, which, as everyone knows, has most of the money, used to work with them in partnership to ensure every community had those things in place and everybody who lived in those communities were allowed to live in a dignity that reflected the richness of this country.

In my community, which is a border community, the government did not support the cut in the GST rebate to tourists who come into our country.

Government Orders

•(1250)

We are living in very difficult times now with the fear of terrorism and the agenda of the American government to put in place the western hemisphere initiative, to put gunboats on our Great Lakes, to build fences and to erect towers. All of those things send the wrong message but that is under the control of the U.S. government.

However, Canada has control over things like the GST rebate. The rebate is an enticement or a little bit of a carrot for Americans who are looking at Canada as possibly a good place to have a vacation and perhaps buy a few items. The Americans now receive a rebate on their GST but the government intends to cut that.

The Chamber of Commerce in my community, which came to one of the prebudget consultations I had in my community during the constituency week, said that its number one priority when it was looking at the budget and what the government was doing in my community, which is very tourism oriented, was to stop the cut of the GST rebate. The rebate is only one of a few things that businesses have in their arsenal to compete and do well in the tourism industry.

On behalf of my Chamber of Commerce and of all of those tourism organizations across my region I would ask the government not to cut the GST rebate and to put that rebate back in place because it is important and very helpful.

The other thing that often came up as I met with constituents and had my consultations was the fact that the government does not seem to be able to do anything about the ever increasing price of gasoline. Anyone who lives in northern, remote or rural Canada will know that transportation is essential to any economy in those areas. If people need to travel everyone knows that gasoline is one of those fundamental basics that everyone has to put out for.

If the price of gasoline continues to rise and to vacillate as it does, we have no confidence that we will continue to be able to compete in a positive way in today's economy. Energy and gasoline prices are killing industry across northern and rural Canada.

The forestry industry is one example in northern Ontario that is on the ropes. Some communities are finished because the government has not been able to get its head around and work collectively on something that will bring some common sense and reality to this issue of the burgeoning price of gasoline.

If the government is not willing to regulate, it should, at the very least, put in place some vehicle that could force those companies that deliver that product that is so essential to us to justify their increases. The NDP is not against people making a profit. We know that is what makes the economy in this country run. However, when it becomes gouging and profiteering, my party has a problem.

The other issue that was raised very clearly with me by a number of groups and individuals in my community is the cuts to literacy. The government recently announced cuts to literacy programs that are so very valuable to individuals who want to participate, to communities that want their citizens to participate and to the economy. Any good economist who has looked at the question of literacy will say that an investment in literacy produces threefold down the line. When these individuals learn to read, write and use computers they can participate in the workplace in a more positive

way and become better and more productive workers which makes the company more efficient.

I do not understand what the underlying value was of the government, and in fact of the previous government, when it came to budget making. If members would look at the NDP budget of 2005 it would understand what the priority is for the New Democratic caucus here in this place today.

•(1255)

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I have a couple of things I would like to point out for the member. Perhaps he is driving an electric car and does not buy gas. If that is the case, I commend him, but I fill my tank fairly regularly and the price of gas has gone down considerably in the last little while.

This government would not take any credit for that nor would it take any blame for the cost of gas increasing.

The member talked about workers and supporting workers and he mentioned the forestry industry. Is he aware that \$945 million went out this week to Canadian forestry companies which will clearly support the industry, the workers and the towns across Canada that rely on the forestry industry? Does he think that is an important thing for people in those communities today?

Mr. Tony Martin: Mr. Speaker, the member has raised two very important questions.

I do not think he would deny that the approach the gasoline companies seem to be taking in raising the price of gasoline is that they raise it to \$1.25 a litre and then drop it back to \$1.05 a litre, and we think, "Oh my God, we have ducked a bullet. Look how low the price of gas is". He keeps forgetting that before Labour Day last year, the prices of gasoline was between 70¢ and 80¢ a litre. It is now up over 90¢ a litre in my community. Only a year ago it was hovering up around \$1.25 a litre.

That is the game the companies are playing and the member has obviously bought into it. The people who live in my jurisdiction in northern Ontario have not. They understand. They know that when the prices of gasoline goes up to \$1.25 a litre and then goes back down to \$1.15, it is still higher than the 75¢ it was the month before. That is their trick. Somehow we have to find a way to bring the companies before us and ask them to justify this. We have to look at the patterns, look at the money they are making, the profiteering that is going on, and challenge them so that we can act as a government in the best interests of our communities and the workers and the people who want to drive an economy in this country.

In terms of forestry, certainly in northern Ontario we have seen no benefit and no effect. St. Marys Paper, the paper mill in my community, just last week filed for bankruptcy protection. I dare say that in northwestern Ontario there is not a community that has not been drastically negatively affected by the way the previous Liberal government and the current government have acted on their behalf.

Government Orders

We are killing an industry that should not be killed. It should be viable and vital to this country. Unless we do something about it, that is the direction we are going in.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I listened to the hon. member's speech. It had references to the cuts in literacy. I assume that he is concerned about the cuts to the housing programs, both SCPI and RRAP, and the cuts to museums and things of that nature.

I am just wondering if the hon. member would enlighten me as to why his party voted against the motion last week which stated in part:

—the government inherited the best economic and fiscal position of any incoming federal government and has not demonstrated the need, value or wisdom of its announced expenditure cuts which unfairly disadvantage the most vulnerable groups in Canadian society.

What does he say to the people for whom he is purporting to speak, those folks who are in favour of literacy programs, those people who are in favour of housing programs, those people who are in favour of museums? How could the NDP in all good conscience have voted against that motion?

● (1300)

Mr. Tony Martin: Mr. Speaker, it is very simple. We could not stomach the self-congratulation that was the very premise of that motion. That motion was a simplistic attempt at trying to bolster the fortunes of a party that the citizens of this country summarily threw out of office because it could not manage and could not be held responsible for the public funds for which it was given responsibility over some 13 years.

The member did raise a good point. Certainly the issue of literacy and the cuts to youth employment services, et cetera, that the current government has made will hurt the populace. We heard at our prebudget consultation that literacy is a human right. To read and to write and to understand what is going on is basic to a person's independence and enjoyment of life. Literacy impacts on so many areas: jobs, skills, reading prescriptions, seniors. Increasing literacy 1.5% has a 2.5% GDP return down the line.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I was present in the House when the finance minister addressed this bill. I noted a couple of things that he commented on and one important thing that he did not and I was wondering why. I thought I would rise to make sure that members are aware of it.

The government inherited a very healthy financial situation. In fact, the Auditor General reported in September that the surplus for the year ended March 31, 2006 was \$32.2 billion.

It reminds me of the discussion we had in 1997 when we had the first balanced budget in a very long time. People were asking what we were going to spend the surplus on, but that really was not the right question. We have to determine the benefit to Canadians. Ultimately the experts, the economists who consulted with parliamentarians, basically came to the conclusion that the real fiscal dividend to Canadians was not the surplus itself, which is a one time thing, but it was the ongoing savings, that is, the savings on interest on our national debt.

Over the last number of years we have had surpluses each and every year and have paid down about \$89 billion worth of debt. If

we look at it in its totality, the national debt today is just a little smaller than it was when the Liberal government took office in 1993 because the previous Conservative government had left a fiscal situation which had us at a \$43 billion deficit in one year. There was almost another \$100 billion of debt created by the time we could balance the budget. Canadians should know that the national debt still is an important issue and that the real fiscal dividend is the savings in interest. The savings estimated from the surplus for the last fiscal year is about \$600 million a year. That is \$600 million in interest savings that will be available each and every year to take care of the priorities of Canadians. I certainly wanted to make that point.

In the budget the government delivered a 1% decrease in the GST. Canadians were aware that that was an undertaking and it was done. If a Canadian spends \$1,000 that means a savings of \$10, 1%. Canadians ought to keep it in perspective that the GST cut is not very significant unless they are large spenders. A person would have to spend \$30,000 a year approximately to save \$300 in taxes. When we consider the fact that the government increased income taxes by a half of one per cent on the first marginal rate, one breaks even if one spends \$30,000 on GST taxable goods. There is a very false economy here.

In addition to the budget items, the finance minister also boasted of a billion dollars in cuts to program spending. Canadians would generally understand that cutting unnecessary spending or fat within the system is a good thing, but the cuts include a \$5 million cut out of the status of women, \$45 million from CMHC housing support, \$18 million from the literacy skills program, \$55 million from youth employment initiatives, \$6 million from the court challenges program, \$39 million from regional economic development and more. When we consider there was a \$600 million savings in interest on the national debt each and every year, was it really necessary to make these cuts?

● (1305)

With respect to the cuts to literacy specifically, I looked at some of the information. It is hard to believe but 22% of adult Canadians struggle throughout the day with ordinary tasks because they simply cannot read. Approximately 5.8 million Canadians cannot cope with the demands of a typical workplace. Further, about 3.2 million Canadians cannot read the label on a medicine bottle, deal with a job application or read their child's report card. These are fundamental things. Why would the government attack the adult literacy program?

Government Orders

The President of the Treasury Board told us exactly why. He said in this place that in his view it is already too late to deal with those people; they cannot read, that is it and we cannot remediate adult literacy. That is nonsense. In fact, there are adult literacy programs in conjunction with all of the provinces and territories across this land and they are working. We had a partnership with them and these cuts mean that the partnership in many cases has been damaged and in some cases has been broken.

It is not good enough just to say in a macro sense that \$1 billion in program spending was cut. Where did it come from? Why did we touch the court challenges program? Why did we touch the status of women where we are talking about important issues affecting Canadian women in society? The equality provisions and other things, to ignore them is simply irresponsible.

The minister talked about things like the transit pass tax credits. Experts have told us that 90% of that tax credit is going to go to existing transit riders and the rest to people who try to get on transit, but there are very few public transit systems in Canada today that have excess capacity to take on enough people to make this credit worthwhile. It is really spending \$9 to try to save \$1. It makes no sense.

If we look at many of the items, in totality the budget has no streaming. It has no vision, no plan, no integration. It is just a mishmash of one-off issues to buy votes and on which the finance minister had to deliver because that is how the election was run.

I have often said that the success of a country is not an economic measure; it is a measure of the health and well-being of its people. It is not good enough to balance a budget to make a surplus. We have to take the savings and efficiencies that were built in and invest them in ways to help the people who are most in need, such as seniors, youth, the disabled, the illiterate, women who are disadvantaged in the workplace. Those are the kinds of things that Canadians are looking to be addressed.

Canadians are not just looking to be given \$100 to go away and take care of things themselves. This is a fend for oneself type budget. I always used to say that \$1 in the hands of a taxpayer is better than \$1 in the hands of the government because the government does not know how to spend it.

When we consider even the \$100 a month so-called child care benefit, that is not going to create child care spaces. It is not going to take care of early learning and child care so that our children get a good head start. It is going to do nothing. It was put there as a proxy for the government to say, "We have done our job. Here is your \$1,200 for your child for the year. Take care of it yourself". Everyone knows that it costs \$1,200 a month to care for a child in third party child care, not \$1,200 a year.

What is worse, and the government does not say this very often, but it had better start reminding Canadians not to spend that money too quickly because when people file their income tax returns, they will find that the \$1,200 they were given is taxable. Depending on people's marginal tax rates, some people are going to have to pay back a lot of that money, especially employees who usually have the precise amount taken off during the year and upon filing their returns either owe or get back \$1. They are going to be faced with owing

hundreds of dollars. That is when they will realize just how bad this is.

I want to raise what this budget does not include. It does not include one of the election promises that was number five in the throne speech, the guaranteed wait times on health care. There is not \$1 in this budget for guaranteed wait times. Health care remains the number one priority of Canadians. This is totally irresponsible. How is the government going to explain to Canadians after promising that if people could not get services in their own communities it would pick up the cost to get them in another province or even in the United States? This is a promise broken. This is totally irresponsible.

● (1310)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I listened with great interest to the hon. member's comments. He talked about cuts and quite frankly I suggest that his long term memory is not working very well because the Liberal cuts of the mid-1990s created real disparity in Canada.

Health care wait times doubled under the Liberal government. Far more children live in poverty today than before the Liberal government came to power. Far more people rely on food banks than before the Liberal government came to power. I would like the member to talk about the effects of the cuts the Liberals made to the provinces which bled down to people and caused real hurt.

The Conservatives may have targeted a few programs that we consider not to be efficient, but we did not spend any money on a sponsorship program that put money into our friends' pockets.

Mr. Paul Szabo: Mr. Speaker, if the member wants to inform the House, he should inform it about the real facts. He is talking about when the Liberal government took over. The real fact is in the mid-nineties there was a \$43 billion deficit. That is when we were characterized as a third world country in terms of our financial health. If we did not get our fiscal house in order, the situation that the Conservatives created would have continued to spiral down.

How could we get our fiscal house in order? It took some tough decision making and it took some cuts. In fact, the Government of Canada itself took a greater level of cuts, but I know Canadians absorbed a lot of the burden. There were a lot of cuts to important programs, but we have to look at how our economy looks today.

Today we have the best financial situation in the G-7. Our growth rate continues to lead the G-7. Our financial health is very good. Every dollar cut in those programs during the years when we had to clean up the mess left by the Conservatives was reinvested. We had \$130 billion of income tax cuts and we invested hundreds of millions of dollars back into the health care system, even \$42 billion to establish benchmark wait times.

Government Orders

We could do that because there was fiscal prudence and fiscal responsibility. When we have a problem, we deal with it. We have to take the pain: short term pain; long term gain.

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I always listen with interest to the hon. member. He is an experienced member, he is passionate and he is a good debater.

However, members opposite like to bring up revisionist history. I remind him that in 1993, yes, the Liberals inherited some things from the former Progressive Conservative government. However, he forgets to talk about 1984 when the Mulroney government inherited a literal socialist sack of hammers from Pierre Trudeau. It took nine years of Progressive Conservative government to bring in some measures, which were brought in against vigorous opposition by members across the way.

Starting in 1993, the former Liberal government used, to great effect, the GST and NAFTA to earn the balanced budgets for which they now take great credit.

I suggest that those measures and those surpluses that run to date really started in 1984 when the Progressive Conservatives, under Brian Mulroney, started fixing the sack of hammers left by Pierre Trudeau.

•(1315)

Mr. Paul Szabo: Mr. Speaker, the nine years of Mulroney government ran a deficit each and every year, which left a \$43 billion deficit in 1993 when the Liberals took over. I am sorry, but the hon. member cannot say that they did all those beautiful things, but drove our economy into the ground. That is what happened.

If the member wants to come up with examples, he should look at Brian Mulroney's \$100,000 capital gains lifetime exemption. That was supposed to be an exemption to allow people to invest in small business in the Canadian economy so we could stimulate the economy. What did they do? They made it available to all kinds of investments, including offshore properties, art work and all types of things that had nothing to do with economic growth.

What is worse is that they made it retroactive. Anybody who had \$100,000 capital gain on a piece of art work and who was a good Tory supporter instantaneously got \$100,000 lifetime exemption against it. It was just a gift.

If the member wants to argue about the good the Mulroney government did, I will not criticize him at all. Yes, it did some good things, but in that regard, it was a giveaway to friends.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. members: On division.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Finance.

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

CRIMINAL CODE

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am very pleased to rise today to commence second reading debate on Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Bill C-22 would fulfill one of the government's commitment to tackle crime. With the bill, we are proposing to raise the age of consent to sexual activity from 14 to 16 years to better protect youth against sexual exploitation by adult predators. Our focus is on the protection of youth. That is why we are renaming the "age of consent" as "the age of protection".

There are many issues on which hon. members do not always see eye to eye, but the protection of children and youth against sexual exploitation should not be one of them. This is an issue on which I believe we should be able to speak with one voice, one that unanimously and clearly condemns those adults who prey on and sexually exploit our youth.

In 2002 POLLARA polled Canadians on whether they thought the age of consent should be raised from 14 to 16 years. Seventy-two per cent of those polled said, yes, it should be raised.

The Ontario College of Teachers, the licensing and regulatory body for the 200,000 teachers in that province, reported in August of this year that 84% of teachers polled supported the government's proposal to raise the age of consent from 14 to 16 years.

As college chair Marilyn Laframboise said:

Clearly, teachers who spend a good part of their daily working lives interacting with teens care about students' safety, protection and emotional development. Safeguarding young people against sexual predators makes sense.

Canadians have been asking for this for years and the government has heard and answered their call with Bill C-22.

Regrettably the sexual exploitation of children is not a new problem. How it is being committed is something that is changing due, in large part, to the rapid development and ever-growing use of the Internet and other new technologies.

There can be no doubt that the Internet has been a phenomenal innovation from which each of us has been able to benefit through instantaneous and worldwide communications and access to information and resources. As an educational tool for youth, the Internet has become invaluable, but it has also provided a new means through which pedophiles and others can sexually exploit children and youth.

Law enforcement agencies, including the Canadian Association of the Chiefs of Police, have long called for increasing the age of protection to help them combat online child sexual exploitation. Like them, the government believes that Bill C-22 would help us prevent the exploitation of youth by adults, including where it is facilitated through the use of the Internet.

Government Orders

Nowhere is this problem more dramatically illustrated than by the case of Michael Simonson in April 2005. Simonson was turned back by Canadian border agents after he told them he was coming to meet a 15 year old girl in Canada who he had met on the Internet for sex. He was arrested by U.S. authorities as he was returning and was charged under their laws that made attempted enticement of a minor an offence. A search of Simonson's computer showed extensive research into Canada's laws of consent and Internet luring laws. Of course there is no law against it in Canada.

After a guilty plea, Simonson was sentenced to 10 years in an American prison, followed by 10 years of probation. In Canada, he would have been scot free. The American courts are protecting Canadian children. That is a disgrace.

This is but one example of adult predators acting to take advantage of Canada's laws with respect to consent for sexual activity. Sex tourism of this sort should not, and cannot, be permitted in Canada. What a farce that Canada puts forward sex tourism laws and yet people from all over the world know it to be soft on the abuse of children in this fashion. Internet chat rooms indicate on a daily basis they know the laws. They come here because the government, until now, has refused to act on this matter.

To understand the scope of reform proposed by Bill C-22 one has to understand the current law on the age of consent.

• (1320)

First, what do we mean by the age of consent, or the age of protection, as we now refer to it? This is the age at which the criminal law recognizes the legal capacity of a young person to consent to engage in sexual activity. Below this age, a young person cannot validly consent to engage in any form of sexual activity. Where the activity involves exploitative sexual activity, that is prostitution, child pornography or where there is a relationship of trust, authority, dependency, or is one that is otherwise exploitative of a young person, the Criminal Code currently provides that the age of protection is 18 years. Bill C-22 would maintain this age of protection.

However, the trust provisions in the Criminal Code are very rarely, if ever, used because of the difficulty of having to rely on a child to demonstrate there was no trust exploitation. For all other types of sexual activity, the current age of consent is 14 years. In my experience people are often surprised to learn just how low this age of consent is and, indeed, to learn just how vulnerable 14 and 15 year old youth are to being sexually exploited by adult predators, including over the Internet.

Police point out that this low age is often known by sexual predators and encourages them to target Canada in search of younger victims who would not be able to consent in countries with a higher age of consent. I pointed out the prior case where that was exactly one such instance, where the American courts protect Canadian children because Canadian authorities cannot protect them under the existing laws.

The current Criminal Code provides an exception to the 14 year age of consent. Specifically a 12 or 13 year old can consent to engage in sexual activity with another person provided that the other person is less than two years older, is under 16 years of age and is

not a relationship of authority, trust, dependency or one that is otherwise exploitative of the 12 or 13 year old.

Members will recall the case of the young native girl who was exploited in Saskatchewan not that long ago. The judge said that the accused thought the person was 14. After they fed that young girl liquor, they sexually abused her. The judge said, because the individual thought she was 14, that there was no offence. This is the reality of the law in Canada today.

While we do have this close in age exemption with the 12 and 13 year old, its objective is to prevent the criminalization of sexual activity between two young consenting persons. Bill C-22 would maintain this two year close in age exemption for 12 and 13 year olds. The proposed reforms in Bill C-22 build upon the existing current laws by extending the current protection for those under the age of 14 years to better protect 14 and 15 year olds against sexual abuse.

I appreciate that there may be different views on when young persons should engage in sexual activity, but the reality is many 14 and 15 year olds are sexually active, mostly with peers or cohorts. Bill C-22 recognizes this reality because our objective is clear. It is to protect youth against adult sexual predators and not to criminalize consensual teenage sexual activity.

Accordingly Bill C-22 proposes to create an additional close in age exception for 14 and 15 year olds. Under this new exception, a 14 and 15 year old could consent to engage in sexual activity with a peer so long as the other person was less than five years older and provided, as always, that the relationship was not one of trust, authority, dependency and was not otherwise exploitative of the young person.

Some may question the five year close in age exemption and may instead prefer it to be a two year or three year close in age exemption, such as we have for the 12 and 13 year olds. Again, we have to be mindful of our objective with Bill C-22. It is to prevent adult predators from sexually exploiting 14 and 15 years olds, not to criminalize consensual sexual activity between teenagers.

In my view the proposed five year close in age exemption reflects a reasonable cohort for 14 and 15 year olds and one that we would find in many Canadian high schools. I note the position of Beyond Borders, for example, which has championed this issue for so many years. It, in fact, indicated that a five year close in age exemption was the appropriate exemption. There were problems with the two year and the three year, but Beyond Borders, in its very eloquent discussion of this issue, indicated that this would get the bulk of those who want to exploit our children.

Government Orders

● (1325)

Similarly, Bill C-22 acknowledges the possibility that when the new age of protection comes into force, there could be an exceptional few number of individuals 14 and 15 years old who are already in an established or pre-existing relationship with a partner who is five years or more older and who will therefore not benefit from the proposed five year close in age exemption.

Accordingly, Bill C-22 proposes to provide a transitional or time limited exception for two types of relationships, specifically for individuals 14 or 15 years old who are already in a relationship with a partner who is five years or more older than when the new age of protection comes into force. Bill C-22 proposes a time limited exception where they are already married or they are living in a common law relationship as defined by the Criminal Code or, as proposed by Bill C-22, provided always that the relationship is not one of authority, trust, dependency or is otherwise not exploitative of the young person.

Section 2 of the Criminal Code defines a common law partner as a person with whom an individual is living in a conjugal relationship for a period of at least one year. Bill C-22 would also provide an exception for a common law relationship that has not endured the requisite minimum period of time but has produced a child or one is expected.

Some may be surprised that we need these transitional exceptions. Let me explain why. The provinces and territories, as part of their responsibility over the solemnization of marriage, have enacted a minimum age to marry with parental consent. This age is 16 years except in the Northwest Territories and Nunavut where it is 15 years. All jurisdictions except Quebec, Yukon and Newfoundland and Labrador provide exceptions to this rule by allowing persons under 16 or 15 years of age to marry with judicial order, or in the case of Ontario, Northwest Territories and Nunavut, with the written permission of a responsible minister. In these cases approval is generally based upon a consideration of whether the marriage is in the interest of the person or it is expedient to allow the marriage or because the female is pregnant.

Bill C-22 would therefore provide a time limited exception where an individual 14 or 15 years old is already married to a partner who is five years or more older, as at the time of the coming into force of the new age of protection. Thereafter, an individual 14 or 15 years old could still marry another person who is less than five years than that individual provided that it is not an exploitive relationship and subject of course to the provincial and territorial legislative requirements.

As to the proposed transitional exception for existing common law relationships involving an individual 14 or 15 years old and a partner who is five years or more older, it is important to appreciate that this exception will only be available if the relationship meets the prescribed definition of common law and it is not illegal or exploitive of the younger partner.

Bill C-22 proposes this requirement for the common law relationship exception but not for the marriage exception. This is because in contrast to marriage, there is not judicial or ministerial approval of the common law relationship involving youth to ensure

that such a relationship is in the best interest or in the interest of the young individual who is 14 or 15 years old.

In other words, there is no prior assessment of whether the relationship is illegal or exploitative of the young person. As a result, Bill C-22 would only provide an exception for a common law relationship involving an individual 14 or 15 years old with a partner who is older by five years or more, if it meets the prescribed common law definition, and again the relationship is not exploitative or illegal.

What is the effect of Bill C-22's higher age of protection? It says to adults without equivocation, if they are five years or more older than an individual 14 or 15 years old, they would be committing a sexual offence if they engage in any sexual activity with that young person. It says to foreign adult predators that we will not allow them to come here to sexually exploit our youth. It says to individuals 14 and 15 years old that they deserve the same protection against adult predators as do individuals 12 and 13 years old.

● (1330)

It says to the international community that we take very seriously our international obligation and commitments to protect children and youth against sexual exploitation. By raising Canada's age of protection from 14 to 16 years, we will join other countries that already have a higher age of protection of 16 years or more, and we will more effectively meet our international commitments to protect youth against sexual exploitation.

It says to the police that we have heard them and we agree that we can do more to support them in their efforts to protect Canadian youth against sexual exploitation. I specifically want to commend individuals like Paul Gillespie, formerly of the Toronto city police, for his work and the work of his police officers in tackling that very difficult problem. I also want to specifically thank Chief Bevan of Ottawa who was there with us at the launching of this particular bill.

Bill C-22 proposes a higher age of consent which will give a much needed new tool to police. Police have told me that a higher age of protection of 16 years will help them to better protect those teens who are at risk of being targeted by on-line adult sexual predators.

Earlier this year, the United States national center for missing and exploited children released a report on the 2005 youth Internet safety survey, a survey of 1,500 representative national samples of youth Internet users aged 10 to 17 years. It found that of the youth who were targeted for sexual solicitations and approaches on the Internet, 81% were 14 years of age or older, 70% were girls and 30% were boys.

Government Orders

Similar findings have been made here in Canada. Cybertip.ca, Canada's national tip line for on-line sexual exploitation of children, and which I am pleased to note is being supported by the federal government under our national strategy to protect children from sexual exploitation on the Internet, reported in March of 2005 that luring reports represented 10% of all reports received during its two year pilot phase. Of these reports, 93% of the victims were female and the majority, or 73%, were between the ages of 12 and 15 years. These reports indicate that individuals 14 and 15 years old are at greater risk of being sexually exploited through Internet luring, and so we believe that Bill C-22 will enable police to more effectively protect youth aged 14 and 15 years from on-line predatory behaviour.

At the beginning of my remarks, I quoted the chair of the Ontario College of Teachers, and I do so again because her words describe so well what the government and indeed all Canadians believe: "Safeguarding young people against sexual predators makes sense".

Bill C-22 will safeguard individuals 14 and 15 years old against adult sexual predators. Bill C-22 makes sense. It proposes a new and very clear line. All sexual activity with individuals 14 and 15 years old is strictly forbidden where the adult is five years or more older. This will in turn better protect individuals 14 and 15 years old against adult sexual predators because it will no longer be a question of whether they consented to such exploitive activity.

