



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Wednesday, February 14, 2007**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Wednesday, February 14, 2007

The House met at 2 p.m.

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*Prayers*

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• (1400)

[*English*]

**The Speaker:** It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Timmins—James Bay.

[*Members sang the national anthem*]

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## STATEMENTS BY MEMBERS

[*English*]

### KIN CANADA

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, Kin Canada has considerably enhanced the quality of life across Canadian communities by promoting service, fellowship, positive values and national pride since its founding on February 20, 1920.

This month, the Kinsmen and Kinette Clubs of Orangeville will be celebrating the organization's 87th anniversary of community service by declaring February 20 as Kinsmen and Kinette Day and the week of February 18-24 as Kinsmen and Kinette Week.

This declaration presents an excellent opportunity for all Canadians to pause and reflect with pride on the rich heritage of accomplishments throughout the 87 years Kinsmen, Kinette and Kin Clubs have been in existence in Canada.

I would like to recognize the tireless efforts of the Orangeville Kinsmen Club in improving the lives of so many Orangeville residents.

I encourage, not only Orangeville residents but all Canadians to salute their local Kinsmen, Kinette and Kin Clubs for their hard work and commitment to developing and funding the many fantastic programs that continue to meet the needs of Canadian communities.

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### AFRICA

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, last month I had the opportunity to visit Africa with my colleagues from Halifax, Cumberland—Colchester and Scarborough

—Guildwood. Our trip was arranged by RESULTS Canada, an outstanding NGO that advocates on issues of poverty.

We visited the notorious slums of Nairobi and other regions of Kenya to gain insight into the effects of HIV-AIDS, malaria and TB, an absolutely curable disease that needlessly kills 300 Kenyans every day.

We visited a micro credit trust, Jammi Bora, which is doing transformative work with the poorest of the poor. We met remarkable people like Beatrice who has lost all seven of her children and their spouses to HIV in less than two years but who has overcome this to raise her 12 grandchildren.

Africa is a continent of horror but also of hope, of people who are resilient, industrious and entrepreneurial.

Canada must do more. We can do more by passing Bill C-293, focusing our aid on poverty, and by recommitting to our millennium development goals.

The world needs more Canada and Africa needs more from Canada.

\* \* \*

• (1405)

[*Translation*]

### THE ENVIRONMENT

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, I am very pleased to bring to your attention an initiative undertaken by thirty or so young people from the Sherbrooke region who decided to brave the winter cold and ride their bikes 400 km from Sherbrooke to Ottawa in support of Kyoto.

These young people are students at Du Phare high school, the Sherbrooke CEGEP and the Université de Sherbrooke. The ride took them six days.

When they arrived in Ottawa this morning, the young cyclists asked to meet with the Minister of the Environment to give him some recommendations for greenhouse gas reduction. No dice. Yet the Minister of the Environment would surely have benefited from meeting these young environmentalists.

The Bloc Québécois is very proud to highlight this initiative. Once again, young people from Sherbrooke are showing us that they do not intend to sit still when it comes to the environment. Let us hope that their heroic journey will make an impression on many people.

*Statements by Members*

[English]

**VIOLENCE AGAINST WOMEN**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, every Valentine's Day for 16 years, hundreds of people gather in the heart of Vancouver's downtown east side to join in the annual Women's Memorial March.

Women from the community, especially aboriginal women, sisters, brothers, mothers, daughters and sons, march in memory of the hundreds of women who die each year from violence.

This year is particularly sad and difficult for the families and friends of the women whose murders are before the courts and who are daily reliving those tragic events. The Highway of Tears, in northern British Columbia, is further evidence of the appalling situation facing aboriginal women.

Members of the federal NDP caucus stand in solidarity with the family, friends and activists who are speaking out on this issue. We demand that all levels of government commit to end the cycle of violence against women, to improve the safety of women in the sex trade and to provide desperately needed housing and income support.

Too many women have suffered and gone missing across Canada. It is time to act.

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**JUSTICE**

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, a tragic case played out in a Yorkton courtroom last month.

On March 17, 2003, Kim Walker, fearing for the life of his morphine-addicted 16-year-old daughter, Jadah, confronted her 24-year-old drug-dealing boyfriend, James Hayward.

The confrontation, more than two years in the making, spun out of control, the father shot and killed the drug dealer and, on January 19, 2007, he was convicted of second degree murder and sentenced to life in prison.

Jadah Walker was just 13 when she was lured into the world of drugs. She says that she would have been dead in just a few more weeks had she kept living with her boyfriend, her pusher.

However, Jadah also feels the deadly confrontation could have been avoided. She said that the system failed her parents; that if the police had arrested Hayward earlier or had responded better to the concerns they raised, her dad would not be behind bars today.

There are many lessons to be learned from the Jadah and Kim Walker case by the members of this House who make the laws, the provinces that administer them and the police who enforce them.

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**MEMBER FOR VANCOUVER SOUTH**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, yesterday, our colleague, the member for Vancouver South, suffered a little body betrayal here in the House of Commons. The member wants the House to know that he is doing well and feeling great.

[Translation]

Ontario's Minister of Health should be very proud.

[English]

The care provided by the paramedics, Philip Hasek and Michael Call, using the Ottawa STEMI protocol, allowed him to be taken directly to the Ottawa Heart Institute cath lab for the most modern, effective treatment worldwide.

[Translation]

My colleague would like to express his thanks to all of the paramedics, nurses and doctors who looked after him, as well as to parliamentarians for their support and words of encouragement.

[English]

The member for Vancouver South is an extraordinarily healthy guy who sets an example for all of us with his hour of exercise every morning. He is raring to get back to work on the Hill and in the gym.

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**CHINESE CANADIANS**

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, yesterday, the member for Richmond shocked all Canadians again. He admitted to *The Vancouver Sun* that he still opposes our government's apology for the Chinese head tax.

When he was minister for multiculturalism, the member for Richmond stubbornly opposed any apology or symbolic payments, deeply dividing the Chinese community. He is even blaming his former prime minister for not following his advice on the issue.

Thankfully, Canada's new Prime Minister showed real leadership. After widespread consultations, he acted. Head tax payers and their survivors received a meaningful redress and commemoration, and our Prime Minister offered an unconditional apology to the Chinese Canadian community.

Where were the Liberals? After 13 years of doing absolutely nothing, almost half of the Liberal caucus did not even show up to hear the apology. The member for Richmond and his Liberal friends should be ashamed of themselves.

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● (1410)

[Translation]

**GENIE AWARDS**

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, the 27th annual Genie Awards ceremony for film and television was held last night in Toronto.

This year, 21 feature films received at least one nomination. Three Quebec films won more than one award. In all, 12 Quebec feature films were nominated, and the movie *The Rocket*, the story of Maurice Richard, reaped the most awards.

*Statements by Members***JUDICIAL APPOINTMENTS**

Here are the main winners: *Bon Cop, Bad Cop* won for best motion picture and received the Golden Reel Award; for *The Rocket*, Roy Dupuis won the award for actor in a leading role, Julie Le Breton for actress in a leading role and Charles Binamé for achievement in direction. The Claude Jutra award was a tie between Julia Kwan for *Eve and the Fire Horse* and Stéphane Lapointe for *The Secret Life of Happy People*.

These many recipients from Quebec illustrate the enormous talent of Quebec's creative community.

The Bloc Québécois expresses its great pride in the recipients who magnificently showcase Quebec culture and wishes a long and successful life to Quebec creators and artisans.

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[English]

**HAROLD LESSARD AND THOMAS NICHOLS**

**Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC):** Mr. Speaker, on February 4, 2007, our country lost two great Canadians, Captain Harold Lessard and Captain Thomas Nichols of the Winnipeg Fire Paramedic Service.

Today in Winnipeg, thousands of Canadians and firefighters from across North America gathered to honour these men. These thousands were joined by millions more watching on their TVs and observing moments of silence. This tragedy reminds us once again of the risks our firefighters take every single day to protect our homes, our businesses and our lives.

Few can understand the grief Captain Lessard's wife, Lynn, and his children, Christine and Bryan; and Captain Nichols' wife, Linda, and his children, Kelly and Kimberley, are feeling. We can only hope they will accept the sincere condolences of a grateful nation.

I hope all of us in the House will join our fellow Canadians in honouring Captain Lessard and Captain Nichols in our thoughts and prayers.

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[Translation]

**NATIONAL MENTAL HEALTH STRATEGY**

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, how can the government explain that, in 2007, Canada is the only G-8 country still without a national mental health strategy?

On June 7, 2005, this House passed a motion calling for the implementation of such a strategy. Nearly one year later, a Senate committee made the same request.

There is no lack of evidence of the devastating effects that mental health problems have on individuals, families and businesses across the country.

Canadians with mental health problems have to wait too long for appropriate care and services. More importantly, these Canadians living with mental illness have been waiting for their condition to be recognized and to be shown that we understand what they are going through.

The government must act now. They have waited long enough.

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, as this is Justice Week, it seems that the Liberals are taking an interest in judicial appointments. This sudden interest on their part is certainly surprising, given that they made numerous appointments that were questionable to say the least.

While our new Conservative government is making appointments based on candidates' merit, the Liberals made appointments that were clearly partisan.

In fact, the Liberal member for Mount Royal appointed his former chief of staff, Yves de Montigny, to the bench of the Federal Court of Canada in 2004. Could it be that the Liberals suffered memory loss when they crossed to the other side of this House?

Even worse, Benoît Corbeil, the former head of the Quebec wing of the Liberal Party, said on Radio-Canada in 2005 that anyone who aspired to a judgeship or any other plum position had to be friends with the members of the Liberal Party of Canada.

Talk about partisanship. As they say in court, "I rest my case".

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● (1415)

[English]

**CHILD CARE**

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, families in Burnaby—Douglas face a child care crisis of fewer spaces and higher fees.

Families know that the Conservatives' \$100 a month baby bonus did not help provide child care because it covers only a fraction of child care costs. Many know that at tax time they will lose again as part of that allowance gets taxed back. They also know that losing the young child supplement hurts families too. They know that the Conservatives' cancellation of the early learning and child care agreement has made things worse.

The B.C. Liberal government, another conservative government with a huge surplus, now claims it has to slash important programs due to federal cuts. Child care resource and referral centres will disappear. Child care operating and capital funds have taken a hit. Parents of special needs children had to fight when even support for the child care development program was threatened.

We need spaces now. We need a legislated, universal, quality, affordable, not for profit child care program with stable funding. That is what New Democrats have put forward in Bill C-303, our early learning and child care act.

*Oral Questions***FIREFIGHTERS**

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I too acknowledge that today in Winnipeg more than 2,000 firefighters, volunteer firefighters, paramedics, police and armed forces from across North America joined the citizens of Winnipeg, and indeed representatives of this House, to say goodbye to two heroes: Captains Thomas Nichols and Harold Lessard.

The bravery of these two individuals and the countless others who put their lives in danger is something we can never forget. We must remember that whenever the siren goes off in a fire hall or the call comes into 911 or the ambulance is dispatched to the scene of an incident, brave men and women are putting their lives at risk for our safety and well-being.

I too ask my colleagues here in Ottawa to join with those in Winnipeg and all across Canada in paying tribute to Captain Nichols and Captain Lessard and all of the brave men and women who sacrifice for us on a daily basis. We remain indebted to them.

\* \* \*

[*Translation*]

**ARAB AND MUSLIM COMMUNITY**

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, several representatives of the Arab and Muslim community are here today to express their appreciation for the country that welcomed them, in which they now hold full citizenship, and their deep desire to play a positive role in Canadian life.

I know that, like Christianity, Islam is a religion that teaches love for one's neighbour, forgiveness and human solidarity.

Media reports of certain world events often paint a negative, unfair picture of Islam, portraying it as a religion associated with extremists and terrorists.

We need to remember that many Muslims in Canada fled regimes that had misrepresented Islam's fundamental values, or are the children of immigrants who fled such regimes. They looked for freedom and true respect for those values, and they found that here. Like us, they want to perpetuate those values.

The Arab and Muslim community can count on the Bloc Québécois to fight against any prejudice that could prevent it from flourishing and enriching our society.

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[*English*]

**MAHER ARAR**

**Mr. Omar Alhabra (Mississauga—Erindale, Lib.):** Mr. Speaker, hundreds of Canadians from across our great land have gathered in Ottawa to honour Maher Arar and Monia Mazigh and pay tribute to their sacrifice. Tonight parliamentarians and fellow Canadians will express their gratitude and appreciation to the Arar family for their commitment to justice and fairness.

At a time when some people would choose to shy away from defending justice when a label of terrorism is attached, Monia, Maher and their supporters taught us many important lessons. These

lessons are especially relevant now in light of the recent debate on the anti-terrorism motion.

I think it is appropriate that we are celebrating the Arars' sacrifice on Valentine's Day. Their love for each other and for their family, their country, Canadian values and the pursuit of justice shall remain an inspiration to all of us.

No amount of financial reward could ever compensate them for their ordeal, but if we truly want to honour them and benefit from their tragic experience, the best way to honour them would be to ensure that it never happens again.

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**JUSTICE**

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, today we will be debating Bill C-27, which fixes the process for designating dangerous offenders. Provincial attorneys general, police and victims groups have been calling for this bill, but so far the opposition is determined to kill the bill and confuse the public by calling it a three strikes bill.

Bill C-27 is an important part of a series of government bills aimed at making our streets and communities safer from violent criminals. As an MP who meets regularly with victims and as a member of the justice committee, I am deeply frustrated at how long it is taking to pass these bills.

Yesterday the president of the Canadian Police Association said:

Police officers across the country see people that are victimized by violent, repeat offenders. These bills will keep dangerous criminals from returning to the streets, and help protect our communities...We are simply asking MPs to act on their commitments and help police officers do their jobs.

Every one of us made a commitment to Canadians in the last election to get tough on crime. I urge opposition members to get busy and meet their commitment.

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**ORAL QUESTIONS**

• (1420)

[*English*]

**JUDICIAL APPOINTMENTS**

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, the government had no plan to anticipate the obvious increase in passport applications.

It had no plan to address the job losses announced today in our manufacturing sector.

Aboriginal Canadians: no plan. Our cities: no plan. Access to education: no plan. Poverty: no plan.

Instead, the government spends all of its time running an election campaign and looking for ways to push its ideological agenda.

Why does the government have a plan to change the way judges are appointed, but no plan to help Canadians succeed?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, what is clear is that the hon. member certainly has a plan to audition for a new role.

The former minister of justice announced important changes last year which would ensure that when we select judges the police have input into the selection of judges in this country.

We want to make sure that we are bringing forward laws to make sure we crack down on crime and make our streets and communities safer.

We want to make sure that our selection of judges is in correspondence with those objectives.

[*Translation*]

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, the Prime Minister has confirmed our worst suspicions on this issue. The government has changed the selection rules for the judicial advisory committees. It has taken away the voice of the judiciary during the candidate evaluation process.

Why is the Prime Minister changing the rules? Why is he showing so little respect for the independence and authority of the judiciary?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, on the contrary, this government has established a process that is indeed independent, with the participation of a number of voices, including the voice of the police who have to enforce our laws. It is important for our government to select top-notch judges to help us keep our streets and communities safer.

[*English*]

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, Peter Russell, a noted expert on judicial selection, has said the Conservatives have lowered the qualification standards for judges. He said:

—they've changed the role of the advisory committee so now they do not select the most highly qualified...there is really no merit selection going on and that is a dreadful change...

How can Canadians have faith in the judicial system, that it will be fair and impartial, when our selection process is now about politics and no longer about the interests of justice?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Once again, Mr. Speaker, this government has made a number of appointments to the bench of people of very high quality. In fact, these were people who were all recommended by a selection process put in place by the previous government.

It is very different to select people based on diverse input and based on merit rather than the previous system, where Benoît Corbeil told CBC radio that for all intents and purposes judgeships were available to those who gave the most money to the Liberal Party.

[*Translation*]

**Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.):** Mr. Speaker, former Supreme Court Justice Claire L'Heureux-Dubé, has criticized the Americanization of our justice system following the changes made by the Conservatives for the selection of judges. She said, "Changing the composition of these committees...introduces what I think to be a rather pernicious element, which is the ideology of the candidate".

Why does this government want to skew the role of the committees in favour of ideological appointments? What will be the next step in the Conservative plan? Electing judges like they do in the United States?

• (1425)

[*English*]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I would like to point out to members of the Liberal Party that there have been a number of changes over the years since these were introduced by a previous Conservative government in 1988. I believe there were four different modifications, and I think all of them have improved the process.

I do not see what the problem is with the members of the Liberal Party. If they do not think the police have anything constructive to offer to the judicial system, then let them make that point, because they are certainly making it here in the House and I could not disagree with them more.

[*Translation*]

**Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.):** Mr. Speaker, the Conservative government has infiltrated the judicial appointment committees to better advance its right-wing ideology. This is a direct threat to hard won rights: women's right to equality and free choice, minorities' right to be treated fairly, the right to same-sex marriage.

The stakes are too high to be dismissed. This is something never before seen in Canada. Will the government accept the proposal from former Justice L'Heureux-Dubé, to hold a public debate in which average citizens would be involved?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government has improved the advisory process for judicial appointments. This decision has its roots in a decision by a former Conservative government and we support this system.

It is obvious that the Liberal Party wants to politicize judicial appointments. The Liberal Party is making a political debate out of this. The House of Commons is not where judges should be selected.

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**THE ENVIRONMENT**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday, the Premier of Alberta asked that the \$1.5 billion in the Canada Ecotrust be transferred to the provinces that pollute the most rather than on a per capita basis.

Yet, just in 2005 and 2006, Alberta brought in \$14.4 billion in revenue from its oil industry. Now the Albertan premier wants more money to pay for the clean up. This seems backwards to me.

Can the Prime Minister guarantee not only that the \$1.5 billion promised will be distributed per capita, but also that he will enforce the polluter-pay principle, rather than polluter-paid?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government announced the Canada Ecotrust program to support major projects in the provinces, in order to limit and reduce air pollutants and greenhouse gases. It is an important program. As I indicated to several premiers, including the Premier of Alberta, our intention is to distribute those funds per capita.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, if the government's shift to green thinking is serious, it should immediately do away with the gifts it gives to the oil companies, such as the tax benefits—Bill C-48 comes to mind—and the tax reductions that will allow oil companies to reduce their income tax payments by \$3 billion between 2005 and 2008.

Will the Prime Minister finally do away with the tax benefits granted to oil companies or will he continue to help them, those poor folks?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, it is totally false to say that this government granted new subsidies to the oil industry. On the contrary, it is our government that decided to terminate the energy trusts. Originally, the Bloc Québécois supported that idea. Now, the Bloc is changing its position. I think its first position was the better of the two.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, according to CIBC's chief economist, if Canada does not take action, a carbon exchange will be imposed on Canada by its trading partners, particularly the United States, which will use this measure to reduce their greenhouse gas emissions.

Now that the message is coming from an economist, will the government—which has not accepted the advice of environmentalists—be more willing to establish binding targets for greenhouse gas emission reductions in order to establish a carbon exchange?

• (1430)

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, yesterday I met with the representative of the Montreal Exchange to hear his opinion before the government makes a decision about this project.

I told him that it was very important to hear several viewpoints. We are learning about Quebec's needs. Monday, I was apprised of these needs and the answer was yes. Quebec was very pleased to receive a significant amount of money in order to help the environment and fight climate change.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, I urge the minister to immediately table the agreement in this House.

The Minister of the Environment must realize that rather than debating where the carbon exchange will be located he must decide when it will open. Derivatives are traded in Montreal. Thus, it would be logical for the carbon exchange to be located there. When will the minister set it up?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, we are working very hard on Bill C-30, a very good bill. For the first time in Canada's history, greenhouse gases and air quality will be regulated. I hope that this bill will have the support of the Bloc Québécois because it is very important for the health of Canadians.

[English]

**FIREFIGHTERS**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, on February 4 the city of Winnipeg was rocked by the deaths of two firefighters and the injuries of several others. Over 3,000 firefighters from across North America today joined with 15,000 Manitobans to mourn.

This House could pay homage to these men and all firefighters. We proposed a motion which passed in the last Parliament directing the government to set up a compensation benefit and a memorial for firefighters who lose their lives.

Could the Prime Minister inform the House as to the status of the government effort on this motion?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, today, as we in the House all know, we have the very sad event of the funeral of the firefighters in Winnipeg. I know that today all of our thoughts and all of our prayers are with the families of those brave individuals, as well as, of course, with their colleagues.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, we could honour those firefighters today. We could honour the sentiments that we all feel with action in this House.

As they sound the last alarm today, will the Prime Minister stand up for our heroes and give clear indication to his ministers to put into force the motion that was adopted in the last Parliament to support the families of our fallen firefighters?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I am not going to enter into a political debate today. I think the events of today remind all of us that men and women who give of themselves in public service, particularly in dangerous occupations like firefighters, do so at tremendous risks and costs to themselves. We should all reflect today on the tremendous sacrifice that they are willing to make on behalf of all of us.

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**MANUFACTURING SECTOR**

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, the manufacturing sector is getting hammered and the Conservative government has no plan.

The industry minister was on the board of the Montreal Economic Institute, the same institute that called government investments in the auto sector “ineffective subsidy programs”.

When will the minister stop pontificating about Adam Smith? When will he start developing a plan to help Canada's auto sector and the thousands of Canadians who are losing their jobs right now?

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, Canada's new government has already taken concrete steps to help the automobile industry and all businesses by reducing corporate taxes and also with Advantage Canada. We set the right conditions for this sector to be prosperous in Canada. This tax reduction will help all industries, specifically the automobile industry.



*Oral Questions*

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, Canada's new opposition has some information for Canada's new government.

The fact is that those programs were in place under the previous Liberal government. The only program to make direct investments in the auto sector was the technology partnerships program, and that program was killed by that minister on December 31.

That minister does not know what is going on in his own department. That minister is drowning in his own right-wing think tank. While he is drowning in his right-wing think tank, thousands of Canadians are losing their jobs in the manufacturing sector.

When will he act? When will he develop a plan? When will he stand up for Canadian workers?

• (1435)

[Translation]

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker—

**Some hon. members:** Oh, oh!

[English]

**The Speaker:** Order. I know it is Wednesday, but the Minister of Industry has the floor to answer the question. The member for Kings—Hants is dying to hear the answer. We have to have some order so members can hear.

[Translation]

**Hon. Maxime Bernier:** Mr. Speaker, the hon. member does not have a monopoly on virtue and compassion. We are very concerned about the job losses that are occurring in the automobile industry. It must be realized that this is part of a worldwide and North American restructuring process, and we want to assure workers in that industry that they will benefit from the programs established by this government.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, with globalization comes fierce competition that is costing us many valuable jobs. We witnessed it in the furniture industry, particularly with Shermag, and also in the textile and clothing industries.

In other sectors, it is mergers and takeovers, such as that between Bowater and Abitibi-Consolidated, that make us fear job losses.

Why does the Conservative government not have a plan to deal with the situation before it deteriorates and becomes a major crisis in the manufacturing sector?

