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OFFICIAL REPORT
(HANSARD)

Wednesday, May 31, 2017

—

Speaker: The Honourable Geoff Regan

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HOUSE OF COMMONS

Wednesday, May 31, 2017

The House met at 2 p.m.

Prayer

• (1400)

[*English*]

The Speaker: It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Victoria.

[*Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*Translation*]

TAXATION

Mr. Gabriel Ste-Marie (Joliette, BQ): Mr. Speaker, this morning the *Journal de Montréal* reported that the government signed a tax information exchange agreement with Cook Islands, a tax haven in the Pacific. We all want to prevent fraud, so exchanging information seems innocent enough, but this is a scam.

There is more to this information exchange agreement than meets the eye. It gives businesses carte blanche to use the Cook Islands so they do not have to pay taxes here. Basically, the “Crook” Islands is now the 24th member of a select group of tax havens with a free pass from the government.

The government goes on and on about how it is combatting tax fraud. How? By using agreements to legalize fraud? The government is stealthily giving fat cats a free pass with these tax treaties masquerading as information exchange agreements. Then the rest of us have to pay twice as much because the bankers made off with the cash.

Enough sneaking around. It is time this government was exposed as the handmaid of Bay Street multimillionaires.

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[*English*]

WINNIPEG PRIDE

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I congratulate Ryan Richard and the other organizers for the very first Canadian two-spirit powwow, celebrated in Winnipeg last

Friday. It is incredible to see how indigenous peoples are returning to traditions and teachings that demonstrate the strength of our heritage.

The organizers and the hundreds who participated showed honesty, humility, courage, respect, love, effort, and knowledge. I am a proud supporter of Winnipeg Pride.

I was asked by the women and families at the powwow to talk about the murdered and missing indigenous women and girls inquiry and to mention that we must be inclusive of all peoples, including two-spirit people, for they are a part of us.

The two-spirit people were traditionally seen to be a connection between men and women and had a greater connection to the spirit world. They were and are a mirror into our souls.

Tapwe akwa khitwam hi hi.

* * *

• (1405)

TOURISM WEEK

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Mr. Speaker, this week is Tourism Week. Canada's tourism industry is an important economic driver. It helps create jobs and grow the economy.

This week is a chance to celebrate Canada's natural beauty, events, and vibrant cultures. From coast to coast to coast, Canada has so much to showcase. Today I would like to highlight Edmonton.

For one thing, Edmonton is truly a festival city. In fact, we have so many festivals, they are hard to keep track of. There are dozens of them. There is the Fringe Festival, the Folk Festival, the Street Performers Festival, the Heritage Festival, and let us not forget the granddaddy of Edmonton festivals, K-Days. It is centred in my north-side riding of Edmonton Griesbach.

I would like to invite everyone to Edmonton this summer for our festivals, our attractions, and our warm hospitality. Come for the fun and leave with great memories.

* * *

[*Translation*]

ITALIAN HERITAGE MONTH

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Mr. Speaker, June 1 marks the beginning of Italian Heritage Month. On this special occasion, I want to recognize the Italian-Canadian community in Alfred-Pellan and across the country.

Statements by Members

[English]

Our parents came to this land with nothing but their strong will and rich values, and they managed to build a respectable place for the community. They understood that the power of a community was much greater than that of an individual.

It is our duty to preserve their efforts and come together to rejuvenate the associations they put in place, to look back at the path of hope and prosperity they traced, and to make it flourish with a spirit of togetherness, honour to the roots, and respect to this land of opportunities.

That is the duty we must live up to in order to preserve the extraordinary heritage of our roots.

[Member spoke Italian]

* * *

[Translation]

NICOLE LEBLANC

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, a great dame of Quebec television passed away last week. Rose-Anna Saint-Cyr is no more.

Actress Nicole Leblanc left an indelible mark on the history of Quebec television.

In the lead role in *Le Temps d'une paix*, which boasted ratings of over 3 million viewers, she played a strong woman who took control of her family's destiny at a time when women's roles were still generally passive or submissive.

In the theatre, in 1968, Nicole Leblanc had the distinct honour of acting in the original production of Michel Tremblay's *Les Belles-soeurs*, a revolutionary play that marked a turning point in Quebec modern theatre.

In the late 1990s she began working in Trois-Pistoles, first acting in Abla Farhoud's *Maudite machine*, and later becoming the director of the Caveau-Théâtre, the theatre founded by Victor-Lévy Beaulieu in 1992.

For the past several years, she had been living in Sainte-Françoise, having made her home in the Basques area during her well-deserved retirement.

I want to express my deepest condolences to her family and loved ones. The entire province of Quebec is grateful to her family for sharing this exceptional woman with us.

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[English]

TOURISM WEEK

Ms. Pam Goldsmith-Jones (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Mr. Speaker, it is Tourism Week and Canada 150 is right around the corner. Super, Natural British Columbia is the best place to start our celebrations.

Cypress Provincial Park in West Vancouver is home of the first downhill skiing in Vancouver and was host to the Vancouver 2010 Winter Olympic and Paralympic Games. Visit the historic Hollyburn

Lodge and explore the trails that wind all over the slopes that hover above the city of Vancouver.

Head north for half an hour on the famous Sea to Sky Highway to Squamish, the outdoor recreation capital of the world, and the Stawamus Chief, the second-largest granite monolith in the world. The rock climbing is second to none. This place of great spiritual significance for the Squamish Nation is truly humbling.

Howe Sound lies at the foot of these mountains, a spectacular marine environment for sports, tourism, and abundant and resurgent biodiversity.

These wild spaces are for us to respect, protect, and share. Please experience Canada's west coast wilderness.

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LYME DISEASE

Mr. Len Webber (Calgary Confederation, CPC): Mr. Speaker, we have waited for over a year for the federal government's framework on Lyme disease. Thousands of sick Canadians are awaiting the necessary funding for testing and treatment, waiting for the medical system to be able to diagnose and treat their illness, wondering if they are passing Lyme disease on to their partners, millions wondering if they can safely give and receive blood in Canada.

The framework and its many lines of platitudes provide no clear targets for measurable success. There are no new ideas, no deadlines for achieving anything. The \$4 million in funding is wholly inadequate to make any real difference, given the size of this problem. It fails to even mention major concerns, like human-to-human transmission and blood supply risks.

In short, the government has wasted a full year and spent untold sums of money to produce a report that is embarrassingly scant, unfocused, and, frankly, disappointing.

Canadians expect much better.

* * *

● (1410)

ITALIAN NATIONAL DAY

Mrs. Deborah Schulte (King—Vaughan, Lib.): Mr. Speaker, I rise today to commemorate Italian National Day, *Festa della Repubblica*.

After the Second World War and the fall of fascism, on June 2, 1946, Italians held a referendum to determine their desired form of government, either a republic or a monarchy.

The Italian people voted for a republic and ever since Italians around the world have celebrated Republic Day.

[Translation]

This year Italian Canadians have another reason to celebrate.

[English]

I am proud to say that my motion, Motion No. 64, declaring June as national Italian Heritage Month, recently passed unanimously in the House. This motion acknowledges the government's recognition of the contributions that Italian Canadians have made to our society.

Please join with me on June 2 in wishing all those of Italian descent *Buona Festa della Repubblica*.

* * *

TOURISM WEEK

Mr. Marc Serré (Nickel Belt, Lib.): Mr. Speaker, tourism is critical for job creation and is an important economic driver for Canada. To recognize Tourism Week, I want to invite all Canadians to come to greater Sudbury and Nickel Belt to experience all the wonders.

Northern Ontario's best attraction is the great outdoors. I am proud to say it has been recognized by the United Nations for its massive re-greening efforts, following decades of natural resource activity.

Since 1978, over 18 million trees have been planted throughout the region, restoring the land to its original beauty.

[Translation]

As the head of tourism marketing for the beautiful riding of Nickel Belt, and not Nickelback, I invite Canadians to join me in celebrating Tourism Week. We can enjoy great fishing and hunting, and together we can explore the trails, camping, and camp fires in the beautiful region that I call home.

* * *

[English]

ALS AWARENESS MONTH

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, each year Canadians recognize June as ALS Awareness Month. Amyotrophic lateral sclerosis is a rapidly progressive fatal motor neuron disease that leaves those affected in a state of progressive paralysis, but with full possession of their mental faculties.

In 2005, my father succumbed to ALS after a four-year fight, so it has affected me personally. Of course all members witnessed the courage of our late colleague Mauril Bélanger during his battle with this terrible disease.

Each year at this time, friends, family, and supporters dedicate their time and energy to raise awareness for treatment and a cure. In dozens of communities across the country, Walk for ALS is taking place to help raise funds for critical research and support.

I encourage every member to wear a cornflower to demonstrate our support in the fight against ALS so together we can support victims and families and promote research to find a cure.

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MIRAMICHI FOLKSONG FESTIVAL

Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.): Mr. Speaker, this summer marks the 60th anniversary of the Miramichi Folksong Festival, the longest-running festival in Canada. This event

Statements by Members

features authentic, traditional, and contemporary music for the whole family to enjoy.

[Translation]

This legendary festival was founded by Dr. Louise Manny to give folk singers and storytellers an opportunity to share their stories about everyday life.

[English]

This year that tradition will be honoured by performers who will share their talents at the festival. From Natalie MacMaster, Donnell Leahy, and family to the Miramichi Fiddlers, there is truly something for everyone.

I want to congratulate festival director Susan Butler and all of those involved who work tirelessly to ensure the ongoing success of this important festival. I wish to invite all members to the beautiful riding of Miramichi—Grand Lake this August for the 60th Miramichi Folksong Festival. It is sure to be a highlight of Canada's 150th birthday.

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● (1415)

WORLD NO TOBACCO DAY

Mr. Michael McLeod (Northwest Territories, Lib.): Mr. Speaker, today the World Health Organization marks World No Tobacco Day.

In Canada, tobacco is the leading cause of preventable death and disease, killing over 37,000 Canadians every year. Although the average smoking rate in Canada is 13%, our communities in the north experience rates of over 50%, and in some it is as high as 73%. This health inequity places an enormous burden on families, communities, and the economy.

With the renewal of Canada's federal tobacco control strategy, we must seize the opportunity to strengthen it to have a greater impact in preventing and reducing tobacco use. We need proven measures that will discourage our youth from starting to smoke, such as plain packaging regulations, a nationwide ban on menthol cigarettes, and support for northern communities in the development and implementation of tobacco control projects.

In recognition of World No Tobacco Day, I say, butt out, everyone.

* * *

[Translation]

PLAY COMMEMORATING CONFEDERATION

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, I am very pleased today to pay tribute to Josée Nappert and to invite everyone in Lévis—Lotbinière to go and see her play *Comme dans le temps*.

Josée Nappert is the director of and driving force behind the *Dans le temps* theatre troupe, and has worked very hard to put on this wonderful play, which, I hope, will continue to find success beyond the celebrations of the 150th anniversary of Confederation.

Oral Questions

Ms. Nappert accepted the challenge I gave her and I am truly grateful.

The musical comedy *Comme dans le temps* is a historical piece about a small town in the region, in 1867. The play depicts the life of two typical families in those days, one French and one Irish, and their relationships with neighbours and the village priest, whom I look forward to portraying in period costume. This summer, you will not want to miss this play.

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[English]

ALS AWARENESS MONTH

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, I rise today to recognize June as ALS Awareness Month, as my previous colleague has mentioned.

Over 3,000 Canadians are currently living with ALS, and until recently, this included my dear friend and our colleague Mauril Bélanger. Many members in this chamber remember how he bravely struggled against this brutal and unforgivable disease that ultimately took his life too quickly.

In honour of Mauril and the thousands of Canadian who fought or are still fighting this faceless demon, I introduced my own private member's motion that increases our commitment to a comprehensive strategy for ALS research funding and awareness. I thank the members in this chamber for their support. We must continue trying to make ALS a treatable and non-terminal disease.

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AGNES MACPHAIL AWARD

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, today I am recognizing Gina Barber, the 2017 recipient of the Agnes Macphail Award.

Since 1972, Gina has led the charge to advance the fight for social and economic justice in London. She has always been dedicated to improving the working conditions for women in education through her involvement in her union and women's advocacy groups and has worked on every municipal, federal, and provincial campaign since 1979, usually as campaign manager and sometimes as a candidate.

She is a devoted advocate for a country in which no one is left behind. Gina continues to be active in London politics, acting as a mentor for young women and an advocate for seniors, and she conducts a choir that has produced such festive political hits as *Donald the Trump Man*, to the tune of *Frosty the Snowman*.

Gina Barber is a dedicated citizen and a true New Democrat. It is my honour to recognize her tireless work and her devotion to her community.

* * *

RAMADAN

Hon. Deepak Obhrai (Calgary Forest Lawn, CPC): Mr. Speaker, this is the Muslim holy month of Ramadan. From now until June 24, most of the world's 1.6 billion Muslims will be observing Ramadan and will fast every day from dawn until sunset.

For people of the Islamic faith, Ramadan is a time of deep spiritual awakening, prayer, increased charity, and generosity. The Canadian Muslim community represents the tremendous diversity that exists within Islam, incorporating Sunni, Shia, Ismaili, Ahmadi, and many others drawn from every corner of the globe. Canadian Muslims are making valuable contributions to every aspect of our society. Canada is a more vibrant, prosperous, and energetic country thanks to the contributions of Muslim Canadians.

On this 6th day of the Muslim holy month, on behalf of all my Conservative colleagues, I say to our Muslim friends, *Ramadan Mubarak*.

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● (1420)

ATTACK IN KABUL

Mr. Mark Holland (Ajax, Lib.): Mr. Speaker, I am sure I join all members of this House in extending my thoughts and prayers to those impacted by the cowardly attack near the diplomatic quarter in Kabul last night. This heinous act, which claimed the lives of at least 80 people and injured hundreds of others, ripped our hearts. Our thoughts today are with the front-line workers and families of the victims. That this attack occurred during the holy month of Ramadan, a time of reflection, empathy, and compassion, shows the true depravity of this craven action. Targeting civilians and foreign service workers, people who today and every day show the utmost resolve and courage in their work, demonstrates a vile and most contemptible evil.

Canada, with our international partners, will never cease in our efforts to prevent violent extremism, bring perpetrators of such violence to justice, and support peace in Afghanistan. Our hearts go out to those impacted by this tragedy, and to them we extend our unyielding resolve.

ORAL QUESTIONS

[Translation]

INFRASTRUCTURE

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister will not fight for pipelines that create good jobs for Canadians, but he sees nothing wrong with imposing a \$35-billion infrastructure bank on Parliament to line the pockets of his Liberal pals.

Why is the Prime Minister so focused on helping his pals instead of working for all Canadians? When will he finally get his priorities straight?

Oral Questions

[English]

Hon. Amarjeet Sohi (Minister of Infrastructure and Communities, Lib.): Mr. Speaker, yesterday I met with two ministers from Premier Brad Wall's government willing to partner with us under the infrastructure bank to build the transmission infrastructure their province requires. They understand that by mobilizing private capital through the infrastructure bank, they can free up their own resources to build more affordable housing, to build more transit systems, to provide clean water for their communities, and to build more recreational and cultural infrastructure their communities need. That is exactly what we want to do.

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, either the Prime Minister does not understand how his own bank works, or he is afraid to come clean with Canadian taxpayers. The Liberals' own documents show that the bank works on the assumption that taxpayers will cover losses for private investors.

I want to ask the Prime Minister a very simple question. If the builder or the investor cannot pay that loan back, as often happens, who gets stuck with the bill?

Hon. Amarjeet Sohi (Minister of Infrastructure and Communities, Lib.): Mr. Speaker, I want to assure the hon. member and this House that the bank would only undertake projects that were in the public interest and would not invest in risky projects. Rigorous due diligence will be done by the bank, by the investors, by the municipalities, by the provinces, and by the federal government. Experts who will run this bank will make sure that taxpayer dollars are always protected and that the public interest is at the forefront of decision-making.

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, if they are only going to pick projects that will never lose money, then why will those private investors not back them themselves?

The Liberal logic is actually quite simple. Liberals will hand-pick projects, and they will hand-pick the investors. They admit that the bank is all about de-risking projects for private investors. That means that investors get all the profit, and taxpayers get all the risk. Can the Prime Minister explain to hard-working Canadians why he is asking them to co-sign loans for the richest 1%?

Hon. Amarjeet Sohi (Minister of Infrastructure and Communities, Lib.): Mr. Speaker, the Canada Pension Plan Investment Board, OMERS, teachers, Caisse de dépôt, and the Alberta Investment Management Corporation all invest in foreign infrastructure, in international infrastructure. What is wrong if the same organizations work with our government to build the infrastructure our Canadian communities need? For a decade, the previous government underfunded infrastructure for our municipalities. Now we are catching up. We are making historic investments. We want to mobilize private capital to build more—

• (1425)

The Speaker: The hon. Leader of the Opposition.