I would say that as a former prosecutor, knowing the difficulty that a young child has on the stand, trying to justify the conduct or to say that there was no consent, is a very difficult burden. We want to take that burden off the shoulders of the children and put it right onto the pedophiles where that burden properly belongs.

As I have said, Bill C-22 will give police a welcome new tool to help them in their tireless efforts to combat child sexual exploitation. Now is the time for Parliamentarians to join together in support of an objective that I think we all agree is a priority, namely the protection of children against sexual exploitation.

I call upon all hon. members to support Bill C-22, so that our actions reflect our words and our commitments. Let us say with one voice to individuals 14 and 15 years old that they deserve the same protection against adult predators as individuals 12 and 13 years old currently have, and let us unanimously condemn adult sexual predators. Let us do this now by supporting Bill C-22.

• (1335)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I thank the minister for bringing this bill forward on behalf of the parents of Oshawa and Canada. My question for the minister is very simple. Bill C-22 seems to be long overdue. I have a 13-year-old son and I cannot imagine him making a competent decision of this nature.

Does the minister expect to have unanimous consent in the House for this bill? If not, what does the minister think might be some of the problems in bringing the bill forward?

Hon. Vic Toews: Mr. Speaker, for years Conservatives have been asking for this kind of change in the law. For years the former government refused, basically stating that the existing law was adequate to protect children. Yet, case after case demonstrated that

children were being exploited by predators. Chat rooms across the world indicate that Canada is a target area for these predators.

When Canada walked around self-righteously saying that it was passing sex tourism laws to protect children in third world countries, it took no steps to protect the children right here in Canada. I look at that unfortunate situation where an adult sexual predator comes to Canada and freely confesses that he is going to have sex with a 15-year-old runaway that he has put up in a motel. He thinks there is nothing wrong with that. In Canadian law there was nothing wrong with it. Fortunately, this person was turned back and the Americans charged him with that exploitation. He received 10 years in prison for what is common practice in Canada.

I would hope that all members in this House recognize the problem. and will step up to protect children by supporting Bill C-22.

• (1340)

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill C-22. I am also very aware that all the justice critics need to be in committee for clause by clause of another justice bill right after this, so I am going to truncate my remarks to help get all the right people in the room who need to be there shortly after question period.

I will say at the outset that our party will support the bill. In doing so, we are following up on work that has gone on over a number of years. The Speech from the Throne of October 5, 2004 committed the government to cracking down on child pornography. Similarly, in the previous Speech from the Throne, the former Liberal government committed to reinstating former Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The bill was reinstated on February 12, 2004 as Bill C-12. It was awaiting second reading in the Senate at the time of that Parliament's dissolution for a federal election. In June 2004 the then prime minister reiterated support for reintroduction of the package as the first legislative item in the new Parliament. I know that the former minister of justice, the hon. member for Mount Royal, introduced in the former Parliament Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act. It received third reading on June 9, 2005, royal assent on July 20, 2005, and came into force in its entirety less than a year ago, on January 2, 2006. Bill C-2, then, is built on reforms previously proposed in the former Bill C-12 and proposed reforms in five key areas.

I might reiterate, too, that former Bill C-12, by a procedural motion, a hoist motion, from the then opposition Conservative Party, was prevented from going forward a couple of years earlier.

Be that as it may, when I hear the Minister of Justice incorrectly saying that nothing was done, I have to put on the record that we did strengthen prohibitions against child pornography.

Government Orders

We broadened the definition of child pornography to include audio formats as well as written material “that has, as its predominant characteristic, the description of prohibited sexual activity” with children “where that description is provided for a sexual purpose”. We prohibited advertising child pornography, increasing the maximum sentences and making a number of offences have more bite.

We wanted to protect young persons against sexual exploitation. One of the things that I like in Bill C-22 is that the government has not disposed of that section that was so important, the section that talked about the exploitation of children. It had prohibited sexual activity with young persons between 14 and 18. Under Bill C-2, a court would be directed to “infer that a relationship is exploitative of the young person based on its nature and circumstances, including the age of the young person, any difference of age, the evolution of the relationship, and the degree of control or influence exercised over the young person”.

Consistent with the existing criminal law treatment of sexual assault, that bill focused on the offending conduct of the accused rather than just on the young person's consent to that conduct. That was always the concern, that it was not just an age number, because the age of 14 has been in the Criminal Code and utilized since the late 1800s. It was the “exploitative” nature, and I am pleased that the bill keeps this, because that helps in our being able to come forward with our consent today.

We did increase the penalties for offences against children.

We facilitated testimony not only for child victims and witnesses under 18 years but for other vulnerable victims and witnesses. This is procedural, to help stop re-victimization in the court process.

We created a new voyeurism offence. Today we have those cameras that take pictures; that is why we needed this.

In 2002 we also created the offence of Internet luring under section 172.1 of the Criminal Code. That prohibited the use of a computer system, including the Internet, to communicate with a young person for the purpose of committing a sexual assault against that person. It can and is being successfully charged, irrespective of whether a sexual assault actually took place. The fact of the offending conduct of trying to lure a child via a computer system is what we were getting at and it is there.

Also, just a few weeks back, a private member's bill on increasing sentences passed in the House.

• (1345)

Today's Bill C-22 is an improvement over former private members' bills, no matter how good the intention was. The fact is that now this bill has the five year close in age exception and that will go a long way, I think, in helping us to accept this bill and give our consent to it.

In fact, in our Liberal justice plan announced last week, this was one of the bills that we said would be put forward and given consent by our party, along with the other bills of conditional sentencing and imprisonment, as amended in committee, such as: Bill C-9; Bill C-18, an act to amend certain Acts in relation to DNA identification; Bill C-19, an act to amend the Criminal Code (street racing) and to

make a consequential amendment to the Corrections and Conditional Release Act; Bill C-23, an act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments); and Bill C-26, an act to amend the Criminal Code (criminal interest rate), which was debated in the House last week under the topic of payday loans.

We on this side will add Bill C-22 to that list of bills. There are about 11 government justice bills. This one makes six that the Liberals are prepared to move forward in the Liberal justice plan, although we do not think that these bills are universally perfect. But we could find flaws with all pieces of legislation in the House. There are sections in this bill to do with unconstitutional areas of the Criminal Code, which we could have fixed. The justice minister has chosen not to do that, but at this stage I think the protection of children should be our utmost priority.

Listening in the chamber today was one of the good police officers who has to work in this area. He was kind enough to give some Liberal members a briefing. Unfortunately, his colleague from the federal police services was not allowed to do that, for reasons unknown.

On this side of the House, we as the official opposition are prepared to support this bill. I am prepared now to move on and give my time so that critics from the other parties can all be present in the justice committee for voting measures later this afternoon on another piece of legislation. There is unequivocal support here for Bill C-22.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I will say quickly that the Bloc Québécois is well aware that the issue of sexual predatory conduct and sexual predators is extremely important because it goes hand in hand with the exploitation of children.

Even though we believe that there are already several provisions of the Criminal Code that address this matter, we are prepared to send the bill to committee, to work hard, to listen to witnesses—who may be working in the judicial system, in youth protection or human development—to hear all points of view. In principle, we are in favour of this bill.

At present, in the Criminal Code, there are provisions that prohibit an individual in a position of authority—a teacher, someone responsible for or in charge of children—to have sexual relations of any kind with a child younger than 14.

Government Orders

This provision will be upheld and even given more teeth within the bill. However, a certain number of other provisions will be added. The bill mentions an exception for proximity in age. Persons aged 14 or 15 could consent to non-exploitative sexual activity with persons who are five years older or less. Therefore, a person aged 15 could have non-exploitative sexual relations with a person aged 16, 17, 18, 19 or 20, without any cause for criminal charges.

The other age difference exception is two years. Young people aged 12 and 13 could have non-exploitative sexual relations with partners aged 14 or 15.

The bill also includes a transitional provision, which, on the day this act comes into force, will allow young people aged 14 or 15 and their partners who are more than five years older to legally continue having sexual contact if, and only if, they are married, living in common law relationships or have children, without there being cause for criminal charges.

The whole matter of age of consent to sexual activity is extremely important. Once again, the Bloc Québécois supports the bill in principle and is prepared to send the bill to the Standing Committee on Justice and Human Rights because we want to send a very clear message. We, as a political party, do not accept the sexual exploitation of children—no more than any other party in this House does. The issue of sexual exploitation of children is extremely important to us.

The Criminal Code already has provisions on Internet luring, sexual assault and relations with a person in a position of authority. We think these provisions are used when it is relevant to do so.

The government wants to raise the age of sexual consent to 16 years in general, but have three exceptions for sexual relations where an age difference will be tolerated.

The Bloc Québécois agrees with this. In committee, we will work hard to ensure that the maximum number of witnesses are heard from and that the bill is improved where appropriate.

I will now turn the floor over to my colleague from the NDP so he can talk about this issue before oral question period.

• (1350)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, like the other two opposition justice critics, I will be brief in my comments. I would indicate at the outset, as opposed to some of the comments that we heard from the Prime Minister in public last week, that this is not a bill that any of the opposition parties are intrinsically opposed to. However, I am planning on moving a couple of amendments at committee.

I want to say to the Prime Minister that it was totally inaccurate of him to characterize this bill as one that has been held up by this Parliament or by the justice committee. Today is the first time that the bill has been before the House at second reading. The bill has not been here before. Opposition party members have not had the ability to delay the bill.

Bill C-22 has been sitting on the order paper. It was introduced at first reading back in June. The government, which the Prime Minister leads, has simply sat on the bill for that length of time. He

should not point the finger at the opposition parties as in any way causing a delay with respect to this bill.

The issue of raising the age of consent from 14 to 16 has stirred a great deal of controversy in the country. As opposed to the justice minister's comments, the reality is that the age of consent has not been changed since the turn of the last century, that is when it turned from 1800 to 1900. At that time the age of consent in Canada was 12 years of age. It has not been lowered. In fact, it was raised at that time.

It is appropriate with the additional defences and protections that are in the bill, which is not what we got from the Conservative Party, or the Alliance, or the Reform. It was not in those private members' bills. The government has obviously come to its senses, in part because of a great deal of debate that went on in the justice committee in the last Parliament around the child pornography bill which was before the committee and which was eventually passed by the House. There was a great deal of debate at that time about the age of consent. As a result of the evidence that we heard from experts and people working in the field, this bill moves the age of consent from 14 to 16. At the same time we are building in some defences.

For those people who believe on a moral, ideological or religious basis that youth 14 to 16 years of age should not be engaged in any sexual activity and that we should make it a crime, that is not what this bill does. It never was intended to do that. In fact, if we did that, we would be criminalizing sexual activity of around 200,000 youth 14 to 16 years of age. I want to be very clear to the public that we are not doing that.

The bill also builds in a secondary defence with regard to the nature of the relationship, even where the couple has a relationship of an age grouping greater than five years. That is in a marital situation or where a child is expected as a result of the relationship.

I am proposing to move two amendments. One amendment is to clear up a problem that has been found to be discriminatory by two of our courts of appeal. The Liberal government never got around to amending it and the Conservative government has not either. It is clearly discriminatory, particularly to young people and to the gay community. That amendment is badly needed. It is an appropriate time to do it in this bill. I would appreciate the opportunity to move that amendment at committee.

I will make a final point with regard to the amendments that I will be proposing. Health care workers have a great concern about this bill and the situation of those youth who are in a relationship that is greater than five years and who contract a sexually transmitted disease. Under those circumstances, because of provincial law, people who go in to get treatment and care have to disclose all of their sexual partners. Those youth who did that may very well find that the evidence would be compelled to be used in a court of law against their partner. They would not want to do that and therefore, they may very well resist going for treatment and care, according to the health care workers.

Statements by Members

●(1355)

I will be proposing an amendment to the Canada Evidence Act that will make that information non-compellable. There is precedent for this in our law. It would be a wise amendment. It would protect our youth. It would ensure that they got treatment if they were to contract those types of illnesses and diseases. At the same time, it would protect them in terms of the balance of the bill from being used as bait by predators.

STATEMENTS BY MEMBERS

[English]

PRIVATE BRENT GINTHER

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, it is not every day that we have the opportunity to meet a real Canadian hero, but over the Thanksgiving weekend I did just that when I met Private Brent Ginther from the town of Coaldale in my riding.

This quiet reserved young man had finally arrived home after being seriously injured in Afghanistan on June 12 while serving with the Canadian armed forces. These past months he spent recovering in an Edmonton hospital and has many more months of rehabilitation ahead of him.

Members of the community turned out in force to show their respect and support for Brent. An honour guard greeted him at the airport. A police escort led the limousine procession through the streets lined with yellow ribbons, while hundreds of flag-waving school children and citizens welcomed Brent home. An evening reception put on by the townspeople was organized to support Brent and to thank him for continuing the Canadian tradition of fighting for freedom and protecting those less fortunate.

When I went to his home to pass on the good wishes of the citizens of southern Alberta, he was surrounded by family and friends and was obviously very happy to finally be enjoying the comforts of home.

We all wish Private Ginther a full recovery and thank him for his sacrifice. As Remembrance Day approaches, we will not forget.

* * *

●(1400)

PEACEKEEPING

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, October 23, 2006 marked the 50th anniversary of the Hungarian revolution. The success of the revolution was impaired by the ill-advised Suez invasion launched by Israel, Britain and France on October 29, 1956 which brought the world to the brink of a third world war.

The Suez crisis was defused by future Prime Minister Lester B. Pearson for which he received the Nobel Peace Prize in 1957. His diplomatic solution included the creation of the first United Nations blue helmet peacekeeping force. This marked the beginning of our proud tradition of using peacekeeping to resolve international disputes. Since then, more than 100,000 Canadians have participated in peacekeeping missions.

The world needs more of Canada.

* * *

[Translation]

LITERACY

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, in April 2006, the Conservative government combined adult training, literacy and basic skills acquisition programs. Five months later, it cut funding by \$17.7 million. Yet the government said that skills were essential to productivity and well-being.

The federal government did not hold consultations, nor did it offer an explanation, yet it slyly took it upon itself to exclude nearly a million Quebecers from participating in the economy and the knowledge based society.

The federal government is irresponsible and insensitive, and it lacks long term vision. Is this another expression of its ideological stance on literacy? Since this matter falls under Quebec's jurisdiction, the Bloc Québécois is demanding that the government transfer funds to enable Quebec to support literacy programs for the people who really need it.

* * *

[English]

CLIMATE CHANGE

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, today the former chief economist of the World Bank, Nicholas Stern, sounded the alarm about the environmental crisis we are facing. I will quote: "Climate change...is the greatest...market failure" the world has ever seen. He said that unchecked global warming will devastate the world economy on the scale of the world wars and the Great Depression.

The Conservatives' so-called clean air act, which is dead on arrival, fails to address the climate change crisis. Under their plan, pollution will go up, not down. Ordinary Canadians cannot wait any longer.

That is why the NDP has called on the government to achieve these five critical points: an 80% reduction in Canada's greenhouse gas pollution by 2050; an end to subsidies to the oil and gas industry; a moratorium on new oil sands development; support for an east-west power grid; and most important, encouragement of green investment.

The NDP calls on the House of Commons to act now on the climate change crisis and not wait until it is too late.

JUSTICE

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, on crime and corruption the Liberals have broken their election promises. We all remember that in a deathbed conversion at election time, the Liberals promised they were no longer soft on crime. Yet last week the Liberals on the justice committee voted to let arsonists, car thieves and burglars serve their sentences in the comfort of their own homes.

Conservatives want to replace house arrest with mandatory jail time for serious auto thieves and arsonists, but not if the Liberals can help it. Instead, on crime and corruption the Liberals are flipping and flopping. The accountability bill has now been in the Senate twice as long as it was in the House of Commons. The Liberal Senate wants to bring back big money, reduce access to information and legalize phantom jobs for their friends. They also want to exempt themselves from the new ethics watchdog created by the bill.

It is time they stopped watering down the bill. It is time they kept their promises and supported our tough on crime and accountability—

The Speaker: The hon. member for Etobicoke-Centre

* * *

INTERMENT OF CROATIAN CANADIANS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, I am pleased to welcome to Ottawa, John Marion and the other members of the Committee on Education, Culture and Heritage of the Canadian-Croatian Chamber of Commerce who took part in today's press conference announcing the introduction of my private member's bill, the internment of persons of Croatian origin recognition act.

The bill seeks to officially acknowledge and commemorate the tragic episode in our nation's history when approximately 400 Canadians of Croatian origin were rounded up, interned and used as forced labour in a number of locations during Canada's first world war internment operations.

The prejudice, racism and injustices carried out against members of the Croatian community, who were pioneers encouraged to settle and help build Canada, devastated an entire generation of its community and left a black mark on our common history.

After 86 years, it is high time that the internment operation against Croatian Canadians be properly addressed and the resources set aside to establish educational projects so that present and future generations of Canadians will have the opportunity to learn from this tragic episode in our common history.

* * *

• (1405)

AFGHANISTAN

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I am proud to read a poem about Afghanistan written by Josh Forbes, one of our brave soldiers. It is to the member for Toronto—Danforth.

Statements by Members

You sit there in your quiet home, no fear is in your heart,
You sleep soundly, certain that it won't be blown apart.
Your children they can go to school and play out in the park,
They've never seen a bomb explode, heard air raids in the dark.
They've never seen dead bodies piled up on the street,
Your wife, she won't be beaten, treated like a piece of meat.
You are free to form opinions, read any newsprint you see,
You enjoy your rights and privileges, in this country wide and free.
The reason you can live like that is because I fight your wars,
I fight and push the enemy back, I keep them off our shores.
I'm here and you're there pretending you know best,
Well, ole [member] now listen close, while I get this off my chest.
You have the right to criticize, you have the right to complain,
You don't have the right to drag me down in a stupid political game.
The thing about your rights...the parts you can't comprehend,
Is you work in the very system, the democracy I defend.
I stand on the fences around the world, protecting those who need it
It is not for you to determine...whether or not it's worth it.
Ask the people of Afghanistan—

The Speaker: The hon. member for Verchères—Les Patriotes.

* * *

[Translation]

ADISQ GALA

Mr. Luc Malo (Verchères—Les Patriotes, BQ): The 28th ADISQ Gala was held last night at the St. Denis Theatre in Montreal. Again this year, the event celebrated the vitality and diversity of Quebec's music scene.

Sixty Felix awards were given out to honour our artists' creativity and the originality of their work. There was something for everyone: from Pierre Lapointe's inspired poetry to Simple Plan's internationally successful rock, and from Ariane Moffatt's sensitive lyrics to Malajube's boldness. The gala also paid homage to Quebec's all-time greatest artists: there was a vibrant tribute to Diane Dufresne, a flamboyant woman who embodies emotion, and Robert Charlebois, after 40 years in the business, showed us that he could still rock.

The Bloc Québécois and I would like to express our sincere congratulations to the winners and all of the nominees.

* * *

[English]

SKILLED TRADES DAY

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, I rise today to pay tribute to an extraordinary craftsman who is here in Ottawa in support of Skilled Trades Day in Canada.

Through his work, this man demonstrates that going beyond mere minimum standards in work, effort and materials produces good value and construction permanency. He encourages young people to pursue skilled trade careers to accomplish these ideals.

He is an example of the best of Canada's craftspeople, an authority on home construction and a tireless advocate for improved building standards. He is a determined proponent of building it right the first time. He has established a non-profit foundation which partners with schools, business and governments and offers scholarships and bursaries to encourage youth considering trade careers.

Statements by Members

Also, he gives back to his community and to the world in support of SOS Children's Villages, an international charity that helps homeless children. An accomplished master builder with a social conscience, Mr. Mike Holmes.

* * *

PRIMROSE LAKE AGREEMENT

Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.): Mr. Speaker, just like the Kelowna accord before it, the Conservatives are trying to get out of another agreement with Saskatchewan aboriginal people.

Métis in northwestern Saskatchewan have long deserved justice for being displaced during the establishment of the Primrose Lake Air Weapons Range. The previous Liberal government responded to this call for justice. Working with the leadership of the Primrose Lake Air Weapons Range negotiating committee and its chairman, Alex Maurice, a \$19.5 million economic development agreement was secured to benefit the communities of Jans Bay, Cole Bay, Ile-à-la-Crosse and Beauval.

However, the Conservatives, in tandem with the NDP and the Bloc, threw the agreement into jeopardy by forcing the last election. The former Conservative MP from my riding repeatedly stated that a Conservative government would honour the agreement, pledging this to even Métis elders and yet 10 months later there is no action, only stall and delay tactics.

These Conservative tactics are inexcusable and an insult to the Métis elders and communities. In the name and the honour of the Crown, the government must honour the Primrose Lake agreement.

* * *

• (1410)

[*Translation*]

AFGHANISTAN

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, today the Minister of National Defence and the Minister of International Cooperation will send off 78 soldiers stationed at the Valcartier military base, who will be joining 2,300 members of the Canadian reconstruction team already in Afghanistan.

We should remember that the sole objective of our troops on the ground is to help rebuild Afghanistan and to establish a healthy social and political climate for the Afghan people. There is no doubt that these efforts are bearing fruit, as was pointed out by President Karzai in this House when he was in Canada.

These efforts are part of the Canadian military's longstanding tradition, which dates back to the founding of our nation, of seeking to bring peace, democracy and justice to the four corners of the earth.

Our new Canadian government is proud to unanimously support our valiant and courageous men and women stationed in Afghanistan.

[*English*]

AGRICULTURE

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, what is happening to our Canada? The future of our country is slowly being decided behind closed doors in secret meetings, with no public input and no reporting to the press.

The security and prosperity partnership of North America was launched in 2005 to fast track the deep integration of Canada, Mexico and the U.S. Secret meetings have been held as lately as September this year.

The emerging pattern is disturbing. We have bowed to U.S. pressure to sign a bad softwood lumber deal. Our troops are now in a U.S. led search and kill mission in Afghanistan and the Conservative government is doing something the Americans have been trying to do for a long time: to dismantle our farmer run Canadian Wheat Board.

The future of agriculture and our rural way of life is being dictated by big government without a vote by farmers. In essence, a very blatant attempt is being made to transform Canadian society. We must not let this happen.

* * *

CIRCLE OF CANADIANS

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, on November 1, my colleagues, the members for Charleswood—St. James—Assiniboia and Ottawa Centre, and I will co-chair the third annual Circle of Canadians benefit dinner. This year's proceeds will go to the Ottawa Food Bank and the Snowsuit Fund.

In addition to its generous support for charities, the Circle of Canadians celebrates cultural diversity. It brings together Canadians from every origin in the spirit of understanding, open-mindedness and respect.

As we know, benefit dinners do not happen by themselves. I, therefore, wish to pay tribute to the entire board of directors of the Circle of Canadians. I also wish to single out the constant devotion of its vice-president, Salma Siddiqui, whose ceaseless efforts have made this year's dinner a sold-out event. Ms. Siddiqui epitomizes the value of volunteerism and of responsible citizenship. I salute her and her fellow board members and look forward to a most pleasant and worthwhile evening this Wednesday.

* * *

[*Translation*]

INUIT CHILDREN

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, the report of the Canadian Human Rights Commission has sounded the alarm. Inuit children in Nunavik live in terror. They are victims of physical violence, incest, repeated sexual assault and substance abuse.

The worsening shortage in housing and specialized facilities as well as promiscuity often force youth to return to live with their aggressors.

Canada is a signatory of the UN Declaration on the Rights of the Child. Why is it not providing Inuit children with the protection to which they are entitled? It is possible to tackle this violence, to provide security and to assist in the development of Inuit children by providing them with safe homes, among other things.

The Bloc Québécois urges the government to take concrete action to improve the living conditions of Inuit youth by making a serious investment in the construction of housing in Nunavik.

* * *

[English]

NAVY APPRECIATION DAY

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, I am pleased to speak in the House today in recognition of the Navy Appreciation Day being held on Parliament Hill.

Navy Appreciation Day is an all party event designed to recognize and thank members of Canada's Navy for their important work and their sacrifices for our country. All members are welcome to attend the reception this evening in the reading room, 237-C, at 5:30 p.m.

The Navy League of Canada has organized tonight's reception. The league is a volunteer organization and part of its mandate is providing programs for youth: the Navy League Cadets and the Canadian Sea Cadets.

I invite members to attend this event and to mark the invaluable contribution of the members of Canada's Navy and, indeed, of all our Canadian Forces.

* * *

●(1415)

FEDERAL ACCOUNTABILITY ACT

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, today is day 131 of the Liberal Senate's deliberate delay of the toughest anti-corruption law in Canadian history, the federal accountability act.

Canadians were sickened to hear of bundles of cash in brown envelopes being passed from Liberal to Liberal in the sponsorship scandal, which is why our Conservative government moved immediately to ban big money in politics. We banned all donations over \$1,000, banned corporate and union donations and banned cash donations of more than \$20.

Sadly, the Liberal Senate has moved to undo this good work by allowing big money to creep back into politics by doubling the \$1,000 limit.

The Liberals should be ashamed for allowing their senators to do their dirty work. Canadians will not allow an unelected and unaccountable Liberal Senate to stand in the way of accountability.

Oral Questions

ORAL QUESTIONS

[English]

GOVERNMENT LEGISLATION

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the government, having failed to govern effectively, is now trying to shift the blame onto the opposition. Canadians did not want the Prime Minister to have a majority, yet he insists on acting like he has one: no consultation, muzzling anyone who disagrees and then complaining when he does not get his way.

Why does the Prime Minister not follow his own advice of two years ago, when he said Parliament was supposed to run the country and not just the leader of the largest party, and start working with the majority in the House who want to accomplish things for all Canadians in our country?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the federal accountability act, the Leader of the Opposition will remember that this bill passed the House, after three months of considerable debate and amendment, without a single member standing in opposition to that.

If the hon. member really wants the elected Parliament to run the House, then he should stand up and say where he actually stands on the issue rather than leave it to his unelected senators to undo the work of the House.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, as the right hon. Prime Minister well knows, it took his unelected senators to pass 42 amendments because he could not do them properly in the House of Commons.

Meanwhile, we have offered to pass all six pieces of anti-crime legislation right away. The Prime Minister's response was, first, to take a cheap shot at the opposition, in front of the President of Mexico, which must have really impressed him, then to pretend the opposition would not pass his crime legislation.

When will the Prime Minister end his government's counter-productive arrogance and overly partisan approach and start seeking ways to make this minority Parliament work the way members on this side of the House would?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again the Leader of the Opposition keeps misrepresenting the facts. In fact, when we were debating mandatory prison sentences for gun crimes this spring, most of the members of the party opposite voted against that measure.

If I could clarify, if the Leader of the Opposition is now prepared to give consent to that bill, are those members prepared to reverse their position and support mandatory prison sentences for gun crimes? That is what Canadians voted for.