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, as I said earlier, we are taking concrete measures. We are helping all industries in Canada by reducing corporate taxes.

Incidentally, I want to thank the Standing Committee on Industry, Sciences and Technology for producing a good and unanimous report on the manufacturing sector. I am also taking this opportunity to inform members of that committee that I will review all of their recommendations. If there are ideas in this report that we can implement, we will do so.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, it seems that the minister responsible for regional development believes in the law of the jungle, like his colleague, the Minister of Industry, who is a strong supporter of the laissez-faire approach. The problem for

these ministers is that the strongest ones in the equation are seldom the workers responsible for these businesses' past successes.

Will the government admit to all workers in the manufacturing sector that they absolutely cannot count on it, and that it has no plan to protect their jobs?

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, the Minister of Industry is the minister responsible for all industries and for all workers in each industry. That is very important.

When we develop policies, we care about consumers and about workers in these various industries.

I should point out that the employment rate in Canada is the highest it has been in recent years.

Private investments in Canada are increasing, and so is the number of jobs. This is a sector that is doing very well and that is still very competitive.

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**AIR TRANSPORTATION**

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, the government is preparing to compile a no-fly list. A similar list put together by the United States included some surprises: Senator Edward Kennedy, the singer Yusuf Islam—formerly known as Cat Stevens—and a number of peace activists and environmentalists. Maher Arar's name is still on the list, along with his wife's and those of his young children.

Can the Minister of Transport, Infrastructure and Communities tell us what he plans to do to ensure that such errors do not occur in Canada?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I would like to thank the member for his question.

As he knows, draft regulations concerning inclusion criteria have already been published for consultation. He must also be aware that individuals will have the opportunity to dispute the inclusion of their names on the list. I would emphasize that the critical purpose of developing this list is to ensure that people who travel by air—passengers—can do so securely.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, I know that the minister is also planning to use a committee. A committee is all well and good, but even if the committee members are competent beyond reproach and completely unbiased, even if they are the most objective and best informed people in the world, I think it would be impossible to make up such a list without making numerous errors.

How does the minister plan to compensate the victims of such errors? What exactly will he do to prevent racial profiling?

*Oral Questions*

● (1440)

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, that is exactly why we undertook consultations. I should add that as part of the consultations, we met with all organizations, intermediary bodies and individuals with a vested interest in this matter and gave their comments due consideration.

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**AFGHANISTAN**

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, the release this morning of a study on Afghan hospitals by the Senlis Council again underscores the imbalance between the military side of the mission in Afghanistan and the humanitarian side. We need to remember that in Bosnia, \$325 per inhabitant was spent annually on humanitarian development, whereas in Afghanistan, less than \$50 per inhabitant is being spent.

How many reports like this one will have to be issued before this government decides to rebalance Canada's mission in Afghanistan?

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Speaker, the first thing we did when we took power was to increase the budget for development in Afghanistan. In this way, we made sure we could do what we had set out to do in Afghanistan.

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, my question is for the minister.

The disgraceful condition of the hospital in Kandahar, as described in this report, dramatically illustrates the weakness of the humanitarian side of the mission. We are talking about a place of death, not a hospital.

Given that the Taliban could launch an offensive in the spring, does the government not believe that investing in medical infrastructure would send a strong message that Canada is there to help the Afghan people?

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Speaker, the Bloc member does not seem to understand yet that Canada is there to provide Afghanistan with development assistance. We are closely monitoring the situation at the Kandahar hospital.

As you know, we are working with our partners in the field. As soon as needs are identified, we allocate funds so that projects can be carried out.

\* \* \*

[English]

**AUTOMOBILE INDUSTRY**

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, Canada's auto industry has a reputation for being among the best in the world. The previous Liberal government invested billions of dollars to keep it at the front of the global pack. However, in only one short year, Canadians are already seeing the effects of a careless attitude toward the auto sector, one that lacks a vision for economic development. As a result, Canadians are losing jobs, 2,000 of them today at Chrysler.

When will the government wake up and address the urgent need of Canada's manufacturing sector?

[Translation]

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, I would like to inform my hon. colleague that, over the past 24 months, GM has invested \$2.5 billion in the Canadian auto industry, Ford has invested \$1.2 billion, and Toyota, \$1.6 billion.

The auto industry is meeting the global challenges it faces. It will meet these challenges and, when necessary, it has the support of this government.

[English]

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, Canada's auto industry became, for the first time, a net importer in 2006. International competition is racing ahead of us, and the government is content to sit idly by. Every day we see new headlines of job losses, but no plan, not even a response, from the government.

Where is the support for thousands of workers who are losing manufacturing jobs under the government?

[Translation]

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, we are in constant dialogue with the auto industry. Last week, I spoke with the Canadian Auto Workers union in order to ensure the smoothest possible transition to allow this industry to remain competitive. Unlike our Liberal opposition colleagues, we do more than talk; we act.

[English]

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, as my colleague said, today Chrysler announced 2,000 job cuts in Canada, and this is just another example of a disturbing trend since the Conservatives took power. Under the Conservative government's watch, Statistics Canada reported a \$1.2 billion trade deficit in the auto industry, the first such deficit in 18 years.

Why does the government have no plan to address the massive job losses in the auto sector?

● (1445)

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, I do not know where the member opposite was when we tabled our budget last year. The plan is there and it is very clear what we will do.

What we are doing right now is lowering taxes for all enterprises, all corporations. Why? To ensure that they will have money to invest, to be productive and to continue to work in Canada and be prosperous.

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, the government's rhetoric is as empty as the factories across Canada. It has no plan.

*Oral Questions*

We all know that the Conservative government is aggressively pursuing trade negotiations with South Korea. While Canada imports thousands of vehicles from Asia every year, we lack the ability to export our cars to protected Asian markets.

Could the Minister of International Trade assure Canadian workers that he will pursue fair trade with South Korea and will fight to protect Canadian jobs?

**Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, I recognize, and the hon. member I am sure recognizes, that it has been over five years since Canada entered into any bilateral free trade agreements.

The government is committed to opening up trade. The government is committed to negotiating better market access into Asian economies. We are having discussions with Korea. Those discussions have not ended and they will not end until we are confident we have an agreement that is in the best interests of Canada.

\* \* \*

**TERRORISM**

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, an online message posted by al-Qaeda declares:

—we should strike petroleum interests in all areas which supply the United States...like Canada...

That same organization was behind the thwarted February 2006 suicide attack on the world's largest oil processing facility in Saudi Arabia.

My question is for the Prime Minister. Are Canadians better prepared to defend ourselves against these types of terrorist attacks with or without the anti-terrorism measure that the Liberals are so determined to let expire?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this news today should remind us of why the government is trying to renew the provisions of the Anti-terrorism Act, designed to protect the safety and security of Canadians.

The act was passed originally with bipartisan support. Former deputy prime minister John Manley said today in supporting these measures:

The most important responsibility of government is the preservation of order and the protection of its citizens.

I urge all members not to play partisan politics with national security. I understand the leader of the Liberal Party may have difficulty supporting our measures, but at least he maybe can rally the strength of leadership to support his own legislation.

\* \* \*

**STATUS OF WOMEN**

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, today is Valentine's Day, but women are seeking more than just flowers or chocolates. What the women of Canada want is equality.

Under the Liberals, we watched women fall further and further behind because of inaction. The Conservative government has made

it worse. Over \$5 million has been cut from women's programs, and women today still make 30% less than men.

Could the Prime Minister tell us how much further women will fall behind before his government takes action on women's equality?

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, as the House knows, we have committed \$5 million to serve women directly in their communities.

Women will work ahead because in every community across the country there are organizations that are now applying for support so they can help their neighbours, their neighbours' families and their neighbours' children.

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, the government does not support women and it does not have any intention of promoting equality.

The government took \$5 million from Status of Women Canada. In 1989, 14 women were murdered in Montreal. Since then, 65 women have gone missing in Vancouver and hundreds of Canadian women in between.

We will not stay quiet. We will not tolerate violence. We will not rest until we have equality, pay equity and real child care. When can Canadian women finally achieve real equality in our country?

• (1450)

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, the women in Canada know that they will achieve full participation in Canadian society when they continue to support the government.

This government is a government that does not just talk about equality. It is offering opportunity for women to realize their equality in every aspect of Canadian life. Women in Canada realize this. That is why this party is the government now and will be for a long time to come.

\* \* \*

**PASSPORTS**

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, in January the foreign affairs minister denied that the Conservative government's incompetence had left thousands of Canadians without a passport.

Now the Auditor General confirms what angry Canadians already know; that the Conservatives have no plan to deal with the surge of applications predicted last summer by the government.

While the foreign affairs minister junkets overseas on his diplomatic passport, why has his government's incompetence stranded thousands of Canadians unable to get a passport?

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, it is a sad fact that the previous Liberal government did very little about the observations made by the Auditor General in 2005. We have made significant progress. I would like to quote the Auditor General, who has said:

I am pleased with the progress Passport Canada has made in the relatively short time since our 2005 audit.

*Oral Questions*

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, that is a totally ridiculous answer from an incompetent government. The Auditor General specifically has singled out the Conservatives because they have no plan. One Vancouver newspaper said that the lack of action on the part of the government is:

—absolutely unforgivable...a sign of sheer incompetence on the parts of both [the] Public Security Minister...and [the] Foreign Affairs Minister...

When will the minister provide Canadians with a wait time guarantee on their passport application?

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, I remind the hon. member, going back some time in opposition, that it was this Conservative Party that had to call an emergency debate in the House in order to wake the previous government up to this issue with respect to the United States.

This past fall and winter we have hired approximately 500 new staff to help process over 21,000 applications that we receive every day.

**Hon. Belinda Stronach (Newmarket—Aurora, Lib.):** Mr. Speaker, yesterday, at no surprise to those MPs who listen to their constituents, the Auditor General said that the government had no plan to deal with the increase in applications for passports.

As constituency offices have learned, Passport Canada has been increasing its wait times. Advice last week of a 40 day wait is now a 60 day wait. The backlog is so great that we have received word today that Passport Canada is only now opening applications received December 29.

Why did the government have no plan in place to deal with this problem on its watch?

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, the Auditor General has declared herself satisfied with the progress of the new government and the progress that we have made in the number of recommendations made by her in 2005.

I remind the hon. member that we have hired 500 new employees to help process approximately 21,000 passport applications that we receive every day. I also want to remind the hon. member that she participated in that emergency debate to call on the previous Liberal government to get its act together with respect to the western hemisphere travel initiative.

**Hon. Belinda Stronach (Newmarket—Aurora, Lib.):** Mr. Speaker, the U.S. law says that passengers travelling by air must now have a passport, and soon car travellers will as well.

In 2005 same-day car travel from Canada to the U.S. exceeded 22 million. According to the government's own website, passport requirements for car travellers can occur at any time between now and 2009.

The government knows this is coming. It had no plan to deal with the current crisis. What is its plan to deal with the next one?

●(1455)

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, I remind the

hon. member that we have 500 new employees hired at Passport Canada to help process 21,000 new passport applications.

I note the hon. member did not respond to my request for her response as to why she participated in a debate, urging the previous Liberal government to get its act together, and now she has completely changed her mind or perhaps forgot she had done that.

\* \* \*

[*Translation*]

**PUBLIC WORKS AND GOVERNMENT SERVICES**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the Auditor General condemned the serious gaps that exist in the conservation and maintenance of our built heritage. This is particularly true of the Cap-aux-Diamants Redoubt located within the Citadel in Quebec City. The redoubt remains inaccessible to visitors due to the poor management of the building, which no longer meets safety standards. The most recent work was done in 1997.

Can the Minister of Public Works and Government Services tell us what restoration measures he plans to take to allow visitors to access this historic vestige of Quebec City's defensive system?

**Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, I thank my hon. colleague for her question. I can assure her that our government is aware of the situation and that we are taking the appropriate action.

\* \* \*

**STATUS OF WOMEN**

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, after years of fighting, 300,000 Quebec women in the public sector have achieved pay equity. In the meantime, women working in the federal public service and the private sector are still waiting.

If the Minister of Status of Women is so concerned about equality, what is she waiting for to adopt pay equity legislation to provide justice for all women under her jurisdiction?

[*English*]

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, I can assure the hon. member that the government is absolutely committed to equity of pay for people who are in the same occupation. This is a Conservative commitment and the member should not doubt our commitment to that.

We also believe very strongly that people should be hired on the basis of competence. We are very proud of our record in that regard.

*Oral Questions***NATIONAL DEFENCE**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, last week a senior DND official gave testimony at the defence committee that nothing had been done to implement the Conservative promises to 5 Wing Goose Bay. That is right, nothing, zilch, nada or, as we say in our part of the country, not a darned thing. He also said that Indian Affairs, not National Defence, is the lead department on northern and Arctic sovereignty.

Since the Minister of National Defence has washed his hands of the file, I ask the Minister of Indian Affairs and Northern Development this. What are his plans for his base at 5 Wing Goose Bay?

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, I find this the height of hypocrisy. It was this member, a member of the Liberal Party, whose intention was to close the base in Goose Bay, who is asking these questions. It is our government that is maintaining Goose Bay. We will maintain it into the future and we will give it an operational requirement, not those people.

\* \* \*

[Translation]

**QUEBEC BRIDGE**

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, the people of Lévis, Quebec City and Chaudière-Appalaches have been waiting for years for CN to go ahead with the restoration of the Quebec bridge, a Canadian heritage jewel, as CN is expected to do.

After the lack of Liberal action and the inability of the Bloc to take action, will the Minister of Transport, Infrastructure and Communities inform the House about the progress of its negotiations with CN?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, Canada's new government is taking all possible steps to have CN fulfill its obligations and responsibilities. That is why, today, we filed a motion seeking a permanent injunction for damages against CN.

I hope that these legal proceedings will enable us to ensure that work on restoring the bridge is completed. As we have stated so many times, the federal Liberals did nothing; the Bloc cannot take action; we are taking action.

\* \* \*

• (1500)

[English]

**AUTOMOBILE INDUSTRY**

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, today thousands and thousands of workers in Windsor and Brampton will go home to their families uncertain about their future and uneasy about what to tell their families because in the next few weeks 2,000 of those workers will no longer have jobs and no plan by the government on how to deal with it.

For the first time in 18 years, Canada has an auto trade deficit. Again, no plan from the government on how to deal with it because Canada has no automotive sector strategy at all.

When will the government begin to take auto jobs and the loss of auto jobs seriously?

[Translation]

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, as I said earlier, the automobile sector is important to Canadian industry and to Ontario auto workers.

That being said, I can assure you that the restructuring currently taking place in the automotive sector seeks to improve the productivity of this industry's workers. I can also assure you that if workers are affected by this restructuring, they will receive appropriate federal assistance.

[English]

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, that is cold comfort for the families of the auto workers who are going to suffer from this inaction.

The Minister of Industry sits with the Minister of International Trade, the same minister who was a flip-flopping, floor-crossing minister. As a minister for the Liberal Party he promised an auto policy and never delivered it to the House, broken promise after broken promise that is costing Canadians jobs.

Today we saw 20% of Canada's workforce at DaimlerChrysler get laid off and fired. What I want to know is this. Why do the Minister of Industry and the Minister of International Trade want to finish the sector off? Why do they want to continue with the Korea trade pact that is going to kill this industry and ensure that we are not going to recover?

**Hon. Maxime Bernier (Minister of Industry, CPC):** Mr. Speaker, maybe the hon. member should check with his leader to ensure that they are on the same page when it comes to an automobile strategy.

The leader of that party was also the author of a 76-point green vision for Toronto when he promoted the idea of banning cars altogether in Toronto. In fact, his comprehensive car-free plan would have Torontonians now trading their cars for bicycles. This is a strategy for bicycles, not for the automobile sector.

\* \* \*

**NATIONAL DEFENCE**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, the Minister of National Defence knows a lot about hypocrisy and I say to him that if my question is not for him, then stand down, general. My question is for the Minister of Indian Affairs and Northern Development.

If he cannot remember what he promised the people of 5 Wing Goose Bay, I can send him a DVD. He promised a UAV squadron and a rapid reaction battalion for Goose Bay, perhaps the same battalion of rapid reaction he wanted to send to five other places across Canada.

I ask the Minister of Indian Affairs and Northern Development who is now in charge of defending the north, will he honour the Goose Bay commitments made by his absent-minded colleague in the Department of National Defence?

**Some hon. members:** Oh, oh!

*Speaker's Ruling*

**The Speaker:** Order. We will have some order. The Minister of National Defence now has the floor. We will have order please.

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, we will meet our commitments to the north. We will meet our commitments to Goose Bay, unlike the previous government which was planning to cut Goose Bay and eliminate all the jobs.

\* \* \*

**SENATE TENURE LEGISLATION**

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, Canadians are wondering who is leading the Liberal Party of Canada. There are persistent questions about the capabilities of the Liberal leader. We have seen him bow to the wishes of the extreme wing of his party and flip-flop on the Anti-terrorism Act.

We have seen him confused about why he sent soldiers to Afghanistan and every day we see his Senate colleagues ignore his will on the bill to limit senators' terms.

Could the Leader of the Government in the House of Commons and Minister for Democratic Reform update the House on the progress of this simple 66 word Senate reform bill?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, it appears that the Liberal Party is more leaderless today than when it did not have a leader. The member for Saint-Laurent—Cartierville says that he supports term limits for senators but he cannot get his own party to follow. Today marks the 260th day that the unelected and unaccountable Liberal senators continue their obstruction of the bill limiting senators' terms.

The fact is that every day the Senate sits, which by the way is three days a week, the bill comes up for debate and every single day the Liberal Party votes to adjourn debate. Canadians want their Parliament to function. The Liberal leader should call on his senators to stop their obstruction and get back to work.

\* \* \*

● (1505)

[Translation]

**INTERNATIONAL DAY FOR THE REMEMBRANCE OF THE SLAVE TRADE AND ITS ABOLITION**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, following consultations with colleagues from all political parties, I think you will find unanimous consent of the House for the following motion:

That, in the opinion of this House, the government should designate August 23 as International Day for the Remembrance of the Slave Trade and its Abolition.

**The Speaker:** Does the hon. member for Laurier—Sainte-Marie have the unanimous consent of the House to move this motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

**POINTS OF ORDER**

## KYOTO PROTOCOL IMPLEMENTATION ACT—SPEAKER'S RULING

**The Speaker:** Last night, just before debate on private members' business began, the hon. government House leader raised a point of order relating to Bill C-288, the Kyoto Protocol Implementation Act, standing in the name of the hon. member for Honoré-Mercier.

The House will recall that on Friday, February 9, 2007, debate on Bill C-288 was completed and divisions on the report stage of the bill deferred to February 14, 2007. Because of this, I felt obliged to point out to the hon. government House leader that his intervention came very late although I proceeded to listen to his argument in case he had new light to shed on the bill.

After his intervention, the hon. members for Wascana, Scarborough—Rouge River and Honoré-Mercier offered their views.

● (1510)

[English]

I have now carefully reviewed the comments made by the hon. government House leader and I confess that I find them somewhat troubling, for the hon. minister presents no new arguments, but instead comes perilously close to an appeal of the Chair's decisions, an appeal specifically prohibited by Standing Order 10.

Despite two rulings from the Chair to the contrary, the crux of the argument presented by the hon. government House leader is that Bill C-288 does require a royal recommendation because the course of action it puts forward would require the expenditure of government funds.

This is substantially the same argument so ably presented by the minister's predecessor on June 16, 2006. It was not persuasive then and is no more persuasive now.

[Translation]

With respect, I would refer the hon. government House leader to Debates for September 27, 2006, at pages 3314 and 3315 where I ruled on the original point of order raised on June 16. Since this latest intervention provided no new insights, let me simply quote from that decision. Referring back to an earlier decision on a similar case, I said:

*Speaker's Ruling**[English]*

the Chair—in the case of Bill C-292, an act to implement the Kelowna Accord—made a distinction between a bill asking the House to approve certain objectives and a bill asking the House to approve the measures to achieve certain objectives. So too in the case before us—[Bill C-288]—the adoption of a bill calling on the government to implement the Kyoto protocol might place an obligation on the government to take measures necessary to meet the goals set out in the protocol but the Chair cannot speculate on what those measures may be. If spending is required, as the government House leader contends, then a specific request for public moneys would need to be brought forward by means of an appropriation bill or through another legislative initiative containing an authorization for the spending of public money for a specific purpose.

As it stands, Bill C-288 does not contain provisions which specifically authorize any spending for a distinct purpose relating to the Kyoto protocol. Rather, the bill seeks the approval of Parliament for the government to implement the protocol. If such approval is given, then the government would decide on the measures it wished to take. This might involve an appropriation bill or another bill proposing specific spending, either of which would require a royal recommendation.

As Bill C-288 stands however, the Chair must conclude that the bill does not require a royal recommendation and may proceed.

*[Translation]*

This first ruling on the bill seems quite clear. The House will also recall that on February 2, 2007, a point of order was raised by the parliamentary secretary to the government House leader to the effect that amendments to this bill reported by the Standing Committee on Environment and Sustainable Development on December 8, 2006 required a royal recommendation and some hon. members commented on his intervention. That exchange is captured at pages 6341 and 6342 of the Debates. It too concludes that the bill does not require a royal recommendation and I would commend it to the attention of all hon. members. In short, the Chair has not been presented with any precedents that would reverse the views it expressed earlier.

- (1515)

*[English]*

I can appreciate that the hon. government House leader is frustrated by the prospect of what he calls a bad law being enacted and by the constitutional difficulties that he foresees, but these are not matters within the Speaker's purview. The Chair's powers are limited to interpreting matters of parliamentary procedure, not matters of law, nor matters of public policy.

Bill C-288 seeks to ensure Canada meets its global climate change obligations under the Kyoto protocol ratified by Canada on December 17, 2002, but the bill contains no provisions authorizing spending to that end. Therefore, there is simply no procedural impediment to the bill proceeding further or to the House pronouncing itself on report stage and third reading.

Let me just say in conclusion that, as your Speaker, I take very seriously indeed the responsibility to interpret the procedures and practices of this House in specific cases, particularly where the prerogatives of the Crown may be at issue and particularly in controversial cases such as this one where parties are deeply divided as to the right course of action.

The House's new rules on private members' business bring out in full relief the Chair's role and responsibility in these matters. I believe that a careful reading of my rulings on such cases, including the two rulings already rendered on Bill C-288, reveals them to lie

squarely within the traditions of this place. I thank hon. members for their attention.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I do recall back in May 2006 when the Speaker outlined the rules with regard to making argument with regard to royal recommendations. I believe the Speaker even referred to situations where, just prior to a vote being taken at third reading, someone may rise and make argument and the final determination would not be made until the end of final debate at third reading.

I believe there could be some difficulty in future cases. As the Speaker knows, when a private member's bill has finished its committee stage, it comes to the House at report stage and third reading, a hybrid two hour period.