[Translation]

GOVERNMENT APPOINTMENTS

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, it is incredible to see how the Liberals have completely erased the line that keeps officers of Parliament independent from political partisanship. They can talk all they want about Ms. Meilleur's CV, but the truth is that she should have been eliminated from the process because of the donations she made to the Liberal Party and the Prime Minister.

What partisan appointment will this Prime Minister make next? Will the Liberals find the next Ethics Commissioner by perusing the list of party donors?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, we promised to find the best person to be the official languages commissioner, and that is exactly what we did.

Mrs. Meilleur has been recognized for her skills, experience, strength, professionalism, and integrity throughout her career. The work she has done for language rights in Canada is some of the best work that has been done over the past 30 years. Why? Because she protected the Montfort Hospital to ensure that French-language health care services are available in Ottawa, and she also helped create the Office of the French Language Services Commissioner in Ontario. In short, we know that we have found the best candidate, and that is exactly why she will be—

The Speaker: The hon. Leader of the Opposition.

* * *

[English]

PUBLIC SAFETY

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, our criminal justice system is so broken that one of Canada's most notorious serial killers is now volunteering at a school. As a father, I cannot imagine the horror of listening to my children come home and tell me that they just spent the day with Karla Homolka. It is sick.

When will the Prime Minister close the loophole that is allowing this to happen?

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the system that is in place for doing vulnerable sector checks makes sure that employers and those who organize volunteers or who run schools and churches have access to information to make sure they make informed and prudent decisions. That is the system that is in place today, and it was in place similarly under the previous government.

* * *

[Translation]

GOVERNMENT APPOINTMENTS

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, Ms. Meilleur admitted that she attended inappropriate meetings with Gerald Butts and Katie Telford, the Prime Minister's chief advisers, outside the official appointment process. Yesterday, the NDP proposed conducting a committee investigation into the appointment process, and the Liberals completely shut down the meeting.

Oral Questions

My question is this: will the Liberals block an investigation into the process for appointing the Commissioner of Official Languages, yes or no?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, I had the opportunity to explain the process for appointing Mrs. Meilleur over the past few weeks, and the process is clear.

Seventy-two candidates applied; 12 individuals were interviewed; then 10 individuals took tests and went through reference checks; and lastly, I had a chance to interview a shortlist of candidates. I had the opportunity to speak with two Canadian Heritage critics. The colleague of the leader of the second opposition party even told me then how much he recognized Mrs. Meilleur's qualifications and experience.

That is why we are satisfied that we have—

The Speaker: The hon. member for Outremont.

[*English*]

Hon. Thomas Mulcair (Outremont, NDP): What a crock of nonsense, Mr. Speaker.

Madame Meilleur told the committee that she did not know if she would be able to recuse herself from future investigations of the Prime Minister to whom she directly donated. Well, we have just learned that the interim commissioner has had to recuse herself from investigating whether the Prime Minister violated the law during the appointment of Madame Meilleur.

How can the Liberals explain appointing a commissioner who cannot even investigate the Prime Minister?

• (1430)

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, in line with the question that my colleague asked earlier, I would like to remind him that committees of the House are independent—

Some hon. members: Oh, oh!

The Speaker: Order. Order. The hon. Minister of Canadian Heritage has the floor.

Hon. Mélanie Joly: Mr. Speaker, I would therefore like to stress the experience and the expertise of Madame Meilleur. She has been involved in the protection of the Montfort Hospital and the creation of the Office of the French Language Services Commissioner. She has been involved in the protection and promotion of official languages for 30 years.

We know we have the right candidate, and I really hope the House and the Senate will support her candidacy.

* * *

DEMOCRATIC REFORM

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, she is the right candidate for the Liberals because she is a Liberal, period.

[*Translation*]

The Liberals were supposedly elected to do politics differently. They were not going to act like other governments before them, that is by saying one thing to get elected and something completely different once elected.

Now here we are moments away from a vote on the electoral system. Will the Liberal members prove that they have more credibility than their cynical leader? Will they stand up to keep their promise about changing the electoral system?

Hon. Karina Gould (Minister of Democratic Institutions, Lib.): Mr. Speaker, I would like to thank the members of the Special Committee on Electoral Reform for their excellent work.

I find it a little odd that the members of the party over there want us to vote in favour of a report when they themselves did not completely agree with the report. The members are going to vote today, and I am satisfied that our government made the right decision.

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CANADA REVENUE AGENCY

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, what a disgrace.

[*English*]

Five weeks after KPMG was ordered to maintain all records during an ongoing investigation, a group of offshore shell companies set up by KPMG went ahead and shredded documents related to that probe. This is the very definition of obstruction of justice.

Then the Liberals blocked the investigation into KPMG. It must be another independent parliamentary committee of the Liberals.

I am curious. Is there any way the Liberal front bench can twist obstruction of justice and sweetheart deals for crooked billionaires into support for the middle class?

[*Translation*]

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, as we promised the Canadian public, our government is firmly committed to fighting tax evasion and tax avoidance in order to ensure that the tax system is fair and equitable for all Canadians. In the last year we have invested \$444 million—

Some hon. members: Oh, oh!

The Speaker: Order. I am hearing a lot of noise today. We must be able to hear both the questions and the answers.

[*English*]

The hon. member for Banff—Airdrie would do well to be quiet when I am speaking.

The Minister of National Revenue.

[*Translation*]

Hon. Diane Lebouthillier: Mr. Speaker, last year we invested \$444 million and in budget 2016-17 we invested \$524 million. Our investments are already producing significant results. We recovered \$13 billion last year. Some 122 Canadian taxpayers named in the Panama papers are being audited, and criminal investigations of certain taxpayers are already under way—

The Speaker: The hon. member for Lac-Saint-Jean.

GOVERNMENT APPOINTMENTS

Hon. Denis Lebel (Lac-Saint-Jean, CPC): Mr. Speaker, the Liberals could have used that \$13 billion to help the families of Canadians with autism. That would have been a good idea.

During the campaign, the Liberals cultivated a squeaky-clean image. They were going to come in here, clean everything up, and make sure all appointments were absolutely spotless, and above all, transparent, and non-partisan. Now the minister is telling us the committee is independent.

Did Mrs. Meilleur meet with people from the PMO during the process?

• (1435)

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to remind everyone that the process is important here. The process is about getting the best candidates possible, and there were 72 of them. There was a selection committee made up mostly of public servants, all of whom had an equal say. Then an independent firm put together a short list of 12 candidates. The selection committee conducted 12 interviews. After that, 10 candidates went through testing—

The Speaker: The hon. member for Lac-Saint-Jean.

Hon. Denis Lebel (Lac-Saint-Jean, CPC): Mr. Speaker, I will ask my question again. If the committee is independent, why did Ms. Meilleur meet with people from the PMO?

In this so-called independent and non-partisan process, did Ms. Meilleur meet with people from the PMO, yes or no?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to clarify that Ms. Telford and Mr. Butts never discussed with Ms. Meilleur the possibility that she could become the Commissioner of Official Languages. That was never discussed. Furthermore—

Some hon. members: Oh, oh!

The Speaker: Order. I am having trouble hearing the answer.

[English]

To the hon. member for Skeena—Bulkley Valley and others, I would appreciate it if they could keep it quiet.

The hon. Minister of Canadian Heritage.

[Translation]

Hon. Mélanie Joly: Mr. Speaker, we had a thorough process and 10 candidates passed the tests. We checked their references and I then personally interviewed the candidates and saw that Madeleine Meilleur was the best candidate.

I then spoke with the Conservative and NDP critics, who both recognized Mrs. Meilleur's competency, expertise, and professionalism. That is why everyone agrees that she has the necessary qualifications for this position.

[English]

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, it is funny, because Madame Meilleur admitted at committee that she met with Butts and Telford, so clearly the minister is saying that Madame Meilleur lied to committee.

Oral Questions

No one believes that Madeleine Meilleur is objective. She is a donor to the Liberal Party, has given money to the Prime Minister's leadership campaign, and is a former Liberal cabinet minister.

The integrity of parliamentary watchdogs has been compromised by the Prime Minister and his partisan friends. Will the Prime Minister put a stop to this and tell Canadians that his nominee for the Ethics Commissioner will not be a Liberal friend or donor?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to remind my colleagues that in the context of this nomination, we wanted to find the perfect candidate. That person needed to have experience and expertise in the context of defending official languages in our communities and country. Since we are a government that values the importance of bilingualism and official languages, of course we did a thorough and very merit-based process.

That is exactly what Mrs. Meilleur went through. That is why we have a very good and strong—

The Speaker: The hon. member for Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix.

[Translation]

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Mr. Speaker, there are only 38 days until the mandate of the Conflict of Interest and Ethics Commissioner ends, and we still do not know whether the Liberals have begun the selection process to fill the position. Given Ms. Meilleur's appointment to the position of official languages commissioner, one has to wonder whether the process is rigged.

Can the Prime Minister assure the House that the next appointment will be non-partisan and will not be used as a way to return a favour to a Liberal Party donor?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, we have implemented a new, open, transparent, and merit-based appointment process. Our aim is to identify high-quality candidates who will help to achieve gender parity and truly reflect Canada's diversity.

We have made over 140 appointments under the new process. All positions are available online, and I encourage all Canadians to apply.

• (1440)

[English]

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, maybe the hon. minister should check the facts and realize that the position that is posted closed on January 7. We have been waiting a very long time. The Ethics Commissioner has an unprecedented investigation into the Prime Minister's dealings. Her term is expiring in July, and there seems to be absolutely no rush to fill this role. Are we waiting to see how somebody's chat with Gerry and Katie goes before we get someone in this place?

We have seen no openness and no transparency in the other process, so why can we expect to see one here? Quite frankly, will the Prime Minister—

Oral Questions

The Speaker: The hon. House leader.

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, as I have said time and time again, we have put in a new appointments process that supports open, transparent, and merit-based selections.

I agree with the member that the work the Conflict of Interest and Ethics Commissioner does is important. The role she has is an important role, just like many others. That is why we committed to Canadians to bring in a new process that would allow Canadians to apply and be considered in a merit-based process. We are proud of that process, as are Canadians.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, the minister does not get it. The Office of the Commissioner of Ethics belongs to Parliament, not to an appointments process. They are abdicating their responsibility to put someone in place in order to ensure we have ethics and conflict of interest guidelines in place.

I am very serious. Do they have a response? Is this just going to be a list filled with Liberal donors, or do we have a chance of having somebody responsible in this role?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, as I have said—and I encourage the member to listen to the response, although she might not like it—there is a new process in place. It is open and transparent. It is merit-based—

Some hon. members: Oh, oh!

The Speaker: Order. I am sure all members are going to listen, I hope, to both questions and responses. That is what we are supposed to do here. Under Standing Order 16, we are not allowed to interrupt, so let us not do that.

The hon. government House leader wishes to complete her answer.

Hon. Bardish Chagger: Mr. Speaker, we have a new open, merit-based appointment process where Canadians can apply. All positions are available online, which actually allows Canadians who want to apply to look at what positions are open. Exactly what we committed to Canadians, we are delivering on.

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DEMOCRATIC REFORM

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the Prime Minister got elected on a clear promise that we can all recite by heart, that 2015 would be the last election under first past the post.

When he betrayed this promise and said, “This was my choice to make and I chose to make it”, his awkward attempt to be strong showed him to be just plain wrong. News flash: it is not up to him. It is up to Parliament and Parliament alone to make this decision.

Will Liberals stand up to make every vote count and keep their promise to their constituents, or will they follow the terrible example set by the Prime Minister and betray their commitment to Canada?

Hon. Karina Gould (Minister of Democratic Institutions, Lib.): Mr. Speaker, I want to repeat and thank all members in the House who participated in the Special Committee on Electoral Reform. I also want to reiterate that I tabled our government's response, where we agreed with the majority of the recommendations on April 3.

However, I find it curious that the member is asking us to fully endorse a report that neither he nor his party fully endorsed. In fact, there is a supplementary dissenting report that they put forward.

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[Translation]

CANADA REVENUE AGENCY

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, believe it or not, Canada will soon be ratifying another agreement that will make legal today what was still illegal yesterday. Just a few months ago, the Liberals supported our motion to combat tax havens. Today, they are considering ratifying yet another agreement with a tax haven. That is ridiculous.

When the minister promised to review our tax agreements, what was her plan? Signing even more of them with tax havens? Is that it?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, as I said earlier, the government is strongly committed to combatting tax evasion and aggressive tax avoidance. In our last two budgets, over \$1 billion was invested in combatting tax evasion.

We have achieved historic success. We recovered \$13 billion last year, including \$1 billion through the voluntary disclosures program. One hundred and twenty-two Canadian taxpayers whose names appeared in the Panama papers are being audited. Criminal investigations are under way for taxpayers listed in the Panama papers—

● (1445)

The Speaker: The hon. member for Beauce.

* * *

FINANCE

Hon. Maxime Bernier (Beauce, CPC): Mr. Speaker, this government's economic performance is in a constant state of disaster. It spends and spends and spends and has no economic growth to show for it. It says it is going to stimulate the economy, but what it is about to do will actually sedate the economy, not stimulate it. This is bad for future generations.

What will this government do to create jobs for young Canadian families?

Hon. Bill Morneau (Minister of Finance, Lib.): Mr. Speaker, today is a very important day. We heard this morning that first-quarter growth in 2017 was 3.7%. That is very good news. Our approach is working, and the unemployment rate is lower. I want to emphasize that the unemployment rate was 7.2% when our government came to power and is now 6.5%. That is a big change that means more than 250,000 full-time jobs. This is very good news for the economy.

Oral Questions

Hon. Maxime Bernier (Beauce, CPC): Mr. Speaker, shame, shame, shame. Future generations will have to pay interest on the Canadian debt of \$25 billion every day. That is money that will not be spent on Canadian social programs, and it is going to get worse because the debt is going up. The government is trying to create wealth at the expense of future generations. This has to stop.

When will the Minister of Finance understand that the best way to grow the economy is smaller government, more freedom, and more prosperity?

Hon. Bill Morneau (Minister of Finance, Lib.): Mr. Speaker, the facts matter. It is very clear that jobs are essential for young people. The 250,000 new full-time jobs are also very important to our country's future. That is the base on which we can build even stronger economic growth in the future. It is good now, and it will soon be even better.

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[English]

GOVERNMENT APPOINTMENTS

Mr. Mark Strahl (Chilliwack—Hope, CPC): Mr. Speaker, earlier in question period the Minister of Canadian Heritage claimed that habitual Liberal donor and now official languages commissioner nominee had never met with Katie Telford or Gerald Butts. On May 18, at the official languages committee, the hon. leader of the NDP asked, “Who in the Liberal Party did you speak to about wanting to become a senator or commissioner?” Madam Meilleur said, “I spoke to Gerald Butts.”

Why did the Minister of Canadian Heritage call Madam Meilleur a liar?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): I would like to set the record straight, Mr. Speaker. I said that Mrs. Telford and Mr. Butts did not discuss the nomination of Madeleine Meilleur or her wanting to be the official languages commissioner, and that is an important fact.

That being said, we have the right candidate. Her name is Madeleine Meilleur. Every single stakeholder in the official languages community knows that Mrs. Meilleur has been involved for 30 years in the promotion and protection of their rights. That is why we are very—

The Speaker: The hon. member for Chilliwack—Hope.

Mr. Mark Strahl (Chilliwack—Hope, CPC): Mr. Speaker, let us try it again.

On May 18, in the official languages committee, the hon. leader of the NDP asked, “Who in the Liberal Party did you speak to about wanting to become a senator or commissioner?” Madam Meilleur, a Liberal donor and now the recommended official languages commissioner, said, “I spoke to Gerald Butts.” Why did the minister mislead the House?

● (1450)

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, Madeleine Meilleur has been involved for 30 years in the protection and promotion of official languages rights in the country. She was there at the beginning for the protection of the Montfort Hospital, which was going to be closed by the Conservative

government in Ontario. That is exactly what she did, and then afterward, she started her political career—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Edmonton Manning and others will restrain themselves. The hon. Leader of the Opposition also will restrain himself. I know he has tried to get the same thing to happen. We do not want people to lose questions.

The hon. Minister of Canadian Heritage.

Hon. Mélanie Joly: Mr. Speaker, she did public service for 30 years and has been involved in the protection and promotion of official languages. She went through the entire process. Many candidates also participated in the process, and ultimately, she was the best—

The Speaker: The hon. member for Burnaby South.

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NATURAL RESOURCES

Mr. Kennedy Stewart (Burnaby South, NDP): Mr. Speaker, during the election, the Prime Minister promised British Columbians that Kinder Morgan would have to undergo a new environmental review, but that was then. Since, two hand-picked ministerial panels have shown the process is truly broken. Now, after getting votes from B.C., the Prime Minister says that Harper's review process is just fine, thanks very much, and the project must go forward as it is.