*Oral Questions**[Translation]*

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, I would remind the Prime Minister that two years ago, he said that the official opposition's responsibility was not to support the government's entire program. It is interesting to see just how much this Prime Minister has been changed by power. He promised consultation and cooperation; now he prefers threats and confrontation.

Two out of three Canadians voted for the opposition parties. If he really wants to move things forward, why has the Prime Minister not once tried to consult the three opposition leaders on a bill?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the people of this country voted for accountability. The people voted for a more effective criminal justice system that is tougher on real criminals. They did not vote for the Liberal government's record of corruption or for management of this Parliament by an unelected Senate.

* * *

• (1420)

JUSTICE

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, the Prime Minister and the Minister of Justice still have not learned that leading a minority government takes more than partisan slogans and ideological obstinance. The government not only has to make decisions based in fact, it also has to consult. The Liberal opposition has offered to pass six justice bills immediately.

When will the Prime Minister agree to put public safety ahead of his own partisan interests?

[English]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we welcome the fact that they are willing to pass at least five of those bills, and they should do it immediately.

In respect of the sixth, what they did was gut the bill and allowed arsonists, break and enter artists and auto thieves to go back on house arrest. Canadians find that simply unacceptable. If they restore Bill C-9, we will pass all six.

[Translation]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, the minority government seems to want to ignore the facts and cling to its American ideology of law and order.

Statistics Canada reported that the average number of young people in detention and on probation has continued to decline. Yet the government is again opening the door to prosecuting more and more young people and incarcerating them for longer terms.

Why does the government have no program to help vulnerable young people and support families?

[English]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, what I do know is that Canadians are tired of the crime on the streets. They are tired of people stealing their cars over and over again and going home under house arrest.

Canadians want to see change. They do not think that arsonists should be under house arrest. They do not think that people who break into their homes should be under house arrest.

I ask the members opposite to support the initiatives, not because we want them but because Canadians want them.

* * *

*[Translation]***THE ENVIRONMENT**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a report written by a former chief economist of the World Bank, Nicholas Stern, indicates that climate change will cost us, on a global scale, \$7,000 billion. British Prime Minister Tony Blair expressed his concerns and said the report was a wake-up call for immediate action against climate change.

Since the Prime Minister does not seem to accord any credibility to what environmentalists are saying, will he accord some credibility to Prime Minister Blair's statements and introduce real measures to reach the Kyoto objectives?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am told that, in his report, the author often criticizes the Kyoto protocol. Progress is crucial, which is why we introduced the clean air act in this House. That act will reduce pollution and greenhouse gases. I hope to have the Bloc Québécois' support for a mandatory greenhouse gas reduction program.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister is not listening to environmentalists or economists, or even Tony Blair. Perhaps he will listen to the military experts whom he usually trusts. According to these experts, because of global warming, which is causing accelerated melting of ice in the Arctic, the Northwest Passage will be navigable beginning in 2015, less than 10 years from now.

Will the Prime Minister finally make up his mind to introduce measures to immediately and quickly reduce greenhouse gas emissions, which are responsible for climate change?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, we are in the process of developing a made in Canada plan. I know the leader of the Bloc wants to use the American dollar. Now he wants British environmental policies. However, we intend to create policies that work for Canada.

Oral Questions

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Conservative government refuses to give the Government of Quebec the \$328 million needed to implement its environmental plan to achieve the Kyoto protocol objectives. To justify the fact that it is penalizing Quebec, the government is blaming the Liberals.

How can the government deprive Quebec of \$328 million for the environment and blame it on others? What is stopping the government from immediately giving Quebec the \$328 million it needs?

• (1425)

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, although we recognize that Quebec has a good environmental plan, our government is concerned about the Government of Quebec's approach, which promotes voluntary agreements with industry. This is not acceptable to us or to Canadians or Quebecers. We need to adopt a strict national regulatory framework for all industries.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, we on this side of the House are concerned about the federal government. The federal government will give more than \$500 million to Ontario, which does not have a plan for implementing the Kyoto protocol, but it refuses to give \$328 million to Quebec, which does have an implementation plan.

Will the government admit that this is precisely what it would do if it were setting out to prevent Quebec from achieving the Kyoto protocol objectives?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, even Mr. Boisclair and his supporters agree with our government's approach. We have been saying for a long time now that the health of Canadians and Quebecers is linked to air quality. The PQ has just taken a political position on the air quality bill.

I have the following question for the Bloc: does it have permission from the real leader to speak now?

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister's clean air act is dead in the water. We have watched for 13 years as the Liberals and the Conservatives dither and bicker over climate change while the air that Canadians breathe gets dirtier and dirtier.

Climate change is the number one threat to Canadians and to the planet, yet we have a government that has no workable plan to get things done. It is not acceptable. We have to do better than this.

Is the Prime Minister ready to meet with the NDP in the next 24 hours to construct a plan to deal with climate change that will pass in the House?

Right Hon. Stephen Harper (Prime Minister, CPC): I would not do it in a hotel room in Toronto, Mr. Speaker.

The leader of the NDP began this Parliament by saying that the number one air quality concern of Canadians was smog. Now he says that it is greenhouse gases. We believe it is both, which is why the clean air act covers both.

The government is determined to move ahead with a long term plan to reduce emissions of both these gases. If the NDP wants to sit down and discuss how we could do that better, I am certainly willing to do that with him.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I hope the Prime Minister is serious, because there is an urgent need for action. The Stern report on the impact of climate change is proof.

Is the Prime Minister ready to work with the NDP to establish a comprehensive and effective plan that can be adopted by this Parliament?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am always serious. In fact, the media seem to think that is one of my problems.

Nevertheless, I am always ready to meet with the leader of the NDP to hear his ideas.

* * *

[*English*]

GOVERNMENT ACCOUNTABILITY

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, another Conservative promise made, another Conservative promise broken.

From the first day the accountability act was introduced in the House, the Prime Minister pretended his party would follow its own rules. It did not.

We now know that the very day the Conservatives tabled the bill, they were raking in tens of thousands of dollars in cash, all exceeding donation limits they had just promised to keep. Once again, the government thinks it can say one thing and do another.

Why should Canadians believe one word of the government's accountability rhetoric when it clearly does not even follow its own rules?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I am always pleased to get questions from the member for Hotel California. When he is not here in Ottawa, he is consulting with senior Republican officials south of the border.

Since April 11, when we brought in the federal accountability act, the Conservative Party of Canada has been voluntarily complying with that act. It is very different from the Liberal Party of Canada that continues to rake in big corporate cash and big cheques. What the Liberals are doing is trying to delay the federal accountability act from applying to them. That is acting in the political interest and not in the best interest of Canadians.

• (1430)

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, maybe the minister, who is supposed to be responsible for accountability, could actually show some and finally answer a question.

Oral Questions

Let us be clear. The Prime Minister made a commitment to follow the rules of the accountability act from day one. From the first day it was introduced and afterwards, the Conservatives did not. He made a promise and he broke it. He upheld a principle and he broke it to the tune of tens of thousands of dollars. The Conservatives made a joke of their commitments and tried to mislead Canadians.

There is a fundamental issue at stake here. If the Prime Minister broke his word on this, how can he be trusted? Why did he mislead Canadians and why did he make a promise he had no intention—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, very simply, the Conservative Fund Canada has voluntarily adhered to the guidelines in the federal accountability act since April, an act that the Liberal Party is holding up in the Senate.

Does the Liberal Party favour these donations or not? It is time the members stopped sucking and blowing at the same time.

* * *

CHALLENGER JET USE

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, the minority Conservative government's obsession with secrecy and silencing public servants has spread to National Defence.

When asked by journalists to provide information on the Prime Minister's partisan political use of Canadian government jets, defence department officials were ordered by the powers to be to hide the true cost of the trip.

Why is the government muzzling defence department officials? Was the minister ordered by the PMO to participate in this Challenger cover-up?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, there has been no political interference at all within the practices of DND, which were originally set by the Liberal Party. We are following precisely the rules set by the previous administration.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, information previously available through access to information is now regularly blacked out, just like the names on these flights. Derek Burney's name was scrubbed from the Stealth flight to Washington. The names of the Conservatives who took joyrides to Halifax and went to hockey games with the Prime Minister are gone.

Last year the Conservatives said it cost \$11,000 per hour to operate these flying limousines. Now they only claim 10%. Why will the government not release the passenger list? Will the Conservative Party settle its outstanding bills?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, as I said, we are following the practice of the previous government. We have paid for any flights that were not on official government business. I want to point out that the previous government was using Challenger jets at twice the rate that this government is.

[*Translation*]

JUSTICE

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the Minister of Justice said that he thinks the best way to improve public safety and restore confidence in the justice system is to put people as young as 12 in jail.

Does the Minister of Justice realize that his radical, repressive approach is misguided and that Quebeckers prefer re-integration and rehabilitation?

Quebeckers do not want to send 12 year olds to jail. Is that clear?

[*English*]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, there are no plans to change the law in that respect, and I have never said that we would.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, this government's philosophy is worrying and contradictory. The Conservatives want more people in prison for longer, yet they want more arms circulating freely.

Instead of following in the footsteps of right-wing American Republicans, the Minister of Justice would be better off finding inspiration in Quebec, where people recognized a long time ago that a preventive approach, with fewer arms in circulation, is better.

Is that not more logical?

[*English*]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this government supports alternative measures, but when it comes to adult repeat offenders who violate the safety of Canadian citizens, all Canadians, including Quebeckers, do not approve of the fact that those individuals should be on the street. Individuals who threaten the safety of our Canadian people on a repeat basis should be incarcerated.

* * *

● (1435)

[*Translation*]

TELECOMMUNICATIONS INDUSTRY

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, yesterday, the president of ADISQ, Paul Dupont-Hébert, denounced the government's decision to raise the ceiling for foreign control in the telecommunications sector. He fears, and with good reason, that such an increase will prompt the relocation of decision making centres and increased control, especially by Americans, over our culture here.

With its chosen approach, is the government aware of the risks involved, not only to our culture, but also to our ability to choose the content?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, regarding telecommunications, this government has outlined its policy before Parliament and before the committees of the House.

Oral Questions

I would like the Bloc Québécois to work with us for once, to ensure that this policy is passed by Parliament as soon as possible.

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, the president of ADISQ also denounced the cuts made to the budgets that allow troupes to tour internationally. When we asked the Minister of Canadian Heritage and Status of Women if the budgets for troupes had been cut, she said no. Yet, \$11.6 million out of \$17 million was cut from the Department of Foreign Affairs' public diplomacy fund.

Troupes are already feeling the effects of those cuts. So, how can the minister deny this evidence?

[*English*]

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the department's arts program was in fact briefly put on hold while an entire government review of expenditures was under way. Subsequent to that, we have resumed funding for artists for international touring through the arts promotion program.

In addition, my colleague, the minister responsible for culture, has announced that the budget for the Canada Council for the Arts will be augmented by over \$50 million in the next two years.

* * *

[*Translation*]

MINISTERIAL EXPENSES

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec must explain how his political adviser, Normand Forest, was hired.

Through his company, Mr. Forest was given a government contract at \$1,000 a day for 24 days, from March 7 to March 31. In the middle of the contract, Mr. Forest was hired as an employee of the minister's office, beginning on March 14, 2006.

How can the minister justify the same employee getting two paycheques at the same time?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I would have thought the member had a little more class.

That is false, Mr. Speaker. I will say it again: it is false and false. Normand Forest was in fact employed by us, on contract, during the month of March. His work as an employee then began on April 3, and he was paid a salary only as of April 3.

As for this register that so much is being made of, contrary to what is being said, it is a register of government services. And I have noted that it does indeed say that Mr. Forest started on March 14, 2006. I have also noted that I have been employed by the government since the first of—

The Speaker: The hon. member for Notre-Dame-de-Grâce—Lachine.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, by his own words, the minister has confirmed the facts I stated in my previous question.

[*English*]

Can the minister explain to Canadians why he gave Normand Forest \$24,000 for 24 days? What exactly did Mr. Forest do during that period?

Why did he put him on full time salary, according to the government's own Internet site, while he was still being paid for this contract? Was it to give Mr. Forest a salary that exceeds Treasury Board guidelines?

Last Friday in this House, the Parliamentary Secretary to the Prime Minister refused to defend the minister. Will he—

The Speaker: The hon. Minister of Labour.

[*Translation*]

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I will tell this House again that this is false. Mr. Forest worked on contract for the month of March and started as an employee in my department on April 3. The pay stubs prove this.

As for the register that so much is being made of, it is a government electronic directory; it is a register of services. It says that Mr. Forest has been employed since March 14, 2006, but it says about me, the Minister of Labour, that I have been employed by the government since November 1, 2003. Can someone explain this for me?

As well, it says that the member for Bourassa, herself, has been employed—

The Speaker: The hon. member for Brampton—Springdale has the floor.

* * *

● (1440)

[*English*]

HIV-AIDS

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, the Prime Minister embarrassed Canadians this summer by snubbing the international AIDS conference held in Toronto. He thought it was "too political". That is a pretty weak excuse for a politician.

We were told the funding announcement would follow shortly. The summer has come and gone and we are still waiting. The Minister of Health will still not announce Canada's funding commitment for HIV-AIDS. When will the minister get out of semi-retirement, get to work and start delivering results for health care for Canadians?

Oral Questions

[Translation]

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, AIDS is a major barrier to development in countries that need our help. To combat this scourge, the government has contributed \$250 million to the Global Fund to Fight AIDS, Tuberculosis and Malaria since it took office; 60% of those funds will be allocated to fighting AIDS.

As well, the Prime Minister announced at the G-8 summit that CIDA will be spending \$450 million over 10 years to improve health care systems in Africa.

[English]

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, that is well and good, but what about Canadians in Canada who are dying of HIV-AIDS?

Whether it is on wait times, drug coverage, immunization, and now AIDS research funding, the government just has not delivered. Health care remains a missing priority, with no action and no leadership.

Canadians want to know the real reason there has not been an AIDS announcement. Is it because the Conservative government has made the choice to not help those who are dying of HIV-AIDS?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the hon. member is incorrect. In fact, this government has put in an extra \$472 million for HIV-AIDS sufferers in Canada that will go to support programs for vulnerable people, research, surveillance, public awareness and evaluation.

After 13 years of Liberal inaction, AIDS sufferers in Canada have a government that looks after their interests.

* * *

LABOUR

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, Canada's Labour Code contains standards that are over 40 years old, standards designed for the longer term, 9 to 5 sort of work. As such, it fails to protect the self-employed, contract workers, temporary workers and the more modern reality of workers.

Can the Minister of Labour explain to the House the importance of tabling the Arthurs report on reforming part III of the Canada Labour Code?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, we know that today is an important day for Canada as Professor Harry Arthurs has tabled his report which contains 172 recommendations for amendments to Part III of the Canada Labour Code, specifically labour standards.

We will now examine his recommendations and consult our partners—employers, unions and employees—to determine if there is a consensus and, if there is, we will soon amend the legislation.

[English]

NATIONAL DEFENCE

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, the NDP has learned that the chief of the air staff had serious concerns about the emphatic language used to counter suggestions that Canada would be deploying CF-18s to Afghanistan. Internal emails state, "CAS is concerned that this statement has painted us into a corner for the future, if for instance, our allies who currently provide support pull out and leave...".

Could the minister please explain why his generals were concerned by the categorical denial that CF-18s were to be deployed?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, there has been no recommendation to deploy CF-18s. They will not be deployed unless there is an operational requirement. At this time, there is no operational requirement.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, the chief of the air staff and the embassy in Washington were pretty sure that Canada would need CF-18s in Afghanistan, but the minister has indicated he knew nothing of the issue. Yet his department ordered up a million dollar, sole source contract to ready the fighter planes.

Earlier this year, we heard repeated denials that the Leopard tanks would be deployed, yet they were.

The minister has admitted he did not read his briefing book.

Is this just another example of the minister not really knowing what is going on in his department?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, recently we made a commitment to NATO that we will have six CF-18s ready for NATO if it requires us. That is why the money was spent to fix up these CF-18s.

* * *

● (1445)

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the government's muzzling continues. For the first time ever, Canada's minority Conservative government is refusing to include environmental, aboriginal and industry representation in the official delegation to the next Kyoto conference in Nairobi.

Including these groups was a practice started 14 years ago. Is the environment minister expecting so much controversy at the Kyoto conference that she just does not want any real environmentalists around to contradict her?

Oral Questions

Hon. Rona Ambrose (Minister of the Environment, CPC): In fact, Mr. Speaker, our government appreciates all of the consultations we have, both with industry and with environmental groups. In fact, more than 80 Canadian organizations are accredited observers in Nairobi. I understand that at this point 31 of them are confirmed to be attending to date. We not only look forward to consulting with them here before we leave, but we will also be giving briefings on location in Nairobi.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, since the government will not amend its no fly list to include environmental groups as part of the Canadian delegation, what about members of Parliament? Canadians deserve to be represented at this important international conference by parliamentarians who actually believe in Kyoto, not just by Kyoto's enemies.

Will the minister include representatives of all parties in the Canadian delegation, as has been the case every time in the last 14 years?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I think he is fishing for an invite to Kenya, but what I will say is that we continue to work with all opposition parties on the Canadian submission on these issues.

We look forward to hearing from the members about their views before we leave so that we can make sure we represent Canada on the international stage, including all of the concerns the opposition has. I would ask the member to please approach me at any time with his concerns.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, we know that some of the biggest emitters of greenhouse gases in Canada are Ontario's coal-fired electricity plants. Canada's minority government is ignoring that fact. Ontario is still waiting for the \$540 million that was set aside by the previous Liberal government to help it close those plants.

Why has the minority Conservative government not paid its share to shut down coal-fired electricity production in Ontario?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, as members know, we have introduced legislation that would apply to all the industry, including the electricity sector. We will be talking with the OPG, the Ontario Power Generation, about the concerns we have about not only the greenhouse gas emissions that they have but also the pollution issues coming out of the electricity sector.

I would encourage the hon. member to work with us and encourage Ontario to come to the table to support the new regulations we will be putting in place.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Ontario had a clean, clear, specific deal: \$540 million from the federal government to shut coal-fired electricity production down.

The minister knows that the \$540 million had nothing to do with transfers, equalization, health care, education or any other support from the federal government to the Ontario government. This is something that will really deliver clean air for Ontario.

When will the minister deliver the money? Where is Ontario's money?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I know the premier of Ontario is grumpy about some things but the one thing he should not be grumpy about is the funding of the Canada-Ontario agreement which is fully funded in budget 2006. Not only that, but we recently signed an agreement on the collection of corporate taxes that will save businesses in Ontario \$100 million a year.

Not only that, but the Canada-Ontario agreement, thanks to the Prime Minister, was extended for an additional year. It is now six years fully funded.

* * *

[Translation]

ABORIGINAL AFFAIRS

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, aboriginal housing is so dilapidated and in such disrepair that in a number of areas you would think you were in the third world.

Given that aboriginal housing is a federal responsibility, the lack of interest of the Minister of Indian Affairs and Northern Development in the inhumane living conditions of aboriginal peoples is scandalous.

With surpluses accumulating, how could the government show up empty-handed at the Mashteuiatsh forum and have nothing better to say than, and I quote the member for Lévis—Bellechasse, "everything is already in the works".

● (1450)

[English]

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, the Minister of Indian Affairs and Northern Development was very proud to be a co-sponsor of the socio-economic forum at Mashteuiatsh. He took part in a meaningful way and was very proud to be a part of the deliberations there.

In relation to housing, the minister has moved forward with one of the largest announcements we have seen in many years: \$300 million for northern housing and \$300 million for off reserve housing.

We are taking action and we are very proud of that.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, one of the major issues discussed at this forum was the dire shortage of housing on reserves, an area of federal jurisdiction.

How is it that the Minister of Indian Affairs and Northern Development, who has responsibility for aboriginal peoples, was not in attendance at the forum on the very day that the housing shortage on reserves was debated in a workshop?

Oral Questions

[English]

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, the Minister of Indian Affairs was very proud to be a co-sponsor of this event. Meaningful things came from this event, including deliberations on housing.

Our government has moved forward with important funding announcements: \$300 million for northern housing, \$300 million for off reserve housing, as well as a \$450 million package, which is one of the largest investments we have seen in the last 10 years.

* * *

[Translation]

THE ENVIRONMENT

Hon. Jean Lapierre (Outremont, Lib.): Mr. Speaker, after tearing up Kyoto, this government is now rejecting the Stern report, which proposes an emergency plan to prevent the anticipated disasters due to global warming.

Despite another red alert, why is the government continuing to stick its head in the sand and refusing to do anything before 2050? That will be much too late.

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the report stresses that there has been a lack of progress made worldwide on this issue. In fact, it is something our government has said clearly and repeatedly from the beginning that there has been a lack of progress in Canada under the previous government, particularly in relation to the Kyoto protocol.

The report also says that, "strong deliberate policy decisions need to be made to motivate change".

What we need are regulations. We need to regulate industry to cut its pollution and its greenhouse gases, which is exactly what the government is doing.

* * *

SKILLED TRADES

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, as we know all too well, in economically heated market areas across Canada there is a great need for skilled tradespeople.

On this National Skilled Trades Day, could the Minister of Human Resources and Social Development tell the House what initiatives Canada's new government has taken to encourage more Canadians to enter into apprenticeships and the skilled trades?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we recognized more and more that Canada's growth would be dependent upon people entering the skilled trades, from welders and carpenters to hairstylists and chefs, which is why, within the first 100 days of taking office, Canada's new government introduced three bold new initiatives that will benefit over 800,000 apprentices and tradespeople.

The apprenticeship incentive grant, the apprenticeship job creation tax credit and the tradespeople's tool tax deduction are just three examples of how Canada's new government is taking action.

* * *

THE ENVIRONMENT

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, we are back to the British government report which says that unchecked global warming will devastate the world economy on the scale of the Great Depression. The report says that the world could lose up to 20% of GDP if greenhouse gases continue to rise.

Now that the first comprehensive economic based report on climate change has been completed, does this do what those countless other scientific studies could not, which is to force the environment minister to take climate change seriously as an environmental and as an economic issue?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, what motivated us to take serious action was the call from Canadians. They were worried about smog days and about the increase in greenhouse gases by up to 35% under the former government, which is why we have already moved to regulate every industry sector across the country for both greenhouse gases and air pollution.

That is the kind of deliberate policy choice that will motivate change and the kinds of policy decisions that this report calls for.

● (1455)

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, the minister's climate change plan just does not cut it. It needs a major overhaul and the NDP is willing to help.

The Stern report says that climate change is the greatest market failure the world has ever seen. British Prime Minister Tony Blair says that unless we act now, not some time in the distant future but now, these consequences will be irreversible.

The U.K. Prime Minister gets it. The NDP gets it. It is just the environment minister who does not. Will the Minister of Finance look past the oil patch and toward the future? Will he make a real plan for climate change?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I look forward to working with all members of this House on our new legislation that would regulate both greenhouse gases and pollution. It is what Canadians want and what Canadians deserve. If the NDP members have good ideas, I look forward to hearing from them.

*Oral Questions***ATLANTIC CANADA OPPORTUNITIES AGENCY**

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, since January, politics is rampant in ACOA, in the timing of announcements, the minister's arrogant attitude toward criticism and in the appointment to key public service positions. The former chief of staff to former premier Lord in New Brunswick has been appointed the vice-president of ACOA. Now we hear a political operative from Premier Binn's office will be appointed to a similar position in P.E.I.

Are Atlantic Canadians really expected to believe that the only qualified people to lead ACOA reside in the offices of tired Conservative premiers? Will the Prime Minister assure this House that he will not parachute any more partisans into a comfortable landing at ACOA?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, that is, as is always the case with the member opposite, patently false. The position which he spoke of in New Brunswick was filled by a competent, long serving member of the public service who went through an advertised, competitive process, advertised on the ACOA website, and decided upon by an independent board that was appointed by the previous government.

This type of allegation is completely untrue. We are doing things differently. We are putting competent, professional public servants in place to administer the programs in Atlantic Canada.

* * *

CITIZENSHIP AND IMMIGRATION

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, for 13 years the Liberals were shamefully breaking the promises they made to immigrants and Canadians. They promised to increase immigration but left 800,000 waiting in line to come here. The Liberals closed the funding that helps admitted immigrants improve their English or French languages as well as adapt to life in their communities.

Could the Minister of Citizenship and Immigration tell us whether new immigrants have a cause for hope that is not repeating the mistakes of the old Liberal government?

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, immigrants have lots of cause for hope and the member did not go far enough. The Liberals introduced the head tax and then broke their promise to cut it. They promised to give work permits to off campus students but they broke that promise.

Under this new government, we have cut the head tax in half. Students can now get those off campus work permits. The Minister of Human Resources is working on foreign credentials. We have passed \$307 million in new spending for settlement funding, something the Liberals voted against. They should be ashamed.

* * *

CANADIAN WHEAT BOARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the Minister of Agriculture has indicated that his stacked task force has tabled a report with him on the Canadian Wheat Board.

Will the minister at least confirm to the House that whatever recommendations are considered will not happen unless and until the farmers have a vote on a clear question as related to that report?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, Canada's new government is committed to marketing choice for farmers and we are also committed to a strong voluntary Wheat Board, something that farmers want and something that this side of the House is very determined to make happen.

I was very pleased that I could make the task force report public today. I am sure farmers and other industry experts, perhaps even the member for Malpeque, will find something interesting in there. I look forward to contributions as we examine that report.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the newspapers report that Jean Bosco Rwiyamirira, a Rwandan who was named volunteer of the year in Quebec in 2005 and who sought political asylum, was deported from Canada on October 3. He has reportedly been imprisoned in the Rwandan capital for more than a week now. His children, aged 10 and 14, who were deported with him, have apparently been left to their own devices in Africa.

How can the government justify the decision to deport this Rwandan, given that he had sought political asylum because he feared for his safety in his country of origin?

● (1500)

[English]

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, when refugee claim applications are made, these applications are all determined by independent officers. If someone meets the criteria as a refugee they are accepted. Pre-removal risk assessments are also done to determine if people are in danger.

If there are incidents where people will be endangered when they are returned to their home countries, obviously Canada will do everything it can to ensure their safety.

* * *

LABOUR

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, Canada's manufacturing sector is being decimated and governments are standing idly by as industrial plants close and their workers become Wal-Mart greeters.

Speaker's Ruling

In the last Parliament, all parties agreed that the wages, pensions and collective agreements of workers needed to be protected when companies shut down.

Bill C-55 passed through the House but the Liberals refused to proclaim it into law.

If the government will not live up to its responsibility to develop an industrial strategy to save Canadian jobs, will the Minister of Labour at least do right by Canadian workers and bring forward the bill that would protect the benefits they have already earned?