Mr. Speaker, you are also aware that members have the right to move a recommittal motion to committee to remedy a problem within the bill, and that can only be made at third reading. However, if we start at report stage and there are report stage motions, we may find that the entire two hour debate period is taken up at report stage. There is no opportunity for a member to remedy the bill by recommitting it to committee should a subsequent decision come that a royal recommendation is required just prior to the end of the second hour.

I raise this, Mr. Speaker, because I think the Table has also recognized that the Standing Orders may not have contemplated committee stage amendments on private member's bills or in fact report stage motions being raised and that this could be problematic down the road. The matter likely should be reviewed again by procedure and House affairs or another designated review by the Chair to ensure that these kinds of things do not get us into a difficulty that ultimately would result in a member's rights being taken away simply by the failure of the Standing Orders to take into account those unusual circumstances.

**The Speaker:** The hon. member for Mississauga South has a point but, as he knows, the Chair does not rule on speculative possibilities. We rule on events that transpire. It is difficult for me to stand here today and say that if the situation he described happened what the Chair would do. It has not happened so I will not make a ruling now. If it does happen, I will make a ruling then.

In the meantime, he is free to raise the matter with the procedure and House affairs committee. If it wishes to recommend to the House some changes to the Standing Orders in respect of the complaints the hon. member has mentioned, it is certainly free to do so. The House can act on the recommendations of the committee should it see fit to do so. The Speaker will be bound by the rules that the House enacts and will happily follow whatever directives come from the House in that respect.

*Routine Proceedings***ROUTINE PROCEEDINGS**

●(1520)

*[Translation]***INTERPARLIAMENTARY DELEGATIONS**

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian Branch of the Assemblée parlementaire de la Francophonie, or APF, which participated in the meeting of the Bureau of the APF, held in Châlons-en-Champagne, from January 16 to 19, 2007.

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**COMMITTEES OF THE HOUSE**

## OFFICIAL LANGUAGES

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, I have the honour to present the fifth report of the Standing Committee on Official Languages.

*[English]*

## PUBLIC SAFETY AND NATIONAL SECURITY

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Public Safety and National Security concerning security certificate detainees and the mandate of the Correctional Investigator, all of which is respectfully submitted. I have two copies of the report.

\* \* \*

**PETITIONS**

## SOCIAL TRANSFER PAYMENTS

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I am pleased to present some petitions today that were gathered as part of my tour to hear about poverty across this country.

As I travelled, I carried a petition to urge the government to do a review of the social transfer in the country, that vehicle used by the federal government to ensure that provinces have the money they need to provide for all kinds of programs, particularly those programs that affect very directly the everyday well-being of some of our most marginalized and at risk citizens.

The petition has been signed by 170 people from Burnaby, Penticton and Castlegar in British Columbia.

## TAXATION

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Mr. Speaker, it is a great honour to present a petition today that was distributed across Canada by Edna Budden and her group of volunteers.

The petition calls upon Parliament to enact legislation to include exercise gym fees as a deductible tax credit under the medical expense tax credit of the Income Tax Act.

I have over 30,000 signatures piled up here, from coast to coast and from every town and major city in Canada. We owe a great debt of gratitude to people like Edna Budden and her volunteers who

want to express their opinion to the Government of Canada. It is important for those individuals to know that the government is listening.

## CANADA POST

**Ms. Colleen Beaumier (Brampton West, Lib.):** Mr. Speaker, I have three petitions today.

When Canada Post discontinued rural delivery in my constituency, not only did it inconvenience homeowners, but the placement of these boxes raised security problems for both motorists and pedestrians retrieving their mail.

My petition calls upon Canada Post to revisit its decision to stop home delivery.

## AGE OF CONSENT

**Ms. Colleen Beaumier (Brampton West, Lib.):** Mr. Speaker, the second petition is from a group of citizens concerned with the vulnerability of minors, especially involving sex exploitation by and vulnerability to pimps. They are requesting that the government raise the age of consent from 14 to 16.

## CANADIAN POLICE AND PEACE OFFICERS MEMORIAL

**Ms. Colleen Beaumier (Brampton West, Lib.):** Mr. Speaker, the third petition calls upon members of Parliament to revisit the decision that was made to disallow the name of Constable Glen Evely on the Canadian Police and Peace Officers Memorial in Ottawa and requests that the names of future auxiliary police officers, as well as Constable Evely, be placed on the monument.

*[Translation]*

## COFFIN AFFAIR

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Mr. Speaker, I have the honour to present another petition concerning the Coffin affair. This petition was signed by approximately 800 people from the Eastern Townships, in Quebec.

The petition shows that the request by people from the Gaspé and the Magdalen Islands for justice to be done in the Coffin affair is supported by people from all over Quebec.

●(1525)

*[English]*

## JUSTICE

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Mr. Speaker, it gives me great pleasure today to be tabling petitions from not only the community of Whitewood and area but across the province of Saskatchewan and across the country of Canada.



Due to various incidents that took place this summer, it has certainly ignited the community to call upon the government to take certain measures and, in particular, to proceed with changes to the justice system and legislation that would result in harsher penalties for convicted pedophiles; make mandatory, compulsory electronic or other forms of monitoring of pedophiles upon being released from custody; ensure compulsory public notification on movements of convicted pedophiles; and ensure that above noted repeat offenders be designated as dangerous offenders.

It is quite appropriate that today I would be filing these petitions when the bill is coming forward for debate. Today I will be filing 8,250 signatures. To date, we have received between 24,000 and 25,000 signatures from across the country asking the government to take a tough stand on crime, as it is prepared to do, and to pass legislation that would be meaningful to address these particular issues, which we have done.

#### AGE OF CONSENT

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Mr. Speaker, I have another petition from the community itself asking the government to assemble in Parliament and take all necessary measures to raise the age of consent from 14 to 16 years of age.

We can address this petition and indicate that this government has taken those steps and has put the legislation forward. It simply needs to go forward and get passed.

#### MARRIAGE

**Mr. Gord Brown (Leeds—Grenville, CPC):** Mr. Speaker, I rise today to submit five petitions signed by many members of my constituency who are in favour of the traditional definition of marriage.

I am fully aware that Parliament has already and recently dealt with this, but the petitioners call upon Parliament to reopen debate on this issue and wish to have their petitions placed on the record.

\* \* \*

#### 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, the following questions will be answered today: Nos. 143, 146, 149, 150, 151, 157, 158 and 162.

[Text]

Question No. 143—**Mr. Tony Martin:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Sault Ste. Marie since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan

#### Routine Proceedings

guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 146—**Mr. Charlie Angus:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Timmins—James Bay since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 149—**Ms. Denise Savoie:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Victoria since January 23, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 150—**Mrs. Irene Mathysen:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of London—Fanshawe since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

*Government Orders*

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 151—**Mr. Paul Dewar:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Ottawa Centre since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 157—**Ms. Olivia Chow:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Trinity—Spadina since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 158—**Mr. Wayne Marston:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Hamilton East—Stoney Creek since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for**

**Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

Question No. 162—**Mr. Bill Siksay:**

What funds, grants, loans and loan guarantees has the government issued in the constituency of Burnaby—Douglas since February 6, 2006, including the 2006-2007 Budget and up to today, and, in each case where applicable: (a) the department or agency responsible; (b) the program under which the payment was made; (c) the names of the recipients, if they were groups or organizations; (d) the monetary value of the payment made; and (e) the percentage of program funding covered by the payment received?

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Privy Council Office has contacted all departments and agencies to ascertain whether they have the electronic capacity to search for and sort financial information such as funds, grants, loans and loan guarantees by federal electoral riding. The results of the survey indicate that the majority of departments and agencies do not have this capacity. A manual search would require an inordinate cost and length of time. For this reason, the government is not able to provide a comprehensive answer to this question.

[English]

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

#### MOTIONS FOR PAPERS

**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 notices of motions for the production of papers be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[English]

#### CRIMINAL CODE

The House resumed from November 9, 2006, consideration of the motion 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.

**Mr. Bradley Trost (Saskatoon—Humboldt, CPC):** Mr. Speaker, I welcome this opportunity to contribute to the debate on Bill C-27, which deals with dangerous and high risk offenders.

*Government Orders*

This is a bill that was tabled last October as a definitive response to a very real problem facing all Canadians: how to ensure that we are safe from repeat violent and sexual offenders. This bill does not target minor offenders. It does not target one time offenders. It does not target property offenders.

This bill goes after the very worst of the worst. It tries to address the concern that the most dangerous violent and sexual predators are properly sentenced and supervised if and when they are released into the community.

It is my understanding that some hon. members opposite have some concerns with this bill, to the extent that they may not allow this legislation to move forward to committee as it stands. My purpose is to encourage them to take at least that small step.

This bill has been tabled to respond to the concerns of ordinary Canadians, all Canadians everywhere, about safe streets, but it was also tabled to respond to specific recommendations that had been subject to thorough and rigorous review by justice system workers at every level.

The bill includes many important reforms that we on this side of the House feel are too important for community safety for us to allow them to die on the floor of this chamber. While I recognize that there might be disagreement at this stage of the debate on some issues, I am hopeful, and I implore this House for a willingness to get this bill before committee where there will be an opportunity to fully explore this bill.

The target of this legislation is dangerous and high risk offenders. We are not talking about minor offences in this legislation. We are not talking about people who shoplift or who get into a bar fight. That is not to underestimate or downplay the extent or seriousness of those offences, but we are talking about psychopathic and habitual predators who have proven by their conduct that they are simply unable to control themselves in the community. They have committed manslaughter. They have committed sexual assaults. They have abducted and sexually molested children, not once, not twice, but three or more times.

Having followed this debate, I have noted that the primary concern of those who have already spoken in the previous hours of this debate, as I have heard, is that this bill offends the constitutional rights of individuals who would be subject to the new provision that raises a presumption of dangerousness for individuals convicted for a third time of a specific or violent sexual assault.

I would like to take a moment to respond to this concern as best I can in the time allotted, using, of course, the expertise of lawyers and researchers who have supplied me with information. Again, I am arguing the general broad points and, as a non-lawyer, I implore people to listen. Even if they do not agree with all the specifics of the argument I will put forward from the lawyers who laid this case out to me, I urge hon. members opposite to at least listen and realize that these points are debatable.

The last major reform of the provisions that apply to the sentencing and management of dangerous and high risk offenders, as provided for in part XXIV and sections 810.1 and 810.2 of the Criminal Code, was in 1996, when Bill C-55 was introduced.

That legislation was the result of an exhaustive review by a federal-provincial-territorial task force of justice officials from across Canada. They made a series of recommendations that formed the basis of those reforms and were eventually passed by Parliament and came into force in August 1997.

The position on this side of the House is that since these reforms evolved through the courts, further requirements for changes to these provisions have become apparent.

Bill C-27 seeks to address these specific problems.

My understanding is that the primary objective of Bill C-55 in 1996 was arguably to make the dangerous offender sentence process less cumbersome for the courts, and to ensure that individuals who were somewhat likely to reoffend sexually or violently, but who did not meet the dangerous offender criteria, would still receive adequate supervision once released into the community after their penitentiary terms had expired.

• (1530)

A number of important substantive changes were introduced to realize these specific objectives. In the first place, provisions were amended to make the sentencing of all dangerous offenders automatic, that is, if an offender was found by the sentencing court to meet the strict criteria of section 753 of the Criminal Code, then the court was to have no further discretion. The individual had to be sentenced to an indeterminate sentence.

I would like to emphasize that my understanding is that, prior to the 1997 reforms, individuals would be declared by the court to be dangerous offenders if they met the criteria of the provision, but the court was able to give either an indeterminate sentence or a determinate sentence as the court saw fit in the circumstances.

Prior to the 1997 reforms, the Supreme Court of Canada indicated in an 1987 court case, *R. v. Lyons*, that while the indeterminate sentence was arguably the harshest sentence available in criminal law, it was not unconstitutional as there were adequate procedural checks and balances to prevent an indeterminate sentence from being imposed in cases where such a sentence could not be justified. Specifically, the discretion to refuse the indeterminate sentence, as well as the availability of parole, allowed the court to find that the indeterminate sentence itself did not violate the Charter of Rights and Freedoms.

The Supreme Court of Canada followed this approach in the subsequent landmark decision *R. v. Johnson*, in 2003, when it concluded that the 1997 reforms could not have intended to create an automatic indeterminate sentence for all individuals that met the dangerous offender criteria. Citing the prior ruling in *Lyons*, the court held that Parliament must have intended the reforms to be constitutionally viable and, as such, the 1997 amendment had to allow the sentencing court to retain full discretion to impose a fit sentence in the circumstances.

*Government Orders*

To give effect to this principle of constitutionality required discretion. In Johnson, the Supreme Court directed the sentencing court to refuse to declare an individual a dangerous offender if satisfied that a less harsh sentence, such as the long term offender supervision order, is available to achieve the objective of public safety, even if the individual fully meets the dangerous offender criteria.

Evidently this decision produced some inconsistency and confusion in the sentencing courts regarding the type of proof required to determine whether the lesser sentence could control the threat to the community, and who has the burden, and the extent of that burden.

In many jurisdictions, for example, sentencing courts have required crown prosecutors to meet the burden of the Johnson decision on the criminal standard of beyond a reasonable doubt. This can provide a huge strategic advantage to the offender, so I am told, so that counsel may advise them to simply refuse to participate in the entire process, leaving the Crown with a difficult evidentiary task to prove the negative in perpetuity without an opportunity to assess the offender directly.

I see that my time is running out, but I have gone through some of the legal points as best I understand them. I would like to finish off with a final general point.

We do not believe that the current situation is acceptable. We also believe there are real solutions that are not only viable but necessary. We believe Bill C-27 represents an important response to the problems with the current provision.

As such, I hope some effort will be made by all parties in the House to find a way to allow this bill to proceed to committee. This is a bill that protects public safety, protects our children and protects all of us. I urge all members to support this bill.

•(1535)

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, naturally, we have examined this bill. I thank my hon. colleague for the information he has just provided. However, before coming to this House, I was a criminal defence lawyer for 25 years.

I encourage the member to read the Johnson decision and especially the Supreme Court decision in Mitchell. These two Supreme Court decisions have found—let me quote from one to avoid any ambiguity—that “The principles underlying the... sentencing provisions dictate that a sentence must be appropriate in the circumstances of the individual case”.

This means that a court cannot impose a sentence of indeterminate detention if the offender could receive a lesser sentence, such as the long term offender designation currently provided for in our Criminal Code.

I have a very specific question for the member. Does he not think that the problem is not keeping individuals in detention but rather releasing them too soon, and that the problem lies much more with conditional release?

[*English*]

**Mr. Bradley Trost:** Mr. Speaker, as I noted in my speech, I am not a lawyer nor do I have that background. I was relying on the research of lawyers and so forth and they have a different opinion than the hon. member has. That is fine. Let us work that point out in committee. If at that point we cannot resolve the doubts of the hon. member, then the hon. member would be more justified to vote against the legislation.

At the end of his question he said that there are not only problems to be fixed in this legislation, but there are problems with parole and with sentencing, and I would agree with the hon. member. There are problems in other aspects of the justice system, with parole and so forth, but let us not let the good be the enemy of the best. Let us not let the need to proceed in one area deflect and distract from our need to proceed in other areas.

I would urge the hon. member that if in committee and if in the final stage his concerns cannot be alleviated, then I would understand much better the hon. member's position. At this point at second reading, perhaps he could at least look at supporting the bill in principle so that we may find some measure to deal with a very small number of very violent, dangerous offenders.

•(1540)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the Supreme Court of Canada has upheld that the existing dangerous offender sections of the Criminal Code are constitutional. However, with regard to some of the changes in Bill C-27, experts within the legal community think that certain of those provisions in grafting on to the existing dangerous offenders provisions would raise again the argument of unconstitutional elements.

When debate first commenced back at the end of October last year, justice officials gave an opinion that they felt that the legislation as proposed to be amended by Bill C-27 would likely face a constitutional challenge in the courts. Is the member aware whether the justice officials continue to hold that opinion?

**Mr. Bradley Trost:** Mr. Speaker, I would reiterate to my hon. friend the general point in my speech that there is debate about the constitutionality. I accept that there are varying legal opinions on this matter. I urge my colleague to support the bill in principle at second reading and then at committee work out the details and let the constitutional arguments take place at that point.

I would urge the hon. member to support the bill in principle. If he cannot, then at third reading he may vote against it.

**Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.):** Mr. Speaker, I am pleased to rise today, Valentine's Day, to speak to Bill C-27, an act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace).

I will preface my comments by saying that I am not a lawyer. The House has heard from numerous lawyers who have outlined technical flaws, quoted Supreme Court of Canada decisions and discussed at length specific sections and subsections of the Criminal Code and their application within the justice system. I have concerns about the changes proposed in this bill from an average citizen's standpoint.

*Government Orders*

Under this bill an offender who already has three previous designated offences and who is facing a dangerous offender hearing will be presumed to be a dangerous offender unless the offender can prove on the balance of probabilities that he or she is not. This proposed change is a serious concern to me and many other Canadians.

Our justice system operates on the premise that a defendant is innocent until proven guilty. It is up to the Crown to prove beyond a reasonable doubt that the defendant is guilty. It is not the responsibility of the defendant to show that he or she is innocent. Imagine if all of us had to do that.

The bill proposes a significant change in the premise of our justice system, a change that the legal community has not called for, a change that is unconstitutional and contradicts centuries of common law precedent. This leads me to question why. Why does the government want to reverse the onus of proof on to a defendant?

We have heard in the previous debate on Bill C-27 that the legal community has already denounced these proposed changes as unconstitutional, that the current system is working. What is the current system?

Currently, before the accused can be found to be a dangerous offender, it must be established to the satisfaction of the court that the offence that has occurred for which the accused has been convicted is not an isolated incident but part of a pattern of behaviour that involves violence, aggressive or brutal conduct, or failure to control sexual impulses. In addition, it must be established that this pattern of behaviour is very likely to continue.

Even after this determination, the court still has discretion to not designate the offender as dangerous or to impose an indeterminate sentence. The current legislation meets the highest standard of rationality and proportionality in legal terms. The current system thus is working, so once again I ask why the government wants to change something that is working.

Surely the government must have been bombarded with pleas from the legal community pointing out the need for this change. There must have been hours of discussions. There indeed must have been repeated consultations with lawyers and justices across our country. There certainly must have been studies conducted and research into how such a system has worked in other countries. That is what we would expect. Nay, that is what we as a Parliament would demand before such a proposal appeared on the order paper.

Sadly, believe it or not, it would seem that no consultations have been undertaken. There has been no consideration of the pros and cons of this legislation outside of this chamber. Opinions have not been sought from the best legal minds in this country.

There seems to be a pattern forming here. The government does not seem to care what the people of Canada want. Instead, the Conservatives are heck bent on imposing their own narrow view of society. They do not want to hear what law professors and practising lawyers have to say. They do not want to hear what the John Howard Society has to say. They do not want to hear what average Canadians have to say. They do not want to listen because they think they know best. I can think of numerous other instances where the we know best syndrome has shown through.

● (1545)

In child care the Liberal government set up agreements to fund new early learning and child care spaces. The Liberal government held consultations with families, with child care professionals and with the provinces and territories. They told us they needed more access to child care and the money to pay for it. They told us about the shortages of spaces across the country. They gave us their vision for Canada's children and outlined the importance of these programs to the early education of Canada's children and their future success. Then the minority Conservative government came in. The Conservatives cancelled the funding agreements. They told Canadians they should fend for themselves in finding care for their children.

The we know best syndrome has also led to the cancelling of the Kelowna agreement. Once again the Liberal government had worked for years with aboriginal leaders and provincial and territorial governments to develop a funding agreement that would help. The Liberal government committed more than \$5 billion over five years to close the gap between aboriginal peoples and other Canadians in the areas of health, education, housing and economic opportunities. Once again the minority Conservative government came to Ottawa and cancelled the Kelowna agreement. The Conservatives said they would have their own solution, but our aboriginal peoples are still waiting for help.

In taxation policy the Conservatives have refused to listen. Economists have repeatedly stressed that income tax relief is better for the economy and the country than a reduction in a consumption tax such as the GST. However, the Conservatives know best, so they raised the lowest income tax rates and added an additional tax burden to the thousands of low income working families and seniors—

**Mr. David Tilson:** Mr. Speaker, I rise on a point of order. I am interested in what my colleague has to say about the bill we are debating today. Somehow he has slipped into the Kelowna agreement. He has slipped into child care and now he is starting on taxation policies. What in the world does that stuff have to do with what is before us today?

● (1550)

**The Acting Speaker (Mr. Royal Galipeau):** I thank the hon. member for his point of order. The hon. member for Thunder Bay—Rainy River has the floor. He knows that he has three minutes left and I am sure he will get back on the subject.

**Mr. Ken Boshcoff:** Mr. Speaker, I thank you very much, because that is not even close to a point of order in the rudiments of democracy.

Many seniors have called my constituency offices because they did not understand why the Canada pension plan cheques were reduced. It very clearly proves that the minority Conservative government raised their taxes so that upper income Canadians could save hundreds of dollars on their new cars and yachts.

*Government Orders*

The issue at hand proposes a significant change in the premise of our justice system. Whose justice system are the Conservatives using as an example of how this change works in other countries? The United States has similar legislation, commonly referred to as three strikes legislation. This was touted as a deterrent to repeat offences. In reality, all the legislation has done is cost millions more for the justice system while producing very little change in crime rates.

A professor at the Centre of Criminology confirmed that a large amount of research in the United States has been overwhelmingly consistent in showing that these changes in sentencing have no effect. In terms of deterrence, it is just nonsense. Professor Doob warns of another hidden cost in that defendants who face the prospect of an indefinite prison term will rarely plead guilty, forcing the court system to absorb the cost of lengthy trials.

Let us recap. The legal community has denounced these proposed changes as unconstitutional. The government has not sought input from experts to ensure the proposal is what is needed. Similar legislation has not worked in other countries. This will add further burdens on our already overtaxed justice system. There is potential for accused criminals to be released due to delays that infringe on individuals' charter rights. We are adding a fiscal burden to the provinces without providing additional fiscal resources for these expenses.

Clearly, the media has really understood this very well when it talked about how the previous attorney general may dream of hitting a home run with his three strikes and you are out legislation, but U.S. experience suggests he is more likely to be thrown out at home plate.

[*Translation*]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Speaker, our Liberal colleague made all kinds of statements. He even went so far as to say that sentences are not effective and that putting people in prison is pointless. That may be true for Liberals, but for most people, fear of ending up in prison can be a great deterrent.

Perhaps my colleague is unfamiliar with something that happened in Quebec City. A man by the name of Bastien killed a 12-year-old child. The body was found half-buried in a sandbox. Those parents are still mourning the loss of their son. At the time of the murder, Mr. Bastien was supposed to have been in prison. How do you explain that? What are we doing?

I would have liked to have asked a lot of questions. We cannot compare our system to the Americans'. We are talking about serious sentences, not minor criminal issues. We are talking about major offences. Comparing that to what is happening in the United States is misguided. What message are we sending to the parents of Mr. Bastien's young victim?