Why did the Liberals betray British Columbians, break their election promise, and approve the Kinder Morgan pipeline?

Hon. Jim Carr (Minister of Natural Resources, Lib.): Mr. Speaker, the government approved the Trans Mountain expansion pipeline because we believe it is in the interests of Canada. It is in the interests of Canada because it will open up Alberta crude to export markets. The member probably knows that 99% of our exports now go to the United States. Perhaps he would agree that expanding that market is a good idea. Perhaps he would also agree that 15,000 jobs is in the interests of British Columbians, Albertans, and all Canadians. If he cannot believe me, maybe he should talk to Rachel Notley.

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IMMIGRATION, REFUGEES AND CITIZENSHIP

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, we have just seen one of the horrors of Canada's so-called safe third country agreement with the U.S. A woman's body was found in a ditch near the Canada-U.S. border. The woman is believed to be an asylum seeker trying to enter Canada. Under the agreement, asylum seekers from the U.S. are turned away from legal ports of entry, forcing them to take great risks.

After five months and nearly 3,000 asylum seekers crossing the border, what else is the government waiting for? How many more tragedies do we need to see before the government suspends the agreement?

Oral Questions

Hon. Ahmed Hussen (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, we are aware of this tragic incident and our condolences go out to the family and friends of the woman who lost her life. We understand deeply the extent to which people will go to seek protection for both themselves and their families, but we strongly discourage people from crossing our borders irregularly. Canada is committed to offering protection and having a robust refugee program for those seeking protection from war and persecution.

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INTERNATIONAL DEVELOPMENT

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Speaker, seasonal monsoon rains continue in Sri Lanka and the country is facing the worst natural disaster since the 2004 tsunami. Death toll estimates are now in excess of 200 with many more missing and injured. International aid is required to support the victims.

Could the Minister of International Development inform the House of the steps being taken by the Government of Canada to help in the response?

Hon. Marie-Claude Bibeau (Minister of International Development and La Francophonie, Lib.): Mr. Speaker, we are deeply concerned with the ongoing flooding in Sri Lanka and our thoughts are with those affected. I can already announce an initial envelope of up to \$250,000 to respond to the humanitarian impacts of the flood. Obviously, we remain in close contact with our humanitarian partners.

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NATIONAL DEFENCE

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, as you saw today, the Liberals are having trouble with the truth. This morning, the Minister of National Defence suggested he would cancel the Liberals' plan to purchase 18 Super Hornets from Boeing because it is not a trusted partner. The defence minister has already misled Canadians on multiple occasions, including his imaginary capability gap. He has made a complete mess of the replacement of our CF-18s. The Liberals' plan to sole-source Super Hornets has never worked and never will work.

Will the defence minister stop playing politics with our troops and immediately hold an open and fair competition to replace our fighter jets?

• (1455)

[Translation]

Mr. Jean Rioux (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, a decision will not be made until there is an interim solution that is acceptable to Canada in terms of cost, deadline, economic value, and capability.

However, as the Minister of Foreign Affairs mentioned, Canada is reviewing its current procurement process linked with Boeing. The government strongly disagrees with the decision of the U.S. Department of Commerce which, at the request of Boeing, has initiated an investigation into countervailing duties and anti-dumping for imports, and as a Quebec member—

The Speaker: Order. The hon. member for Charlesbourg—Haute-Saint-Charles has the floor.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, the minister of defence said this morning that Boeing could no longer be considered a trusted partner. However, the minister is not saying whether he will terminate the process to purchase 18 Super Hornets, which are outdated in any event.

The Liberals have had several meetings with Boeing. How many meetings did the Liberals need to realize that Boeing was no longer a trusted partner?

Mr. Jean Rioux (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, we know that we have an aging fleet that is now more than 30 years old. Until now, the Canadian Armed Forces have provided exceptional service, but they must not find themselves without the capabilities they need to serve Canadians and our NORAD and NATO partners. That is why we are considering an interim fleet.

[English]

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, there is no capability gap. It is a Liberal credibility gap. After blindly committing to purchasing the Super Hornets, the Minister of National Defence is now accusing Boeing of being untrustworthy, but the defence minister has been crying wolf about his fabricated capability gap and he is the one who is untrustworthy. The Liberals are using our air force as a political pawn in a trade war with the United States. What we need right now is a competitive process to get the best fighter jet for Canada.

The defence minister is the architect of this complete political disaster. When will the Prime Minister find someone, anyone over there, who can clean up this mess?

Hon. Andrew Leslie (Parliamentary Secretary to the Minister of Foreign Affairs (Canada-U.S. Relations), Lib.): Mr. Speaker—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. parliamentary secretary for Canada-U.S. relations.

Hon. Andrew Leslie: Mr. Speaker, the aerospace industries of Canada and the United States are highly integrated and support good, middle-class jobs on both sides of the border.

We strongly disagree with the U.S. Department of Commerce's decision to initiate anti-dumping and countervailing duty investigations into imports of Canadian heavy civilian aircraft. This is clearly aimed at the Bombardier C Series. Our government will continue to defend the aerospace industry, the workers, Bombardier, and our defence requirements.

Oral Questions

[Translation]

GOVERNMENT APPOINTMENTS

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, earlier in question period, the Minister of Canadian Heritage confirmed that Ms. Meilleur met and spoke with Mr. Butts of the Prime Minister's Office.

I would like to know why the minister is misleading the House.

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to remind my colleague of the importance of the process of appointing an official languages commissioner.

Of course this was a merit-based, open, and transparent process. I have explained the process very clearly. In light of all these explanations, I hope my colleagues will respect it. The reality is that this is the first time a government is really explaining the process for appointing an officer of Parliament.

Following this entirely credible and reasonable process that was done by the book, we were able to find the right candidate who has the skills required to fill the position.

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MARIJUANA

Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP): Mr. Speaker, during yesterday's debate on legalizing marijuana, how many times did the Liberals talk about prevention? Not once, until they were asked about it. How many times does the word "prevention" appear in the bill? Zero.

The cannabis task force, the provinces, stakeholders on the ground, and now teachers, too, have all talked about the need for a prevention and education campaign. The federal government is doing absolutely nothing to provide any financial support. The Liberal plan spends only six cents per person per year.

Is this the government's way of convincing us that it understands the urgency of protecting our young people?

• (1500)

[English]

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, I thank the hon. member for her emphasis on a public health approach to the introduction of the legalization of cannabis in a strict regulatory regime. She understands the fact that a public health approach means making sure that we maximize education and minimize harm. In fact, to that end, we have already started with a \$9.6-million public education campaign.

We will continue to build the resources to have a strong campaign to make sure that young people are protected, that we keep cannabis out of the hands of kids, and the profits out of the hands of criminals.

* * *

THE ENVIRONMENT

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, Ontario Power Generation just released another report to try to justify its dangerous plan to bury and abandon nuclear waste next to the Great Lakes. These lakes are already under threat and attack by President Trump. They are a fragile ecosystem. The government has a duty to

protect them. They are our freshwater source and home to a trillion-dollar industry.

The U.S. Congress and U.S. Senate oppose this plan. Over 200 municipalities oppose this plan. Environmentalists, hunters, and anglers all advise to reject this plan. Who is the Liberals' adviser on this, Homer J. Simpson?

Hon. Catherine McKenna (Minister of Environment and Climate Change, Lib.): Mr. Speaker, our government is committed to ensuring environmental risks linked to development are addressed before projects proceed.

After considering the joint review panel's report, on February 18, 2016, I requested that OPG, the proponent of the deep geological repository project, provide additional information about possible alternative sites before making an environmental assessment decision. A final decision will be made based on science, evidence, and public input.

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GOVERNMENT APPOINTMENTS

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I want to give the Minister of Canadian Heritage another chance. She said that stakeholder groups fully support the process. The Quebec Community Groups Network, the representative of anglophones in the province of Quebec, and the Fédération des communautés francophones et acadienne both have said that they have concerns with the process by which the government has proposed the new Commissioner of Official Languages.

Will the government and the minister admit that the process is flawed and commit to restarting this process?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, in the context of finding the Commissioner of Official Languages, we did a thorough process. I have had the chance to explain this process to my colleague many times.

We know that the candidate who came out of this thorough, merit-based process is a good candidate. She is a woman who has been involved in the protection and promotion of official languages for the past 30 years. Her knowledge of the field and her passion for official languages are unparalleled, and therefore, we know we have the right candidate.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, two major stakeholder groups representing francophone linguistic minority communities and Acadia throughout this country and anglophones in the province of Quebec have voiced concerns about the process.

Last January, the Prime Minister refused to hold the spirit of the Official Languages Act by refusing to respond to an anglophone in Quebec in English. Now the Liberals have failed to consult with leaders of the recognized parties here in the House of Commons and the Senate before coming forward with this nomination.

This process is flawed. The government lacks respect for the Official Languages Act. When will it restart this process and give us a real nomination?

Oral Questions

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, our official languages are a priority for our government. My colleague gives me an opportunity to talk about what we have done on official languages in the past 18 months after inaction on the part of the Conservative government on this particular file.

We reinstated francophone immigration services. We made sure to give university accreditation to Collège militaire royal de Saint-Jean. We made sure to appoint a bilingual justice from Newfoundland to the Supreme Court. We have done many things.

I am working right now on a future plan on official languages.

• (1505)

[Translation]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Speaker, it is not easy to keep track of what is happening in the House right now.

The government and the Minister of Canadian Heritage keep saying that the process for appointing a commissioner of official languages is neutral and has nothing to do with politics. However, the candidates were picked from a pool of Liberal Party donors. From there, we come to the Standing Committee on Official Languages, where Ms. Meilleur admits that she talked with Gerry Butts. Today, the Minister of Canadian Heritage says, first, that she never talked with Mr. Butts, and then, that she did talk with Mr. Butts.

I will give the minister another chance. Yes or no, did she talk with Mr. Butts?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, we found an excellent candidate, Madeleine Meilleur, who was very involved in protecting Ottawa's francophone hospital, the Montfort Hospital. She also created within the Ontario government the position of French-language services commissioner, which is the equivalent of the commissioner of official languages.

That is why she is duly qualified to impartially and knowledgeably fulfill this key role.

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[English]

IMMIGRATION, REFUGEES AND CITIZENSHIP

Mrs. Salma Zahid (Scarborough Centre, Lib.): Mr. Speaker, during the Standing Committee on Citizenship and Immigration's study of family reunification, we heard from many witnesses that the two-year conditional permanent residence for sponsored spouses is a serious problem. It is leaving spouses, particularly women, to stay in abusive relationships for fear of jeopardizing their immigration status, and they are afraid to report the abuse to authorities.

Could the Minister of Immigration, Refugees and Citizenship tell the House what his department is doing to support the spouses?

Hon. Ahmed Hussen (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, this measure that was introduced by the Conservatives in 2012 put vulnerable spouses, especially women, at risk of abuse and violence. I am proud of the fact that we have gotten rid of this measure and eliminated it completely. The Conservatives refused to listen and ignored the advice of women's

rights advocates, as well as newcomers themselves, who continually denounced this measure.

As a government, we have committed to gender equality and to combatting gender-based violence.

* * *

JUSTICE

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the Minister of Justice continues to sit on her hands with a near record number of judicial vacancies. Meanwhile, another day and another murder case has been thrown out of court, this time in Montreal, and all the minister can do is pat herself on the back. The minister's indifference to this crisis is nothing short of appalling, and the minister's inaction is nothing short of negligent.

How many more victims are going to be denied justice because of the minister's negligence?

Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am fine to stand up to talk about the open and transparent appointments process that we have instituted for judges in the superior courts across the country. I am going to continue to add to the 67 appointments—

Mr. Michael Cooper: Ten judges not even appointed.

The Speaker: Order. I am sure the hon. member for St. Albert—Edmonton wants to hear the answer to his question, so I would ask him to please be quiet.

The hon. Minister of Justice.

Hon. Jody Wilson-Raybould: Mr. Speaker, I am going to continue to add to the 67 appointments that I have made to superior courts across the country.

In the province of Quebec, which the member opposite references, there is less than a 1% vacancy in the superior courts.

There are many reasons for delays. It is a shared responsibility between the federal government and the provinces and territories, and we are acting on addressing—

The Speaker: The hon. member for Rosemont—La Petite-Patrie.

* * *

[Translation]

INFRASTRUCTURE

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, if the infrastructure privatization bank becomes a crown corporation, it will be able to steamroll over the provinces and cities and barge right in. It reminds me of Canada Post and its community mailboxes.

Yesterday, the minister said that he consulted with the provinces. Oddly enough, today the National Assembly passed a unanimous motion calling on the future bank to respect Quebec's laws. Some consultation, great job! The minister says just about anything.

Point of Order

Instead of insulting the National Assembly, what will the 40 Liberals from Quebec do to defend Quebec's laws?

[*English*]

Hon. Amarjeet Sohi (Minister of Infrastructure and Communities, Lib.): Mr. Speaker, the bank would be set up with the same legal structure as many other crown corporations. Any project that it would invest in would be required to follow all provincial, territorial, and municipal laws. We respect the jurisdiction of our provinces. We are investing a historic amount of money. We are tripling our investments to build the infrastructure that is required by our municipalities and that is required by our provinces. We do that in co-operation and collaboration with our provincial and territorial partners.

* * *

• (1510)

[*Translation*]

PERSONS WITH DISABILITIES

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Mr. Speaker, Canadians with disabilities face challenges every day that prevent them from fully participating in activities in their communities and in their workplaces. We have a duty to reduce barriers to accessibility and provide equal access and equal opportunities for all Canadians. Everyone deserves a level playing field.

Can the Minister of Sport and Persons with Disabilities tell the members of the House about the measures she has taken to reduce barriers to accessibility?

Mr. Stéphane Lauzon (Parliamentary Secretary for Sport and Persons with Disabilities, Lib.): Mr. Speaker, I thank the member for Madawaska—Restigouche for his question.

This is National AccessAbility Week, which is a time to celebrate, emphasize, and promote inclusion and accessibility across Canada. We also invite all those who may be eligible to apply for funding through the enabling accessibility fund call for proposals we are launching today.

[*English*]

Our government wants more Canadians with disabilities who face challenges every day to participate fully in their communities and the economy. That is why we have increased our investments in the program to over \$80 million. This historic investment will remove barriers for many Canadians.

* * *

GOVERNMENT APPOINTMENTS

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Speaker, Ms. Meilleur, in testimony on May 18, said that she had talked to Gerald Butts about being a senator or a commissioner. Today in the House, the minister claimed that never happened. Will the minister now apologize for misleading the House?

Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.): Mr. Speaker, the position of the opposition is strange. If the opposition members condemn Mrs. Meilleur for having been involved in the public service for 30 years, would they equally condemn the fact that the former Conservative prime minister, Kim Campbell, was in

charge of her nomination process for the Supreme Court? If we both value public service, of course we are able to recognize that we need to have the right expertise and experience and that is why Mrs. Meilleur is the perfect—

The Speaker: The hon. member for Saanich—Gulf Islands.

* * *

DEMOCRATIC REFORM

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, to clarify, the committee report on electoral reform did not contain any dissent from the New Democrats or the Greens. We filed a supplemental report in support of the recommendations.

In support of those recommendations, within the hour, I am certainly hoping that many MPs, in fact most of us, will vote to support the recommendation of the report so that we can continue to have a conversation. We have never had the conversation to find common ground. Common ground is within our reach if we agree to keep working toward it. Will the minister agree?

Hon. Karina Gould (Minister of Democratic Institutions, Lib.): Mr. Speaker, of course I would like to thank my hon. colleague for the hard work that she put into the report. The report is thorough and extensive. I look forward to working with members in this place on many of the things with regard to making voting more accessible, with regard to getting youth involved in politics, with regard to political financing, with regard to fundraising, and of course, with regard to cybersecurity. There are many things that matter to all of us in this place when it comes to improving, strengthening, and protecting our democracy.

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PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of Mr. Saber Chowdhury, President of the Inter-Parliamentary Union.

Some hon. members: Hear, hear!

[*Translation*]

Hon. Denis Lebel: Mr. Speaker, earlier, in an answer, the Minister of Canadian Heritage said that there were 10 people on the short list, the final list, of candidates for the position of official languages commissioner. If I understood the minister correctly, Ms. Meilleur must be on that list, along with the names of nine other candidates.

Will the government table the list of the 10 finalists for the position of official languages commissioner?

• (1515)

The Speaker: That is a matter of debate, and I do not see anyone rising to respond.

The hon. member for Outremont on a point of order.

* * *

POINTS OF ORDER**ORAL QUESTIONS**

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I too would like to rise on a point of order.

Routine Proceedings

Earlier, the Minister of Canadian Heritage suggested that Ms. Meilleur never admitted to talking with Gerald Butts about her appointment as commissioner. As the quote clearly proves, she said that she talked with Gerald Butts about her appointment as a senator or as the commissioner.