[*Translation*]

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, to effectively protect workers when a company goes bankrupt, we are looking at a bill where people could receive up to \$3,000. We are currently drafting the procedures, and we should be able to report on our progress to this House very soon. We hope to be able to do so by Christmas.

* * *

[*English*]

PRIVILEGE

DECORUM—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on Wednesday, October 25, 2006 by the hon. member for Wascana concerning comments allegedly made by the hon. Minister of Foreign Affairs last Thursday, October 19, 2006.

[*Translation*]

I would like to thank the hon. member for raising this matter as well as the hon. Government House Leader for his response for it gives me the opportunity to clarify the very limited role that the Speaker can play in situations of this sort.

[*English*]

First, let us review the events to date. On October 19, the hon. member for Bourassa rose on a point of order to object to remarks he alleged were made by the hon. Minister of Foreign Affairs. He was supported by the hon. member for Ajax—Pickering. Since I had not heard the remarks complained of, I undertook, as I would usually do in such cases, to review the record and return to the House if necessary.

On October 20, the hon. member for Newmarket—Aurora rose on a point of order and, quoting Standing Order 18, sought an apology for offensive and disrespectful remarks allegedly made by the Minister of Foreign Affairs the previous day. The Chair responded as follows:

—the news of these statements is something that is new to me because I did not hear the comments or see any of the gestures that are alleged to have taken place.

My staff have carefully reviewed the audio tapes of question period and the written transcript of *Hansard*, which I myself have seen, and of course there is no reference to these words in either. So I am unable to confirm any of the suggestions that have been made. I know several members say that they heard these remarks.

However, in the circumstances, there is nothing further I can do at this time.

Now the House leader of the official opposition has risen on a question of privilege on this same matter and has provided the Chair

with affidavits signed by several hon. members stating that they heard the offending remarks.

In the meantime, of course, as the House knows, audio clips of the October 19 proceedings have been aired in the media. Indeed, a transcript of one such report has been sent to me by the hon. member for Newmarket—Aurora.

However, last Wednesday, when asked by the hon. House leader of the official opposition to apologize, the hon. Minister of Foreign Affairs replied:

I made no such gesture. I made no derogatory or discriminatory remarks toward any member of the House.

[*Translation*]

The hon. member for Mississauga South argues that the Chair might refer this matter to the Standing Committee on Procedure and House Affairs so that the Committee can get at the truth in these competing claims. Even if I were so inclined, it is not for the Chair to refer matters to a committee but for the House to take that decision.

• (1505)

[*English*]

Historically, when a member has made a remark considered unparliamentary or inappropriate, the Speaker has asked the member to withdraw or rephrase the comment. Standing Order 18 prohibits disrespectful or offensive language against a member of the House and, as Marleau and Montpetit states at page 522:

A member will be requested to withdraw offensive remarks...directed toward another member.

[*Translation*]

But such action by the Chair—that is, requesting an apology or a withdrawal—is predicated on a common agreement about what actually took place, either because the exchange appears in the official record or because both parties acknowledge that the exchange took place.

[*English*]

In this case, the official record is not helpful and the Speaker is faced with a dispute, indeed a contradiction, about what actually happened. Some hon. members insist that they heard the offensive remarks; the hon. minister denies making them.

In examining the precedents, I find guidance in a ruling delivered on December 12, 1991 by Mr. Speaker Fraser. At pages 6218 and 6219 of the *Debates*, he stated:

The Chair is faced with a dispute and is unable to resolve it. When the official records are not supportive of the allegations, I am convinced that it is not the duty of the Chair to try and resolve it. As far as I am concerned from a procedural point of view and in keeping with our conventions the matter is closed.

In the circumstances, I have listened very carefully to the arguments presented, notably by the hon. member for Wascana who contended:

The privileges of members of this House are thus being infringed: first, by the lingering untruth; and, second, by the inability of the minister, apparently, to be believed.

While I may agree with the hon. member that the circumstances surrounding this situation are most regrettable, it is not clear to me how they prevent hon. members from accomplishing their work. Since I fail to see how the privileges of the House have been breached by this unfortunate situation, I cannot conclude that a prima facie breach of privilege has occurred.

This conclusion is consistent with Speakers Lamoureux and Jerome who, in rulings delivered on June 8, 1970, *Journals* page 966, and on June 4, 1975, *Journals* page 600 respectively, both quote citation 113 of Beauchesne's fourth edition, which states that:

—a dispute arising between two members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege.

Mr. Speaker Jerome, again on June 4, 1975, *Journals* page 601, further concluded that serious dispute and disagreement about facts and their implications or significance are “ingredients for debate and not ingredients for a question of privilege”.

In the case before the House now, the remarks may or may not have been said. However, it is not for the Speaker to decide where the truth lies.

I regret that the Chair can offer no remedy to the House, particularly as it seems apparent that the situation does nothing to enhance the reputation of the House of Commons and its members. Members on all sides of the House have commented on the erosion of mutual respect in the House. As was stated by the chief government whip on October 20, it is incumbent upon all of us to work harder toward maintaining decorum in this chamber.

I believe we would do well to recall the words of Mr. Speaker Fraser on December 11, 1991 when he said:

Few things can more embitter the mood of the House than a series of personal attacks, for in their wake they leave a residue of animosity and unease.

I appeal, therefore, to all hon. members to be judicious in their language and avoid personal attacks on other members, so that they do not bring themselves and this House into disrepute.

As for this particular case, in keeping with the rulings of my predecessors, Messrs. Lamoureux, Jerome and Fraser, I must now consider the matter closed.

Mr. Mark Holland: Mr. Speaker, relating to comments made by the Parliamentary Secretary to the Prime Minister last Thursday that were indeed inaccurate, I wish to table documentation to that effect to demonstrate that the comments made last Thursday were indeed inaccurate.

The Speaker: Does the hon. member for Ajax—Pickering have the unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

Routine Proceedings

ROUTINE PROCEEDINGS

●(1510)

[English]

SUPPLEMENTARY ESTIMATES (A), 2006–07

A message from Her Excellency the Governor General transmitting supplementary estimates (A) for the financial year ending March 31, 2007, was presented by the President of the Treasury Board and read by the Speaker to the House.

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I have a message from Her Excellency the Governor General, signed by the Deputy of the Governor General.

* * *

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Public Accounts entitled “Government Decisions Limited Parliament's Control of Public Spending of the 2006 Report of the Auditor General of Canada”.

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

* * *

CRIMINAL CODE

Mr. Mark Holland (Ajax—Pickering, Lib.) moved for leave to introduce Bill C-373, An Act to amend the Criminal Code (cruelty to animals).

He said: Mr. Speaker, we recently learned of the death by brutal torture of Daisy Duke, a Labrador Border Collie cross, in Didsbury, Alberta. This outrageous action highlights the failure of Parliament to modernize Criminal Code provisions dealing with animal cruelty.

Our present laws date back to 1892 with only minor amendments. Bills to modernize our animal cruelty laws have been introduced in every Parliament since 1999, but they have all died on the order paper.

This bill that I am introducing today is identical to Bill C-50 in the 38th Parliament. It is the product of countless hours of debate, testimony and study. Previous versions of this bill were in fact passed by both Houses of Parliament but failed when both Houses could not agree on minor amendments.

I not only call on all members of the House in all parties to get behind this bill but on the government itself to reintroduce this legislation as government legislation. It is time we passed proper legislation for the protection of animals and stop failing Canadians.

Routine Proceedings

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

* * *

• (1515)

**INTERMENT OF PERSONS OF CROATIAN ORIGIN
RECOGNITION ACT**

Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.): moved for leave to introduce Bill C-374, An Act to acknowledge that persons of Croatian origin were interned in Canada during the First World War and to provide for recognition of this event.

He said: Mr. Speaker, I am pleased to introduce my private member's bill, the internment of persons of Croatian origin recognition act. The purpose of the bill is to acknowledge and commemorate a tragic episode in our nation's history when persons of Croatian origin were rounded up, interned, and used as forced labour in internment camps in Canada.

With the outbreak of World War I, prejudice and racism was fanned into xenophobia, culminating in the implementation of the War Measures Act by an order in council of the Canadian government. Some 5,954 so-called enemy aliens, of which close to 400 were Croatian Canadians, were interned.

While some would prefer to sweep this tragic episode of the internment operations from 1914 to 1920 into the dustbin of history, the Croatian Canadian community remembers. Through public acknowledgement by the government, it seeks to bring closure to this painful episode in our common history. Better public understanding of what happened will reinforce and promote our shared values of multiculturalism, inclusion, and above all, mutual respect.

It is my sincere hope that colleagues on all sides of the House will embrace and support this worthy and long overdue legislative initiative.

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

* * *

CANADA LABOUR CODE

Ms. Peggy Nash (Parkdale—High Park, NDP) moved for leave to introduce Bill C-375, An Act to amend the Canada Labour Code (minimum wage).

She said: Mr. Speaker, it is a pleasure to rise in the House to introduce an act to amend the Canada Labour Code. This bill would re-establish a federal minimum wage and set it at \$10 an hour.

Canada is unfortunately and quite unnecessarily considered a low wage country with high rates of poverty. It is time for Parliament to show leadership at the federal level in the area of income security. The Arthurs report, which was released this morning, clearly calls on us to make fair and equitable labour standards a national priority. It also strongly suggests that we re-establish a federal minimum wage in this country.

It is my sincere hope that this bill will find support among MPs from all political parties in this House. The second reading of Bill C-257 to ban replacement workers shows what we can do when we reach across party lines to accomplish results for working people.

I hope that all members in this House will support this bill and other measures to ensure that in a just society, no one working full time and for a full year should find themselves living in poverty.

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

* * *

STATUTES REPEAL ACT

Mr. Paul Szabo (Mississauga South, Lib.) moved that Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, be read the first time.

(Motion agreed to and bill read the first time)

Mr. Paul Szabo: Mr. Speaker, I would like to briefly explain the bill.

The Speaker: We do not normally speak on Senate bills. The hon. member for Mississauga South is asking for unanimous consent to give a brief explanation of the bill.

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

* * *

[*Translation*]

CRIMINAL CODE

Hon. Denis Coderre (Bourassa, Lib.) moved that Bill S-211, An Act to amend the Criminal Code (lottery schemes) be read the first time.

(Motion agreed to and bill read the first time)

* * *

[*English*]

PETITIONS

UNDOCUMENTED WORKERS

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I have a petition that is signed by many people across the country. The petitioners ask that the government look at finding a humane and just solution for the people who are undocumented in this country.

Unfortunately, it seems that the government does not have any concern about the issues of undocumented workers. Certainly the people I spoke with this weekend are very much concerned about the fact that the government has shown no compassion and no caring for all those people, many of whom are contributing and have been here for a very long time.

RIGHTS OF THE UNBORN

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, under current federal law an unborn child is not recognized as a victim with respect to violent crimes.

Olivia Talbot of Edmonton was shot and killed in November 2005. Her 27 week unborn son, Lane, Jr., also died, but because no legal protection for unborn children is in place, today no charge could be laid on behalf of baby Lane.

The petitioners call on Parliament to enact legislation which would recognize unborn children as separate victims when they are injured or killed during the commission of an offence against their mother, allowing two charges to be laid against the offender instead of only one.

I am sure that this is a petition which is supported by all members of the House.

• (1520)

[Translation]

NATIONAL HOMELESSNESS INITIATIVE

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I am tabling three petitions calling for the National Homelessness Initiative, including the SCPI and the RHF, to be reinstated immediately, permanently, and with increased funding.

I have a petition with 341 names, for which I must thank my colleague from Drummond, from three different agencies: the Groupe de la Table populaire, the Carrefour d'entraide Drummond and Ensoleilvent de Drummondville. These agencies all help homeless people by offering them community support locally. They are saying:

We are losing the services of two intervenors who provide service to more than 100 socially marginalized people daily; we cannot cover this financially.

They cannot carry on if the SCPI is not reinstated.

The second petition I am tabling is from the hon. member for Québec. The 102 signatures on this petition come from Évasion Saint-Pie X in Charlesbourg and the Comité logement d'aide aux locataires, two agencies that help homeless people by offering intervention in the field and by supporting the necessary prevention.

The third and final petition I am tabling—and I want to thank my colleague from Sherbrooke for it—has 57 signatures on it and comes from Accueil Poirier and the Grande Table in Sherbrooke. These agencies help homeless people by offering lodging services and soup kitchens.

[English]

AUTOMOBILE INDUSTRY

Mrs. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I present these petitions on behalf of the hard-working men and women of the Canadian auto workers who are asking the government to cancel negotiations on a free trade agreement with Korea and to develop a new automotive trade policy that would require Korea and other offshore markets to purchase equivalent volumes of finished vehicles and auto parts from North America as a condition of their continued access to our market.

I concur with these petitions.

VISITOR VISAS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the honour to present a petition signed by over 300 citizens. The signatures were collected by the Canadian Croatian Chamber of Commerce.

Routine Proceedings

The petitioners strongly urge Parliament to pass Motion No. 99 and thereby follow the lead of the United Kingdom by lifting visitor visas for Croatian nationals.

The days of the iron curtain have ended. Today Croatia is standing shoulder to shoulder with Canadian armed forces in Afghanistan and is currently the second largest non-NATO troop contributor to the Afghan mission.

Politically, economically and socially Croatia is integrated with the west. It is time for Canada to follow the example of the U.K. and lift visitor visa requirements for Croatia.

AGE OF CONSENT

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, it is my pleasure to present a petition from hundreds of my constituents asking that the age of consent be raised from 14 to 16. As timing is everything in politics, it is certainly apropos today with the debate on Bill C-22, the age of protection, which would see exactly that happen.

I ask all members to support this petition and to support that bill.

AUTOMOBILE INDUSTRY

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, it is my honour today to present a petition that is signed by many people from across this country.

This petition recognizes the quality production in Canadian automotive assembly facilities that are threatened as a result of expanding imports from Asia and Europe. It asks the Conservative government to protect Canadian jobs and workers by cancelling negotiations for a free trade agreement with Korea. It calls on the government to develop a new automotive trade policy that would require Korea and other offshore markets to purchase equivalent volumes of finished vehicles and auto parts from North America as a condition of their continued access to our market.

KELOWNA ACCORD

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, it is my pleasure to present a petition on behalf of my constituents from the community of Hopedale on Labrador's north coast in the territory of Nunatsiavut.

The petitioners call upon the Government of Canada to immediately honour the letter and spirit of the Kelowna accord by delivering all the funding promised at Kelowna for the benefit of first nations, Inuit, Métis and all aboriginal peoples.

* * *

QUESTIONS ON THE ORDER PAPER

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

• (1525)

The Speaker: Is it agreed?

Some hon. members: Agreed.

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

The House resumed consideration of the motion that Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, be read the second time and referred to a committee.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, today I rise to participate in the second reading debate of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

There are many reasons that Bill C-22 is so welcome. It realizes an important component of this government's tackling crime commitment to safeguard Canadian families against sexual predators. This commitment in turn reflects the importance that Canadians ascribe to the protection of children and youth against sexual exploitation. Most important, Bill C-22's reforms will finally provide 14 and 15 year olds with much needed additional protection against adult sexual predators.

Bill C-22 proposes to raise the age of consent from 14 to 16. Age of consent, or age of protection as Bill C-22 now calls it, refers to the age at which the criminal law recognizes the capacity of a young person to engage in sexual activity. All sexual activity with a young person below the age of protection is prohibited, and of course any non-consensual sexual activity, regardless of age, is prohibited.

It is not unusual for the law to prescribe lawful conduct based upon chronological age. For example, in the criminal law context, the age of criminal responsibility is 12 years. In other contexts, conduct is regulated by age for various purposes, including for example, attaining the age of majority, driving a motor vehicle, consuming alcohol and tobacco, mandatory attendance at school, and working.

Such legislation clearly recognizes that children and youth need to be protected. This is the framework within which the existing Criminal Code prohibitions against sexual activity with children and Bill C-22 operate.

Currently, the age of protection is 18 years where the sexual activity involves prostitution, pornography, or it occurs within a relationship of authority, trust, dependency, or one that is otherwise exploitative of the young person. For example, sexual activity between a teacher and his 17-year-old student, even if she purported to consent, is prohibited and has been since 1988. I am glad that Bill C-22 will maintain this age of protection.

The present age of protection for other sexual activity is 14 years. The Criminal Code currently has an exception for 12 and 13 year olds. They can consent to engage in sexual activity with another person who is less than two years older but under 16 years and with whom there is no relationship of authority, trust, dependency, and it is not otherwise exploitative of the young person.

Bill C-22 will not change this close in age exception for 12 and 13 year olds, but will increase it from 14 to 16 years of age so that 14

and 15 year olds will benefit from the same protection that 12 and 13 year olds have now.

Bill C-22 also proposes to create a new close in age exception for 14 and 15 year olds. Under this proposed new exception, 14 and 15 year olds could still consent to sexual activity with another person, provided that the other person was less than five years older and that the relationship did not involve authority, trust, dependency and was not otherwise exploitative of the young person.

I am very pleased to see this proposed close in age exception for 14 and 15 year olds. It reflects an appreciation of the basic realities, namely that, like it or not, young persons, specifically 14 and 15 year olds, are sexually active.

In February 2006 the Canadian Association for Adolescent Health and Ipsos released the results of a national survey of 14 to 17 year olds on their sexual behaviour and knowledge. The survey revealed that 27% of youth between 14 and 17 years of age reported being sexually active and 20% of youth age 15 reported being sexually active. It found that on average, teens have had three partners since becoming sexually active.

While some may find these statistics startling, the government has clearly said that the objective of Bill C-22 is to criminalize adults who sexually exploit youth and not to criminalize teenagers who engage in consensual sexual activity with their peers. Bill C-22's proposed close in age exceptions ensure that this is the case.

Bill C-22 also proposes another time limited exception for defined relationships that already exist when the new age of protection act comes into effect, relationships that would otherwise become illegal by virtue of the fact that the partner is five years or more older than the 14 or 15 year old.

● (1530)

Specifically, Bill C-22 proposes that existing marriages involving a 14 or 15 year old and a spouse who is five years or more older be excepted from the new age of protection. Similarly, if it is an existing common law relationship as defined and it is not a relationship of authority, trust, dependency or one that is otherwise exploitative of the young person, it will benefit from a time limited or transitional exception.

This means, if the couple had already been cohabitating in a conjugal relationship for the period of at least one year or for a period of less than one year but the relationship had already produce a child, whether born or is expected, when the new age of protection comes into effect, the relationship will have an exception that is otherwise illegal. I want to reiterate, though, that these exceptions would be transitional or time limited and would not apply to such a couple, for example that seeks to marry or establish a common law relationship after the new age of protection comes into force. Clearly, to allow such a relationship would be contrary to the objective of Bill C-22.

Government Orders

I have gone into some detail in describing the exceptions proposed by Bill C-22 because it is very important that they be fully appreciated and understood. During the previous debates on private members' bills and motions that sought to increase the age of consent, a major criticism of those efforts was always that they had not adequately addressed what is clearly the objective of Bill C-22: how to prohibit adults from sexually exploiting teens without criminalizing teens themselves for engaging in sexual activity with other teens.

Bill C-22 does exactly that. It builds upon the existing Criminal Code framework for age of protection and it provides the necessary safeguards to prevent the criminalization of teenagers who engage in consensual sexual activity with other teens.

The message in Bill C-22 is very clear. It is directed at adults, not at youth, and it is this. If one is five years or more older than a young person, one is prohibited from engaging in any form of sexual activity with that young person. Under Bill C-22 there is no more uncertainty about whether 14 or 15 year olds consented or purported to consent to sexual activity. Their consent becomes irrelevant. The focus and onus is on the adult as it should be.

I believe it is in the interest of all hon. members to support Bill C-22. It sends a clear message now to adult sexual predators, namely that Canada protects its children and will deal sternly with those who threaten them.

I would like to move on to another big reason why I am so supportive of Bill C-22. The bill is good for the people of my riding. Residents from all over my riding, be they from Peterborough, Havelock, Norwood, Ennismore, Bridgenorth, Curve Lake or anywhere else, have been telling me that they want their children protected from sexual predators. They are frustrated with laws enacted by the previous governments, which fail to keep their children safe, which fail to recognize exploitation for what it is and which undermine one of the key building blocks of our communities, the family.

Bill C-22 is in line with what our government has promised to do, namely to restore balance in the justice system and crack down on crime. Getting tough on crime involves protecting our children and citizens from those who threaten them. This is a two-pronged approach. The first is to ensure that imprisonment is imposed on those who commit serious crimes. The second is to ensure that what constitutes a crime is properly defined by the lawmakers of our country.

It is the duty of the lawmakers of Canada work in line with the sentiment and demands of the Canadian public. I happen to be one of those lawmakers. I would be remiss in my duties, as a representative of all people, including those in Peterborough, if I did not support the legislation.

As I have indicated, a provision of Bill C-22 provides a close in age exemption for teenagers who engage in sexual activity with other teens. This is a very worthwhile thing to consider. Governments cannot absolutely regulate human behaviour, in this case the sexual activity of minors.

● (1535)

While not speaking from personal experience, some teenagers are not always the most well behaved when dealing with authority regardless of the issue. Bill C-22 recognizes that teenagers will be teenagers and without explicitly sanctioning sexual activity, keeps the government out of their private lives. This is the correct approach. Young people are not likely to read any government legislation before deciding whether to engage in sexual activity with a partner. This is why our government has taken the lead on this issue, providing protection for young teenagers, not seeking to criminalize them.

Keeping the streets of Peterborough and the country safe has always been and remains a very high priority for me. The people of my riding deserve to walk the streets without fear. Bill C-22 is part of a wider initiative to provide safe streets and communities in Canada. The idea that everyone can walk down George Street in Peterborough and feel as safe as if they were in their backyard is something that is very important to me. Knowing that proper laws are in place to keep sexual predators off their streets will go a long way in Peterborough by showing constituents that their government is governing with their well-being as its primary focus.

A couple of weeks ago I had the honour to attend the 17th annual CSC Chaplaincy Conference held at Sir Sanford Fleming College in my riding. The guest speaker that evening was Jim Stephenson, the father of Christopher Stephenson, a young boy whose tragic and preventable death provided the motivation for Christopher's law. Christopher's law was revolutionary in Ontario as it established a sex offender registry. Christopher's law works to protect our children from sexual predators, and so does Bill C-22.

Bill C-22 has been a long time coming. It recognizes the concerns of Canadians, including those in the Peterborough riding who want to see their children protected from sexual predators by raising the age of protection from 14 to 16 years of age. The bill should be unanimously supported by all members of this House, and I call on all members to do just that.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, all of us in the House and all Canadians want to ensure that our children are protected. We have an obligation, as legislators, to ensure that we do everything possible to guarantee this protection. The behaviour of young people is very difficult to legislate, and it is good that the member recognizes that.

Would the member tell me the difference between the previous legislation versus Bill C-22 when it comes to better protecting the community at large, which is something very different than talking about individuals? How does the this bill differ from previous legislation? How will it make our city streets any safer?

Mr. Dean Del Mastro: Mr. Speaker, I share the hon. member's concern for our children, our families and our society as a whole.

Government Orders

The biggest difference between this legislation and previous legislation is that for the first time we are raising the age of protection from 14 to 16 years of age. This is the benchmark for most established societies, but in Canada it is 14 years of age. Sexual predators in Canada are targeting children 15 and 16 years of age who are currently not protected by the law. We are seeking to protect 14 and 15 year olds from sexual predators who specifically target them. That is the difference.

It is critical that all members of the House support the bill.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am pleased to participate in this debate on Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

The purpose of this bill is to better protect older youths from becoming victims of sexual exploitation. Bill C-22 will also show sexual predators that Canada does not tolerate abuse of adolescents. This bill makes it clear, on an international level, that Canada is not a sex tourism destination.

The Bloc Québécois agrees with the principle underlying this bill, but has some concerns about the negative effects that the legislative provisions arising from it might have.

The Criminal Code already includes a number of provisions to protect young people from sexual abuse and exploitation. It might seem that raising the age of consent from 14 to 16 would do a better job of protecting adolescent boys and girls from these dangers; nevertheless, this measure, though not of minor importance, does not meet all of the needs in this respect. We will try to improve on that in committee. We must ensure that Bill C-22 includes provisions concerning prevention and sexual education for young people as well as provisions for schools and social services.

As I said, the Bloc Québécois supports Bill C-22 in principle because it is an additional tool in the fight against the sexual exploitation of some of the most vulnerable members of society.

The Bloc Québécois has always recognized the need to increase the protection of young adolescents. In the past, we have actively worked to achieve those objectives. However, as I have stated, before adopting the bill under review, we must ensure that increasing the age of consent does not have harmful effects on the very young people that we are trying to protect. That will be the duty of the committee following second reading of Bill C-22.

The Bloc Québécois is concerned about the possibility of criminalizing relationships between young people that would be perfectly healthy and legitimate. We also fear that the bill could have unexpected perverse effects on the physical and mental health of the young people we are seeking to protect. I will come back to that point a little later. Let us consider a relationship in which a young person with psychological problems or health problems did not wish to call on the services of a doctor or a psychologist for fear of exposing a relationship with an adult that does not meet the objectives of Bill C-22.

The committee, therefore, will have to very seriously consider all these issues. I am sure that my colleague from Hochelaga who, as

you know, is our justice critic, will propose amendments, if necessary, to truly achieve the objectives of Bill C-22— objectives that we all share—the protection of young people from sexual assault and exploitation. Bill C-22 must not penalize young people who have consensual sexual relations that are completely healthy and legitimate. In that respect, the exceptions set out in the bill appear to be an interesting alternative. I will come back to that point. The committee must examine them very closely to ensure that this protection does not have harmful effects.

The Bloc Québécois is particularly concerned about the effect that raising the age of consent could have on young people, especially in regard to receiving psychological and physical health care. For example, would a young person who thought he or she might have been exposed to sexually transmitted diseases or who was psychologically fragile be reluctant to consult a doctor or psychologist if he or she knew that their partner could face criminal prosecution if their relationship was disclosed?

It is important to make it clear that the Bloc Québécois supports the principle of this bill with the sole objective of better protecting children against sexual predators and not with the goal of stigmatizing young people who have consensual sexual relations.

• (1540)

We have to resist the temptation to think that this one amendment to the Criminal Code will be enough to protect our children. If this House thinks that, then I think it is seriously mistaken.

The Bloc Québécois has often said, and will continue to say, that the real solution lies in prevention and in educating young people to recognize exploitative relationships and distance themselves from such relationships.