[*English*]

**Mr. Ken Boshcoff:** Mr. Speaker, first of all, at no time did I ever say that a prison sentence was not a deterrent. I believe very strongly in that.

Indeed, although I may not be a lawyer, since the late seventies, in my role as an elected official, I have received numerous awards for my work in crime prevention. I understand these issues very much on a personal level from dealing with victims of crime and in proposing programs that actually work to help people, so I take great

offence that I would be misquoted so dramatically and so erroneously.

When we think of what our system is meant to do, clearly if we really want to solve a problem, when there are issues of chronic offenders, then we use the system to all its weight and justice. Can we imagine us going back to trial by battle-axe or boiling oil? We know with certainty that the three strikes legislation has not worked and has led to an 18% increase in prison occupancy with a marginal decrease in crime.

Therefore, we have to worry, given the expense of it, whether it will have an impact. Clearly, without having any consultations with the justice community, with even the victims of crime, these are the types of things that we have to do.

As I speak to people, it may on the surface sound like another one of those glorious things that we are going to wrap up and put away, and maybe that plays well to a certain mentality. However, it all comes down to once individuals have been falsely accused, they are sure going to hope that the justice system works for them. I believe strongly in that and I hope that answers the member's question.

● (1555)

[*Translation*]

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Abitibi—Témiscamingue has one minute remaining for his question and the answer.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, as a lawyer and defence attorney, I am accustomed to asking short questions.

I would like to thank my colleague for answering the question. I would add that my colleague opposite would be well-advised to look closely at the law. Mr. Bastien was given a conditional release. The problem was not on the legal side of things; it had to do with the conditional release program.

Does my colleague agree that we should look at the conditional release program to find a solution to the problem raised by our Conservative friends?

[*English*]

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Thunder Bay—Rainy River should know that the hon. member has left him 10 seconds to respond to the question.

**Mr. Ken Boshcoff:** Mr. Speaker, that is a very good point.

[*Translation*]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Speaker, I am pleased to address Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace). This bill is a significant step to strengthen the existing provisions of the Criminal Code that allow us to protect families from high risk offenders who are likely to commit violent or sexual crimes in our communities.

*Government Orders*

The provinces, territories and other stakeholders have all asked for reforms. I first want to deal with the existing provisions of the Criminal Code on recognizance to keep the peace, and on preventing sexual offences involving children, serious offences involving violence, or offences of a sexual nature. I will then deal with the technical amendments and, finally, with the substantive amendments proposed in the bill regarding these provisions.

Currently, recognizances to keep the peace come under sections 810.1 and 810.2 of the Criminal Code.

Under the existing legislation, the purpose of a recognizance to keep the peace under section 810.1, is to prevent sexual offences against children under the age of 14 years. The offences listed include sexual touching, invitation to sexual touching and incest.

The purpose of a recognizance to keep the peace under section 810.2 is to prevent a person from being the victim of a serious personal injury offence. The expression "serious personal injury offence" is defined as follows in section 752 of the Criminal Code:

752(a) an indictable offence...involving

(i) the use...of violence

(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person, and for which the offender may be sentenced to imprisonment for ten years or more, or

(b) an offence or attempt to commit an offence...sexual assault,...sexual assault with a weapon...aggravated sexual assault...

Currently, anyone may lay an information before a provincial court judge to have a defendant required to enter into a recognizance to keep the peace under section 810.1 or 810.2.

In order to require a defendant to enter into such a recognizance under one of these provisions, the judge must be satisfied that the informant has reasonable grounds to fear that the defendant will commit one of the listed sexual offences against a child under the age of 14 years, or will inflict serious injury.

When a judge orders that the defendant enter into a recognizance to keep the peace, that measure can be imposed for a period of up to 12 months. Furthermore, the judge can order the defendant to comply with certain other conditions.

For example, in the case of a recognizance to keep the peace imposed under section 810.1, intended to prevent sexual offences committed against children under 14, a judge can currently impose the following conditions, prohibiting the defendant from:

...engaging in any activity that involves contact with persons under the age of fourteen years, including using a computer system for the purpose of communicating with a person under the age of fourteen years;

...attending a public park or public swimming area where persons under the age of fourteen years are present or can reasonably be expected to be present, or a daycare centre, schoolground, or playground.

As for a recognizance to keep the peace under section 810.2, the judge can impose conditions that prohibit the defendant from possessing any firearms or ammunition.

If the defendant fails to enter into a recognizance to keep the peace, the judge can impose a prison sentence to a maximum of 12 months. If the defendant enters into the recognizance but fails to comply with the conditions set, he or she can face charges under

section 811 of the Criminal Code and be sentenced to a maximum of two years in prison.

These two kinds of recognizance to keep the peace give law enforcement officials the tools they need to protect our citizens from high-risk offenders who are likely to commit a sexual offence against our children or a serious personal injury offence.

● (1600)

I have briefly outlined the current regime applicable in the case of recognizances to keep the peace pursuant to sections 810.1 and 810.2. I would now like to look at amendments proposed by Bill C-27 to these provisions.

At present, there are some differences between the texts of sections 810.1 and 810.2. Although there are definitely differences with regard to the type of persons targeted by these sections, a majority of the changes in wording have posed problems for the courts required to interpret them.

Some technical amendments in Bill C-27 seek to solve these problems of interpretation and to respond to the related requests by provinces and territories, that wished to have amendments resulting in greater consistency between the two existing sections.

For example, existing section 810.2 states that a provincial court judge may order that the defendant enter into a recognizance to keep the peace and be of good behaviour, whereas section 810.1 states that the judge may order that the defendant enter into a recognizance but does not specify its nature. Clause 5 of this bill adds: "to keep the peace and be of good behaviour" to section 810.1, making it consistent with section 810.2.

In addition, the current version of the sections on keeping the peace does not specify the same types of conditions that a judge can impose when he orders the defendant to enter into a recognizance to keep the peace. These inconsistencies are addressed by clauses 5 and 6 of Bill C-27.

For example, once Bill C-27 goes into effect, the judge will have to decide, in the case of two types of recognizances to keep the peace, if it is desirable in the interest of public safety to prohibit the defendant from having certain objects in his possession, namely firearms, and if it is desirable for the defendant to report to the provincial correctional authorities or the police.

I have dealt briefly with the technical amendments to the provisions of the bill on recognizance to keep the peace. I would now like to talk about the substantive amendments, which are designed to strengthen these sections of the Criminal Code.

As I have mentioned, under sections 810.1 and 810.2, the judge can order the defendant to enter into a recognizance to keep the peace for a maximum of 12 months. Bill C-27 seeks to extend this period to 24 months under certain circumstances, for both types of recognizance.

*Government Orders*

The amendments propose that, in the case of a recognizance to keep the peace under section 810.1, which is intended to prevent offences against children under the age of 14, the judge can order the defendant to enter into a recognizance for a maximum of 24 months if the defendant was convicted previously of a sexual offence in respect of a person under the age of 14. Similarly, a recognizance to keep the peace under section 810.2, which is intended to prevent serious personal injury, can be imposed for a maximum of 24 months if the defendant was previously convicted of a serious personal injury offence.

The amendments that double the duration of the two types of recognizance to keep the peace are designed to ensure that repeat sex offenders are subject to a longer monitoring period. They are also designed to reduce the chance the offenders will take advantage of the inadvertent expiry of a recognizance to keep the peace, as in the case of Peter Whitmore. Canadians want to feel safe in their communities.

•(1605)

Doubling the duration of a recognizance for repeat offenders will better protect the public.

Under the existing provisions, sections 810.1 and 810.2 provide that the judge may order that the defendant comply with all reasonable conditions prescribed in the recognizance. These conditions, which are often added by judges to keep children and other persons safe, include prohibiting the defendant from having contact with the potential victim or from going to certain places, and requiring the defendant to report on a regular basis to police or probation officers, but they are not specifically set out in sections 810.1 and 810.2.

The changes proposed in Bill C-27 would specify that not only the conditions in sections 810.1 and 810.2 may be imposed—for instance, prohibiting the defendant from having contact with certain persons as part of the conditions of a recognizance under section 810.1 and prohibiting the defendant from possessing any firearm as part of the conditions of a recognizance under section 810.2—but other more general conditions may also be imposed.

The proposed amendments would specify additional conditions with respect to both types of recognizance, including conditions that require the defendant to participate in a treatment program; to wear an electronic monitoring device; to remain within a specified geographic area unless written permission to leave that area is obtained from the provincial court judge; to return to and remain at his or her place of residence at specified times; and to abstain from the consumption of drugs, alcohol or any other intoxicating substance.

In conclusion, high risk offenders who are likely to commit sexual offences or violent offences constitute a serious threat to the safety and security of—

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Berthier—Maskinongé for questions and comments.

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, I listened to the speech by the hon. Conservative member. There need to be some statistics. The purpose of this bill is to ensure better public safety. It proposes that after three major crimes, the burden of

proof should be on the accused, contrary to what the justice system currently requires.

In the United States, the system works the way the bill proposes our system would work. Nonetheless, there are seven times more homicides in the United States than in Quebec and Canada. In my opinion, it is not by sending more people to prison, as this bill proposes to do, that we will resolve the problems of crime.

This bill should also promote rehabilitation and crime prevention by addressing causes such as poverty and violence. More punishment will not help matters. We are not against ensuring public safety, but keeping people in prison longer does not rehabilitate them.

I would like to know what my colleague has to say about that.

•(1610)

**Mr. Luc Harvey:** Mr. Speaker, I find my colleague's question a bit odd. I did not talk about three times, I talked about 14 years, the age of consent for sexual relations. Perhaps we should go over this again.

As far as the comparison to the United States is concerned, once again, the Bloc is making crude comparisons. It is short on details because there is no possible link between what is being proposed here in Canada and what is currently in effect in the United States.

We are talking about serious criminal offences: death threats, aggravated assault. Can the Bloc member tell me what we should do with someone who is caught three times in the process of beating someone senseless with a crowbar?

[*English*]

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, I think my colleague made a very strong case for the bill.

I was quite disturbed by the comments made by the Liberal member who spoke a few moments ago about how a bill like this might apply to a certain mentality. I find that very degrading to Canadians who look for a government to strengthen the justice system. The bill does that and does it very emphatically.

We just heard a member across the way ask how the bill would help rehabilitate. In my view rehabilitation is a good outcome, but it is not why we send people to prison in the first place. We do that to keep our communities safer. Prisons were created for that reason.

Does my hon. colleague think the safety of the public should trump the rehabilitation of criminals?

[*Translation*]

**Mr. Luc Harvey:** Mr. Speaker, how much time do I have to answer the question?

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member has one minute and fifteen seconds.

**Mr. Luc Harvey:** What precision, Mr. Speaker.

I sincerely believe that what is being proposed here today is an act to protect the people who are often the victims of criminals.

The days when criminals were protected by the justice system are over. People will now be able to walk freely and in peace in every Canadian city, and everywhere in Canada.



*Government Orders*

Mr. Speaker, if I may, I would like to salute my father, who is currently in the intensive care unit at the hospital, for cancer treatment.

[*English*]

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, it is a pleasure today to speak to Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace). The bill would amend the dangerous offender and long term provisions of the Criminal Code on a number of counts.

I suggest we look at the current situation in our country. When we discuss justice issues, the discussion tends to be fraught with opinion as opposed to fact. It is wise for us to take a look at the facts of the situation right now.

Over the last 10 to 15 years, violence has declined in most of the country with the exception of a recent blip in a couple of large centres, particularly Toronto. Most criminal behaviour has declined with a couple of exceptions, which I will get to in a little while. That is important to note. There are many theories as to why that is the case.

Ultimately one of the most important responsibilities of Parliament is to protect innocent civilians. It is our duty to ensure that we have provisions in the Criminal Code to prevent individuals from committing acts against innocent civilians. If these individuals persist, then we must ensure that they are put in jail. We also have a responsibility to prevent individuals from moving in that direction. We also have a responsibility to look at the antecedents to crime. All of these things are our responsibility.

I want to roll back the clock and look at the earliest aspects of criminal behaviour. I also want to look at what is taking place in our jails. I used to be a correctional officer many years ago. We know that 40% to 50% of people incarcerated suffer from fetal alcohol syndrome. Fetal alcohol syndrome is a leading cause of brain damage at birth. What a tragedy it is that we as a Parliament have been unable to work with our provincial counterparts and other individuals to implement solutions that would prevent this from occurring.

When a pregnant woman drinks alcohol or takes certain drugs, particularly during the first three to six months, it does irreversible brain damage to the fetus. When these individuals grow up, they have IQs running around 60 to 70. We know there is a much greater proclivity for these individuals to fall into criminal behaviour. The tragedy of it all is that it is entirely preventable.

I encourage the government to look at best practises not only in our country, but in other parts of the world, and work with its provincial counterparts to implement solutions that would reduce this situation, which is a quiet tragedy within communities across our country.

If I were to say there is a program that reduces youth crime by 60%, saves the taxpayer \$7 for every \$1 invested, has a 25-plus years track record and has been retrospectively analyzed, would members not say it was a good thing? Of course they would. Such a program exists and it is the head start program for children. This program has been used in places like New Brunswick, Ypsilanti, Michigan, Hawaii and other centres, and has been proven to have a

profound impact on youth crime, a 60% reduction. Why do we not work with our provincial counterparts to implement such a program?

My province of British Columbia has had a tragic decrease in support for children. This is in part due to the federal government's cuts to the provinces for the early learning and child care program. I encourage the government to look at the early learning aspect. A lot of this could be implemented quite simply and not expensively. The key to this is bringing parents into the schools. The program does not work if just the children or just the parents participate. If both are brought together, it works. Here are a few areas upon which the government could do this and how it could accomplish this goal.

● (1615)

If we encourage teachers to bring parents into the school for two hours every second week where they would talk about proper nutrition. A can of Coke and a bag of potato chips for breakfast is not an appropriate breakfast. Second, is talk about literacy. Third, is physical education. Fourth, is appropriate discipline and child care. If we bring that into the system we will be able to—

**Mr. James Bezan:** Mr. Speaker, I rise on a point of order. We are debating Bill C-27 today and I encourage the member to focus on that. I know it is tough over there in the Liberal Party these days to be focused and talk about the issues at hand. Today, we are talking about Bill C-27, reverse onus, dangerous offenders. Going into detail about crime prevention, although it is interesting and it is something on which I agree with him, it is not the bill that we are discussing right now. I ask him to address the debate that is taking place in the House today.

● (1620)

**The Acting Speaker (Mr. Ken Epp):** Indeed, the member for Selkirk—Interlake makes a valid point and I would urge the member to speak as specifically to the bill as he could.

**Hon. Keith Martin:** Mr. Speaker, I am addressing a part of it. I will take the member's words under advisement and get to other aspects of the bill. However, I feel compelled, because we are discussing dangerous offenders, to offer some solutions upon which we can prevent these problems from occurring.

If the government were to listen to solutions from members across the House and indeed from their constituents, it would find some solutions that would allow us to, hopefully, have fewer and fewer people under the designation of dangerous offenders. The head start program works very well and is very useful at reducing the incidence of youth crime in general, including the aspect of dangerous offenders.

*Government Orders*

On the bill, one of the key obligations of the government is to ensure that repeat dangerous offenders are put in jail so they cannot harm others. When dealing with the judicial system, and this is a problem we have had in British Columbia and I dare say in all provinces, there has to be a better integration between the justice system, social services and the health care system. In dealing with individuals who have committed these crimes, it is a complex situation. No two are the same. We need to have an integrated system in order to differentiate among those individuals who primarily have a psychiatric problem, those who are mentally competent and have committed heinous crimes and those who have committed heinous crimes on an ongoing basis. We have to weigh all of those.

One of the problems with this bill is that the implementation of it will put pressure on the penitentiary system, particularly the provincial and federal systems. I would encourage the government, if it is going to go through with this, which it will, to work with the provinces and the people in the federal penitentiary system to ensure that the resources are available to do the job.

The federal government has announced recently that it will cut 300 correctional officers. That does not square with this bill. I encourage the government to please look at the downward pressure the bill, when implemented, will have on our federal and provincial penal systems and ensure that they have the individuals to do the job.

For our federal correctional officers, the government promised a number of changes that were welcome, and many of us fought a long time for them, but they have not come to pass. I strongly encourage the federal government to implement the solutions that it announced early last year. Implement them for our correctional officers and do it now.

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I appreciate the hon. member's comments about crime prevention.

One of the reasons I became a parliamentarian was I wanted to make sure that our communities were safer. I wanted to make sure that my own family could wander the streets and be in a safe and secure setting. What I hear from my constituents across my riding of Selkirk—Interlake is that they want crime dealt with.

They are concerned that in the past dozen years or so it has been a catch and release system with so many criminals. Essentially we want to make sure that dangerous offenders have to prove they are worthy to go back onto the streets with the reverse onus protocol that we are bringing forward in Bill C-27.

I am hearing accolades across my riding and across the province of Manitoba. We are hearing from provincial and territorial governments across the country that they want Bill C-27 brought into force.

There is talk that this is going to cost us too much money. Currently there are only 360 dangerous offenders registered in Canada. The reverse onus protocol that we are bringing in might increase that number by 50%. We are not talking about a huge cost. We are talking about a corrections service that can handle this increased uptake. I am confident that this will bring about the results that Canadians want.

●(1625)

**Hon. Keith Martin:** Mr. Speaker, I take the member's comments very well. All of our constituents share the same concerns.

There are questions of whether or not the reverse onus is actually constitutional, so I would encourage him to ask the justice officials to explain that.

He is right in terms of being able to ensure that prosecutors can more easily designate somebody as a dangerous offender. Right now the situation is too complicated and difficult. We need to ensure there is an easier way to designate those individuals who have shown a pattern of repeat dangerous offences against individuals.

It has to be confined to violent offences, sexual offences and pedophilia. I think if he would speak to Crown prosecutors, they could give us a way to enable them to do that without adopting the reverse onus provision, which provision may be unconstitutional and may prevent this bill from going forward.

**Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I listened with interest to the hon. member's speech. He gave a lot of statistics. I would say about 95% of his statistics were about 90% wrong, but anyway, it is easy enough to stand up and throw statistics around. I would encourage him to table the statistics and the basis for which he gave them.

I would like to know what the hon. member says about a unanimous resolution of provincial justice deputy ministers, unanimous of all the provinces in Canada, asking that we pass this bill expeditiously.

It is an entirely reasonable bill. The reverse onus provisions in other areas of our Criminal Code have been held to be constitutional. In fact, this bill is entirely in line with what Canadians are saying we have to do as a government.

We have to remember that the reverse onus provision only kicks in after someone has committed a serious designated offence three times and has been convicted for them. We are not saying the third time the offender is locked up, as the opposition likes to say. What we are saying is that on the third time, the onus is on the offender to prove that he or she is not a danger and should not be designated a dangerous offender.

Across the country it is unanimous. The provinces are saying to pass this bill. Why is the member's party dragging its feet?

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Esquimalt—Juan de Fuca should know there is half a minute to reply.

**Hon. Keith Martin:** Mr. Speaker, you are a hard taskmaster.

I will deal with the statistics aspect, because it deals with a broad range of issues. I would encourage the member to refer to Statistics Canada, because the statistics came from Statistics Canada. They are his own statistics, in fact, as a member of the government. I would encourage him to look at them because they actually deal with facts as opposed to opinion.

*Government Orders*

**The Acting Speaker (Mr. Royal Galipeau):** 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 Malpeque, Canadian Wheat Board.

Resuming debate, the hon. member for Windsor—Tecumseh.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, in Bill C-27, which is before us for debate and has been for a bit of time now, there are two essentially different issues that are being addressed. Almost all the debate up to this point has been with regard to the dangerous offender portion. As we have heard from the three opposition parties, including the NDP, none of us intends to support this legislation at the vote on second reading.

**An hon. member:** Shame.

**Mr. Joe Comartin:** Mr. Speaker, in response to the catcall from the Conservatives in terms of shame, there is a bit of a shame to this because the second part of the bill has a great deal of merit. In fact, I believe it would attract all party support in terms of dealing with a problem that existed even when I used to practise a lot of criminal law 30 years ago. It has to do with the use of the recognizance or what is more commonly called the peace bond, and the weaknesses in the code with the use of those instruments and the limitations that were imposed by the initial promulgation of those sections.

Coming back to the shame part, it is so typical of the Conservative government that it has combined two provisions in this one bill. The Conservatives badly want one of the provisions in order to keep their political agenda going. They are not really dealing with the reality in the streets, in our courts, of crime, nor dealing with criminals in a serious, effective and efficient way, nor the protection of our society and of all our citizens.

If the Conservatives were really serious about that they would not combine the two provisions. They know full well that constitutionally under the charter, and just about all the legal opinions that I have seen and which opinions I share make it clear that the approach that is being taken in this bill with regard to requiring accused persons to prove they are not dangerous offenders will be challenged. This bill requires accused persons to prove they are not dangerous offenders. This provision is simply not going to be sustained in our courts. It is going to be challenged immediately and at every level. I expect if it goes all the way to the Supreme Court that it will be struck down.

We have to understand from where those opinions flow. It is not only reversing the onus and reversing a long-standing tradition of a person's right as an accused party or even a convicted party to have the onus of both the accusation against him or her to be proven beyond a reasonable doubt, but also on the balance of probabilities to have his or her sentence imposed proven by the state, or by the Crown in our jurisdiction.

Most of the Conservatives do not appreciate how significant this is, that once found as a dangerous offender there is no time limit on when the offender would be released. There are opportunities to reapply, again proving that the person should be released under this system. The finding of a dangerous offender, that determination, means not only life as it is known for murder, manslaughter, attempted murder, treason and other such charges where there are

definitive times when a person will be released, but if a person is found to be a dangerous offender, the person will stay in jail for the rest of his or her life.

We are changing a long-standing provision, and we are talking about 300 or 400 years of jurisprudence within the common law system and the criminal justice system as it evolved out of England, the presumption of innocence, the requirement of the Crown to prove beyond a reasonable doubt. We built that as a bulwark against abuse by the state. Imagine with the new provision, a judge sitting there and saying, "They are asking me to find that it is okay to do that, that it is within our accepted jurisprudence. And on top of that, if I do find that the person does not prove he or she is not a dangerous offender, I am then going to confine that person to prison for the rest of his or her life".

• (1630)

Any objective person who understands how our court system works can see that it is highly unlikely that our judges are going to do that, whether it is a trial judge, an appeal court judge or a justice of the Supreme Court of Canada. They are all going to be of the same mind. Any opinions that we are hearing from the Conservative Party and the government to the contrary have to be looked at in that context and with a great deal of suspicion.

What we have here is a government that is quite prepared to say, "It is likely that we are not going to get this bill through now, but in the next election, whenever that comes"—and given the way the Conservatives have approached the administration of this portfolio in particular, we would hope that an election would be fairly soon and the Conservatives would be turfed from office because of their ideological bent and quite frankly the abuse they are making of the system. Having said that though, what they are saying is they want to be able to win those elections to keep pushing those hot button items and say, "We are tough on crime". Of course they are not smart on crime and this bill is a classic example of that.