Twice, Ms. Meilleur promised to clarify some facts she stated during her appearance before the committee. The documents she sent afterward contradict what she said before the committee.

As the leader of a recognized party, I was never consulted, and this is a clear violation of the act. Yesterday I personally heard the interim commissioner say that she did not feel able to investigate even though it is her duty to enforce the act.

For all these reasons, our privileges and our rights have been trampled on by the government. Mr. Speaker, we ask that you act accordingly.

The Speaker: Is the hon. member for Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix rising on the same point of order?

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Mr. Speaker, I rise on the same point of order as my NDP colleague and for the same things. When even the interim Commissioner of Official Languages does not want to get involved, there is something going on.

When the minister answers that she consulted us, that is incorrect. She must stop saying that we all agree. On this side of the House, we do not agree at all with this appointment. She must take responsibility.

[English]

Mr. Mark Strahl: Mr. Speaker, I rise on the same matter arising out of question period. I would like to seek unanimous consent to table in the House the evidence from the official languages committee of May 18, 2017, where Madam Meilleur clearly stated that she met with Gerald Butts, in direct contravention of what was said by the Minister of Canadian Heritage.

The Speaker: Is that agreed?

An hon. member: No.

Hon. Erin O'Toole: Mr. Speaker, I am rising on the same point of order. We have a very unusual situation where, on the evidentiary record before you today in this House, we have the minister's comments to the House and the member for Chilliwack—Hope reciting into the record in this House the committee report and the witness testimony of Madam Meilleur. Therefore, I would ask you, in light of the evidentiary record before you as Speaker of this chamber, to make a prima facie finding of contempt today in this House, because the minister refuses to correct the record.

The Speaker: Order. The Chair ruled on this question earlier this week. However, I will consider the arguments I have heard today on this issue and will come back to the House if necessary.

If the member for Perth—Wellington is rising on the same point of order, we are done with that point of order. I hope it is another matter, because we are done with this matter.

The hon. member Perth—Wellington.

Mr. John Nater: Mr. Speaker, I do not rise on the same matter. In similar testimony, Madam Meilleur informed the committee that she was informed by the justice department that she would be nominated as the official languages commissioner. However, in further testimony, she stated that—

The Speaker: I am sorry, but this is on the same general matter.

Some hon. members: Oh, oh!

The Speaker: Order. I urge members to read the decision I gave earlier this week.

As I said, I will consider the arguments I have already—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Simcoe—Grey will come to order.

ROUTINE PROCEEDINGS

[Translation]

COMMITTEES OF THE HOUSE

ELECTORAL REFORM

The House resumed from May 30 consideration of the motion.

The Speaker: It being 3:20 p.m., the House will now proceed to the taking of the deferred recorded division on the motion to concur in the third report of the Special Committee on Electoral Reform.

Call in the members.

● (1525)

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

(Division No. 290)

YEAS

Members

Aboulttaif
Albrecht
Ambrose
Angus
Barlow
Beaulieu
Benzen
Bernier
Bezan
Blaney (North Island—Powell River)
Block
Boudrias
Boutin-Sweet
Brousseau
Cannings
Carrie
Chong
Christopherson
Clement
Cullen
Deltell
Doherty
Dubé
Dusseau
Egliniski
Falk
Gallant
Généreux

Albas
Allison
Anderson
Aubin
Barsalou-Duval
Benson
Bergen
Berthold
Blaikie
Blaney (Bellechasse—Les Etchemins—Lévis)
Boucher
Boulerice
Brassard
Brown
Caron
Casey (Charlottetown)
Choquette
Clarke
Cooper
Davies
Diotte
Dreeshen
Duncan (Edmonton Strathcona)
Duvall
Erskine-Smith
Finley
Garrison
Genuis

Routine Proceedings

Gill
Godin
Hardcastle
Hughes
Johns
Kelly
Kitchen
Kusie
Lake
Laverdière
Leitch
Lobb
MacGregor
Maguire
Marcil
Mathysen
McCauley (Edmonton West)
McLeod (Kamloops—Thompson—Cariboo)
Moore
Mulcair
Nicholson
Obhrai
Paul-Hus
Plamondon
Quach
Rankin
Reid
Richards
Saganash
Saroya
Schmale
Shipley
Sorenson
Ste-Marie
Stewart
Stubbs
Thériault
Trost
Van Kesteren
Vecchio
Wagantall
Warkentin
Waugh
Weir
Yurdiga

Gladu
Gourde
Harder
Jeneroux
Jolibois
Kent
Kmiec
Kwan
Lauzon (Stormont—Dundas—South Glengarry)
Lebel
Liepert
Lukiwski
MacKenzie
Malcolmson
Masse (Windsor West)
May (Saenich—Gulf Islands)
McColeman
Miller (Bruce—Grey—Owen Sound)
Motz
Nater
Nuttall
O'Toole
Paupé
Poilievre
Raït
Rayes
Rempel
Ritz
Sansoucy
Scheer
Shields
Sopuck
Stanton
Stetski
Strahl
Sweet
Tilson
Trudel
Van Loan
Viersen
Warawa
Watts
Webber
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Iacono
Jones
Kang
Khera
Lametti
Lapointe
Lebouthillier
Lemieux
Levitt
Lockhart
Longfield
MacKinnon (Gatineau)
Massé (Avignon—La Mitis—Matane—Matapédia)
May (Cambridge)
McCrimmon
McGuinty
McKenna
McLeod (Northwest Territories)
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs)
Monsef
Morneau
Nassif
Ng
Oliphant
Ouellette
Peschisolido
Petitpas Taylor
Picard
Ratansi
Robillard
Rota
Ruimy
Sahota
Samson
Scarpaleggia
Schulte
Sgro
Sheehan
Sidhu (Brampton South)
Sohi
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Tan
Vandal
Virani
Wilkinson
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Joly
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Khalid
Lambropoulos
Lamoureux
Lauzon (Argenteuil—La Petite-Nation)
Lefebvre
Leslie
Lightbound
Long
MacAulay (Cardigan)
Maloney
McDonald
McKay
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Mihychuk
Murray
Nault
O'Connell
Oliver
Paradis
Peterson
Philpott
Poissant
Rioux
Rodriguez
Rudd
Rusnak
Saini
Sangha
Schieffe
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Sikand
Sorbara
Tabbara
Tassi
Vaughan
Whalen
Wilson-Raybould
Young

NAYS

Members

Aldag
Alleslev
Anandasangaree
Arya
Badawey
Beech
Bibeau
Blair
Bossio
Breton
Caesar-Chavannes
Casey (Cumberland—Colchester)
Champagne
Chen
Cuzner
DeCoursey
Dhillon
Drouin
Duclos
Duncan (Etobicoke North)
Easter
El-Khoury
Eyking
Fillmore
Fisher
Fortier
Fraser (West Nova)
Fry
Gerretsen
Goodale
Graham
Hajdu
Holland
Hussen

Alghabra
Amos
Arseneault
Ayoub
Bains
Bennett
Bittle
Boissonnault
Bratina
Brisson
Carr
Chagger
Chan
Cormier
Damoff
Dhaliwal
Di Iorio
Dubourg
Duguid
Dzerowicz
Ehsassi
Ellis
Fergus
Finnigan
Fonseca
Fragiskatos
Fraser (Central Nova)
Fuhr
Goldsmith-Jones
Gould
Grewal
Harvey
Housefather
Hutchings

PAIRED

Nil

The Speaker: I declare the motion lost.

* * *

● (1530)

[English]

CANADA ELECTIONS ACT

Hon. Karina Gould (Minister of Democratic Institutions, Lib.) moved for leave to introduce Bill C-50, An Act to amend the Canada Elections Act (political financing).

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

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Larry Maguire (Brandon—Souris, CPC): 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 delegation of the Canada-Europe Parliamentary Association, representing its participation at the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Anchorage, Alaska, United States, February 23 to 24.

*Routine Proceedings***COMMITTEES OF THE HOUSE**

NATIONAL DEFENCE

Mr. Stephen Fuhr (Kelowna—Lake Country, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on National Defence in relation to its study of Canada and the defence of North America, specifically on its trip to Washington, D.C., from March 5 to 8. This is a unanimous report.

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

Mr. Bryan May (Cambridge, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons With Disabilities, entitled “Breaking the Cycle: a Study of Poverty Reduction”. The goal of this report is to eliminate poverty in Canada.

The report is the product of nine months of incredible work of all members of the independent HUMA committee. I would like to thank all the staff, the clerks, the Clerk's Office, and the analysts who contributed to this very big and comprehensive report.

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

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, I thank the chairman for introducing the report that flowed from the committee's work. The Conservative delegation to the committee has decided to submit a minority dissenting report. It operates from the ancient premise that doctors follow, and that is “first, do no harm”.

Unfortunately, when it comes to the condition of Canada's less fortunate, governments are doing plenty of harm. Witness testimony found that a growing list of government actions impoverished people and widened the gap between rich and poor, whether regressive consumption taxes, which disproportionately burden low-income people and enrich the wealthy and well connected; inflated electricity costs to subsidize green schemes; or snob-zoning, which is red tape that prevents the construction of low-income housing; these policies consistently keep people entrapped in poverty.

The Conservative delegation to the committee therefore proposes policies that eliminate the government interference that burdens our poorest Canadians, and empowers them to escape from poverty through hard work, community involvement, and a strong safety net that includes the charitable sector.

•(1535)

FINANCE

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 17th report of the Standing Committee on Finance in relation to Bill C-44, an act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures. The committee has studied the bill and has decided to report the bill back to the House with amendments.

I want to thank all members from all parties who did the work at committee in studying Bill C-44, the staff, the clerk, and all those involved. I believe many people have no idea of the many hours the

finance committee met to go through the clause-by-clause study of the bill and to hear witnesses before that.

INDUSTRY, SCIENCE AND TECHNOLOGY

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Industry, Science and Technology, entitled “The Canadian Manufacturing Sector: Urgent Need to Adapt”.

I too wish to thank all the clerks who were on our committee, all our translators, and everyone who officially helped us to get this done. This is a unanimous report as well.

JUSTICE AND HUMAN RIGHTS

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 13th report of the Standing Committee on Justice and Human Rights, entitled “Proposals for a Miscellaneous Statute Law Amendment, 2017”.

I am happy to say that this is also a unanimous report.

[Translation]

CANADIAN HERITAGE

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Canadian Heritage entitled “Main Estimates 2017-18”.

[English]

In accordance with its order of reference of Thursday, February 23, the committee has considered the various votes in the main estimates for the fiscal year ending March 31, 2018, and reports the same.

* * *

PETITIONS

TAXATION

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I am pleased to present a petition signed by campers who stay at Pine Valley Park in Branchton, Ontario, “Your Family Campground”, located in the riding of Cambridge.

The petitioners call on the government to ensure that campgrounds with fewer than five full-time, year-round employees be taxed as small businesses.

ALGONA PASSENGER RAIL SERVICE

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I rise to table petitions by people from Sault Ste. Marie. They want their voice heard in the House of Commons about the abandonment of passenger rail service.

The provincial Liberals shut down the Northlander. We have seen the refusal of the federal government to support the Algoma passenger train service.

The petitioners have pointed out to me, for example, on the shutdown of the Northlander, that at Thanksgiving time Madeleine Meilleur shouted out to northerners, “Buy a car.” That attitude is certainly dismissive of northerners. They call on the government to work to build proper public transit in northern and rural regions.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am also rising to table petitions on the Algoma passenger train.

These petitioners point out that passenger services have a major effect on the tourism economy in the area. While we might be tempted to think that is limited to tourists who hunt or fish, there are many other ways that passenger services benefit the regional economy.

In fact, the writer-photography team of Joanie and Gary McGuffin, from Goulais River, and Sault Ste. Marie artist and art historian Michael Burtch tell us that without passenger services on the line, the award-winning documentary film, *Painted Land: In Search of the Group of Seven*, could not have been made. Sadly, people inspired by the film to visit this breathtaking area are finding they cannot take the train to follow in the footsteps of the Group of Seven.

This confirms the point the petitioners make when they tell us that passenger service is necessary for the economic well-being of the region. They say the train is a safer way to have all-season access to the remote wilderness and that any alternatives cited by the government are not reliable, safe, or year-round.

These are mainly industrial roads that are not maintained for passenger vehicles or patrolled for safety.

The petitioners call on the government to put the Algoma passenger train back in service, so it can help people who want to follow in the footsteps of our famous artists and support a vital tourist economy in the process.

The petitioners are from Sault Ste. Marie, Echo Bay, Massey, Desbarats, Bruce Mines, Thessalon, Richards Landing, Garden River, Aweres Township, Blind River, Searchmont, and Toronto.

• (1540)

GENETICALLY MODIFIED FOODS

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

The first is from residents throughout the Ottawa and Orléans area, as well as some from all the way down to Nova Scotia, in Halifax, a number from across the country, in Westmount, in the Montreal area, as well as from my own community of Saanich—Gulf Islands.

The petitioners call on the House to consider the importance of consumer information on allowing Canadians to know if the products they buy contain genetically modified organism. They would like the House to ensure the labelling of genetically modified foods.

Routine Proceedings

FALUN GONG

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the number of signatures on the second petition is over 9,000, and I could have tabled many more petitions.

These Canadians, as well as many thousands more, call for Canada to speak clearly to the People's Republic of China about the need to respect human rights, particularly the rights of peaceful practitioners of Falun Dafa and Falun Gong, who are imprisoned, persecuted, and, according to credible reports, subject to organ harvesting.

These petitioners call on the Government of Canada to speak up on behalf of the practitioners of Falun Dafa and Falun Gong.

COMMEMORATIVE MEDALS

Hon. Peter Van Loan (York—Simcoe, CPC): Mr. Speaker, I have several petitions to table, which petitioners have submitted on the subject of commemorative medals that the government has cancelled, despite the fact that this is the 150th anniversary of Confederation.

Traditionally, medals have been presented by the Government of Canada to notable individuals who have made a significant contribution to Canada in their communities. It has been done on the occasion of the 125th anniversary of Confederation, of course the centennial in 1967, the diamond jubilee in 1927, and even in the year of Confederation itself. Although preparations were very far in advance, including a design for the medal for this year's 150th anniversary of Confederation, unfortunately the Liberal government has cancelled this.

The petitioners indicate that as part of the Liberal war on history, they are disappointed that the contributions of community-building Canadians are not being honoured and are being ignored.

The petitioners come, as I said, from a number of communities: Kindersley, Saskatchewan; Bewdley, Ontario; Winnipeg Beach, Manitoba; Matlock, Manitoba; Cranberry Portage, Manitoba; Flin Flon, Manitoba; Hodgeville, Saskatchewan; Waterford, Ontario; Burlington, Ontario; Delaware, Ontario; London, Ontario; Leask, Saskatchewan; and Blaine Lake, Saskatchewan.

As we can see, there are petitioners from all across the country who call upon the Government of Canada to respect tradition, recognize deserving Canadians, and reverse the unfortunate decision to cancel the commemorative medals on the occasion of the 150th anniversary of Confederation.

TAXATION

Mr. Blake Richards (Banff—Airdrie, CPC): Mr. Speaker, I have a petition with a whole slew of signatures from my constituency, places like Crossfield, Airdrie, Canmore, Cochrane, also from Calgary, and other places in Alberta and Saskatchewan. There are a large number of signatures. It is about an issue that arose prior to the last federal budget, when the government was discussing the idea of taxing the medical and dental benefits of Canadians.

Routine Proceedings

It is a good reminder for the House, given that there always seems to be another attempt by the Liberals to find a way to raise the taxes of Canadians, that Canadians push back when Liberals try to raise their taxes. This was another example of when they were seeking to raise taxes on medical and dental benefits and Canadians said no way, that the Liberals could not raise their taxes. That is what this petition is about.

I believe that sentiment would apply to all of the attempts the Liberals make, and continue to make, to try to raise taxes.

MARIJUANA

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, I rise today to present a petition from many people in Nanaimo, as well as Ladysmith, Parksville, and Whistler, urging the government to recognize that cannabis prohibition was initiated with no scientific basis and seemed to be initiated as an effort to harass, punish, and deport racial minorities.

The petitioners indicate that the prohibition against cannabis has caused great social harm, led to long-standing criminal records for young people, and has the potential to benefit agriculture, medicine, fuel, and building materials, as well as support health.

The petitioners urge Parliament to take eight separate actions, specifically and meaningfully right now, to end the criminalization of individuals for the personal possession of marijuana.

• (1545)

LABELLING OF FOOD PRODUCTS

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I have two petitions to introduce today.

First, as health critic, it gives me a great deal of pleasure to introduce e-petition 733.

Citizens all across the country signed the petition, noting that Canadians should have the right to know how much sugar is added to their food. They point out that there is strong evidence that an intake of free sugars less than 10% of total daily energy intake reduces the risk of being overweight, obesity, and tooth decay. They believe Canadians should be provided with adequate information to follow through on WHO recommendations to reduce the harmful health effects of sugar.