Nevertheless, this issue concerns me. I myself have adolescent children, and we know how complex relationships between young people can be, especially during adolescence. We must not think that by criminalizing such relationships, we will rectify terrible situations. The Criminal Code already includes a number of offences of this nature. For example, it prohibits a whole series of behaviours that violate individuals' sexual integrity, in some cases taking into account not only the victim's age, but the perpetrator's as well.

I would like to quote a definition of sexual assault, taken from a document published by the Government of Quebec in 2001, entitled "Orientations gouvernementales en matière d'agression sexuelle". In this document, sexual assault is defined as follows:

Sexual assault is an act that is sexual in nature, with or without physical contact, committed by an individual without the consent of the victim or in some cases through emotional manipulation or blackmail, especially when children are involved. It is an act that subjects another person to the perpetrator's desires through an abuse of power and/or the use of force or coercion, accompanied by implicit or explicit threats. Sexual assault violates the victim's basic rights, including the right to physical and psychological integrity and security of the person.

I am sure we all agree that this sort of attitude or behaviour is totally unacceptable in a civilized society.

Government Orders

The Criminal Code contains other provisions that address specific needs for protection of children, adolescents and persons with disabilities. These provisions are designed to prevent sexual exploitation and prohibit sexual interference with children under 14 and sexual exploitation of children between 14 and 18 by persons in a position of authority or trust towards them, as well as sexual exploitation of persons with a mental or physical disability.

This provision, which is already included in the Criminal Code, seems to me to be an extremely important one. For example, I taught at a college for a number of years, myself. We know that at that age, students are very much in need of role models. What our society must do is categorically say no to behaviour on the part of people in positions of authority that results in their using that authority to obtain unwanted sexual favours. Our society must reject this. This is extremely important, since we know that young people and children are sometimes psychologically vulnerable or subject to emotional manipulation.

Provision has also recently been made in the Criminal Code for a court to declare a sexual offender, after a special hearing in accordance with the procedure set out in the Criminal Code, to be a long-term offender. After serving the sentence imposed, the offender is subject to an order for supervision in the community for a period not exceeding 10 years.

Thus there is already a set of measures in the Criminal Code that must be used judiciously. Since July 2005, the Criminal Code has prohibited an individual of any age from exploiting his or her control or influence, and the age difference between them, to persuade a person under the age of 18 years to engage in sexual contact with him or her.

So in 2005 we plugged a loophole that could have been used by sexual predators. A provision was even added that such an individual is committing the offence of sexual exploitation defined in section 153 and is liable to imprisonment for a term not exceeding 10 years.

• (1545)

The individual may even be guilty of a second crime, luring a child, if he or she uses a computer to contact adolescents for the purpose of engaging in prohibited sexual contact with them.

Obviously, Canada is not an exception; these are matters of great concern in the international community as a whole.

The United Nations General Assembly has adopted two conventions that assist in the struggle to eliminate violence against women and to protect the rights of children, and that provide guidance in terms of international standards. They are the Convention on the Elimination of All Forms of Discrimination against Women, which goes back to 1979, and the Convention on the Rights of the Child, which dates from 1989. Canada has of course acceded to those conventions.

Bill C-22, in itself, is consistent both with recent developments in the law and the values adhered to in advanced democratic societies and with the conventions that have been entered into at the United Nations.

Getting back to Bill C-22 specifically, as I mentioned, the bill involves amendments to the Criminal Code and, by extension, the

Criminal Records Act. It raises the age of sexual consent from 14 to 16 and changes the wording to age of protection. First of all, I must mention that raising the age of consent does not change the "enticement of a minor" provisions, which prohibit all adults in a position of authority from having sexual relations with a minor under 18. I would point out that the Criminal Code already included many elements, as I mentioned earlier, and that Bill C-22 brings an additional aspect that represents another building block in a structure that is already quite advanced.

The bill raises the age of consent from 14 to 16, while allowing for some exceptions. This is extremely important. When the government announced its intention to table a bill to raise the age of consent, I must confess that I was worried about the issue of sexual relations between young people becoming a matter for the courts and the potential for family members to use it to put personality conflicts on trial, for example, or to interfere in the lives of young people.

I was pleased to see that provisions were made for certain exceptions, which I will now discuss. For example, exceptions apply to adolescents aged 14 and 15 who engage in non-exploitative sexual activity—I will come back to this definition—with a partner who is less than five years older. A 15-year-old youth can therefore have entirely healthy and normal relations with someone who is 18, 19 or 20. As I said, such relations can be completely legitimate.

Under the proposed reforms, an additional time-limited exception would be available for a 14 or 15 year old youth whose sexual partner is more than five years older but with whom, when the new age of protection comes into effect, the youth is already legally married or living in a common-law relationship. Thus, existing and legal relationships under the current age of consent, which is 14, are being protected.

In addition, the bill maintains a close in age exception for 12 and 13 year old youths who engage in sexual activities with an adolescent who is less than two years older, on condition that these activities are not exploitative in nature. Here too, a 12 year old youth involved in sexual activities with a 14 year old would be covered in Bill C-22. These kinds of things happen in our society. Sometimes youths become sexually active quite early.

I would like to summarize these exceptions. First, there is a close in age exception of five years for 14 and 15 year old youths. Second, there is a close in age exception of two years for 12 and 13 year old youths. Third, there is a transitional exception which provides that, at the time when the act comes into force, 14 or 15 year old youths and their partners who are more than five years older may legally continue their sexual contact if, and only if, they are married, are common-law partners, or have a child as a result of their relationship.

• (1550)

These protections help to ensure that the fears which may have arisen when the bill was announced are not so great as they might have been. The exceptions ensure that youths in late adolescence or early adulthood are not stigmatized for feeling sexually attracted and having healthy, legitimate sexual relations.

Government Orders

I wanted to return to the question of exploitative activities. When it comes to these activities, for example when youths are asked to participate in pornographic films or are placed in situations that involve their sexuality and for which they are paid, the age of consent is 18. The legislation should not change in this regard. When there is a position of trust, authority or dependence involved, the age of consent should remain at 18.

We already have clear, major guidelines in this regard, and Bill C-22 will add a few more. It is simply an extension of the legislation that has been passed over the last few years or decades.

As I mentioned earlier, these exceptions make it clear that the purpose of the bill is to prevent assault and sexual exploitation of youth by sexual predators or deviants. However, we should also realize—the government included—that deplorable situations cannot be addressed by the Criminal Code alone. The Criminal Code comes into play once the assault has taken place. Some may believe that without a deterrent, it is still true.

Most sexual deviants are mentally ill. Thus, youths must be equipped to recognize situations where they may be at risk and situations where they may be manipulated emotionally or blackmailed by any number of means.

It is important for us as a society to realize that sex education is absolutely necessary to truly protect adolescents and youth in general. It can prevent sexually transmitted diseases and protect youth and adolescents from unwanted sexual relations or exploitative situations. In this regard, all of us—parents, schools, social services, society in general—share the responsibility

In closing, I would like to quickly state that the Bloc Québécois supports the principle of Bill C-22. We recognize the need to increase protection of children and, in the past, have been proactive in attaining these objectives. The Bloc Québécois wishes to ascertain, however, that there will be no adverse effects on the health and freedom of the youth we seek to protect. When the bill is studied in committee, we will have to be very careful to ensure that the intention of protecting children, youth and adolescents—which I believe is shared by all parliamentarians in this House—does not backfire and that they are not stigmatized for sexual activities that are quite normal and healthy.

• (1555)

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I want to congratulate my colleague from Joliette for his excellent presentation. I just want to ask him how, in committee, he intends to defend cases that will come up that I consider to be marginal?

As hon. members know, there was a case in England where a father sued a 19 year old woman for having sexual relations with his 13 and a half year old daughter. The age difference is five and a half years, not five years. However, this was not highly dangerous to society and the two girls were consenting. Unfortunately, the 19 year old was given a two year prison sentence.

Will the bill allow for such results, that are so difficult to understand and to accept in a society that does not necessarily provide enough prevention and education? I would like my colleague to tell us how, in committee, we will avoid such mistakes, because in my opinion this is a mistake. Will young people have to

go around with their ID card in their pocket or their age on their forehead to show how old they are?

• (1600)

Mr. Pierre Paquette: Mr. Speaker, I thank the member for Brome—Missisquoi for his question. He raises the Bloc Québécois' fears regarding this type of bill which gives specific age limits: five years, five years and one month or five years and two months.

What is very important in such cases is to ensure that the handling of this type of situation by the courts is not traumatic for the youths involved. Imagine how this girl of 19 feels, and also the 13 year old whose girlfriend is sent to jail, if I have understood correctly. I am convinced that, behind it all, the 13 year old girl had a very difficult relationship with her parents, her father in particular.

Experts will appear before the committee to try to assure us that this bill is not overly restrictive but rather gives a clear message to society as a whole that there is no place for sexual predators, that they are not welcome and that society protects young people against this incomprehensible form of aggression.

However, the question raised is, in my opinion, one that will have to be addressed in committee to ensure that no one has to endure such situations.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I listened with interest to the speech by my colleague from Joliette. I think it is very important for the public to understand that the amendment, or in any case the exception, set out in the bill is on the difference of less than five years between the two people concerned. I believe that it is very important not to get involved in systematic criminalization of relations between adolescent boyfriends and girlfriends. As hon. members will recall, the Conservatives' initial bill was to criminalize every scenario. The bill introduced takes this specific aspect into account and should prevent any excess.

In the meantime, this bill does not address certain cases where, especially if it might be a matter of sexual offenders who commit an offence or engage in an unacceptable and reprehensible act, it could be punished later. For example, if a young person aged 16, 17 or 18 engaged in this type of act, on some occasions and under certain circumstances this would be punished. This bill does not address that issue much.

I would like my colleague from Joliette to explain how the five year age difference rule will be applied. People need to realize that the specific purpose of this exception is to ensure that there will be no extreme criminalization of such relations between young people. Often, these young people are simply acting in good faith. We have to prepare for the fact that there may be parents who are involved in the situations. For some young people in difficult family situations, this may become a way of controlling their behaviour.

I would like my colleague from Joliette to clarify the specific aspect of the bill that addresses the five year age difference.

Government Orders

Mr. Pierre Paquette: Mr. Speaker, I thank the hon. member for his question. I dare not say the name of his riding, but it begins with Montmagny.

If Bill C-22 were passed, sexual relations between young people between the ages of 12 and 14 would be permitted—of course, I am referring to that age range—and between young people aged between 13 and 15, those aged between 14 and 19, and those aged between 15 and 20. That is the current situation. We have already pointed out that there is something arbitrary about the selection of that age range, which sets out very specific rights for very specific ages.

That said, our concern stems from the fact that, in tabling Bill C-22, the Conservative government has plans for a whole series of other bills, which are unacceptable from the point of view of the values we defend. In this context, the committee must ensure that this is not an attempt to stigmatize young people who engage in legitimate, healthy, sexual relations. Rather, it should aim to protect them from sexual predators. In my opinion, work still needs to be done on this matter.

• (1605)

[*English*]

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, today I am honoured to speak to Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act. It is a very important bill and it is something our government tried to get through during our 13 year tenure as government in the House of Commons. Age of protection is one of the most important issues because it means protecting our young children.

We debate many issues each day in this House and while they are all important, there can be no doubt that when it comes to talking about the protection of Canadian children and youth against sexual exploitation, this debate rises to the top of our priorities. It is quite understandable. We are parliamentarians who also are parents, grandparents, aunts and uncles and we share the same concern about safeguarding children against such exploitation.

Bill C-22 is about recognizing that our youth, in particular 14 and 15 year old youth, need and indeed deserve better protection against adult sexual predators.

Youths of this age are experiencing constant and rapid change, including social, physical and cognitive changes. While there is nothing new about this, the environment in which the change is occurring is quite different today than it was 20 or even 10 years ago. The impact of such things as the Internet and what youth see and hear through the media and the entertainment industry today cannot be underestimated. It is in the faces of our youth 24/7.

It is incumbent upon us as parliamentarians to remain vigilant in ensuring that we are doing all we can to safeguard youth against harm or the risk of harm. Police have been asking us to do exactly that for a number of years. For instance, the Canadian Professional Police Association, the national voice for 54,000 police officers across the country, has consistently advocated for increasing the age of consent for youth to have sexual relations with adults from 14 to at least 16 years of age. Many police officers have said that it is

absolutely deplorable that in our nation 14 year olds can legally have sex with adults.

That is what we are trying to accomplish with Bill C-22. Bill C-22 is a bill to protect our youth. Bill C-22 proposes to amend the Criminal Code to increase the age of consent from 14 to 16 years. The age of consent, which Bill C-22 proposes to rename as the age of protection, refers to the age at which the criminal law recognizes the capacity of a young person to consent to engage in sexual activity. Any sexual activity with a young person who is younger than the age of consent, irrespective of whether that young person purported to consent to the activity, is prohibited.

Currently the age of protection for sexual activity involving prostitution, pornography or relationships involving authority, trust, dependency or otherwise exploitive use of the young person is 18 years. Bill C-22 would maintain 18 years as the age of protection for these activities but for all other activities or relationships the age of protection is now only 14 years of age.

• (1610)

There is an exception to this. It is what is often called a close in age or peer group exception and it is this: a 12 year old or 13 year old can consent to engage in sexual activity with a partner who is less than two years older and under age 16, as long as the relationship does not involve authority, trust or dependency and is not otherwise exploitive of the young person.

Bill C-22 would maintain this two-year close in age exception for 12 and 13 year olds, but would raise the age of protection from 14 to 16 and would create another close in age exception for 14 and 15 year olds. In this way, Bill C-22 would not criminalize consensual teenage sexual activity, but it would prohibit anyone who is five years or more older than the 14 year old or 15 year old from engaging in any sexual activity with that young person.

I recognize that there may well be different views on whether and when teenagers should be engaging in sexual activity. The fact that Bill C-22 proposes to maintain the existing close in age exemption for 12 and 13 year olds and to create a new one for 14 and 15 year olds should not be interpreted as condoning such activity.

We know intuitively as parents of young children—and health professionals can confirm—that early sexual intercourse can have serious consequences for any young person. For example, Statistics Canada's May 2005 *Health Reports*, volume 16, number 3, describes these consequences as including longer exposure to the risk of an unwanted pregnancy or of contracting a sexually transmitted infection, and greater difficulty for teenage mothers completing school, with the additional consequence of restricted economic and career opportunities. As for babies born to teenagers, they are at greater risk of premature birth and low birth weight and of dying during their first year of life.

But Bill C-22's proposed close in age exception reflects the reality that teenagers are sexually active and that sexual experimentation among teenagers does occur. In fact, the same Statistics Canada report states, "By age 14 or 15, about 13% of Canadian adolescents have had sexual intercourse". There are similar percentages for boys and girls, at 12% and 13% respectively.

Government Orders

Bill C-22's proposed close in age exception also reflects the reality of the broad scope of our criminal law's prohibitions against sexual activity below the age of consent. They apply to all sexual activity, ranging from sexual touching to sexual intercourse. So even if only 13% of teens have had sexual intercourse by age 14 or 15, it is quite possible that more have engaged in lesser forms of sexual activity. Bill C-22 is not seeking to criminalize such activity between consenting teenagers.

This is why I support Bill C-22. It directly responds to a gap in our existing Criminal Code protections by criminalizing adult sexual predators of 14 year olds and 15 year olds while at the same time proposing the necessary additional reforms to prevent the criminalization of consensual sexual activity between teenagers.

One of the very real and practical benefits that I see flowing from Bill C-22 is the certainty that it will bring. Currently, and as a result of Criminal Code reforms enacted in the previous Parliament by former Bill C-2 on the protection of children and other vulnerable persons, a court may infer that a relationship with a young person is exploitative of that young person by looking to the nature and circumstances of that relationship, including: first, the age of the young person; second, any difference in age between the young person and the other person involved; third, the evolution of the relationship; and fourth, the degree of control or influence exerted over the young person.

• (1615)

In my view, this approach is inadequate. With it, there is too much uncertainty, uncertainty for the adult, for the young person and for the police and the prosecutors. It might protect some 14 and 15 year olds, but not all, or not all 14 and 15 year olds in the same situations.

Under Bill C-22, there is no such uncertainty. If the adult is five years or more older than the 14 year old or 15 year old, all sexual activity with that young person is prohibited.

Bill C-22 proposes long awaited criminal law reforms to better protect youth against adult sexual predators. I call upon all hon. members to support its swift passage so that our youth do not have to wait any longer for such protection.

Indeed, it has hit home very closely to me as the mother of a police officer who worked in the ICE unit, the Internet child exploitation unit. Time and time again, young people, our most vulnerable citizens, were exposed to sexual predators over the Internet. They were young people who were on the streets and without homes, young people who were left vulnerable to those who had authority over them.

I think that now there is a relatively new crime that is not on the horizon but on our streets. We are addressing it right now in the status of women committee. It is the issue of human trafficking. When we have laws that do not protect our young and our vulnerable, the traffickers are able to coerce our young people into the sex trade industry. In my view, and in the view of the members on this side of the House, that crime is not an industry, and the sex trade, as it called, is not a trade. It is all about intimidation, exploitation, disrespect and criminal activity against very young people in our nation.

Today Bill C-22 has come to the forefront. I implore all members on all sides of the House not to hold up this bill. Last year under the former government, we tried our very best to raise the age of consent. We have answered all possible questions. We know it is common practice in a minority government for members opposite to drag their feet and make a lot of excuses, but I implore all members from all sides of the House to take very careful consideration, through their vote, of raising the age of consent.

I would implore all members on all sides of the House to vote in favour of Bill C-22 and get it through the Senate as quickly as possible. What we are seeing in the Senate now with the federal accountability act and some of our laws that we have put through the Senate is that they are being stopped in the Senate, so we cannot go any further. With much pride, some members opposite have been stating that they are just holding the bills there, looking things up and putting in amendments

The raising of the age of consent has been brought to this House under the former government, which was in government in Canada for approximately 13 years. The age of consent was not raised from 14 to 16 when we tried very hard to have it happen as early as last year. Now I get the sense that all members are ready to pass this bill. I would implore all members to do exactly that, because without it our youth are at risk on a daily basis. Our police officers and everybody are in concert in asking the House of Commons and every member of Parliament to stick up for our young people and raise the age of consent. That is what we have to do.

• (1620)

As for human trafficking, it puts young people who are trafficked from other countries into our country and it puts our own youth at risk in human trafficking. Human trafficking, as members know, is not a choice for young people. Human trafficking occurs when the youth are actually captured. I have known of youth who actually were put in bondage and told that they must participate in sexual activities and pay off debt. Under human trafficking, there are even training camps for youth who refuse to comply. These young people are sent to training camps. A lot of terrible things are done to them to make sure they comply.

Raising the age of consent addresses a lot of issues across our nation, from human trafficking to sexual exploitation, and it puts Canada on alert and on the map as saying that we as a nation refuse to have our young people exploited, we refuse to accept the fact that sexual exploitation is an industry, and we refuse to accept allowing anything happening in that venue in our nation.

Today again I have to say that I hope all members, instead of arguing, debating and bringing up all sorts of different things, will know this bill has tried to address all issues. It tries to ensure that teenagers who are in a consensual sexual activity are not condemned or judged. It just tries to protect our youth against very serious sexual predators. I hope that the House of Commons will stand on Canadian soil today and with one voice say that we are not going to allow sexual predators to use and abuse our young people, whether those young people live at home or are strangers or immigrants from other countries. Our youth are here to be educated and given opportunities, not used and abused. They are here to be respected.

Government Orders

I have heard from many youth who say they know how weak the laws are here in Canada. I would suggest that the age of protection be widely advertised after the bill is passed so that people will know our youth are protected.

Today is a day for very serious consideration. I think that all elected members from all parties, from all sides of the House, are elected to act in an extremely responsible way to protect our young people. I will acknowledge that there has been a great deal of evidence in the House of Commons to show that we definitely have a difference of opinion, but there has been much debate about this over a long period of time. It has gone back and forth. Now it is time to stop going back and forth. It is a time to instruct the people in the House of Commons, the people in the Senate and the law makers of the nation that the highest court is here in the House of Commons.

As the member of Parliament for Kildonan—St. Paul in the House of Commons, as a mother of six children, the mother of a police officer and the former justice critic for the province of Manitoba, I am standing here now and saying that raising the age of consent is mandatory. It is the right thing to do. We have to cross party lines and stop the arguing. We have to bring forth our declaration, in a strong Canadian voice, that raising the age of consent is the right thing to do.

I would ask every member of Parliament before voting to think about their own daughters or their own children or grandchildren. Is the sex industry something that they want their children in? As a member of Parliament, I have to say no, it is not what I want my children in. As members of Parliament, we are the responsible ones who have to stand up and protect all the youth for all of Canada. We cannot have a double standard. It is our responsibility to stand up for Canada and for the young people in our Canada. I ask each and every member to put down their swords, protect the youth and make sure that the political arguments are buried long enough to pass Bill C-22.

• (1625)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, why are the members of her party speaking to this issue today? Clearly, the protection of our children is something that is extremely important.

We introduced Bill C-2 in previous parliaments that looked at enhancing opportunities to ensure our children were protected. Her members are talking about a variety of other issues, as if the rest of us do not care. It is the government that is filibustering its own legislation. We on this side of the House announced last week that we were very supportive of the legislation.

Why do we not just move forward today and pass the legislation rather than filibuster it and delay it? It is my understanding that none of us on this side of the House have any objections to it, and we indicated that.

Let us just get on with supporting the legislation and move on to the other issues on the agenda.

Mrs. Joy Smith: Mr. Speaker, it is great to hear that comment. I agree, we need to move forward.

In answer to the question, past history has caused us to be tentative and very careful to ensure that we are very clear on what we

want on this side of the House. Last year this side of the House was voted down on raising the age of consent.

However, I am glad to hear that all questions have been answered and that members on the Liberal side are willing to support and pass Bill C-22.

When all bills get to the Senate, I hope the message to the Liberal Senate is that it too should not hold up legislation, as has been happening in Senate, and that it would put the legislation through so we could get on with the business of raising the age of consent.

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I was going to try to address the need for the change in the age of consent. However, we had a situation in Saskatchewan a few years ago, and I think most members would recall it, where three individuals in their twenties picked up a 12 year old first nations girl, had her consume a fair amount of liquor and, from what I can gather, sexually exploited that young girl. It was quite a controversial case. Through the appeal system, eventually all three were found guilty.

However, I want to point out what happened at the trial of two of these individuals. They had a very good defence lawyer. I know members opposite sometimes take their advice from defence counsel and defence lawyers in designing the laws of the country, and sometimes that is an error. The defence lawyer at a jury trial made a very compelling argument to the jury that the girl looked like she might be over 14 years of age, although she really was 12 years of age. All one has to do is raise a reasonable doubt to get an acquittal in our criminal court system.

Therefore, that is a fairly major loophole in the law. I think any fair-minded person in the House should understand, as parliamentarians of all parties, that we should not create laws that allow that sort of loophole to be exploited by defence attorneys in a criminal court system. Let us take that away from them.

Could the member enlighten us as to why we need to increase the age of consent from 14 to 16? I think I have given every member in the House of Commons one good reason to support the bill, without any doubt, unless they are taking their cues from defence lawyers. Young people in our country need protection and the way the law is right now it is not very good protection.

• (1630)

Mrs. Joy Smith: Mr. Speaker, that is a good question. I am the mother of a police officer and I hear over and over again how the criminals get out faster than the time it takes to do the paperwork to put them in.

As one voice, the House of Commons is the highest court in the land. As one voice, there can be no arguments across party lines. We have to stand as one voice and raise the age of consent from 14 to 16. We must be very clear on it. We have to get the message out that there will be questions when anything goes awry. No one should be get off on the fact that the person thought the girl was 14. For me, 14 is too young anyway.

Government Orders

Any age is too young for a young girl to be exploited. Even if the girls were 18 or 23, why give them liquor and exploit them? It is a criminal offence. This is not something that should be debated. This debate should not be restricted in the House of Commons today. These are the hard questions we need to ask because we all know what happens.

We cannot allow the exploitation of young people to happen any longer. We have to stand up and ignore the people who stand in corners and whisper “I don't like to hear this” or “I don't like to hear that”. All members of Parliament are standing up and saying, like the member on this side of the House said, that this happens in our courts of law and that we do not want it to happen.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I listened with pleasure to the speech of my colleague. It reminded me of a constituent who has won the nomination and will seek a seat in the provincial legislature. This constituent worked for many years as a police officer with the Saskatoon police force.

When I had a conversation with her, she told me that she highly endorsed raising the age of protection. She told me that frequently what happens is a person builds a relationship with a 14 year old girl and pretends to care about her and love her, et cetera. Then the person uses that relationship and requires the 14 year old to earn money, thereby allowing the 14 year old to be sexually exploited. This is what the current police officer, hopefully soon to be an MLA in our provincial legislature, has told me.

Would the hon. member comment on this since she has a family member who serves on the police and deals with similar situations? It seems to me quite a horrible thing for someone to turn a relationship of trust into pure deception and sexual exploitation. I understand why moving the age of consent from 14 to 16 would protect people in such situations.

Mrs. Joy Smith: Mr. Speaker, that is a very compelling story, one which we hear over and over again. The problem is whether we sit in meetings or we hear different people talk, there is always the connotation that it is okay to do this. Exploiting young people is not okay. Exploiting old people is not okay. Exploiting anyone is not okay.

Bill C-22 speaks specifically to the sexual exploitation of our youth. I have talked with police officers who are very well educated and supposedly very powerful people. They have made the comment that these young people live on the street, that they do not live at home, or that they do not want to hear this any more or that they do not want to hear our arguments.

What is happening today with Bill C-22 is we are standing in Parliament and we are very clearly saying, as parliamentarians that there will be no more sexual exploitation of young children. We are saying that we will stand in our courts of law and protect our children. That is a very honourable thing to do.

When we hear these stories about people doing these things to young people, it comes from a lack of honour. It is a lack of integrity. It is a lack of commitment to the Canadian value. Our country was built on a foundation of Canadian values. Those values are that people can live, breathe and be free in a country where they can grow, get jobs, become educated and grow their families. Canadian

values are all about that. In Canada the vulnerable will be protected because we respect the vulnerable.

When my hon. colleague speaks about the things that happen to young people, we as parliamentarians have the authority and the ability to stop it today.

• (1635)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to have this opportunity to speak to the bill. Before I get into some of my detailed comments, I want to say something about the general nature of this debate.

First, the Prime Minister took the opposition to task and said that it was causing a delay on this bill. We should be very clear and put it on the record, as our justice critic, the member for Windsor—Tecumseh, did earlier, that the government tabled this bill back in June of this year, but it was only called for debate today. Therefore, the accusation and allegation that somehow the opposition is holding up the bill is absolutely ludicrous. This is the first day the government has called this important bill for debate.