More important, this bill is a very jaundiced, cynical approach by the government. The Conservatives are saying, "We know we are going to lose this but we also want to be able to say we tried to deal with the recognizance and peace bond issue. Out on the hustings we will be able to tell people that the three opposition parties are soft on crime, that they do not know what they are doing and that they voted this bill down".

The provisions with regard to peace bonds are badly needed. Perhaps the most significant provision is to extend the use of peace bonds from one year to two years. I can say from my own experience in the courts over a number of years, both with regard to criminal cases and matrimonial cases, these are used most extensively where there is a dispute between partners in spousal relationships. Oftentimes, because of the procedures within the court and being slow in getting them started, my experience has been that most peace bonds are only effectively in position for about nine to maybe as little as six months by the time the paperwork gets done, the accused person understands what they are and the rest of it. It seems to take about three months, minimum, to make them effective. They really are only useful in deterring misconduct on the part of the person who is subject to those peace bonds for about six to nine months.

*Government Orders*

What the government is proposing, and I salute the Conservatives for that, if it was not for their cynical approach, is to extend it to two years. That would be a much more effective use of this tool in terms of controlling misconduct. A person is simply ordered by the court to be subject to this recognizance, which the person signs. If the individual breaches it, there are penalties that flow from that in terms of additional criminal sanctions.

There is another thing it does, and again this is a major plus that we need in our courtrooms just to make it possible for the police, prosecutors and judges to do their jobs in terms of controlling this kind of conduct. It gives substantial additional powers to the judiciary in terms of conditions that can be imposed on the people who are subject to peace bonds, including requiring them to wear a bracelet that identifies where they are at all times. We know from a number of cases across the country, and I can think of some in my home province, where there has been the need for that kind of a tool in order for the judiciary and police to monitor people. This would give them the authority to do that.

I want to conclude by saying I have made a proposal to the minister, which I will make more formal shortly, that we split this bill and allow this legislature to vote on both aspects of it. It is possible procedurally to do that. I am suggesting that may be the way out of this very inappropriate approach that has been taken by the government with regard to these two issues.

● (1635)

**Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, I know my colleague from Windsor has been working on justice issues for a number years for the New Democratic Party.

Many people in the Conservative movement in Canada often say that courts should not be legislating, but there is an inverse to that logic, which is that legislatures should not prejudice what courts are going to decide.

This legislation has gone through the process within the justice department and the issue of whether or not it is constitutionally fit was dealt with. Therefore, the core issue is the issue of principle that we are dealing with, with regard to criminal justice reforms. As the Parliamentary Secretary to the Minister of Justice said a minute ago, this is unanimously supported by deputy attorneys general across the country, including those in the NDP Governments of Saskatchewan and Manitoba.

I know for a fact that Mike Farnworth, the NDP MLA in Port Coquitlam, British Columbia, the riding that I represent, takes a very strong stand on criminal justice issues as the justice critic for the NDP in British Columbia. He understands that the public is, frankly, tired of laws that do not seem to hold people accountable, which is what the first part of this legislation is about.

On the principle of this legislation, which is that if somebody, after having had all his or her rights respected and having gone through the process, is convicted of sexual interference, inviting sexual touching, sexual exploitation, incest, attempt to commit murder, aggravated assault, sexual assault, kidnapping, or sexual assault with a weapon or threats of bodily harm, any three of those crimes, after the third conviction the person needs to demonstrate to

the public that he or she is not a dangerous offender and is no longer a threat.

What in the world is wrong with that basic principle? How in the world can the NDP be opposed to that?

● (1640)

**Mr. Joe Comartin:** Mr. Speaker, I was just flipping through my file while my colleague was asking his question. I am sitting here with a letter from the Attorney General of Saskatchewan who is opposed to this section. I am not sure what consultation went on.

One of the problems with the government, as opposed to the pattern and the protocol that has been long established going back 50 years, is that it has not been consulting with a lot of people. It has been going through a very narrow channel of people it consults with, those it fully expects will support its ideology, much as it is now doing with the appointments to the screening committees for judicial appointments. The government thinks that if it can talk to just certain people, it can get enough support for these types of very radical departures from our traditions within the criminal justice system. As a member of an opposition party, I am not prepared to go along with that.

If the government had consulted meaningfully, the opinions that I have expressed today on behalf of a lot of groups would have been given to it and it would have realized that this is not sustainable.

The member talked about a person who has been convicted of this specific offence and that then justifies changing the reverse onus and exposing that person. We are not talking about many cases. It may be as few as 10 or 12 cases. I am not sure where the figures are coming from that it may be 100 or 120. It may be as few as 10 or 15 cases a year that we are talking about.

If the government were really serious about this, it would give the prosecutors the resources they need to present the cases that need to be presented and we would put those people behind bars just using the traditional methodology that has withstood the test of time and that has served us very well as a society.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, when the bill was first debated at second reading last October, I think October 30, some of the interventions had indicated that the Department of Justice itself had admitted that this legislation would likely be subject to a challenge.

Could the member explain how it is that the government can come forward with a bill in the face of the likelihood of a challenge? Is there something that can be done to remedy that or is it simply the combination of reverse onus and the indeterminate—

**The Acting Speaker (Mr. Royal Galipeau):** Order, please. Time has run out but I will allow the hon. member for Windsor—Tecumseh a short response.

**Mr. Joe Comartin:** Mr. Speaker, I do not think there is a way to remedy the bill with regard to dangerous offenders. I think the opinion the government received or all sorts of indications it received from the Department of Justice that this would not fly under the charter is very accurate and I do not think there is any way around it.

**Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, I appreciate the opportunity to speak to this very important legislation.

In my community there is no more important issue that has been expressed by my constituents in the past couple of campaigns than the issue of criminal justice reform.

The Vancouver area and the lower mainland have some of the highest property crime rates in all of North America and violent crime is also on the rise. This is a growing concern in my community and a growing concern across the lower mainland.

My colleague, the member for Selkirk—Interlake, mentioned that to a lot of Canadians and certainly to a lot of my constituents there is a concern that our justice system is like a fisheries program. It is like a catch and release program rather than a real true justice system where people are held accountable for their behaviour, particularly dealing with the issue of dangerous offenders.

Dangerous offenders is what this legislation is about. It specifically deals with people who have been convicted, who we know are dangerous, who we know are threat to our communities and we know the reality of recidivism rates with people who are particularly sexual offenders and we have an opportunity to hold them accountable and to protect the public. We should take that responsibility seriously and we should enact legislation to protect the public when we know we can. We know we can and our government is trying to do that with the bill.

The dangerous offender provisions have a long history in Canada and have been used as a sentencing tool going back to 1947 with legislation creating the habitual offender designation. That legislation created specific sentencing measures targeting persistent dangerous criminals engaged in the more serious forms of crime. The provisions allowed the courts to impose either a determinate or indeterminate sentence where the crown was able to satisfy the court that the individual's habitual criminal activity was not likely to be deterred by a regular sentence and the individual had been convicted of three or more indictable offences.

Courts were guided by fundamental principles of justice in sentencing to determine that while an offender might be of extreme risk to commit further offences at the time of sentencing, if there was evidence that after a sentence of incarceration and parole that the threat would cease to exist, the court had the duty to impose a determinate as opposed to an indeterminate sentence.

The provisions were amended a number of times but the next major redrafting occurred in August 1997 with the passage of Bill C-55. The most significant amendment in the 1997 legislation was an attempt by the government of the day to do away with the judicial discretion afforded prior to that time for a dangerous offender to be given a determinate or fixed sentence.

The rationale behind the move was that a new sentencing option, the long term offender designation, would be offered to those individuals who did not quite meet the dangerous offender criteria. It was perhaps believed that in doing so, the loss of discretion regarding the indeterminate sentence was acceptable to the courts

### *Government Orders*

from a charter perspective, given the availability of the lesser long term offender designation.

As has been mentioned many times during the debate on the bill, in 2003 the Supreme Court of Canada ruled in *R. v. Johnson* that while Parliament could do many things, it could not remove the discretion of the sentencing judge in a dangerous offender sentence and still respect the Charter of Rights and Freedoms. The court reiterated the principles established by the Supreme Court of Canada's previous leading case on the charter viability of the indeterminate sentencing option in *R. v. Lyons* handed down in 1987.

As a result of the 1997 amendments and the decision in *Johnson*, we ran into a new, albeit unanticipated, problem regarding the sentencing and management of dangerous offenders. The impact has been that a number of individuals who were originally intended to receive the indeterminate sentence of dangerous offender are instead being sentenced under the lesser long term offender option, with the result that these individuals will eventually be released into the community under a long term supervision order of up to 10 years.

From the perspective of the crown prosecutors, the impact of the *Johnson* decision was that, in many cases, they are now under an additional burden. Not only must they approve beyond a reasonable doubt that the offender meets the dangerous offender criteria, as was the case prior to the decision in *Johnson*, but they must also prove beyond a reasonable doubt that the lesser sentence of a long term offender designation could not be used to successfully manage the risk that the individual posed to society.

Offenders who otherwise arguably would qualify for an indeterminate sentence on evidence that they are very likely to repeat their sexual or violent offences when released, can now argue much more easily that they will be manageable under a regular sentence followed by a 10 year supervision period in the community. Let us be clear that post-*Johnson*, the offender often strategically decides to simply refuse to cooperate with the evaluation process knowing this will frustrate the crown's ability to prove anything beyond a reasonable doubt. If the crown cannot meet this burden then the court cannot impose the indeterminate sentence.

● (1645)

Clearly, action was required to resolve these new anomalies. Bill C-27 does take some bold steps but the suggestion that this proposal is unconstitutional in any way is not founded on an accurate understanding of either the current state of the law on dangerous offenders or what Bill C-27 actually does propose.

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The concern appears to be centred on an assumption that there is a constitutional requirement in a sentencing hearing to be presumed innocent until proven guilty. This argument cites the need to respect section 11(d) of the Charter of Rights and Freedoms. While I agree that it is a fundamental principle of justice that a person charged with an offence is presumed innocent until proven guilty, as enshrined in the charter, this tenet simply does not apply to the sentencing process.

I note that the Supreme Court of Canada, in the landmark case *R. v. Lyons*, canvassed the issue of whether rights associated with trial proceedings could be extended to dangerous offender proceedings. The court in *Lyons* was clear that the section 11 charter right regarding the procedural protection to be tried by jury does not extend to the sentencing phase. In my view, this rationale applies equally to the right to be presumed innocent until proven guilty. In other words, it does not apply to the sentencing process. It is very clear.

This fundamental right is analogous to the other procedural rights enumerated in section 11 and, as such, it is hard to suggest that the logic applied previously by the court in *Lyons* would be any different. The individual has already been presumed innocent, has been tried and has been found guilty. The right to be presumed innocent has been preserved and nothing in Bill C-27 touches the sanctity of this basic principle of justice or charter right.

While I respect the opinions of members opposite, it is nonetheless my view that the presumption of dangerousness after the third conviction is constitutional given that it is consistent with the Supreme Court of Canada's decision in *R. v. Lyons*.

I recognize the opposition's concerns. Nonetheless, I believe that it would be a great disappointment to all Canadians if the bill were to fail to proceed further than this debate.

I support Bill C-27 and I support sending it to committee for further study and consideration. Indeed, this is where I believe these issues can be more thoroughly considered, addressed and discussed.

We need the bill to pass to ensure more consistent consideration of the dangerous offender provision by crown prosecutors and to ensure more effective management of high risk offenders. That is what Canadians expect of us, that is why the legislation should pass and that is why I encourage all members of the House to support the legislation. We must hold criminals and multi-convicted criminals accountable for their behaviour. Let us stand up and do something right for victims for once.

● (1650)

**The Acting Speaker (Mr. Royal Galipeau):** Before I recognize members on questions and comments, I would like to get a sense of how many questions there might be so that I can attribute the time fairly.

[*Translation*]

We will now hear the hon. member for Notre-Dame-de-Grâce—Lachine.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I listened with interest to the speech made by the parliamentary secretary on Bill C-27.

The Liberals support all efforts, actions and legitimate measures that respect the Canadian Charter of Rights and Freedoms, while seeking to protect Canadians and to punish offenders who pose a real threat to our community and our safety.

We Liberals wanted to propose changes to the justice system regarding dangerous offenders. Some very serious concerns were raised by the legal community about the constitutionality of this bill.

[*English*]

Why would the Conservatives bring in legislation that would bring amendments to the dangerous offenders system which have the great potential of being declared unconstitutional and, with such a decision on the part of our courts, could threaten the dangerous offenders system that we have right now?

**Mr. James Moore:** Mr. Speaker, I know my colleague, the new justice critic for the Liberal Party, will bring a lot of important ideas to the debates.

Frankly, this is not an argument. When legislation is brought before the House of Commons, the justice minister or any minister responsible must put it through a vetting process to ensure that it recognizes and respects Canada's Constitution and the Charter of Rights and Freedoms. That process has been done.

As I said at the beginning of my comments to the member for Windsor—Tecumseh, some people in Canada often say to courts in this country that they should not be legislating. They should be judging the law but not be legislating law from the bench. The reverse reality to that is that Parliaments and legislators should not be assuming what the Supreme Court or any court will say.

This is a common sense provision. If my colleague looks at the cases that have taken place, this reverse onus provision is constitutional. It is respected and it has gone through the appropriate vetting processes to ensure that those standards are met before the legislation was introduced here in the House.

If my colleague is sincere in her request to have criminal justice reforms put through this Parliament and enacted on behalf of her constituents, I look forward to seeing her stand in her place and vote yes to the legislation to send it to committee for further examination. If she does not do that, then we know how sincere she was.

● (1655)

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, I would ask the parliamentary secretary to reread very carefully the Mitchell and Johnson rulings made by the Supreme Court of Canada. I do not agree with what the hon. member just said. When I sat on the Standing Committee on Justice and Human Rights, we asked questions of Justice officials about Bill C-27, and they told us that they were not sure.

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Therefore, do not come and tell us today that this bill may be constitutional. Based on the two rulings made by the Supreme Court in 2003, it is almost certain that this legislation is unconstitutional.

Why not target section 761 of the Criminal Code, dealing with the powers of the National Parole Board, because that is where the problem lies?

**Mr. James Moore:** Mr. Speaker, I was not present at the committee meeting my hon. colleague referred to. I can however assure him that every bill that this government introduces in this House respects our Constitution and our laws.

This is the first time since I was elected to this place in 2000 that I see the Bloc Québécois finally support our Constitution. This is a great day for Canada; the Bloc Québécois wants to respect our Constitution and our Charter of Rights and Freedoms.

This bill is in the interest of Canadians and Quebeckers. It is proposing changes that are respectful of voters in the member's community and of those in mine as well. I think that, after having been debated in the House, this bill should be referred to committee for further consideration.

[*English*]

**Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.):** Mr. Speaker, I am pleased to participate in this very interesting and important debate. Many of my colleagues come to this from a legal background. I come to this with an engineering background, so I might take a little different approach.

I will begin by looking at the big picture, and the big picture is that overall, serious crime rates in this country are falling. Yes, we can find exceptions within certain demographics, possibly, and certain types of crime, but overall, serious crime rates are falling.

Secondly, from outside Canada, other countries look at our judicial system as one of the finest in the world. The best example of proof that I can provide is that Canada played a key role in establishing the international court system in The Hague, and our judicial experts are called upon on many occasions to provide advice to China and to other developing nations when it comes to creating their judicial systems.

I start from the premise that our system is not perfect. We can agree on that, that there are always ways to make things better, including when it comes to dangerous offenders and I agree with my colleague from Notre-Dame-de-Grâce—Lachine. We are not against improving measures to deal with dangerous, long term offenders, but we are against the way the government is approaching this task.

Again, we have a system that, while not perfect, is among the best in the world. Yes, we have very sad incidents where terrible people do terrible things to other people, to innocent people, and none of us here would ever say or do anything to support such activities. At the same time, we must not compromise the balance that we are seeking to achieve in our judicial system, and that balance will be put to a test in a serious way when the reverse onus is applied in situations like this.

It is easy to say when on the front page of the paper a serious crime is being reported, but we cannot make our decisions in moments of passion or moments of panic. We have to make our

decisions for the country in times of calm, in times of reflection, and using the best wisdom available to us.

I would like to see improvements to the dangerous offenders legislation. Nobody wants to see dangerous offenders in situations where they are going to repeat. Unfortunately, the government did not send this to the justice committee but instead to a legislative committee. Had it gone to the justice committee, I assume we would have seen a full range of consultations and input from all quarters of the country, from stakeholders interested in crime issues.

We did not have that and clearly we have the Criminal Lawyers' Association that says this is dangerous ground upon which to tread. The justice minister and attorney general for Saskatchewan has expressed grave reservations about this, and there are others.

Let us encourage the government not to take what I call a lazy approach of throwing something out there and just seeing what happens. That is pretty careless because as my colleagues from Windsor, Montreal and others have suggested, there is a very good chance, that the constitutionality of these measures will be proven not to be supportable. In so doing, it is very possible that other sections of the dangerous offenders legislation could also be compromised.

There is also the question of whether we are going to really be putting more people in jail as a result of this because there will be less plea bargaining. I know there are concerns over the plea bargaining process but there is a place for it, if it is handled wisely. It will only mean higher rates of incarceration. What thought has been put to the extra resources that provinces will need in order to deal with more people in jail?

There are certain unintended consequences and there may be others that I am not mentioning which could happen. We are simply saying to the government to stop, catch its breath and let us take some more time. This is not an issue that needs to be resolved tomorrow.

● (1700)

Let us take some more time and ensure that it is right. Let us not take the lazy approach. Let us do some more homework. Let us ensure that those who have a say on this, whether they are for or against it, let them speak up and be heard, and let us find a way to improve measures dealing with dangerous offenders, but do so in a way that will not test the constitutionality of not only those sections, but of sections related to dangerous offender legislation.

I am certain there will be an election sooner or later and I know the Conservative Party certainly has a history of using jingoism in terms of getting support for its often radical and extreme views. I am reminded in this debate of what George Bush, until he got into trouble the last year or so, would say to those who criticized his position on the Iraq war, "oh, you don't support our troops", as if speaking freely in a free society was against the troops because the troops are there to protect democracy.

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In the same way the Conservatives would argue that if we do anything to provide dangerous offenders with anything but unconstitutional remedies for society, then we support dangerous offenders. That is not fair. It is not true. It is not the case.

We are as much interested in dealing with dangerous offenders as anyone in this House, but we want to do it in a smart way. We want to do it in a way that respects the opinions on both sides of the debate and in a way that will not fail before the courts.

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, I listened with interest to the member's speech. He seems to be making the same point that a few of his colleagues have made which is to question the constitutionality of the bill which is not for members of Parliament necessarily to determine ultimately. I suppose that would be determined by the courts. Our legal opinion is that the bill is constitutional.

This bill deals only with the most serious criminals in Canada. I would like to know most of all, why would he not support the bill? Why would he not support the bill in the interests of the safety of Canadian citizens? It is about justice, nothing more. In principle, does the member support keeping Canadians safe, yes or no? It is that simple.

• (1705)

**Mr. Brent St. Denis:** Mr. Speaker, I have to thank the hon. member for proving the point I made in the last few sentences of my remarks. I thank him for pointing out exactly the argument the Conservatives will make. It is hollow. It is empty. It is jingoism.

I am sure he will not find a member of the House who does not want to deal effectively with dangerous offenders, but the government has taken the lazy approach to this. Its members are not listening to all the stakeholders on both sides and in so doing are throwing up their hands asking: what is the simplest thing we can do? The simplest thing we can do is a dangerous option because we may lose it all in the courts.

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Mr. Speaker, I have to take exception to the comments made by my colleague from the Liberal Party that the views of the Conservative Party are somehow radical or extreme and he just used terms like “hollow”, “empty” and “jingoism”. Quite frankly, that is very unparliamentary language from a member who has been in this House long enough to know better. I do not understand how jailing dangerous offenders in order to keep them off the streets somehow affects the rights of Canadians. The other question I have is one of the Liberal record of 13 years where the Liberals did nothing on this subject—

**The Deputy Speaker:** I am sorry. If the hon. member asks his other question, the member will not get a chance to respond.

The hon. member for Algoma—Manitoulin—Kapuskasung.

**Mr. Brent St. Denis:** Mr. Speaker, the fact is that the previous Liberal government brought in a number of very useful amendments to the dangerous offenders sections of the Criminal Code which have proven the test of time. We are only saying to the government that we will work with it on this, that if it listens to everybody, there is a way to make things better, but it cannot take a chance like this and have the whole thing thrown out. Therefore, we only encourage the

government to catch its breath, fill those voids, and let us find a way to do this better.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, this is clearly an extremely important debate because even though it is about a bill that is—if not exactly technical—fairly precise, it encompasses the Conservative government's vision of the balance between justice and security, a balance that, unfortunately, seems to be more and more upset because of an extremely dangerous ideological approach.

When I see a bill like this one, I cannot help but think of how debates are run in this House and in public by this government, particularly by the Prime Minister.

In that sense, we have good reason to be very worried about the fact that they are taking so lightly a bill to amend the Criminal Code and other acts—a bill that may have enormous consequences for a large part of our population—by using arguments that, more often than not, are not based in fact. That is what I found during question period again today.

When the Prime Minister said that the Bloc Québécois did not support the upcoming bill on income trusts, he was deceiving the people. He was misleading them. What we are trying to do is fix the Prime Minister's broken promise. During the election campaign, he said that he would not touch the tax laws on income trusts, which was completely irresponsible. Then on October 31, he made a surprise decision to break his promise, a decision that affected 2.5 million small investors.

The Bloc Québécois is trying, in a responsible way, to minimize the negative impact on those Canadians and Quebecers who unfortunately believed the promise the Prime Minister made during the election campaign.

Recently, the Minister of Industry was distributing a document in the riding of a colleague of mine. The document stated that the government had passed a law allowing pension income splitting between spouses and doubling the tax credit for private pension income. Such a bill has not even been tabled yet. We do not even know if that will be in the budget or in a separate bill.

It is not true. The government is disguising the truth for partisan and ideological purposes.

It reminds me of a hippocampus. I am not referring to the sea horse, the little fish that swims in an upright position. When I speak of a hippocampus, I mean the mythical animal that was half horse, half fish. This government makes me think of a hippocampus, because it has two sides and it is manipulating morality by presenting only one side of this issue. This is unacceptable in a debate as important as this one.

I would remind you that this bill seeks to declare someone convicted of three serious crimes a dangerous offender, unless that person can prove that the definition does not apply to him or her. The burden of proof is therefore reversed. In our opinion, this bill is harmful and ineffective and will not help to improve public safety.



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What is the government doing to sell this ideological vision of repression? It is implying that safety in our cities is being compromised, in Canada and Quebec. Yet for decades the crime rate—especially the rate of violent crime—has been declining. I am not trying to trivialize the problem. I recognize that we must ensure that, especially in our major cities—I am thinking about street gangs, for instance—the necessary social and economic measures are in place to prevent this problem. But this is not where the government is headed. We are fooling ourselves.