The petitioners call on the Minister of Health to readdress the minister's choice of not having added sugars on the nutrient panel of food labels to support and empower Canadians to make better food choices.

SHIPPING INDUSTRY

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the second petition is signed by residents from all over British Columbia. They call on the government not to adopt the Emerson report on the Canadian Transportation Act, which would dismantle the established rules governing cabotage in Canada.

The petitioners point out that dismantling cabotage would allow the shipping industry to hire cheaper, perhaps vulnerable, foreign seafarers without knowledge of the local waters they sail, endangering marine safety and, good Canadian jobs, and resulting in the unemployment of many Canadian workers in this very

important industry who are able to sustain their families with good jobs.

CANADA POST

Ms. Yvonne Jones (Labrador, Lib.): Mr. Speaker, I am pleased to present this petition on behalf of my constituents living in the community of Churchill Falls in Labrador.

The petition is with regard to full postal services for their community. The petitioners feel that there has been some downgrading of the service in previous years. They understand that there is an ongoing review right now by Canada Post. They want to petition the House of Commons and the government to ensure that they have full postal service in their community. As residents, they feel that the services that they have had over previous years should be maintained and they would like to see those services restored to what they were prior to the cuts that were made by the former government.

I am happy to present that petition on their behalf today to the House of Commons.

[*Translation*]

WATER QUALITY

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, I rise to present another petition regarding Lake Champlain, which is in my riding, Brome—Missisquoi. All matters relating to the water quality of Lake Champlain, which we share with our American neighbours, are governed by the International Boundary Waters Treaty Act and the International Joint Commission.

In 2008, the International Joint Commission looked into the water quality problems in Lake Champlain and Missisquoi Bay. Since 2008, the International Joint Commission has not pursued the matter. It is of the utmost importance to protect Lake Champlain for present and future generations.

The conclusion is that the residents of the Lake Champlain region are asking the Minister of Foreign Affairs to review the mandate of the International Joint Commission so that it can resolve the water quality issue in Lake Champlain.

I would like to take the opportunity to thank the member for Saint-Jean for supporting this petition.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would ask that all questions be allowed to stand at this time, please.

The Assistant Deputy Speaker (Mr. Anthony Rota): Is that agreed?

Some hon. members: Agreed.

Government Orders

• (1550)

MOTIONS FOR PAPERS

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would also ask that all notices of motions for the production of papers be allowed to stand at this time.

The Assistant Deputy Speaker (Mr. Anthony Rota): Is that agreed?

Some hon. members: Agreed.

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

The House resumed from May 29 consideration of the motion that Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts, be read the second time and referred to a committee.

Mr. Chris Bittle (St. Catharines, Lib.): Mr. Speaker, before I begin, I would like to mention that I will be splitting my time with the hon. member for Rivière-des-Mille-Îles.

I will be speaking in favour of Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts.

Bill C-46 is a non-partisan proposal to hit back against impaired driving, an issue all too familiar to many citizens in my riding of St. Catharines and throughout Canada.

We all want roads that are clear of drug- and alcohol-impaired drivers, and Bill C-46 would help deliver this. The bill contains a package of reforms that will make it far more difficult to escape detection and avoid conviction. The bill addresses numerous elements found in earlier bills, but it is, in my view, a more comprehensive approach to impaired driving and includes new elements to deal with drug-impaired driving in advance of cannabis legislation.

This comprehensive bill has two parts. The first part addresses drug-impaired driving and will come into force on royal assent. The second part will combine the new drug-impaired driving provisions with other transportation offences, including amendments to the alcohol-impaired driving provisions within a new part of the Criminal Code. This part would come into force 180 days after royal assent.

The proposals in Bill C-46 are aimed at making our streets safer and at the same time are intended to boost efficiency and reduce delays in the criminal justice system, which I, as a lawyer in St. Catharines, saw far too often.

I would like to expand on the provisions that would streamline the procedures surrounding impaired driving, both in and out of court.

I begin by noting trials for the offence of driving over the legal limit for alcohol take up a disproportionate amount of trial time at the

provincial and superior court levels. This occurs in part because of defence efforts to raise a reasonable doubt about the validity of the blood alcohol concentration analysis. Bill C-46 proposes to address this in a manner consistent with current science, by setting out that a driver's BAC will be conclusively proven if the police have taken the steps I will now describe.

First, a qualified technician who is a police officer trained to operate an approved instrument must ensure that the approved instrument is not registering any alcohol that is in the room air. This is done by an air blank test. This is important. Otherwise, the court could not be certain that the approved instrument detected only alcohol that was in the driver's breath.

Second, the qualified technician must ensure that the approved instrument is calibrated correctly. Technicians do this by testing a standard alcohol solution that is certified by an analyst to contain a specific concentration of alcohol. If the approved instrument produces a result that is within 10% of the target value, then the approved instrument is correctly calibrated.

Third, the qualified technician must take two breath samples at least 15 minutes apart. If there is agreement between the samples, meaning the results are within 20 milligrams of each other, the agreement requirement is met, and the lower of the two readings will be the reading that forms the basis of any criminal charge for driving while over the legal limit. For an offender with no prior impaired driving convictions, a lower reading typically would avoid a fine above the minimum fine.

If the qualified technician takes these three steps, then the resulting blood alcohol concentration will be conclusively proven. The result is enhanced trial efficiency, given that no court time is taken up by efforts to question the validity of the blood alcohol concentration analysis. This proposed change is based on the best available scientific evidence and ensures trial fairness while preventing time-consuming challenges to reliable testing procedures.

There is another important change proposed in Bill C-46 that works hand in hand with the proof of blood alcohol concentration. This is the proposal to reformulate the offence from driving while over 80 milligrams to the new formulation proposed in Bill C-46, which is having a blood alcohol concentration at or over 80 milligrams of alcohol within two hours of driving.

A number of states in the United States already have such a formulation. It eliminates the bolus drinking defence, also known as the drink-and-dash defence. This defence consists of a driver claiming that they were under 80 milligrams at the time of driving because the alcohol, which they drank quickly and just before driving, was not fully absorbed into the blood. However, by the time they were tested on the approved instrument at the police station, the alcohol was absorbed and the reading on the approved instrument was over 80.

• (1555)

Assuming this pattern of behaviour actually occurred, it is then argued in court that the effects of the alcohol did not make the driver drunk until after the driver was stopped. This is very dangerous behaviour that should not be condoned in law.

Government Orders

The new offence also limits the intervening drink defence by tackling a strategy employed after driving but before testing at the police station. A driver either openly drinks alcohol once the police have stopped him or her, or he or she drinks alcohol that was hidden, for example, in a pocket flask while they are awaiting the police in the police car or at the station. This behaviour typically is aimed at interfering with the police investigation of an impaired driving offence.

The Supreme Court of Canada indicated in 2012 that the bolus drinking defence and the intervening drink defence encourage behaviour that is dangerous or contrary to public policy. Bill C-46 would eliminate the bolus drinking defence and restrict the intervening drink defence to situations in which the post-driving alcohol consumption occurred innocently, meaning that the driver had no reasonable expectation that a demand for a breath sample would be made by the police. An example would be a driver who arrives home and begins drinking at home. There is no reason to expect the police to arrive and make a demand for a breath sample. However, if the police receive a complaint that the driver was driving while drunk and they investigate, which is a rare scenario, the driver could still in that case raise the intervening drink defence.

Another efficiency measure in Bill C-46 is the clarification of the crown's disclosure requirements. The bill clearly and concisely specifies what the prosecution must provide to the defence with respect to a driver's testing on the approved instrument. If the defence wishes to obtain more, it can apply to the court but must show relevance of the information requested. This disclosure provision is intended to ensure that police are not obliged to disclose material, such as historical approved instrument maintenance records, that is irrelevant to the scientific validity of the driver's breath test results.

Given that the disclosure phase is frequently a bottleneck in the process, these clarifications are expected to result in significant improvements in prosecutorial efficiency. This includes time and resources saved on locating, copying, collating, organizing, or otherwise providing scientifically irrelevant maintenance records to the defence.

I am confident that the proposed changes in Bill C-46 will make the investigation and prosecution of impaired driving crimes a lot simpler. The approved instrument, when used by a qualified technician who first ensures that it is operating correctly, is scientifically reliable. It produces a valid statement of a driver's blood alcohol concentration. Defence will be given full and complete disclosure. Defence will be able to see for itself whether the appropriate steps that are prerequisite to the conclusive proof of blood alcohol concentration were taken.

Through Bill C-46, efficiencies in the criminal justice system for impaired driving matters will be gained not only at the police investigation stage but also at the trial stage. The impaired driving provisions have also been subject to extensive discussions with the provinces and territories and are eagerly awaited by them.

I ask all hon. members to join in voting to pass Bill C-46 at second reading and send it to the Standing Committee on Justice and Human Rights for review.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I noted that the member opposite spoke quite a bit about the testing of blood alcohol levels. The technology in that area is quite proven. We do understand what constitutes impairment and we have implemented proper testing to be able to detect drivers who are drunk, but this legislation also covers drug-impaired driving. My understanding is that currently there is not an understanding of what constitutes impairment, especially when people have consumed both drugs and alcohol, and we have no current plan to implement roadside tests to be able to detect drugs in a person's blood.

Could the member please let us know what that plan is?

• (1600)

Mr. Chris Bittle: Mr. Speaker, drug-impaired driving is a concern taken very seriously by the government. I have spoken at length with the minister and the parliamentary secretary about this problem.

Bill C-46 is an important piece of the puzzle to go along with Bill C-45, which is the legalization of cannabis. Bill C-46 does deal with impairment by cannabis, and there will be saliva-based testing.

As a member of the Standing Committee on Justice and Human Rights, I look forward to hearing the scientific evidence from legal experts, scientists, and so on as to how this roadside screening will work. I am looking forward to hearing that testimony as soon as this place can get the bill to committee.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I have two questions.

One is that we are aware that there are some challenges with respect to testing for the presence of THC in the active bloodstream. We know that there are tests that can determine what are called the metabolites of THC. Because THC is very fat-soluble, the THC stays in the fat and then it is slowly released. Therefore, we can test the breakdown products of THC, but that is not necessarily an indicator of present impairment.

The second aspect of the question is that for people who are prescribed medicinal cannabis and are chronic users of THC, research has shown that they may have elevated levels of THC in their saliva but not be impaired.

Does my hon. colleague have any comments on how the legislation may deal with those challenges?

Mr. Chris Bittle: Mr. Speaker, again, I am looking forward to hearing the evidence from scientists, but my understanding is that the saliva-based test for people impaired by cannabis does show recent usage of cannabis. The roadside test is not dealing with fat-soluble concentrations of THC. It is saliva-based so that would show immediate or recent usage.

Government Orders

In terms of medicinal cannabis, if we look at other drugs, whether opioids or other types of drugs that would impair, people still should not get behind the wheel. If they are impaired, they are impaired whether it is prescribed as a medicine or not. It does not matter if it is a drug like an opioid or if it is cannabis; there will be scientific tests to determine whether an individual is impaired by a drug and should not be behind the wheel.

[*Translation*]

Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP): Mr. Speaker, CAA has asked the government to launch a public awareness and education campaign before marijuana is legalized, but the government has not yet done so.

Can my colleague tell me when the government plans to work on this aspect of prevention, which is impaired driving?

[*English*]

Mr. Chris Bittle: Mr. Speaker, I know my friend, the hon. Parliamentary Secretary to the Minister of Justice, has done incredible work travelling the country, including coming to St. Catharines and speaking to members of the community and speaking to key individuals such as our chief of police, head of fire services, municipal officials, and those in education. The public education campaign is ongoing and the parliamentary secretary is well behind it.

I know that the Prime Minister has discussed that the proceeds of cannabis would be used for public education, and this government stands behind it. This is ultimately a public safety and public health bill, so public education on cannabis and its usage is important.

[*Translation*]

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Mr. Speaker, I rise today to speak to a subject that has admittedly attracted a lot of attention in recent days, weeks, and months.

Obviously, the legalization of cannabis, or marijuana, was a hot but sensitive topic during the election campaign, and so it is important to open a dialogue with Quebeckers and Canadians to discuss it.

As a mother of four children, two girls and two boys, aged 17 to 25, I am well aware of the arguments for and against the legalization of cannabis. However, one thing is certain. We need to reconsider our current approach.

As part of its commitment, our government recognizes that the existing approach is not working and seems outdated. The rate of cannabis use among young people is higher in Canada than anywhere else in the world. That is not an enviable record, even though we are, as the Right Hon. Jean Chrétien was fond of saying, “the best country in the world”. I truly believe that.

In 2015, the rate of cannabis use was 21% among young people aged 15 to 19 and 30% among adults aged 20 to 24. In other words, one in three people use cannabis on a regular basis. If we add in the people who use it occasionally, the number only increases. Obviously, our bill addresses a real problem. It will protect our children from drugs and from the underground network that supplies them.

Recently, our government introduced two bills to carry out and complete the legalization of cannabis and the associated regulations. However, many people only want to hear the first term, namely, legalization.

When I talk to people in my riding of Rivière-des-Mille-Îles, very few of them are aware of the second bill, Bill C-46, an Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts.

In other words, this bill seeks to make several amendments to the Criminal Code to address cannabis-impaired driving. The prohibition on cannabis must be lifted safely, everywhere, and in every sector of our society, including on our roads.

Unfortunately, impaired driving is the leading criminal cause of death and injury in Canada. That is why our government is committed to enacting new, more stringent laws, to punish people who drive under the influence of drugs, including cannabis, more severely.

I firmly believe that enacting this bill will deter people from getting behind the wheel when they are under the influence of drugs or alcohol.

The media often tend to say that it is our young people who are more reckless and who drive while impaired. However, I know that my children and their friends do not consider impaired driving, or not having a plan for getting home, to be even remotely cool. In fact, most of the time, young people and those who are not so young already have a plan for getting home. This is an approach that I strongly encourage. There are also many alternatives available now, including drive-home services, taxis, public transit, ride-sharing, parents, and so forth.

This bill has two parts. In part 1, the amendments proposed in Bill C-46 include a new legal limit for drug-related offences and new tools to allow for better detection of impaired drivers.

To make it all possible, the bill provides for the use of roadside screening devices using oral fluid samples. This is a first in Canada when it comes to drug screening. This type of device is already used in a number of countries, including the G7 countries, such as France.

As we speak, the police have few if any ways of immediately determining the blood concentration of THC, the active ingredient in cannabis, for drivers stopped at the roadside.

We must take action, and bill C-46 will enable police officers who legally stop drivers at the side of the road to ask them to provide an oral fluid sample, if they have reasonable suspicions and believe that drugs are present in a driver’s body.

• (1605)

A positive reading would then help establish reasonable grounds to believe that an offence had been committed. This is an important key measure in the legalization and strict regulation of cannabis.

Government Orders

This important bill will allow an officer who has reasonable grounds to believe that an offence has been committed to contact an “evaluating officer”. The “evaluating officer” will then conduct an evaluation of the drug use by taking a blood sample. Next, the bill will create three new offences based on specified levels of a drug in a person’s blood within two hours after driving.

Obviously, the penalties would depend on the drug type and the levels or the combination of drugs and alcohol. These offences will be considered on the basis of the levels of active ingredients in the blood, but will also be harsher and will be “hybrid offences” where a driver has a combination of alcohol and cannabis. For example, a hybrid offence will be punishable by a mandatory fine of \$1,000 and the penalty will escalate, including days of imprisonment for repeat offenders.

In part 2, Bill C-46 would reform the entire Criminal Code regime dealing with conveyances and create a new, modern system that is simplified and more coherent, in order to better prevent alcohol- or drug-impaired driving. In other words, this part of the bill provides for mandatory roadside alcohol screening, increases in minimum fines and certain maximum penalties, and a host of measures to simplify and update the existing law.

In conclusion, I have full confidence in Bill C-46, and that the coherent, clear, and sufficiently coercive measures it contains will make our roads safer for everyone. Obviously, to support these measures, our government will undertake a robust public awareness campaign, so that Canadians are well informed about the dangers of driving under the influence of cannabis or other drugs. I am also committed to doing that in my community of Rivière-des-Mille-Îles, to educate people and raise their awareness, to ensure that there is good communication, and to work on prevention with young people and the public as a whole.

•(1610)

Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP): Mr. Speaker, I thank my colleague for her speech. Much has been said about prevention and giving the police the tools they need to detect the presence of marijuana in saliva, but to do that, we would also have to know what quantity of THC we want to detect and have good devices that will detect it. However, this does not seem to be the case at present.

Will the Liberals ensure that the police have these tools and do not arrest people who are not necessarily under the influence of marijuana and are not impaired?

Ms. Linda Lapointe: Mr. Speaker, I know that the member asked my colleague this question a little earlier. She wanted to know more about prevention and how the presence of THC was going to be detected.