My second point is a Liberal member rose to ask why we did not get on with passing the bill and stop the filibustering. What filibustering? We just started debating this bill a couple of hours ago. I know the Liberals put forward a proposal, with a number of other bills, to approve the bill on raising the age of consent with no debate or vote. Instead, we would have an omnibus motion and pass it. Maybe that is acceptable to some people, but I beg to differ and protest.

The reason we come to this place is because we are legislators. We come here to debate public policy. The more contentious and far-reaching that public policy is, the more we have a responsibility to engage in genuine debate and to hear from Canadians who have different points of view.

I also take issue with the Liberals who are somehow trying to claim there is filibustering going on. They want the bill to pass with no discussion, no debate and no vote. That is wrong. We should be debating this because it is a very important bill. There are a number of very important questions raised in the bill that Canadians want to hear about and provide input.

There seems to be a lot of political posturing taking place. In fact, I notice there is a very careful characterization that this is not a bill about the age of consent, but is now a bill about the protection of children, which is a different characterization from how it was originally put forward. Clearly what we are debating is the Criminal Code, whether it is a good idea to raise the age of consent from 14 to 16 and what would the consequences be if we do that.

Earlier today our justice critic, the member for Windsor—Tecumseh, spoke to the bill. He laid out some of the concerns the NDP caucus, as well as the fact that if it went to committee, the NDP would seek amendments.

Government Orders

I want to address my remarks and bring forward another side of the debate, which is whether we are willing to hear from young people about their sexual activity, what is consensual and what is not. I am very concerned with the attitude of the government, which is so paternalistic, that young people will be shut out of this debate. If the bill goes to committee, it is incredibly important that we hear from them because we know sexual activity takes place. The average age of 14.1 years for girls and it is slightly different for boys.

I should point out, Mr. Speaker, that I will be sharing my time with the member for Winnipeg North.

We know sexual activity takes place and it is very important that we hear the views of young people and what they think we should do. The point I want to make is this is now being presented as a bill for protection for children, but there already are protections in the Criminal Code, which ensure that exploitation, coercion and violence against young people do not take place.

● (1640)

The critical thing here is that we must differentiate between what is harmful, exploitative, violent and coercive against what is actually consenting activity. As Osgoode law professor Alan Young has said, this bill can be looked as an example of the sort of symbolic politics that take place where legislation is proposed in order to make people feel good about something. We have seen this now on a number of occasions with bills on crime from the government, but they do not necessarily accomplish any change in terms of what will take place. This bill may have a negative impact.

The Canadian AIDS Society said in its position statement:

[We are] concerned that increasing the age of consent could result in young people being more secretive about their sexual practices and not seeking out the information they need.

It also stated that:

The Criminal Code of Canada already protects people under the age of 18 from sexual relationships that happen under circumstances of exploitation, pornography, prostitution or in relationships of trust, authority or dependency.

Let us be very clear. These protections already exist within our Criminal Code. Again I come back to the need for us to be incredibly cautious in hearing from young people about what they believe the impact of this bill would be on their lives and on the realities they face.

The Canadian AIDS Society believes that the Canadian government should be focusing on promoting consistent and comprehensive HIV-AIDS information in sexual health education across Canada. It said that the best way to protect and support youth is to ensure that education and services are available to inform them about their rights and options, and the risks and benefits of engaging in sexual activity. Educating youth to make informed choices that are right for them is better addressed through parental guidance and comprehensive sexual health education than by using the Criminal Code.

We have a similar position being put forward by the Canadian Federation for Sexual Health. It said that there was no evidence that increased restriction on individual rights would increase protection of youth from sexual exploitation or provide any other benefits sufficient to justify the intrusion into personal privacy and

consensual activity. Rather, the prospect of legal sanction and third party disclosure could seriously discourage youth from assessing preventative and therapeutic health services and other forms of information and assistance. My colleague brought up this point earlier today.

We will be seeking amendments to this bill in committee in terms of the differentiation that now exists in the Criminal Code around anal intercourse as opposed to other sexual activities that we think are discriminatory. That should be changed. We need to ensure as well that there is protection for young people when they need to report sexually transmitted diseases.

I want to put on the record that this is an important debate. I have a lot of reservations about this bill and I do not support it in principle. I do think it is important for witnesses to be heard, particularly young people because we need to hear their point of view. We need to be realistic in what we do. We would be willing to look at the provisions that actually exist now in the Criminal Code and focus the debate on whether or not those provisions are inadequate. We need to focus on what to do to ensure there is no exploitation, coercion or violence against young people because those protections are already in the Criminal Code.

I look forward to that debate. I hope it is a genuine debate and not just about political posturing. Canadians want us to honestly and frankly discuss this issue. Maybe at some point there will be a consensus. It is important that all points of view be heard.

● (1645)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I listened to the hon. member with great interest. Quite frankly, I thought she started off well but then kind of drifted off toward the end.

This bill is about protecting our children. I do not want children telling me whether or not they feel they should be protected. As adults and as legislators we have an obligation to protect them under the Criminal Code. I have travelled a fair portion of this country, including British Columbia where the member is from, and I know Canadians want their children to be protected. They do not care if their children do not feel they should be protected.

I would like to know if the member thinks it is all right for middle aged men or middle aged women to target children 14 and 15 years old for sexual relationships on the basis of consent? I do not care if children 14 and 15 years old consent to it. It should not be a defence in Canadian courts. I would like to know if the hon. member thinks that is a suitable defence for an adult to use in court?

Ms. Libby Davies: Mr. Speaker, the question the member has raised is why we need to have this debate. Frankly, I am really surprised to hear the comment that he does not think that we should be hearing from young people, that somehow they do not have a point of view, that they do not have well-informed opinions, that sexual activity does not take place, and that somehow only those of a certain age are in a position to make a decision or a determination about what is consensual or not. I do not agree with that.

Government Orders

I think that young people should be engaged in this debate and we should be listening to them about what actually takes place. If we are here to sort of bury our heads in the sand and say that sexual activity either between young people or with some years in difference does not take place, and some of that activity is consenting, then I think we are fooling ourselves.

I will be the first one here to say that of course there are appalling and horrible situations of violence, coercion and exploitation. We see that in prostitution and the sex industry. That is why we have laws to ensure that does not take place. That is why it is important to have those protections to ensure that young people are not exploited.

However, this is a question that involves sexual activity of young people that is consenting and I think for anybody to deny that is just fooling themselves.

I realize there are different points of view and I realize there are very strongly held views, but my bottom line is that we have to hear from young people. We have to hear what they have to say. To somehow characterize that they do not know what they are talking about or there are not informed opinions out there, I think is very paternalistic and very condescending. We will, in the end, create harms in terms of the way young people view sexuality, their ability to come forward and talk about their sexuality, to get help when they need it, and not to be driven underground. Those are the concerns that I have. I believe that they are very legitimate. I believe that they need to be heard.

I realize that there are other members who will try and shut down the debate on sort of very moral grounds that they have. That is fine. They have a right to do that. However, I want to ensure that all these points of view are heard.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for West Nova. There is one minute for both the question and the answer.

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I will be supporting this bill. I had reservations during the first debate, which was some time ago, but the close in age exception has made a difference for me. I agree with what the member said regarding the fact that debate is not a bad thing and there are probably some witnesses who should be heard. However, whether the individual is 14, 15 or 16 years old, could the member possibly see where it would be okay for a 40-year-old adult, even if not in a position of influence, to be in a relationship with somebody at the age of 14, 15 or 16? Could the member see such a possibility?

• (1650)

The Acting Speaker (Mr. Royal Galipeau): There is 20 seconds to reply to that question.

Ms. Libby Davies: Mr. Speaker, I do not personally see that possibility. However, we are talking about near in age here and what that cutoff should be. That is where the debate needs to centre. We can always put forward extremes and take the debate there. What we need to do is hear from young people—

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): Order, please.

It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Labrador, Aboriginal Affairs.

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, my constituency of Winnipeg North has a great deal to say about the topic at hand and many others that we are debating in the House of Commons.

I am very pleased to have the opportunity to join in the debate on Bill C-22. We are talking about legislation to amend the Criminal Code to raise the age of consent from 14 to 16 and to consider, in addition to that, a concept which is a close in age exception.

The House can tell by the speech of my colleague, the member for Vancouver East, that our caucus has spent a great deal of time thinking and talking about this issue. We have taken it very seriously. We bring to the table today differences of opinion that are respected by each of us. There is a bottom line for all of us in our caucus. We have no intention of supporting legislation whose sole purpose would be to criminalize the sexual activity of our young people. If that is the intention of the government in bringing this forward, we do not support it whatsoever.

We also, by virtue of the legislation, do not rule out the need for other initiatives that deal very much with the problems that have been articulated in the course of this debate. As my colleague from Vancouver East said, we must always focus on the need for education and support to ensure that our young people are able to make choices that are based on all the information and have supports in place to help them through some of life's most difficult challenges.

As a mother of a 17-year-old boy, I worry about this area constantly. I think about it in terms of what is the best prescription, what is the best legislative framework for ensuring that our kids are both protected when they are vulnerable, and also able to exert their independence and to make choices with the full knowledge that we have been able to instil in them up to that point.

I want to begin by saying there are no easy answers. There is a vigorous debate going on. All sides must be respected and I hope we do so in the chamber today. I, for one, will take a slightly different tack from my colleague, the member for Vancouver East, and actually give fairly unequivocal support to the bill before us.

I have given lots of consideration to the full issue of raising the age of consent from 14 to 16 and have consulted widely in my constituency. I can say without hesitation that the vast majority of people in my constituency, who think about these issues and are worried about various matters, want to see this change take place as long as we include in it the close in age exception.

The bill as we know it raises the age from 14 to 16. It includes the close in age exemption that would permit sexual activity with a partner who is less than five years older. We think that is a reasonable compromise for this issue, given where some of the Conservatives started out on this whole matter.

A number of years ago we dealt with this in the House on a private member's bill, when it was suggested that we simply raise the age of consent and make no consideration to the sexual activity of young people and to the fact that there are some relationships that actually take place that are meaningful at that age.

I would prefer if my son was not engaged in any activity that we are talking about at the age of 17, but I am not about to judge, nor am I about to accuse him. Certainly, I know that he is of an age now where I hope that I have given him enough of a base that he can make wise decisions and wise choices.

However, we do have an obligation as a Parliament to worry about a much broader issue, and that is the question of sexual exploitation of young children. That is how I approach the bill. I believe it is a useful tool for dealing with a very serious and growing problem among us.

• (1655)

I was reading through some of the clippings on this whole issue and I was reminded of the work David Matas has been doing on this matter in Winnipeg. Following the Peter Whitmore saga, he wrote an article in the *Winnipeg Free Press* on August 9 stating:

Canada is not doing enough to protect children from sexual abuse.

There are at least four ways protection could be improved. One is raising the age of consent for sex with adults. Right now it is 14. It is chilling to realize, but Whitmore cannot be convicted with sexual abuse of the 14-year-old from Winnipeg unless it can be established either that Whitmore sexually exploited the child or that the child did not consent to sex.

David Matas has helped us put this issue in perspective, at least for me, and I see some validity in this legislation from that perspective. We have had numerous briefs and reports on this issue over the years and the wisdom from some of those studies has to be considered.

I also want to refer to another Winnipeg writer by the name of Penni Mitchell. This goes back to five years ago when we were grappling with the issue of pornography and the fact that those being depicted in pornography are more and more likely to be very young children, and that we needed to find ways to curb this exploitation of our children and young people. Penni Mitchell, in the *Winnipeg Free Press* in 2001, said:

Changing the age of consent may, however, address the concerns of those who want to stop predators from luring young teens through on-line chat rooms. The fact that the issue was mentioned in the throne speech is a positive sign.

It is too bad we are still debating the issue today.

She goes on to say:

The fact that the Supreme Court has shone some light on our outdated consent laws may not be such a bad thing either. Under the Criminal Code, 12- and 13-year-olds can consent to lawful sexual activity as long as their boyfriend or girlfriend is not more than two years older than they are. At 14, they can engage in lawful sexual activity with an adult as long as the 14-year-old consents and the adult is not in a position of trust or authority, or someone with whom the youth is in a position of dependency. At the other extreme, Section 159 holds that anal sex is illegal unless the parties are a) husband and wife, or b) consenting adults, 18 or over. An Ontario court ruling has cast doubts on the validity of that section.

She concludes by saying:

A reasonable move to increase prosecutions of Internet predators and address some potential abuses in the personal recording exemption granted by the Supreme Court may be to follow Britain's lead and make the age of sexual consent 16 for all

Government Orders

teenagers. Britain is also on the leading edge of prosecuting pedophiles involved at an international level, an area where Canadian law is weak.

I read this because this is from an active feminist in Winnipeg who is a long time editor of the magazine entitled *Horizons*. She has put on record a position that is, in my view, one that ought to give us some confidence in supporting Bill C-22 as long as the commitment to keeping a close in age exemption is part of the legislation.

Having consulted with many in my constituency in Winnipeg, especially those groups that deal with young prostitutes, exploited youth and women who are treated as nothing more than sexual objects, the belief is that this bill will make a difference.

We also know about a recent street program in Regina that is offering some help. The folks running that program and the safety services have concluded that an increase in the age of consent for sexual activity would make sense. They go on to say:

...a bigger safe house for sexually exploited kids, stronger legislation against johns and a way to help 16- and 17- year-olds who are too young for some programs and too old for others.

We are talking about one measure but it must be part of a bigger package. We do not want this dealt with in isolation. We see the importance of recognizing the need for supports and for education, as well as for this change to the Criminal Code.

Finally, let me put on the record that it is probably fair to say that a good number of young people have thought about this question and have come to the conclusion that it would make sense to increase the age of consent. I am referring to the democracy project that was published by the Dominion Institute where it said that a majority of young Canadian adults wanted the legal age of consent for sex to be raised. In fact, 54% of Canadian young adults and students aged 18 to 24 support raising the age of consent.

• (1700)

Therefore, we are not in danger of ignoring the concerns of young people. We are certainly not in danger of avoiding a very important social issue and with this bill we can go forward with a constructive solution that will help protect our young people from sexual predators and help ensure that young girls, teenagers and women are not treated as sexual objects and therefore condemned to a life of victimization.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I share many of the concerns and comments that my hon. colleague raised. The issue of how we ensure the protection of our children from a variety of people does need to be dealt with far more harshly as the courts proceed.

This bill will go to committee where there will be lots of opportunity for fuller debate and discussion on other ways that we can strengthen the legislation but would the hon. member have some comments as to the increased concern and preoccupation that we all have with the Internet and its access to so many of our young people?

Government Orders

Ms. Judy Wasylycia-Leis: Mr. Speaker, I believe the legislation would actually help us deal with the growing problem of sexual exploitation over the Internet. One of the most compelling reasons for moving on this legislation is that it would give us greater avenues to protect very young children and youth from being lured over the Internet into either a sexual relationship with an older person or as an object for exploitation in productions of pornography. It is a useful component.

I know we will hear from many witnesses during committee but I would add that a number of women's organizations have taken a strong position in support of this bill. One of them is the Provincial Council of Women of Manitoba which passed a resolution that called upon the government to amend the Criminal Code of Canada to reflect the age of 16 as the age of consent. It referenced that the central issue was the restriction of the privileges of adults with respect to young people. Whether that would be in terms of the direct luring of kids off the streets or whether it is over the Internet, it is an important issue that needs to be dealt with.

The council also referenced the Badgeley report of 1986, which you will remember, Mr. Speaker, since I think it was just the other day that you celebrated the 26th anniversary of your maiden speech in the House of Commons. In 1986 the Badgeley report stated:

Society has a vital interest in ensuring that its naturally weaker members are protected by legal safeguards against the naturally stronger, and particularly, that the welfare of its children and youths will be protected and fostered.

We all need to be vigilant about moving forward in this area and ensuring that a thorough vetting does take place at committee.

• (1705)

[*Translation*]

Mr. Christian Paradis (Parliamentary Secretary to the Minister of Natural Resources, CPC): Mr. Speaker, I am very happy to rise today to take part in the debate on second reading of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Essentially, Bill C-22 proposes changes to the Criminal Code to better protect young people, age 14 and 15, against any form of sexual exploitation by adult predators. That is a rather clear and simple objective that the members of this House should understand and support.

It is also an important element of our government's commitment to tackle crime. We recognize that families should be able to raise their children without fear of sexual predators. In that regard, Bill C-22 enables us to take a very big step toward the achievement of that commitment and, I would even go so far as to add, to satisfy the expectations of Canadians.

The age of consent, or the age of protection, is the age at which the Criminal Code recognizes the capacity of a young person to consent to sexual activity. In other words, it is the age below which any sexual activity with a child or young person is prohibited.

At present, the Criminal Code prohibits all sexual activity with a child under two categories of offences: general offences of sexual assault of a child or an adult, and specific offences that apply only to children. Those prohibitions deal with any form of sexual activity, whether it consists of sexual touching or sexual relations.

The criteria under which an assault is "sexual" was established almost 20 years ago by the Supreme Court of Canada in the case of *R. v. Chase*, a 1987 case in which the court concluded that sexual assault is an assault which is committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated. This criterion requires any court to consider all the circumstances, such as the part of the body touched, the nature of the contact, the situation in which it occurred, and the intentions of the accused.

Bill C-22 does not seek to amend the already well established legal status on this question. In fact, it proposes rather to build on the approach adopted by the Criminal Code concerning the prohibition of sexual activity with those who have not reached the age of consent

Currently, the minimum age of consent to sexual activity that is in any way exploitative is 18 years. This applies to prostitution, pornography and sexual activity involving a relationship of authority, trust or dependence or situations in which a young person is exploited in some other way.

The bill does not change the existing age of protection for these purposes.

For other kinds of sexual activity, however, the current age of consent is 14. There is only one exception to this rule: 12- and 13-year-old youths can consent to sexual activity on condition that their partner is less than two years older than they are, although this partner may not be 16, and the relationship is not one of trust, authority or dependence or a relationship in which the youth is exploited in some other way.

Bill C-22 does not change this two-year age proximity exception, although it does advance the age of consent from 14 to 16 years. It also creates a new age proximity exception for 14- and 15-year old youths.

More specifically and as is currently the case with the age proximity exception for 12- and 13-year old youths, Bill C-22 would create a new age proximity exception that would allow 14- and 15-year-old youths to consent to sexual activity with a person who is less than five years older on condition that this relationship does not involve a position of authority, trust or dependence and is not exploitative in any way.

The bill contains a broader age exception for 14- and 15-year-old youths in recognition of the fact that they are more likely to engage in sexual activities than 12- or 13-year-olds and the peer group of secondary school students is generally larger than that of children in intermediate school. This measure also reflects the general purpose of Bill C-22, which is to better protect 14- and 15-year old youths against adult predators while avoiding the criminalization of consensual sexual activity among adolescents.

This is not the first time that we have studied a proposal to extend the age of protection from 14 to 16 years of age. This issue has actually been raised, studied and debated on numerous occasions over the last 20 years.

Government Orders

•(1710)

Allow me to mention some of the landmark reports on the subject.

First, in 1981, the Minister of Justice and Attorney General of Canada, together with the Minister of Health and Welfare, struck the Committee on Sexual Offences against Children and Youth. The committee was given a very broad mandate to examine the incidence of sexual offences against children and adolescents in Canada and to recommend improvements to laws protecting adolescents against sexual abuse and exploitation.

The committee, often referred to as the Badgely committee after its chair, Robin Badgely, submitted its report in 1984. This was the first comprehensive interdisciplinary report to provide a national overview of the sexual abuse and exploitation of children in Canada. The committee made 52 recommendations that addressed the need to reform criminal and evidentiary law, as well as social services and programs to better protect children from sexual abuse and exploitation.

The committee studied existing Criminal Code prohibitions concerning sexual activity with children. For example, at the time, the only thing a man was absolutely prohibited from doing was having sexual relations with a female who was not his spouse and who was under 14 years of age. Sexual relationships with 14 or 15 year old girls were prohibited only if the girl in question was “of previously chaste character” or if the accused was more to blame than the girl for the behaviour.

It is easy to see why the committee recommended modernizing these prohibitions to protect both boys and girls, not only from sexual relationships, but also from all forms of sexual activity, regardless of whether they were “of previously chaste character”.

It is interesting to note that the committee also recommended that the age of protection be raised from 14 to 16 years. However, even though several of the committee's other recommendations were followed in what was then Bill C-15, an act to amend the Criminal Code and the Canada Evidence Act, which came into force on January 1, 1988, the age of protection was not raised.

Former Bill C-15 required that Parliament review the implementation and the effectiveness of these reforms four years after they came into force. In June 1993, the Standing Committee on Justice and Legal Affairs, chaired by Bob Horner, tabled its report on the four-year review of the child sexual abuse provisions of the Criminal Code and the Canada Evidence Act (formerly Bill C-15).

Once again, the issue of age of consent was examined. Some of the submissions the committee received recommended raising the age of consent from 14 to 16 and including a close in age exception of three years. However, the committee concluded that the testimony received did not warrant raising the age of consent.

So it is that Bill C-22 is before us today. The issue is still there; it has not gone away. But do we have more evidence today than in 1993 to justify raising the age of consent? I think so, and I believe that the people of Canada think so as well.

First, children and adolescents continue to be greatly exposed to the risks of sexual assault and exploitation.

In 2005, Statistics Canada said that children and adolescents accounted for 61% of all victims of sexual assault reported to police. According to its report, and I quote, “Sexual assaults are largely crimes committed against children and young people.” [Juristat: Children and youth as victims of violent crime, April 2005].

As well, the adolescents that Bill C-22 is seeking to protect better are among those at highest risk of being victims of sexual assault. Again according to Statistics Canada's 2005 Juristat, girls aged 11 to 17 account for a high proportion of victims of all types of sexual assaults committed against children and adolescents: 31% or nearly a third of victims were adolescent girls between 14 and 17, and nearly 23% of victims were adolescent girls between 11 and 13.

These same adolescent girls are also more likely to be lured over the Internet. Luring over the Internet has been an offence under the Criminal Code since 2002. The Criminal Code prohibits the use of the Internet to communicate with a child or an adolescent for the purpose of committing a sexual offence or an abduction.

In 2005, Cybertip.ca, a national tipline for reporting the online exploitation of children, reported that during its pilot phase from September 2002 to September 2004, 10% of the tips it received were about online luring.

•(1715)

In 93% of cases, the victims were young girls, most of them—about 73%—between the ages of 12 and 15. Given the popularity of the Internet among teens, we have every reason to believe that this trend will continue.

For example, three years ago, Statistics Canada reported that 71%—nearly three quarters—of 15 year olds used the Internet at least a few times a week; 60% said they used it primarily for email and chatting. My source is a document entitled *Canadian Social Trends* published in the summer of 2003 by Statistics Canada.

The 2004 report of the Canadian branch of the World Internet Project, which was released in October 2005, included a survey of Canadian Internet users and non-users. In the survey, parents estimated that their children spent an average of 8.9 hours a week on the Internet.

Third, young Canadians engage in sexual activity relatively early. Let us look at some of Statistics Canada's data about sexual activity among youth.

Government Orders

In May 2005, Statistics Canada reported that the percentage of teens who said they had sex for the first time before turning 15 has been increasing since the 1980s. As reported in *The Daily* on May 3, 2005, it is estimated that 12% of boys and 14% of girls have had a sexual relationship before turning 14 or 15. In 2003, an estimated 28% of 15 to 17 year olds reported having had at least one sexual relationship.

Fourth, many other countries already recognize that 14 and 15 year olds are at risk of sexual exploitation. Their age of protection is higher than Canada's 14.

Take the Commonwealth countries, for example, where the criminal law derives from the same sources as Canada's. We find that the age of protection is 16 in England, and 16 at the federal level and 16 or 17 at the state level in Australia. In New Zealand, the age of consent is 16. If we look south of the border, we find that the age of consent is 16 at the federal level in the United States, and that it varies essentially from 16 to 18 at the state level.

It is particularly worth noting how Hawaii recently dealt with this question. In that state, the age of consent was set at 14 until 2001, when it was temporarily raised to 16 so that additional analyses and studies could be done. In 2003 it was permanently raised to 16, and an exception for age differences within five years was adopted for all sexual activity with a young person 14 or 15 years of age.

Today we know much more about the risk of 14 and 15 year-olds being sexually exploited than we did 20 years ago. It is now time to act on what we know.

I am aware that some people have decided that Bill C-22 serves no purpose, arguing that former Bill C-2, which dealt with the protection of children and other vulnerable persons, extended the existing prohibition on sexual application to cover young people aged 14 to 18. That amendment imposed a duty on the courts to consider all of the circumstances of a sexual relationship with a young person, such as the age of the young person, any age difference between the two partners, the evolution of the relationship and the degree of control or influence by the older partner over the young person, in determining whether the situation was a case of sexual exploitation.

That amendment was simply not sufficient. It did not adequately clarify things and it did not protect young people aged 14 and 15. However, that is what Bill C-22 does. Bill C-22 eliminates all conjecture and draws a very clear dividing line: if you are more than five years older than a young person who is 14 or 15 years old, you are prohibited from engaging in any sexual activity with that young person. This rule will provide protection for all young people 14 and 15 years of age against anyone who is more than five years older than them.

It is not the aim of Bill C-22 to criminalize all sexual activity on the part of young people. In fact, this bill provides for very clear and very reasonable exceptions, to ensure that sexual activity between young people to which they have freely consented is not criminalized. Bill C-22 will not operate to criminalize marriages or common-law relationships involving a partner who is 14 or 15 years of age and a partner more than five years older than that person that

exist when it comes into force. There will be an exception for those cases.

• (1720)

However, there should be no doubt regarding who will be held criminally liable under Bill C-22: any adult who is five or more years older than a young person with whom he or she engages in sexual activity. This is not just something that must be done to protect young people against sexual predators, it is also the only fair thing to do.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the Bloc Québécois could of course support Bill C-22 in principle.

However, I would like to ask the hon. member the following question. Once this bill is enacted, what can be done the fact that a low of disclosure and reporting by rate victims of sexual assault is often a major obstacle in the fight against sex crimes?

I would like the member to tell the House what the Conservative Party intends to do about this. Indeed, even with the legislation, we are often unaware of sex crimes if we do not know about situations or activities, or apply certain measures to prevent sexual activity among young people, and especially exploitation of young people.

Mr. Christian Paradis: Mr. Speaker, I thank my hon. colleague for his excellent question.

Indeed, the low disclosure rate is a major problem in cases of sex crimes committed against adolescents. We must attack this scourge. I humbly believe that Bill C-22 will remedy this to a great extent.