Studies show that automatically applying harsher penalties will not produce the desired results. The real question, then, is: What is the best way to prevent crime? What is the best way to protect the public? It is certainly not to toughen the Criminal Code in this way, but to invest in literacy and women's groups and to maintain funding for programs such as the summer career placement program. But this is not the approach the government has chosen.

In that sense, this bill is not an isolated measure. It is part of an overall ideological approach that is extremely dangerous to the future of Canada.

• (1710)

This is true for Canada and for Quebec. What we are defending is a model of justice based on a process tailored to each case and based on the principle of rehabilitation.

We have already had a debate in this House on young offenders. Unfortunately, the Bloc Québécois was the only party to propose this approach that is characteristic of Quebec society, whereby prevention and rehabilitation are better avenues than repression for ensuring the safety of our cities, our land and our people. In that sense, the U. S. example is striking and should serve as a lesson. Unfortunately, it seems that the government is blind to this reality. A procedure already exists.

In Quebec, the justice department reached agreements with the Philippe-Pinel Institute to conduct psychological assessments. I know some experts at this institute because they are members of the Confédération des syndicats nationaux, the union for which I was the secretary for eight years. These experts have credibility before the courts.

Based on the findings of the assessment report, the prosecutor decides whether or not to seek a dangerous offender designation. The experts assess the person, his or her psychological weaknesses and his or her rehabilitative potential. With the assessment, a fully informed decision can be made.

This bill proposes that after the third offence, the alleged criminal would automatically have to demonstrate that he is not a dangerous offender. There is a system. After the assessment report is presented to the judge, the defence can present a second opinion. In the end, the judge makes a ruling.

Perhaps we can improve on certain criteria and make sure of certain things. Nonetheless, we already have a procedure that has been proven to work for the past number of years. What this government is proposing is totally excessive.

As I said, it will provide a false sense of security. Thus—and we will see in the next budget—the provinces and Quebec will have few

resources to successfully address the real causes of crime, namely poverty, isolation, addiction and a host of other social problems.

I would like to reiterate that we believe this approach is not only ideological, but it also deceives the population because it does not allow us to address the underlying problems. This places a much heavier onus on the accused. Any accused person who wishes to challenge the assessment filed in support of designating him or her as a dangerous offender will have to ask for an expensive second opinion. Not everyone will have the means to do so. Not everyone will have access to the necessary professional legal services. Since the offender could spend the rest of his or her life in prison, it seems reasonable that the government should have to bear the burden of proof when designating dangerous offenders. We could ask ourselves what this government's next step will be. Will they begin to question the entire existing principle that an individual is innocent until proven guilty? It would then be up to defendants to prove their innocence.

As the statistics remind us, there are scores of adverse effects. In this regard, I would like the Prime Minister to use his hippocampus, and I am not talking about the mythical animal I referred to at the beginning of my speech, but rather that complex neural structure shaped like a sea horse, which is the part of the brain that controls memory.

If the Prime Minister could just listen to the facts and remember them when the time comes to draft legislation, all Canadians would be now much safer.

• (1715)

[*English*]

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, I listened to my hon. colleague, who talked about ideology. It seems that the ideology I have heard all day long from the other side is “blame the victim and blame society” for those people who are dangerous criminals.

I think it is fair to say that the only people logically opposed to this legislation would be the dangerous criminals themselves, people who have committed three of the most heinous criminal offences.

This legislation is not to be used lightly. It does not allow for that.

I heard the hon. member use the words “it's harmful and vindictive”. Could he tell the members of the House and Canadians in general who the legislation would be harmful to or vindictive to?

[*Translation*]

**Mr. Pierre Paquette:** Mr. Speaker, that is not how we should be looking at the problem. We have to consider the facts and address the real challenges posed by crime-producing social problems.

*Government Orders*

I will take Quebec as an example. Statistics show that prosecutors choose the long term offender designation procedure used in Quebec over the dangerous offender procedure to deal with repeat offenders. As we know, under the long term offender designation, offenders who go back to the community after serving their sentences remain under correctional supervision. They do not just go off like that. This supervision may go on for up to 10 years. This is more conducive to rehabilitation, while being less expensive to the State. That is something that might catch the attention of the Conservatives. Fewer violent crimes per 100,000 of population are committed in Quebec than anywhere else in Canada.

As we can see, the Quebec model, which is based on rehabilitation—especially for young people—instead of repression, appears to be working quite well.

• (1720)

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I think the member has raised an interesting approach to this. First of all, he established that the government is not trustworthy, as shown by its decision to break a promise on taxation of income trusts, and then he pointed out that the approach to the criminal justice system has absolutely nothing to do with crime prevention, remediation and, in fact, rehabilitation.

He went on to point out that if we put forward a piece of legislation like this, which the justice department itself has indicated will likely require challenges in the courts at all levels, a lot of people will slip through the cracks while this judicial process goes on, so this is totally a wrong-headed approach. I wonder if the member would like to amplify a little further the reason why the bill is just a wrong-headed bill.

[Translation]

**Mr. Pierre Paquette:** Mr. Speaker, I thank the member for his question.

Not only are we going in the wrong direction because repression is not the solution to the problem of crime, but this repression runs the risk of having a perverse effect. With the new provisions introduced into the Criminal Code, many accused will prefer to plead not guilty in the hope that they will drag out the process and clog the judicial system rather than negotiating prison sentences or other types of punishment with the Crown.

From every perspective, this bill is not only ineffective but it creates the illusion of security and runs the risk of having a perverse effect on the judicial system. That is why the government must redo its homework.

[English]

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, I too listened with interest to the previous speaker. He indicated that our government is not interested in rehabilitation or prevention measures. Nothing could be further from the truth. Over \$20 million was invested in our 2006 budget and targeted specifically at youth at risk. Clearly, we on this side are very interested in prevention and rehabilitation.

The member also mentioned that serious crime rates are falling. Does the member really believe that average Canadians today feels safer in their communities than they did 20 years ago?

[Translation]

**Mr. Pierre Paquette:** Mr. Speaker, the biggest problem with this bill is that it will probably give many Canadians and Quebecers the impression that they live in a world that is less safe today than it was 10 years ago. That is not the case.

Unfortunately, sensational reporting by certain media that practice so-called yellow journalism, fueled by certain statements by Conservative members and ministers or individuals who share their ideology, have led them to believe it. We should look at the facts. The crime rate is going down.

I know very well what the member is saying. Every day I have to convince those around me. I always carry statistics proving that their perception does not correspond to reality. With its talk, this government is fostering a misunderstanding of the facts.

[English]

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I am pleased to rise today to speak in favour of this bill. After listening to the comments from the hon. member for Joliette, it seems the Bloc is more concerned about the dangerous offender than the victim, or the young child who has been abused, injured or sexually mistreated, or the mother or father of that child, or those potential children who might be abused. If we pass this legislation, this could otherwise be prevented.

As we know, safe streets and communities are important to all constituents in Canada. We are rightly proud of the history of having safe streets and homes, but times are changing and Canadians are experiencing not only an increase in crime, but an increase in a crime of the most heinous kind, one that is violent and abuses the sanctity of people, particularly children. They have called upon the government to take action. They have called upon the government to pass legislation not only in this area, but in other areas as well. We cannot ignore this problem. We must roll up our sleeves, do the job that needs to be done and work in committee to get the bill passed.

During the last election, we promised Canadians that we would crack down on crime, and that is exactly what we propose to do. We promised, we made a commitment and we are moving on it. We have tabled Bill C-27 in that regard.

In a nutshell, Bill C-27 deals with dangerous offenders and provides for ways of dealing with them. In particular, it also deals with section 810, peace bonds, which can put certain restrictions upon them should they ever get released.

To make it clear, many are calling upon the government to take action. Recent events in the area of Whitewood, Saskatchewan have brought many constituents together. They have presented a petition to the government asking for action. They have said that dangerous offenders should not be out on the loose or if they are released, they should be subject to some of the severest of conditions, so the public is not endangered by their actions. They have not only united the community in that area, but all of the constituency that I represent, including Saskatchewan, as well as provinces beyond.

We have received petitions signed by up to 24,000 to 25,000 Canadians who urge this government to take action. Today, I had the opportunity to file those petitions. It is fitting that we would do it on the day we are introducing Bill C-27, the dangerous offenders legislation. Let us see what they call for in that petition.

They have asked the government to proceed with changes to the justice system in legislation that would result in harsher penalties for convicted pedophiles. They have asked for mandatory or compulsory electronic or other forms of monitoring of pedophiles upon release from custody. They have asked for compulsory public notification and movements of convicted pedophiles. They have asked that we ensure repeat offenders are designated as dangerous offenders.

Why has this situation incited such an interest in the many constituencies, people and communities of Canada? Because the public is fed up. People have had enough of this easy justice, especially where people have been convicted of the same serious offences on at least three occasions, offences that require two or more years of jail time. They are saying there comes a point in time where something needs to be done. These people need to be contained or released under very strict conditions.

I am quite pleased to say that the Government of Canada has responded to the petition that my constituents have filed, and its response is interesting to note. It says that the Government of Canada is fully committed to protecting children from sexual offenders. In the last Parliament, Bill C-2 introduced mandatory minimum penalties for many sexual offences committed against children. These offences are, therefore, not eligible for a conditional sentence of imprisonment.

Also, a number of criminal law reform initiatives have recently been introduced in this regard, including: Bill C-9 to restrict the availability of conditional sentences, which I just mentioned; Bill C-22 to increase the age of protection; Bill C-27, regarding dangerous and high risk offenders, about whom I speak today; and Bill S-3, regarding improvements to the national sex offender registry.

As introduced, Bill C-9 would toughens penalties for a number of sex offences, including offences against children, by making it clear that the conditional sentence is no longer available. Who could argue against that? Bill C-22 would better protect against youth adult sexual predators by raising the age of consent from 14 years to 16 years.

• (1725)

Who opposes this legislation? The opposition parties, the Liberal Party, the Bloc Party and the New Democratic Party have been obstructionist in committee. They have taken clauses out. They have watered them down. They have made them almost of no effect, when just the opposite is what the people of Canada expect. They expect us to get at least that tough, and tougher. They try to use the argument that it might not be constitutional.

However, these individuals, these victims, need protection, and that is exactly what we are about to do. Most Canadians are calling for us to take that action. It would be a good point for the opposition

### *Private Members' Business*

to take that into account, get behind us and have this legislation passed, as opposed to delaying it in committee.

**The Deputy Speaker:** I am sorry to interrupt the hon. member, but the time for debate has expired. I know he is just getting started, but he has about four minutes left in which to wind up the next time he gets the opportunity.

---

## PRIVATE MEMBERS' BUSINESS

• (1730)

[*English*]

### KYOTO PROTOCOL IMPLEMENTATION ACT

The House resumed from February 9 consideration of Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol, as reported (with amendments) from the committee, and of the motions in Group No. 1.

**The Deputy Speaker:** It being 5:30 p.m. the House will now proceed to the taking of the deferred recorded divisions on the motions at report stage of Bill C-288.

Call in the members.

• (1750)

[*Translation*]

**The Speaker:** The question is on Motion No. 1.

• (1800)

(The House divided on Motion No. 1, which was agreed to on the following division:)

(*Division No. 108*)

### YEAS

#### Members

Alghabra	André
Angus	Asselin
Atamanenko	Bachand
Bagnell	Bains
Barbot	Barnes
Beaumier	Bélangier
Bell (Vancouver Island North)	Bellavance
Bennett	Bevilacqua
Bevington	Bigras
Black	Blaikie
Blais	Bonin
Bonsant	Boshcoff
Bouchard	Bourgeois
Brisson	Brown (Oakville)
Brunelle	Byrne
Cannis	Cardin
Carrier	Charlton
Chow	Christopherson
Coderre	Comartin
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davies
DeBellefeuille	Demers
Deschamps	Dhaliwal
Dhalla	Dion
Dryden	Duceppe
Easter	Eyking
Faillie	Folco
Freeman	Fry
Gagnon	Gaudet
Gauthier	Godfrey
Goodale	Graham

*Private Members' Business*

Gravel	Guarnieri
Guay	Guimond
Holland	Hubbard
Ignatieff	Jennings
Julian	Kadis
Karetak-Lindell	Karygiannis
Kotto	Laforest
Laframboise	Lalonde
Lavallée	Layton
LeBlanc	Lee
Lemay	Lessard
Lévesque	Lussier
MacAulay	Malhi
Malo	Marleau
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Énard)	Martin (Sault Ste. Marie)
Masse	Mathysen
Matthews	McCallum
McDonough	McGuinty
McGuire	McKay (Scarborough—Guildwood)
McTeague	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Merasty
Minna	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nadeau
Nash	Neville
Ouellet	Owen
Pacetti	Paquette
Patry	Pearson
Perron	Peterson
Picard	Plamondon
Priddy	Proulx
Ratansi	Redman
Regan	Rodriguez
Rota	Roy
Russell	Savage
Savoie	Scarpaleggia
Scott	Siksay
Silva	Simard
Simms	St-Cyr
St-Hilaire	St. Denis
Steckle	Stronach
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Tonks
Turner	Valley
Vincent	Volpe
Wilson	Wrzesnewskyj
Zed— 161	

**NAYS**

## Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Baird	Batters
Benoit	Bernier
Bezan	Blaney
Boucher	Breitkreuz
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casey	Casson
Chong	Davidson
Day	Del Mastro
Devolin	Dykstra
Emerson	Epp
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Galipeau
Gallant	Goldring
Goodyear	Gourde
Grewal	Guergis
Hanger	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)

Lake	Lauzon
Lemieux	Lukiwski
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mayes	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Pallister
Paradis	Petit
Poilievre	Prentice
Preston	Rajotte
Reid	Richardson
Ritz	Schellenberger
Shiple	Skelton
Smith	Solberg
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Warawa	Warkentin
Watson	Williams
Yelich— 113	

**PAIRED**

Nil

**The Speaker:** I declare Motion No. 1 carried.*[English]*

The next question is on Motion No. 2.

The hon. Chief Government Whip is rising on a point of order.

**Hon. Jay Hill:** Mr. Speaker, with the approval of the sponsor, and the unanimous consent of all members present this evening, I wonder if you would seek unanimous approval to apply the results of the vote just taken to Motions Nos. 2 and 3 and to the concurrence motion at report stage of this private member's bill.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

(The House divided on Motion No. 2, which was agreed to on the following division:)

*(Division No. 109)***YEAS**

## Members

Alghabra	André
Angus	Asselin
Atamanenko	Bachand
Bagnell	Bains
Barbot	Barnes
Beaumier	Bélangier
Bell (Vancouver Island North)	Bellavance
Bennett	Bevilacqua
Bevington	Bigras
Black	Blaikie
Blais	Bonin
Bonsant	Boshcoff
Bouchard	Bourgeois
Brison	Brown (Oakville)
Brunelle	Byrne
Cannis	Cardin
Carrier	Charlton
Chow	Christopherson
Coderre	Comartin
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)

*Private Members' Business*

Cullen (Etobicoke North)  
 D'Amours  
 DeBellefeuille  
 Deschamps  
 Dhalla  
 Dryden  
 Easter  
 Faillie  
 Freeman  
 Gagnon  
 Gauthier  
 Goodale  
 Gravel  
 Guay  
 Holland  
 Ignatieff  
 Julian  
 Karetak-Lindell  
 Kotto  
 Laframboise  
 Lavallée  
 LeBlanc  
 Lemay  
 Lévesque  
 MacAulay  
 Malo  
 Marston  
 Martin (LaSalle—Émard)  
 Masse  
 Matthews  
 McDonough  
 McGuire  
 McTeague  
 Ménard (Marc-Aurèle-Fortin)  
 Minna  
 Murphy (Charlottetown)  
 Nash  
 Ouellet  
 Pacetti  
 Patry  
 Perron  
 Picard  
 Priddy  
 Ratansi  
 Regan  
 Rota  
 Russell  
 Savoie  
 Scott  
 Silva  
 Simms  
 St-Hilaire  
 Steckle  
 Szabo  
 Temelkovski  
 Basques)  
 Thibault (West Nova)  
 Turner  
 Vincent  
 Wilson  
 Zed— 161

Cuzner  
 Davies  
 Demers  
 Dhaliwal  
 Dion  
 Duceppe  
 Eyking  
 Folco  
 Fry  
 Gaudet  
 Godfrey  
 Graham  
 Guarnieri  
 Guimond  
 Hubbard  
 Jennings  
 Kadis  
 Karygiannis  
 Laforest  
 Lalonde  
 Layton  
 Lee  
 Lessard  
 Lussier  
 Malhi  
 Marleau  
 Martin (Esquimalt—Juan de Fuca)  
 Martin (Sault Ste. Marie)  
 Mathysen  
 McCallum  
 McGuinty  
 McKay (Scarborough—Guildwood)  
 Ménard (Hochelaga)  
 Merasty  
 Murphy (Moncton—Riverview—Dieppe)  
 Nadeau  
 Neville  
 Owen  
 Paquette  
 Pearson  
 Peterson  
 Plamondon  
 Proulx  
 Redman  
 Rodriguez  
 Roy  
 Savage  
 Scarpaleggia  
 Siksay  
 Simard  
 St-Cyr  
 St. Denis  
 Stronach  
 Telegdi  
 Thibault (Rimouski-Neigette—Témiscouata—Les  
 Tonks  
 Valley  
 Volpe  
 Wrzesnewskyj

**NAYS**

## Members

Abbott  
 Albrecht  
 Allison  
 Anders  
 Baird  
 Benoit  
 Bezan  
 Boucher  
 Brown (Leeds—Grenville)  
 Bruinooge  
 Cannon (Pontiac)  
 Casey  
 Chong  
 Davidson  
 Del Mastro  
 Dykstra  
 Epp  
 Finley

Ablonczy  
 Allen  
 Ambrose  
 Anderson  
 Batters  
 Bernier  
 Blaney  
 Breitreuz  
 Brown (Barrie)  
 Cannan (Kelowna—Lake Country)  
 Carrie  
 Casson  
 Clement  
 Day  
 Devolin  
 Emerson  
 Fast  
 Fitzpatrick

Flaherty  
 Galipeau  
 Goldring  
 Gourde  
 Guergis  
 Harris  
 Hawn  
 Hill  
 Jaffer  
 Kamp (Pitt Meadows—Maple Ridge—Mission)  
 Kenney (Calgary Southeast)  
 Komarnicki  
 Lake  
 Lemieux  
 Lunney  
 MacKenzie  
 Mayes  
 Merrifield  
 Moore (Port Moody—Westwood—Port Coquitlam)  
 Moore (Fundy Royal)  
 Nicholson  
 O'Connor  
 Oda  
 Paradis  
 Poilievre  
 Preston  
 Reid  
 Ritz  
 Shipley  
 Smith  
 Sorenson  
 Storseth  
 Sweet  
 Thompson (Wild Rose)  
 Trost  
 Van Kesteren  
 Vellacott  
 Warawa  
 Watson  
 Yelich— 113

Fletcher  
 Gallant  
 Goodyear  
 Grewal  
 Hanger  
 Harvey  
 Hiebert  
 Hinton  
 Jean  
 Keddy (South Shore—St. Margaret's)  
 Khan  
 Kramp (Prince Edward—Hastings)  
 Lauzon  
 Lukiwski  
 MacKay (Central Nova)  
 Manning  
 Menzies  
 Miller  
 Norlock  
 Obhrai  
 Pallister  
 Petit  
 Prentice  
 Rajotte  
 Richardson  
 Schellenberger  
 Skelton  
 Solberg  
 Stanton  
 Strahl  
 Thompson (New Brunswick Southwest)  
 Tilson  
 Tweed  
 Van Loan  
 Verner  
 Warkentin  
 Williams

**PAIRED**

Nil

[*Translation*]

(The House divided on Motion No. 3, which was agreed to on the following division:)

(Division No. 110)

**YEAS**

## Members

Alghabra  
 Angus  
 Atamanenko  
 Bagnell  
 Barbot  
 Beaumier  
 Bell (Vancouver Island North)  
 Bennett  
 Bevington  
 Black  
 Blais  
 Bonsant  
 Bouchard  
 Brison  
 Brunelle  
 Cannis  
 Carrier  
 Chow  
 Coderre  
 Cotler  
 Crowder  
 Cullen (Etobicoke North)  
 D'Amours  
 DeBellefeuille  
 Deschamps  
 Dhalla  
 Dryden  
 Easter

André  
 Asselin  
 Bachand  
 Bains  
 Barnes  
 Bélanger  
 Bellavance  
 Bevilacqua  
 Bigras  
 Blaikie  
 Bonin  
 Boshcoff  
 Bourgeois  
 Brown (Oakville)  
 Byrne  
 Cardin  
 Charlton  
 Christopherson  
 Comartin  
 Crête  
 Cullen (Skeena—Bulkley Valley)  
 Cuzner  
 Davies  
 Demers  
 Dhaliwal  
 Dion  
 Duceppe  
 Eyking

*Private Members' Business*

Faille  
Freeman  
Gagnon  
Gauthier  
Goodale  
Gravel  
Guay  
Holland  
Ignatieff  
Julian  
Karetak-Lindell  
Kotto  
Laframboise  
Lavallée  
LeBlanc  
Lemay  
Lévesque  
MacAulay  
Malo  
Marston  
Martin (LaSalle—Émard)  
Masse  
Matthews  
McDonough  
McGuire  
McTeague  
Ménard (Marc-Aurèle-Fortin)  
Minna  
Murphy (Charlottetown)  
Nash  
Ouellet  
Pacetti  
Patry  
Perron  
Picard  
Priddy  
Ratansi  
Regan  
Rota  
Russell  
Savoie  
Scott  
Silva  
Simms  
St-Hilaire  
Steckle  
Szabo  
Temelkovski  
Basques)  
Thibault (West Nova)  
Turner  
Vincent  
Wilson  
Zed — 161

Folco  
Fry  
Gaudet  
Godfrey  
Graham  
Guarnieri  
Guimond  
Hubbard  
Jennings  
Kadis  
Karygiannis  
Laforest  
Lalonde  
Layton  
Lee  
Lessard  
Lussier  
Malhi  
Marleau  
Martin (Esquimalt—Juan de Fuca)  
Martin (Sault Ste. Marie)  
Mathysen  
McCallum  
McGuinty  
McKay (Scarborough—Guildwood)  
Ménard (Hochelaga)  
Merasty  
Murphy (Moncton—Riverview—Dieppe)  
Nadeau  
Neville  
Owen  
Paquette  
Pearson  
Peterson  
Plamondon  
Proulx  
Redman  
Rodriguez  
Roy  
Savage  
Scarpaleggia  
Siksay  
Simard  
St-Cyr  
St. Denis  
Stronach  
Telegdi  
Thibault (Rimouski-Neigette—Témiscouata—Les  
Tonks  
Valley  
Volpe  
Wrzesnewskyj

Hill  
Jaffer  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Kenney (Calgary Southeast)  
Komarnicki  
Lake  
Lemieux  
Lunney  
MacKenzie  
Mayes  
Merrifield  
Moore (Port Moody—Westwood—Port Coquitlam)  
Moore (Fundy Royal)  
Nicholson  
O'Connor  
Oda  
Paradis  
Poilievre  
Preston  
Reid  
Ritz  
Shiple  
Smith  
Sorenson  
Storseth  
Sweet  
Thompson (Wild Rose)  
Trost  
Van Kesteren  
Vellacott  
Warawa  
Watson  
Yelich — 113

Hinton  
Jean  
Keddy (South Shore—St. Margaret's)  
Khan  
Kramp (Prince Edward—Hastings)  
Lauzon  
Lukiwski  
MacKay (Central Nova)  
Manning  
Menzies  
Miller  
Norlock  
Obhrai  
Pallister  
Petit  
Prentice  
Rajotte  
Richardson  
Schellenberger  
Skelton  
Solberg  
Stanton  
Strahl  
Thompson (New Brunswick Southwest)  
Tilson  
Tweed  
Van Loan  
Verner  
Warkentin  
Williams

## PAIRED

Nil

**The Speaker:** I declare Motions Nos. 2 and 3 carried.

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)** moved that Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol be concurred in.