As I said earlier, if the police have reasonable grounds to believe that an offence has been committed, they will be able to require that a driver give an oral fluid sample. If the reading is positive, the driver will have to give a blood sample to an evaluating officer. Obviously, the THC levels my colleague is referring to will have to be determined by scientists.

[English]

Mr. Todd Doherty (Cariboo—Prince George, CPC): Mr. Speaker, I have a couple of questions. I am on record already a number of times saying that I am all for stricter drinking and driving and impairment laws, as someone who lost a loved one 20 years ago this year. However, the questions need to be answered. The costs will be downloaded to our municipalities and to our police forces for this equipment and for training to give our police forces the capacity to accurately administer these tests, even though the science behind them is still imprecise and there are too many false positives.

In passing this piece of legislation, is the government also committing to giving additional resources to the municipalities and police forces that will be responsible for paying for this process?

•(1615)

[Translation]

Ms. Linda Lapointe: Mr. Speaker, I thank my colleague for his very important question.

The legislation will be passed by July 1, 2018, at the latest. The provinces will definitely have to pass their own legislation as a result.

In 2015, there were 72,000 impaired-driving incidents, 3,000 of which involved drugs. We therefore need to adjust our laws, because currently we have nothing that covers drugs specifically. We cannot force drivers to submit to testing. That is what our bill does.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I thank the hon. member for her presentation.

I am extremely concerned about several aspects of this bill, particularly the need to educate people, especially young people, about the consequences of marijuana use. We need greater emphasis on this in our society.

Another aspect also worries me. Ever since this government announced it would legalize marijuana, we have been seeing greenhouses pop up in various indigenous communities for growing marijuana.

I would like the hon. member to comment on these issues, which are just as important as some of the other aspects or dimensions of this bill.

Ms. Linda Lapointe: Mr. Speaker, I thank my colleague.

I am rising today to speak to Bill C-46 because it is very important. I think that people always talk about legalization, but not about regulation. In my opinion, it is very important to provide a framework for this aspect.

We are talking about impairment, but my colleague also mentioned cannabis production. To grow cannabis, people must obtain a licence by following a process that will be similar to the one for the production of a new medication. There are strict regulations and there will be many rules.

I stated earlier that as the mother of four children, I see a lot of young people come to my home. It is very important to me that they know what could happen if they consumed drugs or alcohol and decided to drive.

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[English]

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I will be sharing my time with the member for Pitt Meadows—Maple Ridge.

Mr. Speaker, I am proud to rise today at second reading of Bill C-46, which deals with driving while under the influence of alcohol or drugs.

In all our ridings, impaired driving upends lives, devastates families, and ravages communities. While the rate of impaired driving has been on the decline since the 1980s in most of Canada, it is still a cause for concern. For example, Saskatchewan has the highest per capita rate of any province, with 575 incidents per 100,000 people in 2015. That rate is more than double in the Yukon and the Northwest Territories.

While the vast majority of impaired driving incidents in Canada involve alcohol, drug-impaired driving has been on the rise since 2009. In 2015, Canadian police reported some 3,000 incidents of people driving while under the influence of drugs. In 2015, there were more than 72,000 impaired driving incidents, including 3,000 drug-impaired driving incidents. In other words, drug-impaired driving is not a new phenomenon, and the measures in place in recent years have not stopped the problem from getting worse.

Drug-impaired driving has been a criminal offence since 1925. Front-line officials across the country have made repeated calls to treat it as a more serious criminal offence, to create accurate and reliable testing tools, and to improve public education on the dangers of driving while impaired. Our approach, through this bill, will do the same.

To begin with, Bill C-46 would amend the Criminal Code to provide police with the authority to use roadside drug screeners. In practice, this is how it would work. A police officer would conduct a traffic stop under his or her authority. The officer could form a reasonable suspicion, which could be determined from several factors, including red eyes, the odour of an impairing substance, or abnormal speech patterns. If there were reasonable grounds to suspect drugs in the body, at that point the police officer would be authorized to demand an oral fluid sample or a standardized field sobriety test. These screeners would detect the presence of a drug in a driver's oral fluid. A positive result on the drug screener would give the officer reasonable grounds to believe that the driver was committing an impaired driving offence, at which point he or she could demand a blood sample or call a drug recognition expert. There is a solid history of both the effectiveness of this test and of jurisprudence in dealing with challenges to it.

With Bill C-46, police would be able to use an oral fluid drug screener that could detect THC, cocaine, and methamphetamine. These devices would be approved by the Attorney General of Canada once they were evaluated and recommended by the Canadian Society of Forensic Science.

Six different Canadian police services, from Halifax to Vancouver to Yellowknife, tested these devices in a pilot project earlier this year to ensure that they worked in a variety of conditions, including cold temperatures. I look forward to the public report on that project, which should be available soon.

The bill would create three new criminal offences so that people who had an illegal level of drugs in their blood, or drugs in combination with alcohol, within two hours of driving could be charged. These offences could be proven by blood samples, which could be taken by police when there were reasonable grounds to believe that a driver was impaired.

● (1620)

Law enforcement officials have highlighted that existing impaired-driving laws are complex and difficult to apply. For example, some offences overlap, and some cases take up a great deal of court time. Bill C-46 would repeal this current regime and replace it with a modernized, simplified, and coherent structure. Police across the country would be able to better understand, apply, and enforce the law and therefore be better able to keep communities safe.

Bill C-46 would also facilitate the detection of impaired drivers by allowing for random roadside breath testing. This is something that already exists in countries such as Australia, New Zealand, and Ireland. Groups like MADD Canada have been calling for it for a long time because of research showing that it results in fewer accidents and saves lives.

Ultimately, Bill C-46 would institute and enhance a legislative framework to detect, prevent, and punish impaired driving. As I said earlier, though, a legislative approach must be accompanied by public education and efforts to combat the persistent misinformation that exists among Canadians on this issue.

I am encouraged that Public Safety Canada has launched and promoted social media campaigns this year targeting youth, parents, and drivers with a message encouraging sober driving and amplifying the message of our partners. The March campaign garnered 11.5 million impressions, meaning the number of times the content was displayed, and over 75,000 engagements, such as likes, comments, and shares, meaning it reached a large audience. I understand that a comprehensive marketing strategy is also under development, including a sustained public education and awareness campaign to combat drug-impaired driving, in collaboration with various partners. This campaign should help address some of the misperceptions that exist about the effects of certain substances on a person's ability to drive.

The changes we are proposing now mean that the government would be providing law enforcement agencies with clearer laws, better technology, better training, and more resources to investigate and prosecute drug-impaired drivers. It would mean tougher penalties to deal appropriately with offenders and better public education and awareness about the dangers of driving while impaired. As a result, Canadians would have safer roadways and safer communities.

Government Orders

I am encouraged by the response to these proposed measures thus far, including from Mothers Against Drunk Driving and others. That is why I urge all members to support this important legislation.

● (1625)

Ms. Sheri Benson (Saskatoon West, NDP): Mr. Speaker, my hon. colleague brought forward a very serious and depressing statistic about my own province, which of course is that it has the highest rate of police-reported impaired driving, so I am pleased that the NDP will be supporting this bill.

I want to ask my colleague to comment on two things I would like to see looked into at the committee stage.

First, the Saskatchewan government has been asking the federal government for more funding and training so that they will be better prepared and better trained to recognize people when they are under the influence of cannabis.

The second issue people have brought forward in my community is that prior to this bill, the police had to have a reasonable suspicion to stop someone. With the new bill, that threshold would be reduced. I know that some people in my community are concerned that those folks and visible minorities may be targeted by the police.

I would like to hear what my colleague's comments are on those two points.

Ms. Yasmin Ratansi: Mr. Speaker, I thank the hon. member for her concerns, and I agree with her that there may be a perception that the police might just pick on some visible minorities, but that is not the intent of the bill. The bill intends to ensure that all of us are safe, that people who have consumed alcohol or drugs do not take to the roads. The police would be given the power, when they stop a person for a driving infraction, to tell the person why they are stopping them and to give a test. They can do a reasonable amount of search in terms of seeing a person's eyes or seeing if there is an odour, but the police also can call in a drug enforcement person to take a look at it. Therefore, there are checks and balances in the system.

The second thing we also need to do is to work with the provinces, territories, and municipalities toward better public education. I am so glad to see the Minister for Public Safety has started that consultation and broad expansion of the communication.

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, to follow up on the question answered by my colleague, I would just point out that Bill C-46, proposed subsection 320.27(2), requires that a police officer, if in possession of an approved screening device, "in the course of the lawful exercise of powers under an Act of Parliament or an Act of a provincial legislature or arising at common law," may make a demand for a test. The stop itself must be lawful.

I offer that suggestion to my friend. The stop is required to be lawful. If the stop was otherwise rendered unlawful—for example, the reason for the stop was something inappropriate, such as discrimination on the basis of race or ethnicity—the stop would be rendered unlawful and the test and its results would be inadmissible under the Constitution.

I would ask the member if she would find that provision, which is new, to be reasonable reassurance of the concerns that have been expressed.

● (1630)

Ms. Yasmin Ratansi: Mr. Speaker, I thank my hon. colleague. He being an ex-chief of police, I am so glad that he has pointed out that section of the bill. I think that would be very useful to prevent this misunderstanding that police are just targeting any person illegally.

I understand that six different Canadian police services from Halifax to Vancouver to Yellowknife have tested the device. They are very happy with the way the device works. I believe the section my hon. colleague mentioned would be a boon to the prevention of illegal stops.

[*Translation*]

The Assistant Deputy Speaker (Mr. Anthony Rota): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Vancouver East, Immigration, Refugees and Citizenship; the hon. member for Calgary Shepard, International Development; and the hon. member for Charlesbourg—Haute-Saint-Charles, National Defence.

[*English*]

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Mr. Speaker, today I will be speaking in favour of Bill C-46, an act to amend the Criminal Code, regarding offences relating to conveyances, and to make consequential amendments to other acts.

Before I actually get into my speech, I think we all have a story to tell. When I was five, a drunk driver hit my parents. My mom was in the hospital for a year. My dad was gravely injured as well. Our whole family was split up to different multiple homes, and that has had far-reaching consequences throughout my life. Being here today allows me the opportunity to help do the right thing.

Bill C-46 is a non-partisan proposal to hit back hard against impaired driving, an issue all too familiar for many Canadians. We all want our roads to be clear of drug-impaired and alcohol-impaired drivers, and Bill C-46 would help to deliver just that. The bill contains a package of reforms that would make it far more difficult to escape detection and to avoid conviction. Bill C-46 addresses numerous elements found in the earlier bills, but it is, in my view, a more comprehensive approach to impaired driving, and includes new elements to deal with drug-impaired driving in advance of cannabis legislation.

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This comprehensive bill has two parts. The first part would address drug-impaired driving and would come into force on royal assent. The second part would combine the new drug-impaired driving provisions with other transportation offences, including amendments to the alcohol-impaired driving provisions within a new part of the Criminal Code. This part would come into force 180 days following royal assent. The proposals in Bill C-46 are aimed at making our streets safer and at the same time are intended to boost efficiency and reduce delays in the criminal justice system.

I would like to expand on those provisions that would streamline the procedures surrounding impaired driving, both in and out of court.

In regard to proving blood alcohol concentration, I begin by noting that trials for the offence of driving over the legal limit for alcohol take up a disproportionate amount of trial time at the provincial court level. This occurs in part because of defence efforts to raise a reasonable doubt about the validity of the blood alcohol concentration. Bill C-46 proposes to address this in a manner consistent with current science by setting out that a driver's BAC, blood alcohol concentration, will be conclusively proven if the police have taken the following steps.

First, the qualified technician, who is a police officer trained to operate an approved instrument, must ensure that the approved instrument is not registering any alcohol that is in the room air. This is done by an air blank test. This is actually quite important; otherwise, the court could not be certain that the approved instrument detected only the alcohol that was in the driver's breath.

Second, qualified technicians must ensure that the approved instrument is calibrated correctly. They do this by testing a standard alcohol solution that is certified by an analyst to contain a specific concentration of alcohol. If the approved instrument produces a result that is within 10% of the target value, then the approved instrument is correctly calibrated.

Third, qualified technicians must take two breath samples at least 15 minutes apart. If there is agreement between the samples, meaning the results are within 20 milligrams, the agreement requirement is met and the lower of the two readings will be the reading that forms the basis of any criminal charge for driving while over the legal limit. For an offender with no prior impaired driving conditions, a lower reading typically would avoid a fine above the minimum fine.

If the qualified technicians take these three steps, the resulting blood alcohol concentration will be conclusively proven. The result is an enhanced trial efficiency, given that no court time is taken up by efforts to question the validity of the blood alcohol concentration analysis. This proposed change is based on the best available scientific evidence and would ensure trial fairness while preventing time-consuming challenges to reliable testing procedures.

•(1635)

There is another important change proposed in Bill C-46 that works hand in hand with the proof of blood alcohol concentration. This is the proposal to reformulate the offence from driving while over 80 to the new formulation proposed in Bill C-46, which is

having a blood alcohol concentration at or over 80 milligrams of alcohol within two hours of driving.

A number of states in the U.S.A. already have such a formulation. It eliminates the bolus drinking defence, also known as the "drink and dash defence". This consists of a driver claiming that they were under 80 at the time of driving because the alcohol, which they drank quickly and just before driving, was not fully absorbed into the blood. However, by the time they were tested on the approved instrument at the police station, the alcohol was absorbed and the reading on the approved instrument was over 80.

Assuming this pattern of behaviour has actually occurred, it is then argued in court that the effects of the alcohol did not make the driver drunk until the driver was stopped. This is very dangerous behaviour that should not be condoned by the law. This is a loophole that allows people to get out of the responsibilities of their actions.

The new offence also limits the "intervening drink defence" by tackling a strategy employed after driving but before testing at the police station. The driver either openly drinks alcohol once the police have stopped him, or they drink alcohol that was hidden, for example, in a pocket flask while they are waiting in the police car or at the station. This behaviour typically is aimed at interfering with the police investigation of an impaired driving offence. Again, if we look around and we look at the science and what has been happening out there, Bill C-46 aims to address these issues.

The Supreme Court of Canada indicated in 2012 that the bolus drinking defence and the intervening drink defence encourage behaviour that is dangerous or contrary to public policy. Bill C-46 would eliminate the bolus drinking defence and restrict the intervening drink defence to situations where the post-driving alcohol consumption occurred innocently, meaning that the driver had no reasonable expectation that a demand for a breath sample would be made by the police.

For example, the driver arrives home and begins drinking at home. There is no reason to expect the police to arrive and make a demand for a breath sample. However, if the police receive a complaint that the driver was driving while drunk and they investigate, in this rare scenario the driver could still raise the intervening drink defence.

Another efficiency measure in Bill C-46 is the clarification of the crown's disclosure requirements. The bill clearly and concisely specifies what the prosecution must provide to the defence with respect to a driver's testing on the approved instrument. If the defence wishes to obtain more, it can apply to the court but must show the relevance of the requested information. This disclosure provision is intended to ensure that police are not obliged to disclose material, such as historical approved instrument maintenance records, which is irrelevant to the scientific validity of the driver's breath test results.

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Given that the disclosure phase is frequently a bottleneck in the process, these clarifications are expected to result in significant improvements in prosecutorial efficiency. This includes time and resources saved on locating, copying, collating, organizing, or otherwise providing scientifically irrelevant maintenance record materials to defence.

I am confident that the proposed changes in Bill C-46 will make the investigation and prosecution of impaired driving crimes a lot simpler. The approved instrument, when used by a qualified technician who first ensures that it is operating correctly, is scientifically reliable. It produces a reading that is a valid statement of a driver's blood alcohol concentration. Defence will be given full and complete disclosure of the steps taken to ensure the scientific validity of a driver's blood alcohol concentration result on the approved instrument. Defence will be able to see for itself whether the appropriate steps that are prerequisite to the conclusive proof of blood alcohol concentration were taken and it will ensure that time is not spent addressing irrelevant disclosure applications.

Through Bill C-46, efficiencies in the criminal justice system for impaired driving matters will be gained not only at the police investigation stage but also at the trial stage.

• (1640)

The impaired driving provisions have been the subject of extensive discussions with provinces and territories and are eagerly awaited by them.

I ask that all hon. members join in voting to pass Bill C-46 at second reading and send it to the legislative committee for review.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, all of us in the House appreciate the importance of moving forward with legislative initiatives that will protect people on the roads and are seized with this problem of how many people are killed, injured, or otherwise affected by drunk driving.

A private member's bill was put forward which was, in my judgment, very similar to many of the provisions that are put forward in this bill. The government has talked about the importance of moving quickly, as well as the challenges of pushing through government legislation, and yet a private member's bill, Bill C-226, came from a Conservative member and, ultimately, the government voted not to proceed with it.