In fact, based on what was previously proposed, that is, the previous bill that I cited earlier, the burden of proof was extremely high for the victim. It entailed a lengthy legal process and young people were often discouraged. We are now proposing a bill that is clear and has a limit. Thus, there is no burden of proof. No one can begin to say that a given person thought this or that, what the degree of intention was, and so on. Now, the age difference is clearly defined for the range, set at age 14 and 15. The limit is now clear and will—I hope and I am sure—encourage young victims to exercise their right to recourse and denounce adult sexual predators.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I trust that the hon. Parliamentary Secretary to the Minister of Justice will listen to me for the 20 minutes at my disposal. With regard to the last question from my hon. colleague from the Sherbrooke area, I am not sure that the answer given by the parliamentary secretary will be found in Bill C-22.

We must acknowledge that Bill C-22 is an important piece of legislation. I would like to quote the law clerks who analysed it. We know how it works in this House. When the government tables a bill, it is analysed by law clerks who make recommendations and explain the substance of the legislation. Thus, permit me to quote the law clerks who stated:

The text amends the Criminal Code to raise the age of consent, from fourteen to sixteen, for a non-exploitative sexual activity.

Government Orders

The wording is very important

It creates an exception in respect of any person who engages in sexual activity with a 14- or 15-year-old youth and who is less than five years older than the youth.

After practising criminal law for 25 years I can tell you that I am not certain that Bill C-22, in its present form, will lead to more charges from youth who are victims of illicit sexual acts. However, and this is where the bill becomes very interesting, or at least interesting, it does seek to better protect older youth from becoming victims of sexual exploitation.

The important aspect of Bill C-22 is that it also seeks to send a message to sexual predators that Canada will not tolerate the abuse of adolescents. On the international scene, this bill will clarify, affirm and confirm that Canada is not a destination for sex tourism. Now it will be said, throughout the world, that no one should think of Canada as a destination for sex tourism.

Consequently, the Bloc Québécois supports the principle of Bill C-22 and thus we should vote that it be sent to committee.

Since I currently sit on the Standing Committee on Justice, this will make one more bill for us to study. In fact, this good government—as it likes to describe itself—has inundated us with so many bills that we are having a hard time distinguishing what I would describe as exclusively right-wing American-style bills from bills that actually provide protection. This bill comes under the latter category.

The government probably should have introduced this bill before the others. We have 12 bills to study, and this one will be the 13th. Unfortunately for this government, I am not sure it can withstand a potential election in the coming years, the coming year or the coming months. This bill will be considered in order of priority and will certainly not be studied in committee before next year.

However, the Bloc Québécois has always recognized the need to increase child protection, which this bill does. The Bloc has always played an active role in meeting this objective.

We support this bill in principle, because it seems to provide added protection, enabling us to fight more effectively against the exploitation of the most vulnerable members of our society: children. However—and this is the thrust of our position—the Bloc Québécois will make sure that the bill does not have any adverse effects on the health and freedom of the young people we are seeking to protect.

•(1725)

I almost called you “Your Lordship”, Mr. Speaker. I am so used to pleading before the court I was going to give you that honour. Your salary would have strangely increased over the next few hours because salaries are a great deal higher for judges than for those of us gathered here in this House.

Mr. Speaker, I could list all the protection measures and everything that has been done during the past few years. Whether it was the Liberals or the Conservatives—regardless of which party was in power—the Criminal Code has been amended over the years. Heaven knows I am aware of that because defence lawyers have had to live with the restrictions imposed by these amendments.

It is essential that those who are listening to us, that the public that is listening, knows and understands that the Criminal Code now

offers protection to children who feel that they have been sexually exploited—and who actually have been—by sexual predators. This protection has been introduced in recent years. I could refer to many points. For example, a victim no longer is required to testify in front of the accused. The accused is protected from seeing the victim and above all the victim is protected from testifying in front of the accused. The Criminal Code was amended to provide this protection to victims. In the past few years, an effort has been made, in the Criminal Code, to provide special protection for the youngest victims. The majority of those victims are women.

I remember the early years—I would not even dare to say they were good years—when the accused person before the court often was not the person sitting at my side, but very often, the victim, who was called on to testify and whose whole life was drawn out in great detail in an attempt to have our client acquitted.

Defence lawyers realized well before the crown did that we had gone too far. Little by little the rules were revised to prevent lawyers from using the victims to win acquittal for their clients by using underhanded means to unsettle a witness to the point where she could not continue to testify. That is what we are doing now. We are adding Bill C-22 to this wall we have built to protect victims.

This bill will make it possible for victims to tell the court, freely and above all under protection, what they have suffered. That is what I wish and it is also what the Bloc Québécois wishes. Today, it is unthinkable that victims should testify in court and be so afraid of their abuser that very often, after several hours of testimony, they stop and never return. They continue to be abused.

If this bill could help prevent that, the Bloc feels that it would be a good additional stone in the wall protecting victims of sexual aggression. It would provide additional protection against sexual predators.

The bill provides, however, for some exceptions. People will have to understand this. The Bloc Québécois was originally against the bill that reduced the age of consent from 16 to 14 years. The government's position was, “that's it, period, end of discussion”. Young people can and do have sexual relations between the ages of 14 and 17 or 18. I believe that it would be closing our eyes, it would be what is called “wilful blindness” in legal jargon, to say that there are no sexual relationships and no sexual contact among 14 year olds.

•(1730)

It is part of the way the world is changing.

That is why the bill provides an exception for 14 and 15 year olds who engage in non-exploitative sexual activities. This is very important: we insist on the expression “non-exploitative” being in the bill.

Take the example of street gangs. I am thinking of the example of young runaways in drop-in centres. I mean young girls and boys between 13 and 15 years of age who end up, despite themselves, in street gangs and are sexually exploited and engage in prostitution when they are as young as 15 or 17 under the control of a 17 or 18 year old. It says in a “non-exploitative” way and this bill will make an exception.

Government Orders

It can easily happen that 14 or 15 year-olds go out—as they say in school—with 16 or 17 year olds. If these young people engage in sexual activities, it will not be possible to charge them under the Criminal Code.

The bill provides a notable exception for 14 or 15 year olds who engage in “non-exploitative” sexual activities with a partner who is less than five years older than they are. The message is clear.

It is and will be unacceptable, if this bill passes, for a 20 year old to go out with a 14 year old girl. That could not be clearer in this bill.

Bill C-22 has three exceptions: a close in age exception of five years for young people aged 14 or 15, a close in age exception of two years for young people aged 12 or 13, whereby 12 and 13 year olds could have sexual relations with 14 or 15 year olds. This can happen; it does happen. I repeat, it would be wilful blindness to say this will not happen or that this will no longer happen. It is happening today and will continue to happen tomorrow. There will also be a transitional exception whereby on the day on which this act comes into force, young people aged 14 or 15 and their partner who is over five years older can legally continue to have sexual contact only if they are married, living in common law or have a child as a result of their relationship.

This means that a young person aged 19 or 20 and his girlfriend aged 15 or 16 could continue to have sexual contact if they are common-law partners. They cannot each live with their parents. They must live together, have a child together or be married; if not, they must end their relations. This part of the bill seems difficult to enforce, but time will tell.

It has been calculated, and I hope studies will prove it in committee, that it is very rare for young people aged 15 or 16 and 20 to continue having relations and not live together. For example, a 14 or 15 year old girl living with her 17 or 19 year old boyfriend might benefit from the exception.

I admit this is quite complex and that these are important decisions, but we needed to talk about these exceptions to show that the government is not against relations between persons aged 14 and 15. The purpose of the bill is to protect children.

However, there are avenues to be explored, avenues that must be very closely examined. For example, the fact has been raised—and the question from my colleague, the member for Sherbrooke to the parliamentary secretary was part of it—that the low rate of disclosure and reporting by victims of sexual assault is a major obstacle to the fight against sexual crimes.

● (1735)

I do not know how this will be tackled or how the government intends to publicize this bill; but this bill will not solve all the problems.

It is impossible to take action if a young person lies or hides a relationship to protect the assailant. The public and the parents who are listening to us here in this House must understand that they have to talk to their children and tell them that with this bill they can now make a complaint if they are victims of sexual assault and that, if they do, they will receive protection.

However, numerous studies suggest that each year barely 10% of sexual assaults are reported to the police. We strongly hope that there will be an increase in such reports once the bill has become law. The sexual abuse that young boys and girls are subject to in our society must stop. We must protect our children and young people; and we in this House have a role to play. That is what this bill seeks to do.

The Bloc Québécois also believes that sex education is an essential avenue for really protecting young people from sexual exploitation. To that end, the government must translate its good intentions into the bill and its implementation. This bill necessarily implies the investment of sums of money for the sex education of young people everywhere in our society.

Education must not only enable young people to understand their responsibilities in terms of sexuality, whether one thinks of STDs, unwanted pregnancies, or other issues; but it must also give young people the tools to protect themselves against unwanted sexual relations or in a situation of exploitation. Improved methods of sex education could enable children and young people to avoid certain difficult and challenging situations.

Sex education informs, stimulates thought and facilitates informed decision making. Parents, schools and social services must stop tossing the ball back and forth because all of them share the important responsibility of providing for the sex education of children. Effective sex education presumes that adults give messages that have a clear and unambiguous meaning, and that they take into account the age of the child or young person.

We will absolutely have to invest the necessary and appropriate funds in genuine sex education. We hope that when Bill C-22 becomes law we will be able to ensure that young people not only are protected, but also receive appropriate sex education.

Before the bill we are considering is passed, the Bloc Québécois will need assurances that raising the age of consent will not have adverse effects on the very young people we are trying to protect. The Bloc Québécois is concerned about the possibility that relationships between young people that are entirely healthy and legitimate will be criminalized. We are also afraid that the bill will have unforeseen side effects on the physical and mental health of the young people we want to protect.

We will support this bill in principle solely for the purpose of providing better protection for children from sexual predators, and not for the purpose of stigmatizing young people engaged in consensual sexual relationships.

● (1740)

[English]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I listened with interest to my colleague's speech and want to ask him one question.

Over the years there has been a great demand for this kind of legislation from people and groups who work in areas such as protecting children, preventing childhood exploitation, ensuring victims' rights are protected, and preventing the victimization of children.

Government Orders

I heard two messages from my colleague. On the one hand, I appreciate the acknowledgement that this bill does not seek to criminalize relationships between young children. When this issue has been raised in the past, we have heard specifically from the Liberals, time and again, that we were trying to criminalize sexual relationships between children or young people. That is not what this bill is about.

I would like the member to comment on cases in which individuals come here from some U.S. states or some other country where the age of consent is 16 because they know we have a low age of consent in Canada. I am not talking about teenagers here. I am talking about men in their thirties and forties who come to Canada because our age of consent is 14 years of age. That is what this bill targets. I would ask the member to comment on that.

Also, I would ask him to comment a bit on the importance of what is included in the government bill. I would ask him to comment on the fact that there is a close in age exemption included, one that has existed for individuals under 14 years of age for some time now, and there will continue to be a close in age exemption into the future.

• (1745)

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I understand the parliamentary secretary's comments and I am somewhat in agreement with him.

In answer to his first comment, I will tell him that the Bloc Québécois agrees with increasing protection for children if we have to raise the age of consent for sexual relationships to do that. We agree, but this must not be the only thing we do. There are other things that have to be done, guidance that must be provided that will ensure that we are not merely going to criminalize sexual relationships or activity between young people.

That is not the only objective. The objective of the bill is to provide additional protection so that we can combat the exploitation of vulnerable individuals in our society. That is the reason why we support the bill in principle, but more than just this will have to be done. More than fine words, and more than a law, is going to be needed. We need a law that will let the whole world know that Canada will not tolerate sexual tourism here. However, we will also have to take it a step farther and work on education.

My final comments are to reiterate to the parliamentary secretary that it is not enough for the Minister of Justice to draft a bill and table it and have an amendment made; his colleagues—the Minister of Health and others—who are concerned about sexual relationships or sexual activity on the part of young people will have to put some money into it, to ensure we are all able to protect young people from unwanted sexual relationships.

There will have to be considerable education done, because it is fine to protect young people, but they need to be told that they have this protection. I am thinking, for example, of sexual coercion practised by 17- and 18-year-olds against 14-, 15- or 16-year-old runaways. This will absolutely have to be fleshed out over the next few months. We are going to try to do this, and we will be able to do it, at the Standing Committee on Justice, by listening to the people who appear before us. They will be asked to answer our questions, and to

provide their guidance and expertise to assist in putting this law in place.

[*English*]

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I listened very carefully to the member's comments and concerns and have a specific question for the member. I raised it earlier in the day.

In Saskatchewan a few years ago, three young individuals in their twenties picked up a 12 year old girl and gave her some beer and so on. The evidence showed that some pretty serious sexual exploitation took place in respect to the 12 year old girl. Two of the accused had a trial before a jury. They had a very good defence lawyer. The defence lawyer's main argument was that the relationship was consensual. Second, the lawyer argued that the girl looked like she could be 14 or even older.

Let us guess what happened when the jury came in after hearing that pitch. Reasonable doubt is all we have to raise if we are defending an accused person. The jury acquitted those two individuals of the charge. It was a horrendous, scary situation.

My point here is that if we cannot find any reason to support the bill, that particular situation shows the need for this sort of legislation. That 12 year old girl should have had the protection of the law on her side. She should have had the protection of every single member of Parliament in the House of Commons on her side, to make sure that our laws are there to protect the victim, not to give loopholes to defence lawyers and allow adults to prey on and exploit our young people.

Fortunately, the Court of Appeal in Saskatchewan reversed that decision, which was very commendable, but I find it very upsetting that at a trial before a jury, because of the way we have framed our laws, we leave people like this girl open to a lack of protection such that it is open season on young people for adults who want to prey on them.

Could the member please express his comments about the need to make sure that our laws are strong and can protect a 12 year old girl from a gang of youths in their twenties seriously exploiting and abusing her? Could he comment on the fact that we have a really strong need to move in that area?

• (1750)

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, as a criminal law attorney who has appeared before the courts on many occasions, my first reaction is to be pleased to hear my hon. colleague say at the end of his speech that the Court of Appeal reversed the decision.

Under the Criminal Code, if a person has sexual relations with a victim less than 14 years old, ignorance of age is not a defence. That does not matter. There are already sections in the Criminal Code that are very clear on this, and the bill will not change anything in this respect.

Government Orders

I have appeared often enough to be able to say that claiming before the court that the victim consented to the relations is no defence. When a person is 20 years old and the victim 12, it is no defence. She must be 14 years of age or more, or else it is all over. I do not even understand, by the way, why there was a trial, but that is another story.

In answer to my hon. colleague's question, this bill will explain and clarify things. There is the close in age exception of five years. A 20 year old youth and a 15 year old girl can continue having sexual relations. What the government wants to do through this bill—and what the Bloc supports—is prevent sexual predators and sexual exploiters from achieving their ends. In the hon. member's example, it is evident that if young, 20 year old men induce a 14 year old girl to have sexual relations with them, they will be cooked under this new bill.

If the bill comes into force, they will not be able to rely on this defence. Nowadays, it is five years. I encourage my hon. colleague to make his remarks because if this bill is agreed to by the House, we will be able to study it thoroughly in committee.

In conclusion, I would say that the Criminal Code is not there to sentence the crime; it is there to sentence the individual who committed the crime. There is quite a difference here that our friends across the aisle—the current government—have not fully grasped.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have this opportunity to speak in the debate on Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

This is an important debate that we are having today. It is an important debate that we need to continue to have around this particular piece of legislation. Here in this corner of the House in the NDP caucus we have different points of view on this matter. We have already seen that this afternoon in the debate. A number of NDP members have taken differing positions on this piece of legislation. I think that debate has been healthy in our caucus, where we have explored the issues relating to the age of consent for sexual activity and to people's concerns around the sexual activity of young people in Canada.

I do not think the NDP has come to a common position on this legislation. I would be surprised if we did. I think members will see that NDP members take different points of view on it, but it is important that we air those different points of view and have them taken into consideration as part of the debate on this legislation.

It is particularly important in light of the proposal that was made late last week by the Liberal House leader that six crime bills go directly to the Senate from this place. One bill that was suggested to go directly to the Senate was Bill C-22. At the time the suggestion was made, there had not been any debate in the House on this bill. That debate began today. At the time the suggestion was made there had been no debate whatsoever here in the House of Commons on Bill C-22. It would have been very irresponsible to send Bill C-22 directly to the Senate without having given it any debate or consideration, even if there were complete unanimity in this place on this legislation, which there is not.

It is very important that Bill C-22 go to committee and that there be a thorough discussion, that witnesses be called and that people be given an opportunity to discuss their point of view and their concerns about this legislation. People should be able to say why they support the bill or why they oppose it.

It is particularly important that we hear the voices of young people on this issue. There is no one in the age ranges that are contemplated in this bill represented in the House. There is no one who sits in this place that is within the age range that we are contemplating in this legislation. It is very important that we take some pains to try and hear some of those voices as part of this discussion. I think young people do have a particular perspective on both sides of the issue. It would be very important to hear from both sides, but especially to hear from young people.

I am concerned that when we make these kinds of decisions we can too easily be seen as paternalistic. As older people we may have a particular perspective and concerns that are not shared by those who are directly affected by this legislation. It would be a very important step for the committee that will be looking at the bill, whether that be the justice committee or a special legislative committee, that it actually take the time to seek out and hear from young people.

Within the New Democratic Party we have had a vigorous debate on Bill C-22. Young people who are active in our party have taken a very strong position in opposition to raising the age of consent. In fact, they sent a number of resolutions to our recent federal convention that addressed that very issue. I want to read one intervention from the NDP youth of Canada which said:

WHEREAS the Conservative government has indicated that it plans to increase the age of consent for sexual activity, excluding anal intercourse, from 14 to 16 years of age;

WHEREAS the laws governing sexual consent currently protect minors from sexual abuse and exploitation;

WHEREAS increasing the age of consent will not remove the causes of sexual exploitation of minors; and

WHEREAS increasing the age of consent will effectively criminalize sexual activity amongst young people insofar as it may lead to a restriction in access to safer sex information and resources;

BE IT THEREFORE RESOLVED that Federal Council direct Caucus to oppose any legislation that would increase the age of sexual consent, or that would further criminalize sexual activity between minors.

That is a very serious statement of their concern. Any time a group within any of our political parties seeks to direct a caucus to take a particular position on an issue I think expresses their very strongly held position on that legislation.

● (1755)

I think those folks deserve a hearing. Those young people who have concerns about the legislation deserve a hearing. That is why I am glad we are having this debate. I hope there will be no attempt to short-circuit a full and free discussion of this legislation before a House of Commons committee. We need to hear those witnesses. We need to have that full discussion. We need to have the bill back in the House, whether it is amended or not, to have further discussion on it. I personally would feel very strongly that any attempt to short-circuit that process with regard to this piece of legislation would be absolutely the wrong thing to do.

Government Orders

At the same time I do recognize that there are strongly held positions in my own community on this issue. I have heard from many people in my community on this issue, many people who support raising the age of consent from 14 to 16 years of age. Just last week I presented petitions in the House from about 80 people from the Lower Mainland of British Columbia, including quite a few from my own constituency, who asked that Parliament take that remedy, that it increase the age of consent from 14 to 16 years of age. I know that is a very strongly held position in my constituency.

I also know that the City of Burnaby has taken a very strong position through its task force on the sexual exploitation of youth which rose out of concerns in south Burnaby for street prostitution and the fact that there were young people involved in street prostitution in south Burnaby. One of the recommendations made by the task force that looked into it was to increase the age of consent from 14 to 16 years of age. Burnaby Mayor Derek Corrigan is a very strong and passionate supporter of that particular initiative.

There are people in my community who are very concerned about the age of consent and seek a remedy. At the same time I want to make sure that the remedy we propose will actually address the concerns that people have about the exploitation of young people. I am yet to be convinced that the law we currently have on the books does not take the right measures to do that.

Right now it is illegal to be involved in an exploitive relationship with a young person in Canada under the age of 18 years, a person between the ages of 14 and 16 years of age, and this law does not change that. In fact, what the law does is it only criminalizes non-exploitive sexual activity for young people in the age group 14 to 16 years. Right now exploitive sexual activity is clearly prohibited in the Criminal Code of Canada. This bill, in changing the age of consent, really will only criminalize non-exploitive sexual activity in that age group.

That is something we need to consider very carefully. I do not believe that criminalizing sexual activity is the best way to deal with any of the concerns that we might have about young people engaging in sexual activity. I do not think a criminal sanction is the way to go. I do not think that ultimately solves the problem. If anything, I think a criminal sanction only drives the activity underground where we do not have the ability to discuss it, to address it and to deal with the real issues about why that hurts young people and why that relationship may be one that we would have concerns about.

I grew up at a time when sexuality was largely criminalized, when my sexuality as a gay man was largely criminalized in Canada. I do not think that prohibited people from engaging in gay and lesbian relationships, even though it was against the law in Canada, but it certainly did drive it underground. It certainly did drive the solution of problems around relationships, around sexually transmitted diseases and around other issues underground at the time. I think that we recognized back in the late 1960s in Canada that it was not a helpful circumstance and we removed that prohibition from the Criminal Code.

The same effects are possible with this kind of legislation. I do not want to make it more difficult than it already is for young people who, say, contract a sexually transmitted disease, from getting

assistance with that health issue. If they know that the relationship they have been in is one prohibited by law, then I think there will be a real reticence on their part to seek the kind of treatment they need in that circumstance. That is a serious concern about this legislation in the way that it currently stands.

That concern has been raised by a number of organizations. The Canadian AIDS Society board of directors adopted a statement on the age of consent back in July. One of the things that the society said was:

The Canadian AIDS Society is concerned that increasing the age of consent could result in young people being more secretive about their sexual practices and not seeking out the information they need. This will place youth at an increased risk of contracting HIV and other sexually transmitted infections.

• (1800)

We already know that young people in that age group are among the group that is most affected by sexually transmitted diseases and HIV-AIDS. We want to make sure that we do not put any barrier to improving the circumstances where they get the information, where they get the treatment, where they know about the appropriate ways of preventing these diseases and this virus.

When an organization like the Canadian AIDS Society raises a concern of this magnitude about this legislation, I want to share that concern. The society also said that it believes that Bill C-2 which was passed in the last Parliament created some new protections for young people. I want to read the section where the society addressed that issue:

Passed by Parliament in July 2005, Bill C-2 created new protections for youth under 18 years of age against exploitive sexual activity. Bill C-2 takes into account the nature and circumstance of the relationship, including the age of the young person, the difference in age between the youth and the other person, how the relationship evolved, and the degree of control or influence exercised over a youth under 18.

Bill C-2 in the last Parliament actually further defined the issues around exploitive sexual activity, around what it meant to be in a position of power or authority in a relationship. We need to see what the effect of those changes are, if they went some way to actually improving the circumstance of relationships where there was exploitation.

It is clear that the legislation that is in place in the Criminal Code already protects people under the age of 18 from sexual relationships that happen in circumstances of exploitation, in circumstances related to the production of pornography, in circumstances related to prostitution, or in circumstances where there is a relationship of trust, authority or dependency. The legislation is very clear.

Over the years when I worked as a constituency assistant I would often have conversations with people on the phone who were concerned about the age of consent. Often they did not understand that those provisions were in the current legislation, that the legislation was very clear about what it meant to be in a relationship of trust, authority or dependency, what it meant for there to be an exploitive relationship.

Government Orders

I actually believe that the current legislation provides a good opportunity, should anyone choose to take it, for discussion with young people about the nature of a relationship and what are important criteria to see in relationships. I really do not see the problems with this legislation. I think it has gone some way; I think the revision in the last Parliament also goes some way to improving that circumstance.

The Canadian AIDS Society has made some important points. It also says that we should be focusing on promoting “consistent comprehensive AIDS-HIV and sexual health education across Canada”, that that is the side of the equation on which we need to be putting our efforts. Sometimes a Criminal Code amendment may seem like an easy and popular step when the preventive kinds of measures that the society is talking about through education are the ones that will actually address the problems that do crop up.

Educating young people to make better choices in their relationships is the way that we need to go. Anything we can do as members of Parliament to increase the ability of young people to have access to important information about relationships and about sexual relationships is the way to go. I would certainly support anyone who was increasing the availability of that information and the ease of access to that kind of information for young people across Canada.

The Canadian Federation for Sexual Health, which I believe is the umbrella organization for planned parenthood organizations across Canada, has also made a position statement on the age of consent. I want to quote from its statement as well:

The Canadian Federation for Sexual Health does not support raising the age of consent to sexual activity from 14 years to 16 years, as there is no evidence that this increased restriction on individual rights will increase protection of youth from sexual exploitation or provide any other benefit sufficient to justify the intrusion into personal privacy and consensual activity. Rather, the prospect of legal sanction and third party disclosure could seriously discourage youth from accessing preventive and therapeutic health services and other forms of information and assistance.

● (1805)

Again, it has raised the whole question of the access to health care, health services and information and assistance for young people who contract a sexually transmitted disease, and that is a very important consideration. It is flawed legislation without other provisions in it.

It also goes on to say that the Canadian Federation for Sexual Health believes that at any age, consent should be informed. It further believes that the best way to protect and support young people is to ensure that they have access to accurate, comprehensive, timely and non-judgmental sexual health education and services that inform them about their rights and options and the risks and benefits of engaging in sexual activity. Again, we are back to that need for information and education for young people rather than a criminal sanction against sexual activity, and that is very crucial.

The legislation also does not address the question of a uniform age of consent. Since I believe 1987, we have had calls for this in Parliament when an all party committee, in its “Equality For All” report, called for a uniform age of consent. We still have on the books a differential in the way anal intercourse is treated. We know this has been thrown out of the courts, but an amendment should have been in the legislation. If the legislation really sought to deal with issues around the age of consent, it would have included and

amendment, making it a uniform age of consent for all sexual practices. I am very disappointed this not there.

For me, if there is any reason for this legislation not be approved, it is because this amendment is not in it. We cannot leave that law on the books. It would be inappropriate to prosecute people for engaging in sexual activity and it would be inappropriate to prosecute young people for engaging in that, no matter what we think of the sexual practice. This criminal sanction is wrong and the amendment should have been included in the legislation. If this goes to committee, I hope it is one thing members of the committee will seriously consider.

Another amendment required in the legislation is one which would allow for conversations about sexually transmitted diseases. When a young person discloses this and disclosed a relationship with an older person, it would be considered a privileged conversation, which would not have to be reported. If the legislation goes forward, as a minimum, it has to include that kind of protection. Otherwise, in this circumstance I do not think young people will make this disclosure. They will not seek the kind of assistance they need when they have a medical issue and when they are involved in a relationship outside of the parameters of this law. That is an absolutely crucial addition to the legislation before it is a viable.

We cannot do anything that makes it more difficult for young people to get the assistance, to seek the treatment and to get the information they need around sexual issues. That is a very important piece of any legislation dealing with the age of consent for sexual activity.