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

*(Division No. III)*

## YEAS

## Members

Alghabra  
Angus  
Atamanenko  
Bagnell  
Barbot  
Beaumier  
Bell (Vancouver Island North)  
Bennett  
Bevington  
Black  
Blais  
Bonsant  
Bouchard  
Brison  
Brunelle  
Cannis  
Carrier  
Chow  
Coderre  
Cotler  
Crowder  
Cullen (Etobicoke North)  
D'Amours  
DeBellefeuille  
Deschamps  
Dhalla  
Dryden

André  
Asselin  
Bachand  
Bains  
Barnes  
Bélangier  
Bellavance  
Bevilacqua  
Bigras  
Blaikie  
Bonin  
Boshcoff  
Bourgeois  
Brown (Oakville)  
Byrne  
Cardin  
Charlton  
Christopherson  
Comartin  
Crête  
Cullen (Skeena—Bulkley Valley)  
Cuzner  
Davies  
Demers  
Dhaliwal  
Dion  
Duceppe

## NAYS

## Members

Abbott  
Albrecht  
Allison  
Anders  
Baird  
Benoit  
Bezan  
Boucher  
Brown (Leeds—Grenville)  
Bruinooge  
Cannon (Pontiac)  
Casey  
Chong  
Davidson  
Del Mastro  
Dykstra  
Epp  
Finley  
Flaherty  
Galipeau  
Goldring  
Gourde  
Guergis  
Harris  
Hawn

Ablonczy  
Allen  
Ambrose  
Anderson  
Batters  
Bernier  
Blaney  
Breitkreuz  
Brown (Barrie)  
Cannan (Kelowna—Lake Country)  
Carrie  
Casson  
Clement  
Day  
Devolin  
Emerson  
Fast  
Fitzpatrick  
Fletcher  
Gallant  
Goodyear  
Grewal  
Hanger  
Harvey  
Hiebert

*Private Members' Business*

Easter  
 Faille  
 Freeman  
 Gagnon  
 Gauthier  
 Goodale  
 Gravel  
 Guay  
 Holland  
 Ignatieff  
 Julian  
 Karetak-Lindell  
 Kotto  
 Laframboise  
 Lavallée  
 LeBlanc  
 Lemay  
 Lévesque  
 MacAulay  
 Malo  
 Marston  
 Martin (LaSalle—Émard)  
 Masse  
 Matthews  
 McDonough  
 McGuire  
 McTeague  
 Ménard (Marc-Aurèle-Fortin)  
 Minna  
 Murphy (Charlottetown)  
 Nash  
 Ouellet  
 Pacetti  
 Patry  
 Perron  
 Picard  
 Priddy  
 Ratansi  
 Regan  
 Rota  
 Russell  
 Savoie  
 Scott  
 Silva  
 Simms  
 St-Hilaire  
 Steckle  
 Szabo  
 Temelkovski  
 Basques)  
 Thibault (West Nova)  
 Turner  
 Vincent  
 Wilson  
 Zed — 161

Eyking  
 Folco  
 Fry  
 Gaudet  
 Godfrey  
 Graham  
 Guarnieri  
 Guimond  
 Hubbard  
 Jennings  
 Kadis  
 Karygiannis  
 Laforest  
 Lalonde  
 Layton  
 Lee  
 Lessard  
 Lussier  
 Malhi  
 Marleau  
 Martin (Esquimalt—Juan de Fuca)  
 Martin (Sault Ste. Marie)  
 Mathysen  
 McCallum  
 McGuinty  
 McKay (Scarborough—Guildwood)  
 Ménard (Hochelaga)  
 Merasty  
 Murphy (Moncton—Riverview—Dieppe)  
 Nadeau  
 Neville  
 Owen  
 Paquette  
 Pearson  
 Peterson  
 Plamondon  
 Proulx  
 Redman  
 Rodriguez  
 Roy  
 Savage  
 Scarpaleggia  
 Siksay  
 Simard  
 St-Cyr  
 St. Denis  
 Stronach  
 Telegdi  
 Thibault (Rimouski-Neigette—Témiscouata—Les  
 Tonks  
 Valley  
 Volpe  
 Wrzesnewskyj

Hawn  
 Hill  
 Jaffer  
 Kamp (Pitt Meadows—Maple Ridge—Mission)  
 Kenney (Calgary Southeast)  
 Komarnicki  
 Lake  
 Lemieux  
 Lunney  
 MacKenzie  
 Mayes  
 Merrifield  
 Moore (Port Moody—Westwood—Port Coquitlam)  
 Moore (Fundy Royal)  
 Nicholson  
 O'Connor  
 Oda  
 Paradis  
 Poilievre  
 Preston  
 Reid  
 Ritz  
 Shipley  
 Smith  
 Sorenson  
 Storseth  
 Sweet  
 Thompson (Wild Rose)  
 Trost  
 Van Kesteren  
 Vellacott  
 Warawa  
 Watson  
 Yelich — 113

Hiebert  
 Hinton  
 Jean  
 Keddy (South Shore—St. Margaret's)  
 Khan  
 Kramp (Prince Edward—Hastings)  
 Lauzon  
 Lukiwski  
 MacKay (Central Nova)  
 Manning  
 Menzies  
 Miller  
 Norlock  
 Obhrai  
 Pallister  
 Petit  
 Prentice  
 Rajotte  
 Richardson  
 Schellenberger  
 Skelton  
 Solberg  
 Stanton  
 Strahl  
 Thompson (New Brunswick Southwest)  
 Tilson  
 Tweed  
 Van Loan  
 Verner  
 Warkentin  
 Williams

## PAIRED

Nil

**The Speaker:** I declare the bill concurred in at the report stage.

[English]

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

**Some hon. members:** Agreed.

**Mr. Pablo Rodriguez** moved that the bill be read the third time and passed.

● (1805)

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

● (1810)

[Translation]

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

## NAYS

## Members

Abbott  
 Albrecht  
 Allison  
 Anders  
 Baird  
 Benoit  
 Bezan  
 Boucher  
 Brown (Leeds—Grenville)  
 Bruinooge  
 Cannon (Pontiac)  
 Casey  
 Chong  
 Davidson  
 Del Mastro  
 Dykstra  
 Epp  
 Finley  
 Flaherty  
 Galipeau  
 Goldring  
 Gourde  
 Guergis  
 Harris

Ablonczy  
 Allen  
 Ambrose  
 Anderson  
 Batters  
 Bernier  
 Blaney  
 Breitzkreuz  
 Brown (Barrie)  
 Cannan (Kelowna—Lake Country)  
 Carrie  
 Casson  
 Clement  
 Day  
 Devolin  
 Emerson  
 Fast  
 Fitzpatrick  
 Fletcher  
 Gallant  
 Goodyear  
 Grewal  
 Hanger  
 Harvey

*Private Members' Business**(Division No. 112)*

## YEAS

## Members

Alghabra  
 Angus  
 Atamanenko  
 Bagnell  
 Barbot  
 Beaumier  
 Bell (Vancouver Island North)  
 Bennett  
 Bevington  
 Black  
 Blais  
 Bonsant  
 Bouchard  
 Brison  
 Brunelle  
 Cannis  
 Carrier  
 Chow  
 Coderre  
 Cotler  
 Crowder  
 Cullen (Etobicoke North)  
 D'Amours  
 DeBellefeuille  
 Deschamps  
 Dhalla  
 Dryden  
 Easter  
 Faille  
 Freeman  
 Gagnon  
 Gauthier  
 Goodale  
 Gravel  
 Guay  
 Holland  
 Ignatieff  
 Julian  
 Karetak-Lindell  
 Kotto  
 Laframboise  
 Lavallée  
 LeBlanc  
 Lemay  
 Lévesque  
 MacAulay  
 Malo  
 Marston  
 Martin (LaSalle—Émard)  
 Masse  
 Matthews  
 McDonough  
 McGuire  
 McTeague  
 Ménard (Marc-Aurèle-Fortin)  
 Minna  
 Murphy (Charlottetown)  
 Nash  
 Ouellet  
 Pacetti  
 Patry  
 Perron  
 Picard  
 Priddy  
 Ratansi  
 Regan  
 Rota  
 Russell  
 Savoie  
 Scott  
 Silva  
 Simms  
 St-Hilaire  
 Steckle  
 Szabo  
 Temelkovski  
 Basques)  
 Thibault (West Nova)

André  
 Asselin  
 Bachand  
 Bains  
 Barnes  
 Bélanger  
 Bellavance  
 Bevilacqua  
 Bigras  
 Blaikie  
 Bonin  
 Boshcoff  
 Bourgeois  
 Brown (Oakville)  
 Byrne  
 Cardin  
 Charlton  
 Christopherson  
 Comartin  
 Crête  
 Cullen (Skeena—Bulkley Valley)  
 Cuzner  
 Davies  
 Demers  
 Dhaliwal  
 Dion  
 Duceppe  
 Eyking  
 Folco  
 Fry  
 Gaudet  
 Godfrey  
 Graham  
 Guarnieri  
 Guimond  
 Hubbard  
 Jennings  
 Kadis  
 Karygiannis  
 Laforest  
 Lalonde  
 Layton  
 Lee  
 Lessard  
 Lussier  
 Malhi  
 Marleau  
 Martin (Esquimalt—Juan de Fuca)  
 Martin (Sault Ste. Marie)  
 Mathyssen  
 McCallum  
 McGuinty  
 McKay (Scarborough—Guildwood)  
 Ménard (Hochelaga)  
 Merasty  
 Murphy (Moncton—Riverview—Dieppe)  
 Nadeau  
 Neville  
 Owen  
 Paquette  
 Pearson  
 Peterson  
 Plamondon  
 Proulx  
 Redman  
 Rodriguez  
 Roy  
 Savage  
 Scarpaleggia  
 Siksay  
 Simard  
 St-Cyr  
 St. Denis  
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 Brown (Leeds—Grenville)  
 Bruinooge  
 Cannon (Pontiac)  
 Casey  
 Chong  
 Day  
 Devolin  
 Emerson  
 Fast  
 Fitzpatrick  
 Fletcher  
 Gallant  
 Goodyear  
 Grewal  
 Hanger  
 Harvey  
 Hearn  
 Hill  
 Jaffer  
 Kamp (Pitt Meadows—Maple Ridge—Mission)  
 Kenney (Calgary Southeast)  
 Komarnicki  
 Lake  
 Lemieux  
 Lunney  
 MacKenzie  
 Mayes  
 Merrifield  
 Moore (Port Moody—Westwood—Port Coquitlam)  
 Moore (Fundy Royal)  
 Nicholson  
 O'Connor  
 Oda  
 Paradis  
 Poilievre  
 Preston  
 Reid  
 Ritz  
 Shipley  
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 Blaney  
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 Carrie  
 Casson  
 Davidson  
 Del Mastro  
 Dykstra  
 Epp  
 Finley  
 Flaherty  
 Galipeau  
 Goldring  
 Gourde  
 Guergis  
 Harris  
 Hawn  
 Hiebert  
 Hinton  
 Jean  
 Keddy (South Shore—St. Margaret's)  
 Khan  
 Kramp (Prince Edward—Hastings)  
 Lauzon  
 Lukiwski  
 MacKay (Central Nova)  
 Manning  
 Menzies  
 Miller  
 Norlock  
 Obhrai  
 Pallister  
 Petit  
 Prentice  
 Rajotte  
 Richardson  
 Schellenberger  
 Skelton  
 Solberg  
 Stanton  
 Strahl  
 Thompson (New Brunswick Southwest)  
 Tilson  
 Tweed  
 Van Loan  
 Verner  
 Warkentin  
 Williams

## PAIRED

Nil

**The Speaker:** I declare the motion carried.  
 (Motion agreed to, bill read the third time and passed)

\* \* \*

[English]

**BRAIN TUMOUR SURVEILLANCE**

The House resumed from February 12 consideration of the motion.



**The Speaker:** The House will now proceed to the taking of the deferred division on Motion No. 235 under private members' business in the name of the hon. member for Cumberland—Colchester—Musquodoboit Valley.

● (1820)

[*Translation*]

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

(*Division No. 113*)

**YEAS**

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Angus
Atamanenko	Bagnell
Bains	Baird
Barnes	Batters
Beaumier	Bélangier
Bell (Vancouver Island North)	Bennett
Benoit	Bernier
Bevilacqua	Bevington
Bezan	Black
Blaikie	Blaney
Bonin	Boshcoff
Boucher	Breitkreuz
Brisson	Brown (Oakville)
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Byrne
Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Carrie
Casey	Casson
Charlton	Chong
Chow	Christopherson
Coderre	Comartin
Cotler	Crowder
Cullen (Skeena—Bulkley Valley)	Cullen (Etobicoke North)
Cuzner	D'Amours
Davidson	Davies
Day	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Dryden	Dykstra
Easter	Emerson
Epp	Eyking
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Folco
Fry	Galipeau
Gallant	Godfrey
Goldring	Goodale
Goodyear	Gourde
Graham	Grewal
Guarnieri	Guergis
Hanger	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Hubbard
Ignatieff	Jaffer
Jean	Jennings
Julian	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Layton	LeBlanc
Lee	Lemieux
Lukiwski	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	Malhi
Manning	Marleau
Marston	Martin (Esquimalt—Juan de Fuca)

Martin (LaSalle—Émard)  
 Masse  
 Matthews  
 McCallum  
 McGuinty  
 McKay (Scarborough—Guildwood)  
 Menzies  
 Merrifield  
 Minna  
 Moore (Fundy Royal)  
 Murphy (Charlottetown)  
 Neville  
 Norlock  
 Obhrai  
 Owen  
 Pallister  
 Patry  
 Peterson  
 Poilievre  
 Preston  
 Proulx  
 Ratansi  
 Regan  
 Richardson  
 Rodriguez  
 Russell  
 Savoie  
 Schellenberger  
 Shipley  
 Silva  
 Simms  
 Smith  
 Sorenson  
 Stanton  
 Storseth  
 Stronach  
 Szabo  
 Temelkovski  
 Thompson (New Brunswick Southwest)  
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 Mathysen  
 Mayes  
 McDonough  
 McGuire  
 McTeague  
 Merasty  
 Miller  
 Moore (Port Moody—Westwood—Port Coquitlam)  
 Murphy (Moncton—Riverview—Dieppe)  
 Nash  
 Nicholson  
 O'Connor  
 Oda  
 Pacetti  
 Paradis  
 Pearson  
 Petit  
 Prentice  
 Priddy  
 Rajotte  
 Redman  
 Reid  
 Ritz  
 Rota  
 Savage  
 Scarpaleggia  
 Scott  
 Siksay  
 Simard  
 Skelton  
 Solberg  
 St. Denis  
 Steckle  
 Strahl  
 Sweet  
 Telegdi  
 Thibault (West Nova)  
 Thompson (Wild Rose)  
 Tonks  
 Turner  
 Valley  
 Van Loan  
 Verner  
 Warawa  
 Watson  
 Wilson  
 Yelich

**NAYS**

Members

André  
 Bachand  
 Bellavance  
 Blais  
 Bouchard  
 Brunelle  
 Carrier  
 DeBellefeuille  
 Deschamps  
 Faille  
 Gagnon  
 Gauthier  
 Guay  
 Kotto  
 Laframboise  
 Lavallée  
 Lessard  
 Lussier  
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**PAIRED**

Nil

*Private Members' Business*

**The Speaker:** I declare the motion carried.  
[English]

It being 6:23 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

\* \* \*

**NATIONAL STRATEGY FOR THE TREATMENT OF  
AUTISM ACT**

The House resumed from December 7, 2006, consideration of the motion that Bill C-304, An Act to provide for the development of a national strategy for the treatment of autism and to amend the Canada Health Act, be read the second time and referred to a committee.

**Mr. Rick Dykstra (St. Catharines, CPC):** Mr. Speaker, it has been a little while. I think I got about three minutes of my speech in prior to the break and it is good to get back into it.

The Canada Health Act discourages the application of extra billing or user charges through automatic dollar for dollar reductions or withholdings of federal cash contributions to a province or territory that permits such direct charges to patients.

Under the comprehensiveness criteria of the Canada Health Act, provincial and territorial health insurance plans must ensure coverage of all insured health care services. Insured health services under the act are defined as medically required or necessary physician services, hospital services, and surgical dental services when a hospital is required. In this way the Canada Health Act defines a minimum range of services to be insured on a national basis in our country.

Services provided by other health care providers outside a hospital are not considered to be insured health services under our act. That includes intensive behavioural therapy services for autism spectrum disorders since these services are generally provided outside of hospitals by non-physicians. These services are considered to be additional benefits and may be insured at the discretion of the province or territory, but that is their decision. They are not subject to the act's provisions. However, there is nothing in the Canada Health Act that stops provinces and territories from providing these services on an insured basis if they so wish to.

The bill presented by my hon. colleague, if adopted, would affect the definition of insured services under the act. In short, that means if Bill C-304 were to be passed by this House, provinces and territories would be required to provide applied intervention therapy services on an insured basis to all their residents, in addition to hospital and physician services.

The purpose of the Canada Health Act is to ensure that Canadians have access to medically necessary hospital and physician services without financial or any other impediments.

Hospital services that are considered to be medically necessary are outlined in the act and include, among others, such services as nursing services, the use of operating rooms, and drugs administered in hospitals. Medically necessary physician services are agreed upon through consultations by members of the medical profession and

provincial and territorial governments. They are then determined by physicians at the point of service.

Referring to specific services in the Canada Health Act would be incompatible with its overall structure and intent.

The Canada Health Act references "insured services" and "medical necessity" but does not define specific services for specific illnesses or conditions. This is critical to the act and it needs to be clearly understood within the context of this private member's bill.

In provinces and territories there are mechanisms in place to examine the insured status of health services. Provincial and territorial ministries of health consult with members of the medical profession to determine which services are medically necessary and should be covered by their plans. Such consultations have proven to be an extremely effective method of insuring that Canadians receive appropriate medical care.

The second concern that this bill presents is with regard to the respective roles and responsibilities of the federal and provincial and territorial governments.

As we know, under the Canadian Constitution, the responsibility for matters related to the administration and delivery of health care services falls primarily under the jurisdiction of provincial and territorial governments. It is part of our Constitution and one that we must ultimately respect.

While we may not always agree, it is the responsibility of the provincial and territorial governments to set their priorities, administer their provincial health and social services budgets and manage their resources in the manner that best suits provincial and territorial needs while still upholding the principles that are in the Canada Health Act.

● (1825)

The federal government, for its part, by law, is responsible for the promotion and preservation of the health of all Canadians. It is appropriate, when describing federal responsibilities in health care, to note that the federal government cannot interfere in provincial-territorial responsibilities as defined under the terms of our Constitution, neither can we be seen as infringing upon those responsibilities.

Unfortunately, Bill C-304 attempts to require provinces and territories to provide behavioural treatment services for autism and to do so on an insured basis. As it is the provinces and territories that are responsible for matters dealing with the delivery of health services, the bill would be perceived as an unacceptable intrusion on provincial and territorial responsibilities across the country.

Amending the Canada Health Act would be viewed by the provinces as a unilateral imposition by the federal government and could potentially upset the longstanding federal, provincial and territorial relationship that we now have and that has been encouraged to develop and has developed the health care system that we as Canadians are truly proud of.

Clearly, the Canada Health Act is not the proper place to regulate matters such as behavioural therapy services which fall under provincial jurisdiction.

*Private Members' Business*

Finally, even if such an amendment were made to the Canada Health Act, it is not certain that it would actually achieve its objective. While the act places conditions on payments to the provinces and territories and can reduce or withhold transfers if these are not met, it cannot dictate to a province or territory how to run its health care plan, much less still how to run the institutions.

There is no question that individuals affected by autism spectrum disorders and their families may experience tremendous worry and significant financial and social implications. We are not here to debate that. That is why the government recently announced the package of new initiatives on autism spectrum disorders.

These initiatives are consistent with the federal roles and responsibilities in the health sector and there is no intrusion in provincial jurisdiction. The focus is on research, surveillance and information dissemination.

• (1830)

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, the bill introduced by the member for Charlottetown has been troubling many of us who know people with autism and who have talked to the families of children and adults with autism. The member's bill contains a number of factors that need to be considered.

We do know that for many parents of children, teenagers or adults with autism, it is an autism spectrum disorder. This is not something where when someone brings a baby home from the hospital, a physician can say that the child has autism. The diagnosis may be early or it may be at the age of three, at the age of five or it may only be when the child starts school. However, that is fairly unusual when we look at the kinds of disabilities that we see with children, teenagers and into adulthood.

What we do know is that we are seeing increasing numbers of children with autism and the federal government does have a role to play in consultation with parents.

I have talked to parents about the incredible frustration of finding supports for their child and then, once having found them, not being able to afford them or literally bankrupting families. When I say bankrupting, I mean they are selling their homes and their possessions to finance the treatments which, a good percentage of the time when initiated and administered early enough, are successful.

The other devastating thing for families is that the services are so displaced that families move from places they have lived all their lives, or their families before them, into perhaps an urban area because it is the only place they can find somebody who is trained in either Lovaas or intense behavioural intervention.

The lives of most families are emotionally, physically and financially disrupted and often bankrupted by these circumstances. The other thing we need to look at when we look at the supports for people with autism is that this is lifelong. Even when we can initiate support early, the individual will perhaps always require some kind of lifelong support. Those supports are not only for children aged 3, 5 and 12, they are also for teenagers. What happens after they leave high school? How do we support an adult who is at some stage in that autism spectrum disorder, perhaps at a stage where they need a significant amount of support in their adult lives?

I certainly do not disagree with what the previous member said about creating national standards for autism treatment, about the need for more research, actually an oversight mechanism to monitor what is becoming a crisis in many parts of our country, and that we need to provide increased funding for autism research, part of which has been spoken to by the federal government.