I honestly cannot remember if the member was here for that vote, but in any event, it is likely that he and all of his colleagues voted to kill that bill. I would like to hear from the member why they voted that way and also what substantive differences he sees between Bill C-226 and the bill we are discussing today.

Mr. Dan Ruimy: Mr. Speaker, yes, sometimes the opposition will come up with very similar motions or private members' bills, but they lack certain bits of information. This bill is a result of months and months of task force investigation, consultation, and getting information. It includes cannabis as well. This bill actually complements the legislation that we are trying to move forward.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, in general, police officers are more experienced at detecting whether someone is impaired by alcohol rather than by cannabis.

I know that the provinces have asked this as well. Will the Liberals provide funding to train officers so they can better detect whether someone is impaired by cannabis?

• (1645)

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Mr. Speaker, I thank the member for her question.

[*English*]

I will have to answer that one in English.

When we look at the entire program, training has to be part of it, because in order for officers to be qualified, they have to know how to use the devices, as well as how to calibrate them. We cannot just give them a piece of equipment and tell them to use it. That does not make any sense. Attached to the legislation is being able to train officers to identify what, where, and how so that there are no issues when it goes to court.

Mr. Rodger Cuzner (Parliamentary Secretary to the Minister of Employment, Workforce Development and Labour, Lib.): Mr. Speaker, I want to commend my friend from Pitt Meadows—Maple Ridge and also the parliamentary secretary for the work that has been done on this file, and the Prime Minister for having the courage to go ahead with this legislation.

It is indisputable that in Canada young people have access to cannabis. That is indisputable. Over 15 years, my thoughts on this have evolved. It was Peter MacKay's comments when it was first announced that we were going to pursue this legislation and he said that cannabis is the currency of organized crime. Therefore, let us take it away from the gangsters and gangs and give it to the bureaucrats. The Conservatives will say in 15 years that it was their idea. I am sure they still want to go back to the flag debate. Anyway, this is the right thing to do.

The one thing I am concerned about is impaired driving. Is the member confident that we have the technology and that we will make the investments necessary to deal with that one specific issue?

Mr. Dan Ruimy: Mr. Speaker, I concur with a lot of the things the member said, but I will have to say that technology has changed. If we look at the efforts of groups such as MADD over the last 20 years, all these interventions serve to reduce the number of incidents.

I do believe we have the technology. It is continuing to develop. It is all over the world. We see this happening in the United States. We have the technology and we are going to continue to move forward.

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, I am almost sorry that we cannot go right to the question period.

Government Orders

That said, it is my responsibility to address a number of the concerns that we in the Conservative Party have with respect to Bill C-46. While the Conservative Party has always been in favour of toughening laws to discourage drinking and driving, this legislation has some flaws that need to be remedied prior to its coming into law.

The first quandary I will address is the fact that the Liberals are ignoring their own task force recommendations to implement extensive marijuana and impaired driving education and awareness programs prior to the legalization of marijuana. Rather than choosing to be measured in its approach, the government is selecting to ram this legislation through. Officials from both Washington State and Colorado have stressed the importance of starting educational campaigns as soon as possible, before legalization, yet the government has no concrete plans in place to speak to this.

The Liberals have created a false deadline for political gain, and in doing so have placed the health and safety of Canadians at risk. The agenda of any government should never supersede the well-being and security of its citizens. For example, the Canadian Automobile Association, the CAA, has requested that the Liberal government implement a government-funded education program warning about the dangers of driving while impaired under the influence of cannabis prior to the legalization of the drug. They have also requested that police forces be given adequate funding to learn how to identify and investigate drug-impaired drivers.

The government has imposed a timeline that is unrealistic. Education is imperative. The *National Post* printed a story on May 17, 2016, in which it cited that in a State Farm survey, 44% of all Canadians who smoke marijuana believed it made them better drivers. As a matter of fact, the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, the former chief of police of Toronto, stated recently in the chamber that 15% of teens believe that smoking marijuana makes them better drivers. His figures may err on the side of caution, but the government is obviously aware that educating drivers is necessary. Why, then, is it that the government is not implementing the required programs in order to keep Canadians safe on our roadways?

A study commissioned by the CAA and conducted by Earncliffe Strategy Group found this figure to be higher than 15%, and in fact it is was 26% of all drivers between the ages of 18 and 34 believe that driving while high on marijuana made them better drivers. The figures may vary, but the facts are clear. An increasing number of drivers believe that marijuana enhances their capabilities on the road. Jeff Walker, the spokesperson for the CAA, concurs. He said:

There are a lot of misconceptions out there that marijuana doesn't affect your driving, or even worse, it makes you a better driver.

He then went on to say:

There need to be significant resources devoted to educating the public in the run-up to, and after, marijuana is legalized.

Why is it that the government is ignoring calls to ensure the safety of all Canadians on our roadways by funding and offering an adequate public education program? It is our responsibility as parliamentarians to combat the fallacy that cannabis use while driving is not a hazard to road safety.

The statistics are clear, but the Liberals are more focused on fulfilling an election promise than protecting Canadians. On the

Peace Tower is the inscription, "Where there is no vision, the people perish." The Liberals are showing a lack of vision. Again, the Liberals are imposing a deadline in order to fulfill one of their election promises. Rushing such legislation is against all recommendations, including that of the CAA and the Liberals' own task force.

As members know, the Conservative Party has always supported measures that protect Canadians from impaired drivers. Drug-impaired driving is a real concern in Canada. The Department of Justice's own statistics cite a 32% increase in deaths from marijuana-involved traffic accidents in the span of a year.

● (1650)

In Colorado, marijuana-related traffic deaths increased by 154% between 2006 and 2014. This was according to a study done by Rocky Mountain High Intensity Drug Trafficking Area, a collaboration of federal, state, and local drug enforcement agencies.

It is wrong that the Liberals should ram this legislation through without consideration for the well-being of our citizens. Douglas Beirness, a senior researcher with the Canadian Centre on Substance Abuse, gave voice to similar concerns when he acknowledged, "We're getting a picture that people who are using cannabis are dying in greater numbers than ever before." The government needs to ensure that Canadians understand the risks of impaired driving before moving forward with this legislation. At this point it would seem that the Liberal logic is skewed.

Another consequence to rushing this legislation through is that it does not address the concerns police forces have in respect to detecting drug-impaired drivers. Superintendent Gord Jones of the Toronto Police Service, the co-chair of the Canadian Association of Chiefs of Police traffic committee stated, "We're having our challenges. The most pressing one is that we don't know what the legislation will look like. It makes it hard to train and prepare."

The Conservative Party is concerned that our police currently do not have the resources and training they will require to manage the increased threat of impaired driving associated with the legalization of marijuana.

The following excerpt is from the February 4, 2017, edition of the *Ottawa Citizen*:

Under legislation introduced in 2008 to update impaired driving laws, drivers suspected of drug use have been required to participate in a drug evaluation conducted by a Drug Recognition Expert, or DRE.

These police officers, trained to an international standard, rely on their observations to determine whether a blood or urine test is warranted.

The problem is that there are fewer than 600 trained DRE officers in Canada. An assessment conducted in 2009 estimated that Canada needs between 1,800 and 2,000 and the training system isn't equipped to pump out trained officers any faster.

It goes on to say:

Cannabis affects tracking, reaction time, visual function, concentration and short-term memory. Signs of cannabis use include poor co-ordination and balance, reduced ability to divide attention, elevated pulse and blood pressure, dilated pupils, the inability to cross the eyes, red eyes and eyelid or body tremors.

Government Orders

The government must address the shortfall in DRE-trained officers if it is to sufficiently test for drug-impaired drivers. I reiterate that the Liberals must have trained DRE officers in place prior to the passage of Bill C-46. They have put the cart before the horse. The order that they are proceeding in is wrong, and the result will be more deaths on Canadian roadways.

Additionally, testing for cannabis is far more complicated than testing for alcohol. While the timing of alcohol consumption is readily detected with a breathalyzer, the smelling of cannabis does not necessarily mean it was recently consumed, as drugs absorb at a different rate than alcohol. Chemical traces of cannabis remain in the body longer than alcohol. Whereas breathalyzers are recognized by the courts, there is no such precedent with drug-impaired driving. There will be challenges until there are court decisions.

Let me be clear. When the Conservatives were in government, we supported increased penalties for crimes that put Canadians in danger, such as impaired driving. It is interesting to note that the Liberals opposed legislation that imposed higher maximum penalties. Their approach now simply makes no sense. The Conservatives introduced a private member's bill on impaired driving, as my colleague pointed out, Bill C-226, and the Liberals opposed that legislation.

Bill C-46 raises concerns with regard to law enforcement. Let me be clear. For nine years the Conservatives fought hard to bring in tough impaired driving legislation which the Liberals, as we know, opposed at every opportunity. Now they wish to introduce Bill C-46 to counter their own legislation, Bill C-45, the bill that would legalize the sale and consumption of marijuana. If reasonable suspicion were to remain a criterion, the public would be fully protected, both in terms of their charter rights and freedoms and in regard to their safety on the roads.

Another troubling aspect of Bill C-46 is the fact that it will inevitably cause more court backlogs and delays when individuals would find themselves in the position of having to challenge the legislation.

• (1655)

The Liberals have already created an unnecessary crisis in our legal system by refusing to appoint the required number of judges. It was just pointed out today during question period that they have not. As a result, alleged rapists and murderers are being set free as court cases across the country are being stayed following the Jordan decision. I am guessing that Bill C-46 would further burden the law courts with challenges, worsening the current crisis.

Canadians could lose confidence in their justice system, and unless amendments are made to Bill C-46, disaster will ensure if more and more cases are dismissed. I find it ironic that they would abolish the \$200 victim surcharge for murdered victims' families in the name of alleviating financial hardship on the convicted, yet would seek to financially burden citizens who may be forced to challenge this legislation.

The marijuana task force report's advice to the ministers, on page 44, was as follows:

“The Task Force recommends that the federal government invest immediately and work with the provinces and territories to develop a

national, comprehensive public education strategy to send a clear message to Canadians that cannabis causes impairment and the best way to avoid driving impaired is to not consume. The strategy should also inform Canadians of the dangers of cannabis-impaired driving, with special emphasis on youth, and the applicable laws and the ability of law enforcement to detect cannabis use.”

The task force went on to recommend that the federal government “invest in research to better link THC levels with impairment and crash risk to support the development of a per se limit; determine whether to establish a per se limit as part of a comprehensive approach to cannabis-impaired driving, acting on findings of the drugs and driving committee; re-examine per se limits, should a reliable correlation between THC levels and impairment be established; support the development of an appropriate roadside drug screening device for detecting THC levels, and invest in these tools; invest in law enforcement capacity, including DRE and SFST training and staffing; and invest in baseline data collection and ongoing surveillance and evaluation in collaboration with provinces and territories.”

The report went on to say, “While it may take time for the necessary research and technology to develop, the task force encourages all governments to implement elements of a comprehensive approach as soon as feasible”.

Thus far, we have not seen any plans to make sure these recommendations are put into effect. Why is that? Could it be that the government simply does not have the money? I find that hard to believe. I think it has the money for everything. The government's own finance department produced a report that says it is not going to be worried about a balanced budget until 2055, so what is the problem with the government spending more money?

The government needs to put the welfare of Canadians first and foremost and before its own political agenda. It is simply wrong that the government would not provide the necessary education, detection tools, deterrent policies, evaluation data, and national coordination between the provinces and territories to inform Canadians on the dangers of drug-impaired driving. This should be part of an overall legislative approach to implementing Bill C-46. The absence of these components, in addition to adding further strain on our already overburdened courts, would make the hasty passage of this bill reckless.

Government Orders

●(1700)

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to thank the hon. member for Niagara Falls for his comments and I want to ask him a few points of clarification.

He read a quote earlier in his speech from the Canadian Association of Chiefs of Police. Of course, this was a comment the association made before the introduction of Bill C-46, and I want to share with him the Canadian Association of Chiefs of Police's response to Bill C-46, which I have with me today.

The association said:

The government has put forward strong legislation not only focused on impairment by drugs, but also addressing on-going issues related to alcohol impairment.

Steps that have been introduced to reform the entire impaired driving scheme are seen as much needed and very positive. The CACP has called for such changes in the past, specifically in support of modernizing the driving provisions of the criminal code, supporting mandatory alcohol screening and eliminating common 'loophole' defenses.

I think it might be noteworthy that the CACP was not asking for what the previous government offered for almost a decade, which was bigger sentences, mandatory minimums, and consecutive sentencing. What it was asking for were the tools that were required to keep our communities safe, and those tools included new technologies, legislation to authorize the use of those technologies, the creation of new offences, and training and resources in order to keep our roadways safe.

I submit that the bill provided to us today would do exactly that. As well, I would differentiate it from the private member's bill that was submitted earlier, which was examined quite exhaustively by the public safety committee and found to be so irremediably flawed that it was unredeemable. It was therefore sent back with the committee's strongest recommendation that the passage of that private member's bill would have actually made our courts clogged and our roadways much less safe.

Hon. Rob Nicholson: Mr. Speaker, I disagree completely with the parliamentary secretary's analysis of the private member's bill. In fact, it sent out exactly the message that we, on this side, want to deliver, which is that there will be consequences for people who drive impaired because they are endangering the public and are endangering themselves.

With respect to the police association, it is saying it wants to have the tools and have them in place, so it is not just a question of changing the law and saying, "Okay, we're going to legalize marijuana, and then we're going to come up with all the other tools the police will need for law enforcement."

What the association has been saying and what everyone has been saying, I believe—other than perhaps the government itself—is that all this funding should be put in place to make sure that everything that is necessary—the education, the proper tools, the evaluation—is in place prior to the legalization of marijuana. That is what we have been hearing. I am sure the hon. member must be hearing in his own constituency as well that people are concerned as to what is going to happen.

I do not think it is enough. I know where the Liberals are coming from on this issue. It is that the provinces will figure it out. They promised in the election that they were going to legalize marijuana, and now they are saying to the provinces, "You figure it out. You figure out where you're going to sell it. You're going to have to enforce it. You're going to have pick up the tab for this. You'll put greater challenges on our court system, but we may someday get around to appointing judges."

That is not enough. I disagree with the way the Liberals have handled this issue up to this point in time. I think they have made a huge mistake, and we are going to continue to bring that to the attention of Canadians.

●(1705)

Ms. Sheri Benson (Saskatoon West, NDP): Mr. Speaker, I want to thank my colleague, the member for Niagara Falls, for his speech and his comments. I want to let the member know that I am very interested in this legislation and I want to see it go through, although I have some concerns, and some of them are similar to his.

My province of Saskatchewan does have the highest rate of police-reported impaired driving. We have had a very difficult year in Saskatchewan, including having the previous deputy premier charged with drunk driving and an entire family killed by a drunk driver. We have a way to go in my province, so I am welcoming the bill in general.

I will ask my colleague to reiterate. I know that my colleague from the other side was reassuring me about the new bill not requiring reasonable suspicion before testing could take place, and I know there are concerns in my community that this latitude might be not used properly and that people may be targeted. The other thing I am concerned about is that the police in Saskatchewan and the Saskatchewan government are asking for more investment to help the police to implement these new measures, and they need funding for training. I wonder if my colleague would like to comment on those concerns.

Also, I will be supporting the bill.

Hon. Rob Nicholson: Mr. Speaker, the hon. member raised a very good point. To be honest, this legislation is not clear with respect to the reasons for which a person can be given a roadside test. That is one of the things, if and when this bill gets to committee, that we have to ask questions about. We are going to want a lot of information about that aspect.

I agree with the hon. member that when the government brings in legislation of this type, legislation that changes many things in our criminal justice system and in our society, then the government should come up with the money. The government has money for everything, but all of a sudden there is penny-pinching on this issue.

There is no end to the money that the Liberal government has. It has all kinds of money and has no intention of balancing the books for many decades to come, so it should come forward and help the provinces and work with them.

Government Orders

Under the Constitution, the provinces have the responsibility for the administration of justice, so that cost is to the provinces. For the most part and in most places in Canada, the actual law enforcement is borne by the municipalities. They are the ones that lay out the money for enforcement. On both those levels, when the government comes forward with legislation that makes huge changes, as this would do, the Liberals should step up and say, "Hey, we are Liberals. We have all kinds of money here. What can we do to help you work this out, make sure you can administer this system, and get new techniques for detecting impaired driving? Just let us know." They should reach out to their provincial counterparts and make sure that the provinces and the municipalities have the resources that they need to implement this law.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Mr. Speaker, the member has provided a great deal of information and education on this issue, and I know that as the former justice minister, he has worked very hard to make sure that we are protecting Canadians.

I always return to the fact that we still have impaired driving from drinking, let alone now moving into drugs. We are only 13 months from Bill C-45 being enacted, and we are going to see drug-impaired Canadians out there. We already know that drunk driving has not ceased just because we have fantastic campaigns like MADD. Now we would add another level of issues to this topic.