I am also concerned there is still a real bias in our society against young people taking any initiative to discuss issues of sexual activity and relationships. An example of that is the current controversy whipped up by some folks on the religious right about a publication from St. Stephen's Community House in Toronto called *The Little Black Book for Girlz: A Book on Healthy Sexuality*, which is a book of sexual relationship information produced by young women in that community. It is part of the collection of the Library of Parliament now and I have had a look at it. There is some very important information in it, presented in a way that is accessible to young women in our society.

I want to commend both the community centre and the team of young women for their efforts in putting that resource together. It is exactly the kind of resource to which young people should have access. It presents the information they need in a very helpful way.

● (1810)

With that commendation on the work in this general area, I cannot support the legislation in principle at this stage. I need to know that it has a full and free discussion in this place, that it goes to committee, that witnesses and particularly young people are heard on the issue of this age of consent legislation and that their perspective is taken into account. I believe there are some important places in this legislation that need to be amended before I could give approval in principle to it, and that is around the uniform age of consent and privileged sexual health conversations with young people.

Government Orders

•(1815)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I share the member's opinion on the whole issue. I think as parliamentarians we are all concerned about preventing the exploitation of children. The basic thing we should be doing is looking at how we can enhance the bill, at whether the bill enhances it enough or whether we need to be given more opportunity at committee to discuss the bill.

Does the member agree that more education needs to be done, not just due to concerns about putting more people in jail as a result of this additional legislation, because the idea is to protect our children, but to ensure everybody in our country is well educated to the fact that we take the exploitation of our children very seriously and that we will aggressively pursue anyone attempting to do it? Does he not agree that it would make good sense to put some effort into educating individuals who have the intention of being sexual predators or exploiting our children?

Mr. Bill Siksay: Mr. Speaker, there is absolutely no excuse for exploiting a young person for a sexual purpose and we have legislation that makes that absolutely clear.

Before the law was amended in the last Parliament by the previous government, which the member was a part of, it was strong legislation. It was first introduced by the Progressive Conservative government when former Governor General Ramon Hnatyshyn was the minister of justice. When he was minister of justice he was responsible for introducing the basic law on the age of consent that we have now.

I remember being an assistant to an MP at the time and being part of the committee discussion. I listened to the debate in committee and I do not believe many, if any, organizations or individuals who appeared as witnesses opposed the legislation that established the basic age of consent law where a person in a position of trust or authority was prohibited from having a relationship with a person in the age group of 14 to 18.

That was good legislation and it was made stronger in the last Parliament by Bill C-2, which further delineated areas of exploitation and made it very clear what the problems of exploitation were. It was very explicit. It included prostitution and the production of pornography.

If people took the time to look at that law, they would see that it is an excellent educational tool around understanding what was good and what was bad about relationships. No matter what kind of relationship or what age a person was, it contained guidance about the qualities that go into a good relationship, that raise the issues of exploitation and the power dynamics that happen within a sexual relationship. There is good material there and I wish we would use it more often.

I am concerned when organizations, like the Canadian AIDS Society, Planned Parenthood and the Canadian Federation for Sexual Health, which are among the most pre-eminent sexual educators in Canada, raise concerns about this legislation. They are saying that it may drive young people's sexual activity underground and put them out of range of discussions about appropriate expressions of sexuality and appropriate ways to protect themselves from sexually transmitted diseases and HIV-AIDS.

When those organizations are concerned that we are not putting enough emphasis on education and developing the kind of capacity for our young people to understand the importance of the various things that need to be considered when people enter into sexual relationships, we need to be putting more emphasis on that side of the equation and I wish it was possible.

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

Some hon. members: Question.

[*Translation*]

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

Some hon. members: Agreed.

[*English*]

An hon. member: On division.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

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

* * *

•(1820)

CRIMINAL CODE

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

He said: Mr. Speaker, I am certainly pleased to speak to Bill C-27, an act that amends part XXIV of the Criminal Code regarding the dangerous offender provisions in section 810.1 and 810.2 of the peace bonds.

I wish I could be as happy with respect to Bill C-22, in which the NDP voted against sending this to committee and not supporting the age of protection bill. I am very concerned about that, and I think Canadians will be too.

Bill C-27 is a significant step to strengthen the existing provisions of the Criminal Code that target the most dangerous and high risk offenders in the country. It follows through on our commitments to tackle the very real problem of dangerous repeat predators who are released into our communities without adequate sentencing and management. This is common sense legislation.

Canadians have told us that steps must be taken to deal with these individuals. I am standing in this House today to let Canadians know that Canada's new government agrees with them. Our government cares deeply about safe streets and security. The government is going to stand up for Canadians by making it easier for crown attorneys to get dangerous offender designations on those who deserve them.

Government Orders

This bill places the onus on predators who have committed two prior serious violent sexual crimes to convince the court why they should not be designated a dangerous offender and by lengthening and strengthening the terms of peace bonds made pursuant to section 810 of the Criminal Code.

Simply put, our government is going to the wall on an issue that matters most to Canadians. Getting things done for families and taxpayers means keeping our most dangerous criminals off the streets and behind bars. Canadians want, and deserve, nothing less.

These same concerns have been expressed to us by all provincial attorneys general, by police, by victims and, most important, by individual Canadians from all walks of life. However, I want to make it clear from the beginning that these reforms were very carefully tailored. This bill would achieve a proper balance between the rights of Canadians to be safe from violent and sexual crimes with the fundamental rights of individuals facing lengthy prison terms.

The bill focuses on reforms in two areas of the Criminal Code. First and foremost, we are proposing several significant amendments that would provide crown prosecutors with enhanced abilities to obtain dangerous offender designations where it is justifiable to do so.

Second, we are proposing a number of amendments to the specific peace bond provisions that target high risk sexual and violent predators, doubling their duration to two years and clarifying the extent of conditions that may be imposed by a court.

Currently, the dangerous offender designation in part XXIV of the Criminal Code is arguably the toughest sanction available in Canadian law. As the law now stands, each and every time an individual is designated as a dangerous offender under section 753, the sentence imposed is indeterminate, with no opportunity for parole for seven years.

In reality, very few of these individuals are released. Most live out the rest of their lives behind bars. Dangerous offenders, on average, are imprisoned for even longer periods than individuals serving a life sentence for murder. That is why the Supreme Court of Canada has referred to the dangerous offender application as the harshest sentence available in Canadian law, reserved for the worst of the worst.

That being said, the Supreme Court of Canada has held that the indeterminate sentence that goes with the dangerous offender designation is constitutional where it is the only reasonable way that we can protect the public.

The Lyons decision was the first challenge to the Supreme Court of Canada on the dangerous offender designation after the 1982 entrenchment into the Constitution Act of the Charter of Rights and Freedoms. The court indicated that the provision was constitutional primarily because the sentencing judge retained discretion to refuse to impose the indeterminate sentence.

In 1997, a decade after the decision in Lyons, Parliament proclaimed significant amendments to the dangerous offender provisions. Prior to 1997, where an individual was declared to be a dangerous offender, the court had the choice of sentencing the individual to an indeterminate sentence, with no parole for three

years, or to a determinate sentence of any length suitable in the circumstances.

• (1825)

The 1997 changes removed this discretion of the court and made the indeterminate sentence automatic for every dangerous offender designation while lengthening the duration before the first parole application to seven years.

The 1997 amendments also created the option of the long term offender designation where the individual did not meet the onerous standards for dangerous offender designation. This new instrument allowed the court to impose, in addition to a regular sentence of imprisonment, a court ordered period of post-release community supervision of up to 10 years.

In 2003, the Supreme Court of Canada issued its first ruling on the constitutionality of the 1997 changes to the dangerous offender designation. The case was the Johnson decision, an appeal from the British Columbia Court of Appeal. At stake was whether the 1997 changes requiring the indeterminate sentence with no discretion had gone too far.

While the Supreme Court of Canada in Johnson upheld the 1997 changes as constitutional, it also held that in fact the sentencing court did retain its ultimate discretion in the matter. Specifically, the court said that even where the Crown had fully discharged its burden to prove that the offender fully met all of the prerequisite criteria of a dangerous offender designation under subsection 753.(1), the sentencing judge still had a duty to exercise his discretion by determining whether the risk the offender posed to the general public could be successfully managed under a lesser sentence.

The court indicated that before a sentencing judge could impose the indeterminate sentence, it had to explicitly consider the specific issue of whether the individual's risk to society could be successfully managed under the long term offender designation or any other sentence.

While this decision was consistent with the court's previous decision in Lyons and reflected longstanding principles of sentencing, the impact of Johnson was felt across the country. There was a flurry of appeals filed by existing dangerous offenders who argued that the sentencing judge had failed to consider the long term offender sentence option as required by the Supreme Court.

In the 18 months subsequent to Johnson, over 30 such appeals were argued, resulting in 20 orders for a new dangerous offender hearing because of the error. The number of annual designations was halved from about 25 per year to about 12 designations due primarily to confusion in the sentencing courts of how to apply the principle in Johnson in practice.

Following Johnson, the Crown's success rate of applications fell well below 50% whereas the traditional rate was about 70%. Those individuals who previously would have faced dangerous offender applications simply were not subject to that any more as a result of the Supreme Court of Canada decision.

It was in this context that the new government committed to develop a policy to respond to this unacceptable situation. Throughout this process we were all encouraged by the support of provincial and territorial ministers of justice. This legislation is an effective and coherent response to the changes brought about by the court decision in Johnson.

I would like to outline the changes that are contained in this bill.

The Deputy Speaker: Order, please. I am sorry, but the minister will have to do that in the time that remains to him when we return to the bill at some future date.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

ABORIGINAL AFFAIRS

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, when the Minister of Indian Affairs responded to my original question on the Kelowna accord, he made the unfounded accusation that the previous Liberal government did not incorporate its Kelowna commitments into the fiscal framework.

I would like to reiterate, as the former finance minister, the hon. member for Wascana, has said, the Kelowna accord and the federal government's financial commitments resulting from that accord were fully accounted for in the federal government's fiscal framework.

As he made clear, on November 24, 2005, the date on which Kelowna was signed, the fiscal framework of the Government of Canada included \$5.096 billion to address the federal government's obligations arising from the accord.

In the former Liberal government's 2005 economic and fiscal update on November 14, 2005, the Kelowna meeting was specifically mentioned, together with an undertaking to provide the financing needed to implement the impending Kelowna agreement.

As the former finance minister pointed out, the fiscal treatment of the Kelowna accord was quite similar to that of the \$755 million farm sector package. Both Kelowna and the farm package were signalled in the fiscal update and the necessary flexibility was built into our fiscal framework to cover the anticipated expenses. By November 24, 2005, both initiatives had become ready to go. Announcements were made and the money for both was booked.

I do not know where the current minister is coming from when he says that Kelowna was not provided for, and I also do not know why the Conservative minority government could proceed with the farm package on this basis at the same time that it has scrapped Kelowna.

In June, my colleague from Winnipeg South Centre brought forward a motion calling on the government to move forward with the implementation of the Kelowna accord with its full funding commitments. This motion was passed despite the opposition of the Conservative members opposite on June 20. My colleague, the right hon. member for LaSalle—Émard, has brought forward Bill C-292, An Act to implement the Kelowna Accord.

Adjournment Proceedings

His speech introducing the bill at second reading was a powerful restatement of his commitment to aboriginal people, a commitment that he demonstrated when finance minister and especially as Prime Minister of Canada. Kelowna would have been a very proud part of our Canadian legacy and I can only hope that it is not petty partisan politics that has led to the Conservatives reneging on the deal.

Just last week, my colleague from Desnethé—Missinippi—Churchill River also moved a motion on the Kelowna accord, but again, it was opposed by the Conservatives. The failure of the Conservative minority government to honour Kelowna is the greatest of its failed and bankrupt aboriginal policies, but unfortunately, it is not the only one.

The government also opposed an international treaty on recognizing the rights of aboriginal people throughout the world. The Prime Minister himself has made inflammatory statements concerning aboriginal fisheries, statements which have not served to improve relations between aboriginal and non-aboriginal fishers, but it is the Kelowna failure which stands out, even against this sorry record.

During the summer the premiers and aboriginal leaders met in Corner Brook. At this meeting Premier Williams, as host premier, said:

We, as a group of leaders, sat around the table, we came to conclusions, we reached decisions, we made commitments to aboriginal people and we intend to live by those commitments.

Premier McGuinty of Ontario said that the Kelowna accord was “in a state of suspended animation at this point”. Aboriginal leaders agree. Provincial and territorial premiers agree. The three opposition parties in the House agree. Kelowna must be honoured.

The current Minister of Indian Affairs was in Kelowna. He has had a long involvement in aboriginal issues. He knows full well what was agreed to in the fall of 2005 and what is at stake if his own government fails to live up to what Canadians and their government leaders agreed to with the Kelowna accord.

Premier Campbell of British Columbia has been very critical of the Conservative position on Kelowna, stating that in his opinion “the honour of the Crown is at stake”. The honour of the Crown, of course, is a very important principle in aboriginal law under our common law—

● (1830)

The Deputy Speaker: Order, please. I am sorry to inform the member that his time has expired.

The hon. Parliamentary Secretary to the Minister of Indian Affairs.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I am pleased to rise and respond to the question from my hon. colleague from Labrador regarding the financial commitments Canada's new government has made to aboriginal people in Canada.

Adjournment Proceedings

After a long and weary Liberal reign filled with corruption, neglect and past ministers making promises with their fingers crossed behind their backs, our aboriginal people have been left in a dire situation. That is why this new government and the new minister are stepping up to the plate. We are committing new funds and working toward structural changes that will actually allow the dollars to get through to aboriginal people instead of getting chewed up by administration and red tape.

Our budget commits to financial investments in aboriginal and northern communities that will produce a material and measurable improvement in the quality of life. These are not long term promises. These are actual funds, committed to a tight, two year timeframe for concrete results.

Let me review the strong commitments we have made. We have identified priority areas of water, housing, education, and family support.

To make a powerful and targeted response to those needs, this year's budget has committed \$450 million over two years to water and housing initiatives on reserve, to education, and to initiatives supporting women, children and families. Unlike the previous Liberal government, this new Conservative government is taking the rights and obstacles of aboriginal women seriously.

Furthermore, this government will devote \$300 million to housing projects for aboriginal people living off reserve and another \$300 million to affordable housing in the territories.

In the north, this government has established a \$500 million Mackenzie gas project impact fund to support regional projects that help to alleviate the socio-economic impacts on communities affected by this project.

We also recognize that it is impossible to move forward in partnership with aboriginal people without addressing the past, so we have devoted \$2.2 billion to provide financial recognition of the often negative impact of the residential schools experience. This goes along with the support programs to help former students, their families and their communities build a better future for themselves.

In all, a full \$3.7 billion in the budget has been earmarked for investment in aboriginal and northern initiatives. This amounts to a massive increase over previous amounts allocated by the long-winded but short-sighted former government.

This Conservative government is only getting started. Just this past week at the First Nations Socioeconomic Forum in Quebec, our government announced more than \$88 million in initiatives and investments to benefit first nations, Métis and Inuit people in Quebec and Labrador. These funds are in line with the new approach we have developed for addressing the challenges that face many aboriginal people and communities. This approach has four elements and will be done in partnership with aboriginal people.

The first initiative is to empower individuals to take greater control of and responsibility for their lives through direct investments toward housing and education.

Next, we are working to accelerate the backlogged land claims process that was left at our feet by the previous government.

We are also promoting economic development, job training, skills, and entrepreneurship.

Finally, we will be laying out the groundwork for responsible self-government by moving toward modern and accountable governance structures.

In conclusion, regardless of the terrible situation our government has inherited, we will not allow the past to be an excuse. We will move forward with structural change to improve service delivery. We will defend the rights of aboriginal people, women and children. We will clean up infected water. We will improve education. Nothing will stand in the way of this government, the minister or our commitment to improve the lives of aboriginal people.

● (1835)

Mr. Todd Russell: Mr. Speaker, my question was not multiple choice and I was not asking for a mishmash of commitments or supposed commitments that the government has made.

I was asking a very pointed question. I asked the question last spring. The question has been asked many times in the House. Three times the House has said to the Minister of Indian Affairs and the minority Conservative government, "Honour Kelowna".

Nothing in what the parliamentary secretary has espoused as being good for aboriginal people was pointed at that particular question. He did not answer the question at all.

Why has the government not honoured Kelowna? I will repeat my statement. This House has voted on Kelowna three times and has approved it, saying, "Honour Kelowna".

I live in an aboriginal community. I go to aboriginal communities. I do not see many houses going up. I do not see the water being much better on aboriginal communities than what it was like when the government took over. I do not see any tangible signs that the life of aboriginal people is any better than what it was when the government took over. I think we only have to put our feet on the ground and go and visit aboriginal communities to prove those particular facts.

The other matter is that when the Kelowna accord was signed, it was done with the honour of the Crown. It was a relationship that was being built and worked upon by aboriginal peoples and the Government of Canada. When the government tore away at Kelowna and did away with it, it tore away at the honour of the Crown. The government hurt the relationship that aboriginal people had with the Crown and the government. It is time for the government to answer the question and stand up and do what the House has ordered it to do, which is to implement Kelowna and to do it forthwith.

Adjournment Proceedings

Mr. Rod Bruinoog: Mr. Speaker, the member opposite knows full well that in fact there was no accord, and there was no signed document which would indicate that there was an accord. I asked this of the member for LaSalle—Émard and of course he could prove that there was no signature page.

The Government of Canada is very interested in the events that came out of the first ministers meeting and has gone about implementing much of what was called for at that meeting, including, of course, in regard to the housing neglect we have seen in 13 years of Liberal inaction. Our government has moved forward, as I already have said, with \$300 million in northern housing and \$300 million in off reserve housing.

We will continue to work with real money and real dollars, not just empty promises and ambiguous bills. No more ambiguous bill

could there be than the one brought forward by the member for LaSalle—Émard, as there is absolutely no subject to it. We are committed to integrity through real legislation, real dollars and structural change.

It should be noted that structural change is an important—

● (1840)

The Deputy Speaker: Order, please. I am sorry, but the motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:40 p.m.)

CONTENTS

Monday, October 30, 2006

PRIVATE MEMBERS' BUSINESS

Income Tax Act

Mr. Watson	4379
Bill C-305. Second reading	4379
Mr. Bagnell	4381
Mr. Atamanenko	4381
Mr. Szabo	4381
Mr. Bouchard	4382
Mr. Comartin	4383
Ms. Ablonczy	4384

GOVERNMENT ORDERS

Budget Implementation Act, 2006, No. 2

Bill C-28. Second reading	4386
Mr. McCallum (Markham—Unionville)	4386
Mr. Trost	4387
Mr. McKay	4387
Mr. Dykstra	4387
Ms. Wasylycia-Leis	4388
Mr. Hawn	4389
Mr. Dhaliwal	4389
Mr. Savage	4390
Mr. Pallister	4391
Mr. Martin (Sault Ste. Marie)	4392
Mr. Hawn	4393
Mr. McKay	4394
Mr. Szabo	4394
Mr. Del Mastro	4395
Mr. Hawn	4396
(Motion agreed to, bill read the second time and referred to a committee)	4396

Criminal Code

Mr. Toews	4396
Bill C-22. Second reading	4396
Mr. Carrie	4399
Mrs. Barnes	4399
Mr. Ménard (Hochelaga)	4400
Mr. Comartin	4401

STATEMENTS BY MEMBERS

Private Brent Ginther

Mr. Casson	4402
------------------	------

Peacekeeping

Mr. Telegdi	4402
-------------------	------

Literacy

Ms. Bourgeois	4402
---------------------	------

Climate Change

Mr. Cullen (Skeena—Bulkley Valley)	4402
--	------

Justice

Mr. Poilievre	4403
---------------------	------

Internment of Croatian Canadians

Mr. Wrzesnewskyj	4403
------------------------	------

Afghanistan

Mrs. Gallant	4403
--------------------	------

ADISQ Gala

Mr. Malo	4403
----------------	------

Skilled Trades Day

Mr. Goldring	4403
--------------------	------

Primrose Lake Agreement

Mr. Merasty	4404
-------------------	------

Afghanistan

Mr. Petit	4404
-----------------	------

Agriculture

Mr. Atamanenko	4404
----------------------	------

Circle of Canadians

Mr. Bélanger	4404
--------------------	------

Inuit Children

Mr. Lévesque	4404
--------------------	------

Navy Appreciation Day

Mr. Dosanjh	4405
-------------------	------

Federal Accountability Act

Mr. Albrecht	4405
--------------------	------

ORAL QUESTIONS

Government Legislation

Mr. Graham (Toronto Centre)	4405
Mr. Harper	4405
Mr. Graham (Toronto Centre)	4405
Mr. Harper	4405
Mr. Graham (Toronto Centre)	4406
Mr. Harper	4406

Justice

Ms. Robillard	4406
Mr. Toews	4406
Ms. Robillard	4406
Mr. Toews	4406

The Environment

Mr. Duceppe	4406
Mr. Harper	4406
Mr. Duceppe	4406
Mr. Harper	4406
Mr. Bigras	4407
Ms. Ambrose	4407
Mr. Bigras	4407
Ms. Ambrose	4407
Mr. Layton	4407
Mr. Harper	4407
Mr. Layton	4407

Mr. Harper	4407	The Environment	
Government Accountability		Mr. Lapierre	4412
Mr. Holland	4407	Ms. Ambrose	4412
Mr. Baird	4407	Skilled Trades	
Mr. Holland	4407	Mr. Goldring	4412
Mr. Harper	4408	Ms. Finley	4412
Challenger Jet Use		The Environment	
Mr. Bains	4408	Ms. Wasylycia-Leis	4412
Mr. O'Connor	4408	Ms. Ambrose	4412
Mr. Bains	4408	Ms. Wasylycia-Leis	4412
Mr. O'Connor	4408	Ms. Ambrose	4412
Justice		Atlantic Canada Opportunities Agency	
Mr. Ménard (Hochelaga)	4408	Mr. Savage	4413
Mr. Toews	4408	Mr. MacKay	4413
Mr. Ménard (Hochelaga)	4408	Citizenship and Immigration	
Mr. Toews	4408	Mrs. Grewal	4413
Telecommunications Industry		Mr. Solberg	4413
Mr. Kotto	4408	Canadian Wheat Board	
Mr. Bernier	4408	Mr. Easter	4413
Mr. Kotto	4409	Mr. Strahl	4413
Mr. MacKay	4409	Citizenship and Immigration	
Ministerial Expenses		Ms. Deschamps	4413
Mrs. Jennings	4409	Mr. Solberg	4413
Mr. Blackburn	4409	Labour	
Mrs. Jennings	4409	Ms. Charlton	4413
Mr. Blackburn	4409	Mr. Blackburn	4414
HIV-AIDS		Privilege	
Ms. Dhalla	4409	Decorum—Speaker's Ruling	
Ms. Verner	4410	The Speaker	4414
Ms. Dhalla	4410		
Mr. Clement	4410		
Labour			
Mr. Goodyear	4410		
Mr. Blackburn	4410		
National Defence			
Ms. Black	4410		
Mr. O'Connor	4410		
Ms. Black	4410		
Mr. O'Connor	4410		
The Environment			
Mr. Godfrey	4410		
Ms. Ambrose	4411		
Mr. Godfrey	4411		
Ms. Ambrose	4411		
Mrs. Redman	4411		
Ms. Ambrose	4411		
Mrs. Redman	4411		
Mr. Flaherty	4411		
Aboriginal Affairs			
Mr. Lemay	4411		
Mr. Bruinooge	4411		
Mr. Lemay	4411		
Mr. Bruinooge	4412		
		ROUTINE PROCEEDINGS	
		Supplementary Estimates (A), 2006–07	
		Mr. Baird	4415
		Committees of the House	
		Public Accounts	
		Mr. Murphy (Charlottetown)	4415
		Criminal Code	
		Mr. Holland	4415
		Bill C-373. Introduction and first reading	4415
		(Motions deemed adopted, bill read the first time and printed)	4416
		Internment of Persons of Croatian Origin Recognition Act	
		Mr. Wrzesnewskyj	4416
		Bill C-374. Introduction and first reading	4416
		(Motions deemed adopted, bill read the first time and printed)	4416
		Canada Labour Code	
		Ms. Nash	4416
		Bill C-375. Introduction and first reading	4416
		(Motions deemed adopted, bill read the first time and printed)	4416

Statutes Repeal Act	
Mr. Szabo	4416
Bill S-202. First reading	4416
(Motion agreed to and bill read the first time)	4416
Criminal Code	
Mr. Coderre	4416
Bill S-211. First reading	4416
(Motion agreed to and bill read the first time)	4416
Petitions	
Undocumented Workers	
Mr. Silva	4416
Rights of the Unborn	
Mr. Benoit	4416
National Homelessness Initiative	
Mr. Ouellet	4417
Automobile Industry	
Mrs. Mathysen	4417
Visitor Visas	
Mr. Wrzesnewskyj	4417
Age of Consent	
Mr. Ritz	4417
Automobile Industry	
Ms. Bell (Vancouver Island North)	4417
Kelowna Accord	
Mr. Russell	4417
Questions on the Order Paper	
Mr. Lukiwski	4417

GOVERNMENT ORDERS

Criminal Code	
Bill C-22. Second reading	4418

Mr. Del Mastro	4418
Ms. Sgro	4419
Mr. Paquette	4420
Mr. Ouellet	4422
Mr. Crête	4422
Mrs. Smith	4423
Ms. Sgro	4425
Mr. Fitzpatrick	4425
Mr. Trost	4426
Ms. Davies	4426
Mr. Del Mastro	4427
Mr. Thibault (West Nova)	4428
Ms. Wasylycia-Leis	4428
Ms. Sgro	4429
Mr. Paradis	4430
Mr. Cardin	4432
Mr. Lemay	4432
Mr. Moore (Fundy Royal)	4434
Mr. Fitzpatrick	4435
Mr. Siksay	4436
Ms. Sgro	4439
(Motion agreed to, bill read the second time and referred to a committee)	4439
Criminal Code	
Mr. Toews	4439
Bill C-27. Second reading	4439

ADJOURNMENT PROCEEDINGS

Aboriginal Affairs	
Mr. Russell	4441
Mr. Bruinooge	4441

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :**
<http://www.parl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

**Additional copies may be obtained from Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: (613) 941-5995 or 1-800-635-7943
Fax: (613) 954-5779 or 1-800-565-7757
publications@pwgsc.gc.ca
<http://publications.gc.ca>**

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

**On peut obtenir des copies supplémentaires ou la version française de cette publication en écrivant à : Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : (613) 941-5995 ou 1-800-635-7943
Télécopieur : (613) 954-5779 ou 1-800-565-7757
publications@tpsgc.gc.ca
<http://publications.gc.ca>**