However, there is no question that families need financial support. They cannot afford all the things their children are going to need. However, I would question whether opening the Canada Health Act is the best way to do it. However, they should be covered medically for their expenses. They cannot afford it. We would not expect somebody whose child has spina bifida or some other kind of neurological disorder to cover the treatment expenses, nor should we be expecting these parents to cover the treatment expenses and ongoing expenses that their child, teenager and adult might incur.

• (1835)

I will be interested to hear the member speak more about how he believes opening up the Canada Health Act would actually make a difference and whether he has looked at other ways that individual provinces could provide that kind of service.

I want to see a national standard of treatment so that people do not need to move from Prince Edward Island to Alberta or from British Columbia to Alberta, which many people have done in order to receive support for their child with autism. In point of fact, some people who have worked with us in a previous government had to do exactly that with their young son. They moved from British Columbia to Alberta in order to receive the kind of treatment that their child needed.

We cannot have that because it is a piecemeal approach. We do not have a piecemeal approach with other neurological disorders. We do not have a piecemeal approach if one's child, as I say, is born with spina bifida or some other kind of neurological damage or trauma. We do not tell them that this kind of surgery is only available in New Brunswick and not in Manitoba. We tell them that there is a reasonable standard across the country for the kind of support that they need.

Our goal is to have a national standard of treatment that is available to all parents of children, teens and adults with autism. I will be most interested to hear the mover of the motion speak more about all of the options he looked at in terms of funding and the availability of funding as he looked at opening up the Canada Health Act.

However, we absolutely support covering the expenses of those parents. They should not bankrupt themselves in order to provide for their child.

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, I thank the House for the opportunity to participate in the debate on Bill C-304.

The title of the bill is a national strategy for the treatment of autism act. However, what the title does not make clear is the fact that the bill is calling for an amendment to the Canada Health Act.

*Private Members' Business*

I will take this opportunity to address why the concerns raised by the hon. member should not be addressed under the Canada Health Act. Although the care for individuals with autism and their families is of great concern to the government, the Canada Health Act is, in my opinion, the wrong instrument to achieve this objective.

The Canada Health Act sets out the broad principles under which provincial plans are expected to operate. The act establishes certain criteria that provincial plans must meet in order to qualify for their full share of federal health transfer payments. Federal transfer payments may be reduced or withheld if a province does not meet the criteria and conditions of the act.

These criteria are the cornerstones of Canada's health care system. They are as follows: reasonable access to medically required hospital and physician services, unimpeded by charges at the point of service or other barriers; comprehensive coverage for medically required services; universality of insured coverage for all provincial residents on equal terms and conditions; portability of benefits within Canada and abroad; and public administration of the health insurance plan on a non-profit basis.

In addition to the above criteria, the conditions of the act require that the provinces provide information as required by the federal minister and give appropriate recognition to federal contributions toward health care services in order to qualify for federal cash contributions.

The act also discourages the application of extra billing, or user charges, through automatic dollar for dollar reductions or withholding of federal cash contributions to a province or territory that permits such direct charges to patients. In fact, the fear that user charges and extra billing would erode accessibility to needed medical care was a major impetus in the development of the act.

The Canada Health Act was enacted to protect the fundamental principles of our publicly financed, comprehensive, portable and universally accessible health insurance system. I think everyone would agree that these are laudable objectives.

Our system of national health insurance, or Medicare as it is popularly known, is close to the hearts of Canadians and something too precious to tamper with. Canadians support the five principles of the Canada Health Act and feel that Medicare is a defining feature of Canada. Time and time again, polls demonstrate high support for Medicare.

If adopted, the amendments presented by my hon. colleague in this bill would affect the definition of insured services under the act. This means that if Bill C-304 is passed by the House, the provinces and territories will be required to provide, on an insured basis to all of their residents, behavioural therapy treatment for individuals with autism spectrum disorder. This is not the purpose of the Canada Health Act. I want to emphasize that the Canada Health Act was not meant to address issues such as behavioural treatment for autism spectrum disorder.

Introduced in 1984, the Canada Health Act brings together previous legislation, the Hospital Insurance and Diagnostic Services Act, 1957 and the Medical Care Act, 1966, to ensure that all Canadians have prepaid access to medically necessary hospital and physician services without financial or other barriers. The Canada

Health Act references insured services and medical necessity, but does not define specific services for specific illnesses or conditions.

Insured health services under the Canada Health Act are defined as medically required/necessary physician services, hospital services and surgical dental services when a hospital is required. Hospital services considered to be medically necessary are outlined in the act and include, among others, such services as nursing, the use of operating rooms and drugs administered in hospitals.

● (1840)

Services provided by other health care practitioners outside a hospital are not considered to be insured health services under the act. This includes intensive behavioural therapy services for autism spectrum disorder since these services are generally provided outside hospitals by non-physicians. These services are considered to be additional benefits and may be insured at the discretion of the province or territory. They are not subject to the act's provisions.

The decision to provide services to individuals with autism spectrum disorder as part of a package of insured health services should be left to the provinces and territories. Each jurisdiction has mechanisms in place to examine the insured status of health services.

Provincial and territorial ministers of health consult with the members of the medical profession to determine which services are medically necessary and should be covered by their plans. They are then determined by physicians at the point of service.

Such consultations have proven to be an effective method of ensuring that Canadians receive appropriate medical care. Clearly, the Canada Health Act is not the proper place to regulate matters such as behavioural therapy services, which properly fall under the provincial jurisdiction and are better handled at that level.

We also have to recognize that even if the Canada Health Act were the appropriate place for such a provision, it probably would not achieve its objective. The act places conditions on payments to the provinces and territories and can reduce or withhold transfers if these are not met. It cannot dictate to a province or territory how to run its health care plan.

The federal government recognizes that the provinces and territories have the primary responsibility for the organization and delivery of health care services and that they require sufficient flexibility to operate and administer their health care insurance plans in accordance with their specific needs and situations.

To date, this approach has served us well and there does not seem to be any reason to change it at this time. This is why the flexibility inherent in the Canada Health Act has always been one of its strengths. Since the enactment of the act in 1984, the federal government has always attempted to work with the provinces to make the act a viable piece of legislation. It could be dangerous to tamper with the provisions of the act when they have received such wholehearted support.

This does not mean the federal government has no interest in the issue of autism spectrum disorder. Quite the contrary. As demonstrated by the announcement on November 21 of the five new initiatives aimed at laying the foundation for a national strategy on autism spectrum disorder, Canada's new government is clearly committed to helping individuals with autism and their families. However, while autism spectrum disorder and treatments for the disorder are serious concerns, the Canada Health Act is not the appropriate vehicle to address these issues.

The proposal put forward by my hon. colleague is commendable, however, I cannot support the bill. The proposed amendment is inconsistent with the purpose and intent of the Canada Health Act.

• (1845)

[*Translation*]

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I am pleased to say a few words on Bill C-304, An Act to provide for the development of a national strategy for the treatment of autism and to amend the Canada Health Act.

First, I would like to congratulate the hon. member for Charlottetown for the work done in this House on this bill.

[*English*]

Bill C-304 is a very important bill, as we can see from the debate on it, although a private member's bill may well work toward defining and differentiating different parties views of who will be left behind and who will not.

I am very pleased to rise and offer my support to Bill C-304, as it provides a national strategy, in law, for the treatment of autism.

The bill incorporates three main provision.

First, we are asking the Minister of Health to convene a conference involving the ten provincial and territorial health ministers to discuss the important issue and begin crafting a national strategy for the treatment of autism.

Second, we are asking the Minister of Health to table a formal strategy for the treatment of autism before the end of 2007.

Third, the bill asks that the Canada Health Act be amended to include applied behaviour analysis, ABA, and intensive behavioural intervention, IBI, as medically necessary for required services.

These measures are considered provisions designed to address a very real health problem in our country, one that affects thousands of Canadian families, no less detrimental than the diagnosis of terminal cancer or any other maladies that affect Canadians in general.

Let me tell members about a real life situation in my province of New Brunswick. I know a couple who have three children. They are seven, five and three years old. The first two of these children were diagnosed with autism. One of the children did not speak until he was three and a half years old. He had been very aggressive and he had many odd self-stimulatory behaviours. The parents did not know how to cope with the problem. He was described by a pediatric neurologist as severely autistic. The second child appeared to be less severely autistic, but she did not learn to speak until she was three years old, did not interact with her peers and seemed withdrawn from the outside world.

### *Private Members' Business*

When the diagnosis was made some time ago, the discussion centred around appropriate treatment. Unfortunately, ABA was just in its infancy with respect to recommended treatment in the province of New Brunswick. There was no funding available and no professional help available.

These two very fine people, Charlotte and Luigi Rocca, read books. She retired from her law practice and devoted herself to her two autistic children. Through ABA and the expenditure of hundreds of thousands of dollars over the years, the results are astounding. These two children, to use one example of their achievements, at the grade two level lead the class now in their reading skills in English. They are involved in soccer and tae kwon do, not exactly sports that require retreat from the madding crowd around us. They are two very well developed, normal children. However, this did not happen with the help of the New Brunswick medical care system or the Canadian national Health Act.

ASD is a complex of potentially devastating problem for parents such as the Roccas. It affects people's ability to communicate, form relationships and interact with their environment. Within the spectrum there are specific diagnoses: pervasive development disorders, Rett syndrome, Asperger syndrome and child development disorder.

Symptoms can vary widely. Some who suffer from ASD are capable of leading normal, healthy, happy, productive lives. Many more, however, require extensive treatment to mitigate or compensate for unresponsive, uncommunicative and sometimes violent and self-destructive behaviour.

After a diagnosis, if children receive treatment early enough, typically before the age of six, and intensively enough, typically 30 to 40 hours per week, studies have shown that up to 50% can recover to the point of being indistinguishable from their peers. Even those who do not recover completely can show great improvement.

The debate is over. ABA and IBI treatments work. Both are designed to teach autism sufferers how to function in the world. When they are employed, the results can be dramatic and encouraging.

Until recently our understanding of both the incidence and special costs of autism was fairly primitive. However, the most recent, reliable information suggests that as many as one in 167 Canadian children suffer from some form of ASD.

*Private Members' Business*

•(1850)

We also know there is no cure and that there are financial burdens borne by families mostly in this country. The treatments can be as high as \$60,000 a year. It is an extraordinary load to ask average Canadian parents who are victimized by this disorder to carry for even a short period of time, but the evidence is clear that the money spent on the treatment is effective and we can do something about it by making it a national health question. What can parliamentarians do to help lighten the load? They can do as the hon. member for Charlottetown has done in proposing this bill.

The courts have already rejected the argument that governments share a responsibility to treat autism and there are other constitutional issues to consider. How far should the federal government go on a health issue that properly falls within provincial jurisdiction? This has been referred to by my colleagues. However, the member for Charlottetown and I believe that the House has a moral responsibility to do everything it can. Make no mistake, we can do a lot. The Canada Health Act comes from Parliament.

Currently, medicare does not provide for the treatment of autism. Without sufficient public health care coverage, families will continue to mortgage their homes, extend their lines of credit or even bankrupt themselves as they desperately search for ways to pay for the cost of treatment. Many who run out of options will simply have no choice but to select treatment on the basis of affordability rather than clinical need.

How is that different than an American system of medical care delivery? How is it different to say that if parents have money they can get ABA or IBI, the treatment necessary to make their children performing members and integrated into society. The treatment works. It is very expensive and it should be afforded under any national health care scheme.

The act is not asking that much. It is asking, first, that the Minister of Health convene his counterparts, the ministers of health throughout the provinces and territories. In my province of New Brunswick the minister of health is very open to this suggestion.

The second suggests that the Minister of Health, who may be well on the road to doing this, posits and strategizes a national strategy to combat autism. While this may have been done outside the confines of this place, we think the bill before us, presented by the hon. member for Charlottetown, is the appropriate way to ensure that it is done in a proper manner.

It is not fair, equal or just. Protecting all of the citizens of Canada from crippling illnesses that financially burden families unfairly and end up in treatment of maladies different throughout the provinces and different according to one's means could not have been the vision of Tommy Douglas. This could not have been the vision of those who have modified the health acts across this country over the last 40 years.

Beyond this, there is a big difference in the availability of treatment across Canadian provinces, as we have just indicated. In Alberta, for example, children have full access. In Ontario, kids have access up to a certain age. In other provinces, such as in my province of New Brunswick, it is simply not available except perhaps through means tested social services or welfare programs.

Again I ask you, Mr. Speaker, and all members of the House: Is that fair, particularly when we have the Canada Health Act to help us develop new policies and programs that will benefit our most vulnerable citizens? Clearly, we must acknowledge that provincial health care plans are just that, provincial. We must respect the division of powers between federal and provincial levels of government, but that does not mean that we should abrogate our responsibility as parliamentarians within the constitutional framework.

Again, Bill C-304 is a noble effort to deliver a national health care strategy for the treatment of autism and to treat all Canadians afflicted by this in a fair and equal manner.

•(1855)

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, as the previous speakers have indicated, this is an extremely important issue, and I would suggest it is a raging issue right across the country. The prevalence of autism is extremely high and seems to be rising. The cause remains unknown, but we all know that early diagnosis and intervention is so important.

Let us make it absolutely clear to everyone in this room and everyone watching these proceedings that this is a health issue. That train has left the station; no one in this House is prepared to debate that issue.

However, autism is not treated as a health issue. Many provinces treat autism in the social services envelope. It is subject to a means test; people are told they will get money if they do not have any money. It is not treated in the same way as other health issues, such as cancer and heart problems. It is totally inconsistent from one province to another province. In some provinces it is a small amount of money from the social services envelope. Other provinces have more progressive plans that provide ABA and IBI treatment. While they are not totally accepted, they are the generally accepted treatment modalities for this particular problem.

We are talking of what I classify as orphans in the health system. It cries out for a response from the federal government, but also from the provincial governments. I suggest the provincial governments would certainly be willing to talk to the federal government and come forward with a combined response.

Let me be absolutely clear that this will happen. Whether it happens with Bill C-304 or a future bill, it is going to happen.

If parliamentarians in the House of Commons are not prepared to deal with it, there is another body that will deal with it and that is the courts. Someone is going to bring it to court and the judge is going to ask, "Is it a health issue?" Yes. "Is this the accepted modality of treating the health issue?" Yes. Then that judge is going to say, "I am not prepared to discriminate between someone with this particular problem and someone with cancer", and the judge will order the provinces to pay for it.

I would ask the members of this assembly to be bold and courageous and do the right thing. I urge them to pass this legislation before we are dragged into the courts kicking and screaming.

There will be people who will stand up, and some have already, and give all kinds of excuses. One member said earlier that it is a provincial issue. I find that somewhat hypocritical. It is a provincial issue, but the federal government has a responsibility.

Only about 40 minutes ago we passed a private member's motion. The government members all stood up and voted for it. I will read the motion:

That, in the opinion of the House, the Minister of Health should continue to work collaboratively with Statistics Canada, the provincial and territorial cancer registries, and key stakeholders towards the ultimate goal of creating uniform national standards and guidelines for the surveillance of all malignant and benign brain tumours, including data collection, analysis and reporting.

That is a cancer issue. I would suggest that is a provincial issue if we accept the arguments of the members across. That is only an excuse.

I would suggest that the people of Canada are watching us on this particular issue. Just last week George Bush, who represents a country that does not have a public health system, passed a bill and voted a billion dollars on this particular issue. I would hope that we would not fall behind George Bush when dealing with this particular issue.

On this very important issue I urge everyone to do the right thing and support Bill C-304.

• (1900)

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

**The Deputy Speaker:** Pursuant to Standing Order 93, the division stands deferred until Wednesday, February 21, 2007 immediately before the time provided for private members' business.

---

## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

## Adjournment Proceedings

[English]

### CANADIAN WHEAT BOARD

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, the question for the debate this evening relates to a question that I asked on February 2. At that time, it was related to the issue of Standard & Poor's rating agency, identifying not once, not twice, but 11 times the federal government as directly responsible for the reduced credit rating of the Wheat Board.

As I stated at that time, the Prime Minister and his ministers stand accused of wilfully harming the economic viability of the board, not its directors, as the parliamentary secretary alleges, not farmers, but the government. It likes to call itself the new government.

However, instead of answering and admitting to the truthfulness of the Standard & Poor's report, the answers the parliamentary secretary provided the House on February 2 to this critically important question were at best misleading.

That is not unusual for this parliamentary secretary because even though he has responsibility for the care of the Canadian Wheat Board, he has done everything to undermine it, to misrepresent it, and further erode its authority in terms of operating in the interests of primary producers through single desk selling.

The question was whether the minister denied what the internationally respected credit rating agency, Standard & Poor's, stated in its report of January 30:

Standard & Poor's expects that government support of the CWB will continue to deteriorate as long as the current government lasts.

Standard & Poor's did not identify the Conservative government once, as I mentioned a moment ago. It identified it, in a two page statement, 11 times. Standard & Poor's also stated:

—given the desire of the government to reform the wheat market and the current strained relations between the government and CWB's board, the level of support from the federal government for CWB and its current public policy role will not recover to a level that is consistent with a 'AAA' rating in the near term and could deteriorate further.

The parliamentary secretary, instead of responding to the accusation of his government's complete and total responsibility for undermining the credit rating of the CWB, stated that one of the reasons for the credit rating's reduction was the presence of "radicals on the board". That kind of McCarthyist smear tactic only serves to further diminish those making the charge than to anyone connected with the Wheat Board.

I would simply ask the parliamentary secretary to indicate where Standard & Poor's made the allegation about radicals. The radicals that he seems to imply are the farmers who were duly elected to that board, 80% of whom were pro-single desk selling. The parliamentary secretary has the gall to call them radicals. I think the parliamentary secretary should apologize to them and to this House for his drive-by smear.

On a second point, the parliamentary secretary continued in his effort to avoid responding to the question relating to Standard & Poor's condemnation of the government's actions by alleging a story out of Algeria concerning the Wheat Board underselling in order to gain access to the Algerian market. That was—

*Adjournment Proceedings*

•(1905)

**The Deputy Speaker:** Order. The hon. Parliamentary Secretary to the Minister responsible for the Canadian Wheat Board.

**Mr. David Anderson (Parliamentary Secretary to the Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, it is unfortunate that the member's obsession with this issue is beginning to damage his own credibility. It is unfortunate to hear him having to resort to personal attacks. I guess we are used to it now, but it is kind of a sorry spectacle to see.

Actually he just started talking about the Algeria issue, and I would like to talk about that a bit because it is an important thing. I am glad he brought it up because I want to move into that. What he is referring to is the fact that the main grain buyer for the Algerian grain buying agency talked about the special deal that it gets from Canada.

I am going to quote from the original article tonight in order to point out that what I said in answer to his question should be of great concern to western Canadian farmers. Mr. Mohamed Kacem, the main grain buyer for the Algerian government, stated in this article that Algeria gains in a lot of ways from this longstanding trust-based relationship. It is the Government of Canada that provides Algeria with "guarantees...since it carries out" the product controls, he said, highlighting the fact that the selling price to Algeria is "carefully studied" because it is a "preferential" price for Algeria.

I am sure western Canadian farmers would like to know what that really means. The article explains that this special price saves Algeria "tens of dollars" on every tonne purchased. As far as controls are concerned, Algeria saves "over one dollar per tonne processed" as well.

We are told that on average Canada sells Algeria about 400,000 to 500,000 tonnes of wheat per year. That is around 18 million bushels. If the article is accurate in what it is saying about "tens of dollars per tonne", and if it is at around three and half, tens of dollars per tonne would work out to about a dollar per bushel. If it is 18 million bushels, we are looking at \$18 million that western Canadian farmers have lost, just on these sales to Algeria.

I think there needs to be some investigation of this issue because clearly, as he says, Algeria is getting a special deal from Canada, and western Canadian farmers do not know what that special deal is.

It is interesting as well that western Canadian farmers are clearly indicating to us that they want choice. This Algerian example is one reason why they would be demonstrating that they want choice.

There are also a couple of other illustrations that we could use to demonstrate why this issue is important to western Canadian farmers. Right now malt barley is actually at a discount to feed barley in western Canada. Feed barley, of course, goes into the livestock industry, but farmers grow malt barley because it is a premium product. Farmers virtually always get a premium to feed barley, but unfortunately malt barley is sold by the board while feed barley can be sold by the board or on the open market. Feed barley right now is actually at a premium to malt barley.

Malt barley is being sold by the board right now. The final estimated price for the producers means that they are going to get

about a dollar a bushel less than producers in the United States are getting for the same grain. People wonder why western Canadian producers want choice. That is one of the reasons. They can look at the price now. One of the grain companies is posting a daily international price. The Winnipeg Commodity Exchange is posting a daily international price. Farmers can go to those websites and take a look at what they could be getting if they were able to sell their own grain.

Right now the indication is that they would be able to get a dollar a bushel more for their barley than what the Wheat Board is estimating that it will be able to pay for the rest of this year.

**Mr. Kevin Sorenson:** That's \$100 an acre.

**Mr. David Anderson:** As my colleague points out, that is \$100 an acre for many farmers.

It is necessary that we have choice, and western Canadian farmers are expressing their opinion that they want it. The obsession by the member opposite—

•(1910)

**The Deputy Speaker:** Order. The hon. member for Malpeque.

**Hon. Wayne Easter:** Mr. Speaker, the parliamentary secretary's response goes to the heart of his efforts to mislead and confuse.

Why would the parliamentary secretary quote from the article? He talked about the original document when in fact his own minister's appointed CEO has corrected that information. Mr. Arason, CEO of the Wheat Board, in a letter dated January 29, which the parliamentary secretary must know about, said this:

Mr. Kacem has advised us that some of his comments in the original article in the French daily were not properly interpreted by the journalist. Mr. Kacem feels the relationship between the CWB and OAIC is a commercial one first and foremost and that prices are based on international market values at the time of business.

A review of the original press article in French clearly shows that at no point does Mr. Kacem say that they enjoy 'very low prices'. The main message in the Algerian newspaper article centered on the positive commercial relationship the CWB and OAIC have enjoyed since the early seventies.

If the parliamentary secretary was unaware of that letter from the Wheat Board, for which he is directly responsible, he was derelict in his duties.

**Mr. David Anderson:** Mr. Speaker, looking to the future, we need to acknowledge that there are many aspects of how the Canadian Wheat Board is going to be able to operate in a marketing choice environment, and those things need to be discussed. While the minister has asked the Canadian Wheat Board to develop a business plan for operating in a marketing choice environment in the future, the Canadian Wheat Board has not yet provided such a business plan to him.

The task force report that was done on the implementation of marketing choice for wheat and barley provided one model of how a reformed Canadian Wheat Board might operate. I would suggest that members dig out that report and take a look at it, because it is a very good report. It lays out very clearly one of the possible options or ways in which the Canadian Wheat Board could operate in a voluntary system.



*Adjournment Proceedings*

There is a variety of ways to move forward. There will no doubt be further discussion of this issue once the results of the barley plebiscite are available.

**The Deputy Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands

adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 7:14 p.m.)

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