I believe that when we are looking at cannabis use in Bill C-46, we have to recognize that it impairs people differently. It may be a person who has smoked it daily for the last 20 years or it may be a young teenager who has smoked it for the first time. We have to recognize that because the legislation in Bill C-45 is not tight enough, there are going to be 16-year-olds who are going to have access to cannabis and we have to understand that there are going to be 16-year-olds on the road with cannabis in their system who have just learned to drive in the first place.

I want to hear from this former minister on Bill C-46. What is his recommendation for the level of cannabis in someone's system? I truly believe it should be zero, and I want to hear from him on that. What are some of his recommendations? We know that our law enforcement agencies are going to have a lot on their hands.

• (1710)

Hon. Rob Nicholson: Mr. Speaker, I thank my colleague for her concern in this area. It is certainly much appreciated by everyone who worries about this issue.

I say to people to check what has happened in Colorado since it has legalized marijuana. Have impaired driving deaths gone up? Yes, they have gone up. The current government says it wants evidence-based research, so the Liberals should check it out. They should give Colorado a phone call and say, "How is it going down there?" What they are going to find, as I mentioned in my own speech here, is that the number of impaired driving deaths has gone up. This is exactly what we can expect to experience.

The member talked about teenagers. I do not think they should have any marijuana in their system, quite frankly. They should have zero if they are driving. It is not a question of how many joints they have smoked or how many beers they have had; they should not have any if they are driving a car, and that is the message that the

government should be pushing out, not whether it is five grams or four grams and all that kind of stuff. Skip that. The message should be that they should not be drinking and driving and they should not be taking marijuana and driving.

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I will be splitting my time with the member for Brampton East.

It is always a pleasure to follow my hon. colleague on the justice committee, the member for Niagara Falls. Indeed, this is an issue which unites us and should unite us as Liberals, New Democrats, Conservatives, Greens, and members of the Bloc, because we all want to get drunk and impaired drivers off our roads. We all want strict penalties for those who commit this crime.

Watching the news yesterday and seeing the mug shot of Tiger Woods looking out at us should be a stark reminder to every one of us that this is an offence that anyone can commit. Tiger Woods had not had a sip of alcohol, according to the breath test that he did. He was overdosed on prescription medication. So many people today in this country are driving while under the influence of either alcohol, prescription medication, or other drugs that we need to make sure we have very tight legislation to both test for those impairments and to make sure that we have strong penalties to convict those who are found guilty of this crime.

We all have a personal story to tell. When I was eight years old, I had my very first experience with death as a result of a drunk driver. An eight-year-old kid on my swim team was biking home from practice, turned left on Sainte-Jean in my colleague from Lac-Saint-Louis' riding, coming back from the Pointe-Claire pool, and was hit on the overpass by a drunk driver. The other kids on the swim team and I went to his parents' house to give our condolences and that was our very first experience in dealing with any kind of death. It was caused by someone who killed an innocent eight-year-old because they were operating a motor vehicle while under the influence.

We all have stories to tell from our own lives, and we all want this to be a crime. I am looking forward, as chair of the Standing Committee on Justice and Human Rights, to sending the bill to our committee to look at the various provisions of the bill and to determine where there need to be tweaks and where there need to be improvements.

I concur with what my colleague from London previously said. If it were up to me and I was starting from scratch, there would be zero tolerance for anybody driving with any drugs or any alcohol in their system, because 0.08% is way too much for me. There should be a much lower threshold for alcohol in people's blood. Whether we create a summary offence as we are doing with drugs at a lower level, there should be a criminal offence for someone driving with less than 0.08% alcohol, and I certainly will bring that perspective.

I think the way the law works to create three levels of conviction for drug offences, a summary conviction for the lower levels and then hybrid offences for the combination of drugs and alcohol and drugs alone is a sensible approach that should also be replicated at the very least with alcohol. If people are below 0.08%, there should be some type of an offence. I am very much willing to work with my colleagues on all sides on that issue of what the right thresholds should be.

I am also very much interested in looking at the issue of mandatory screening. I personally, as an attorney, have looked at everything I could possibly read on this subject and I believe that mandatory screening is indeed a logical and constitutional measure. I think it has worked well in Europe, in Australia, and in New Zealand. The number of fatalities in Ireland dropped by almost 25% in the first year after mandatory screening was implemented. In Canada today, drunk driving is our leading criminal cause of death or injury. There were 72,000 incidents reported by police in 2015. That is 72,000 too many. If mandatory screening is going to help us get impaired drivers off the road, I am all for it.

• (1715)

I concur with Peter Hogg. I heard my colleague from Saskatchewan had concerns about the constitutionality of mandatory screening. I would encourage her to read the legal opinion that was issued by eminent constitutional scholar Peter Hogg to Mothers Against Drunk Driving, who stated that he believed that mandatory screening would not infringe section 8 of the charter, which is the protection against unreasonable search and seizure, and while it may infringe section 9 under arbitrary detention and section 10(b) under right to counsel, they would both be saved under section 1 of the charter, which guarantees that we can pass laws that reasonably limit the rights set out under the charter if they were demonstrably justified in a free and democratic society.

I would submit that with respect to the huge number of incidents of impaired driving that have taken place in Canada and the number of people who have been killed, harmed, and injured, making sure that we do our best to give police the tools necessary to get impaired drivers off the roads falls within that reasonableness test of section 1 to allow mandatory screening. Again, I look forward to hearing witnesses at committee who will offer testimony on that subject.

I am also pleased that we are taking away some of the loopholes that have been created over the years when it comes to impaired driving.

Members who have seen this field evolve know that the current law has become quite unwieldy and that various loopholes have been created that make absolutely no sense. Ergo, the bolus defence, which basically is when people say that they rushed to drink a lot just before driving so that they did not yet reach 0.08% by the time they stopped driving. We absolutely need to get rid of that. I completely concur with the proposal in the legislation that includes someone reaching the impairment level within two hours of ceasing to operate a motor vehicle, because that ensures that nobody can get away with saying that the person tested at 0.13% but was not drunk at all when he or she drove the car and killed someone. It makes absolutely no sense to allow it, and I am very glad we are getting rid of it.

Privilege

The same is true with the intervening drink defence, another brilliant concoction of legal minds. This basically happens when someone stops driving when he or she was drunk, but then hides it by rushing to have five other drinks and down a bottle of Scotch after ceasing to operate the motor vehicle, so that the individual can get away with it by saying he or she did not drink until he or she stopped driving. I am very happy with those modifications.

I look forward to working with the member for Niagara Falls and the other members of the justice committee to make the legislation even better.

* * *

• (1720)

PRIVILEGE

ALLEGED PREMATURE DISCLOSURE OF CONTENTS OF BILL C-49

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am rising to respond to the question of privilege raised by the member for Carlton Trail—Eagle Creek on May 17, 2017, on the alleged premature disclosure of the contents of Bill C-49, the transportation modernization act.

The member alleges that the media reports on the bill prior to its introduction constitutes a breach of the privilege of the House. Our government holds parliamentary privilege in the highest regard and takes seriously any allegations that privileges were not respected.

In the case before the House, I submit that the government took great care to ensuring that the details of Bill C-49 were not prematurely divulged prior to its introduction.

I would like to draw the attention of members to the extensive consultations that were held on the review of the Canada Transportation Act. In fact, these consultations began under the previous government. As part of these consultations, over 480 meets and roundtable discussions were held and over 230 written submissions were received between June 2014 and December 2015. The current Minister of Transport supplemented this work with a wide-ranging set of consultations, holding 10 major round tables across the country between May and November 2016, as well as holding engagement sessions on social media.

Following these extensive consultations, the minister made a speech on November 3, 2016, which outlined his vision entitled “Transportation 2030 - A Strategic Plan for the Future of Transportation in Canada”.

Following the launch of the transportation 2030 strategy, the minister continued to meet with a wide range of stakeholders in the transportation sector, gave speeches and media interviews, and spoke in the House about issues he intended to address through upcoming legislation. That is to say, any reporter or interested stakeholder would have had a very good idea of what issues were to be addressed in Bill C-49.

Privilege

Before turning to the facts of the matter before the House, I would point out that the Speaker must judge the extent to which the issue has infringed upon the ability of members to discharge their parliamentary duties. Page 145 of the second edition of *House of Commons Procedure and Practice* states:

In deliberating upon a question of privilege, the Chair will take into account the extent to which the matter complained of infringed upon any Member's ability to perform his or her parliamentary functions or appears to be a contempt against the dignity of Parliament.

On October 4, 2010, the Speaker ruled that it is indisputable that it is a well-established practice and accepted convention that the House has the right of first access to the text of bills that it will consider. At no time were the specific details of the bill made public. In fact, the minister and his staff refused to comment on the specific details of the provisions of Bill C-49, which was reported by a number of media outlets.

The member cites the March 2001 ruling by Speaker Milliken, which is a clear acknowledgement of the government's prerogative to consult with stakeholders and Canadians in the development of government policy. The ruling states:

In preparing legislation, the government may wish to hold extensive consultations and such consultations may be held entirely at the government's discretion. However, with respect to material to be placed before parliament, the House must take precedence.

I submit this is precisely what the government has done with respect to Bill C-49.

The case that the member cites is drastically different than the situation before the House. The 2001 ruling referred to by the member involved a minister of the crown who gave a detailed briefing on a government bill to the media in advance of the introduction of the bill. Moreover, members and their staff were not permitted to attend the briefing. As a result, members were unable to respond to media inquiries on the content of the bill. This situation sits in stark contrast to the situation before the House.

Let me take a few moments to show why this is not a legitimate question of privilege.

First, in the evening of May 15, the CBC website stated, "Passenger bill of rights will set national standard for air travel". Stating the general goals of proposed legislation is not a detailed description of the specific measures contained in the bill.

• (1725)

I would submit that this is a general statement of the objective to address an issue. There was no reporting on what the national standards would be or the modalities of scheme. In fact, this would be impossible, since the bill simply authorized the development of regulations to address this issue.

Similarly, *CTV News* referred to minimum standards for reimbursement for travel disruptions and lost luggage but did not, and I submit could not, refer to what the minimum standards would be, since these standards would be set through the regulatory process. This was confirmed by a CBC report and on *CTV News*. I am not sure how the member believes that the disclosure of the proposed standards would be in regulations constitutes in any way contempt of this House.

In instances such as this one, where the government has consulted extensively on the development of policy, there are bound to be cases in which an issue, such as air passenger rights, would be made public prior to the introduction of a bill. What differentiates a bona fide contempt of the House through the premature disclosure of the contents of a bill and the case before the House is that no specific details were released.

Moreover, the minister and his staff were clearly cognizant of the imperative of not disclosing the specific details of the bill to avoid a contempt of the House.

For example, I would refer to the May 14 *Globe and Mail* article where the minister's office denied to comment on the specifics of the bill until properly introduced. Again, in the Canadian Press article of April 11, the minister's spokesperson is quoted as declining to say if the legislation would set industry-wide standards, or raise compensation levels offered in the United States or Europe.

The difference between divulging specific details of a bill and speaking about current issues that may be addressed in a bill should not be lost on members. Speaking about general issues to be addressed in a bill without divulging the specific content of the bill is not only permissible but reasonable. While the government consults on issues which may be made public during the course of consultations, the specific details of provisions to address such issues are only made public following the introduction of the bill. This is precisely the case before the House.

I would refer to the Speaker's ruling of April 19, 2016, with respect to the premature disclosure of the content of Bill C-14, where the Speaker highlighted that the specific details of the bill were prematurely disclosed, which had the effect of impeding members in the discharge of their parliamentary duties.

The government brings forward bills that were mentioned in the party's electoral platform, Speech from the Throne, Budgets, mandate letters, or were subject to public consultations. Would a bill to implement an initiative announced in one of the aforementioned policy proposal be automatically be deemed to constitute a prima facie question of privilege once the bill has been introduced?

That cannot be the intent. Media reports leading up to the introduction of Bill C-49 did not reveal specific measures. Nor did these reports act in any way as to impede members in the discharge of their parliamentary duties.

In conclusion, the matter raised by the member for Carlton Trail—Eagle Creek does not meet the threshold of constituting a prima facie question of privilege.

The Assistant Deputy Speaker (Mr. Anthony Rota): I thank the hon. member.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

• (1730)

[Translation]

CRIMINAL CODE

Mr. Rhéal Fortin (Rivière-du-Nord, BQ) moved that Bill C-349, An Act to amend the Criminal Code and to make consequential amendments to other acts (criminal organization), be read the second time and referred to a committee.

He said: Mr. Speaker, the bill that I introduced in the House and that we are going to debate today is the last step in a series of measures put forward by the Bloc Québécois to weaken organized crime. Before getting into the crux of this bill, I think it is important to talk about the steps that the Bloc Québécois has taken in the House to fight organized crime.

In the 1990s, when the biker wars were raging in Quebec, it quickly became obvious that a new law was needed to help law enforcement in their fight against organized crime. From the start, the Bloc spoke out about this reality in the House and put pressure on the Liberal government of the time. It was former Bloc member Réal Ménard who first introduced anti-gang legislation in the House of Commons in 1995.

The passage of Bill C-59 in 1997 marked a first step in the fight against organized crime. However, the amendments to the Criminal Code were too complex and demanding for effectively securing convictions in the courts. For example, the prosecution had to prove beyond a reasonable doubt that the accused had participated in the activities of a gang and been a party to the commission of an indictable offence committed in connection with the criminal organization.

Because those two combined requirements made it difficult to secure convictions, the police quickly called for amendments, and, once again, the Bloc Québécois was the first to act and bring those calls into the political arena.

In 2000, the Bloc Québécois then led the effort to have amendments made to that initial anti-gang law, Bill C-59, and to expand its scope. Our leader at that time, Gilles Duceppe, was even targeted by threats and intimidation from criminal organizations, to deter him from proceeding.

Mr. Duceppe stood up to them and the Bloc demonstrated its determination. As a result, in 2002 our efforts led to the enactment of Bill C-24, which created two new, separate offences to assist in combatting organized crime. Participating in the activities of a criminal organization and committing an indictable offence for the benefit of a criminal organization became two separate offences. It became possible to secure a conviction against members of criminal organizations for gang-related or criminal organization offences. A person charged with committing an offence for the benefit of a criminal organization became liable to life imprisonment.

To better protect the public and the police who are engaged in fighting organized crime, the law also added provisions to combat the intimidation of journalists and of federal, provincial and municipal elected representatives, and also of any person who plays a role in the administration of the penal and criminal justice system.

In 2009, the Bloc Québécois again took up the issue with a motion to have criminal organizations such as criminal biker gangs recognized as illegal. Also in 2009, the Bloc supported Bill C-14 on organized crime, to have any murder committed for the benefit of a criminal organization deemed to be a premeditated murder and liable to a sentence of life imprisonment.

At the same time, and also at the initiative of the Bloc Québécois, the Criminal Code was amended to reverse the burden of proof and force criminal organizations to prove the source of their income. This was an important step forward in the fight against organized crime.

Earlier, following an international conference on money laundering and organized crime held in Montreal in 1998, the Bloc Québécois had persuaded the government to withdraw \$1,000 bills from circulation, since, as everyone knows, they are used most of the time only to launder organized crime money.

• (1735)

The Bloc Québécois has always been a thorn in the side of organized crime. We must not forget that gangsters adapt very readily. There seems to have been a resurgence of criminal biker gangs since 2016.

Here again, we have a responsibility to act. Let me remind the House that the biker war from 1994 to 2002 was especially bloody. The eight-year tally was more than 150 murders, including nine innocents, nine disappeared, and 181 attempted murders. Things could very well start up again. Since the summer of 2016, organized crime experts and observers have noted that criminal biker gangs are making a vigorous comeback. Since Operation SharQc in 2009, most of the bikers who were charged have been let go because some of the trials just fizzled out, and many who were convicted have had their sentences reduced.

They have been making their presence increasingly known, and we have been seeing more shows of force too. In recent months, bikers have started gathering again, displaying their patches openly and with impunity. Our criminal justice system combats the criminal mindset at least as much as it does criminal activity itself. Just consider crimes of accessory: conspiracy, attempt, and inciting or counselling.

Only for practical reasons, such as how hard it is to prove, criminal mentality is more rarely punished than criminal acts themselves. The challenge associated with presenting full proof must not discourage punishments for behaviour that should be punished.

At present, the Criminal Code prohibits participation in a criminal organization only to the extent that it can be proven that the individual intended to enhance the ability of the criminal organization to commit or facilitate the commission of an indictable offence. This is difficult to prove, particularly with regard to criminal organizations that are not easily infiltrated by police.

With that in mind, we are proposing, first of all, that a list of criminal organizations be created, similar to the list of terrorist organizations that exists, and second, that patches and emblems associated with the organizations on such a list be prohibited from being worn in public.

Private Members' Business

The Bloc Québécois has been calling for this for quite some time. In the fall of 2001, on an opposition day, the Bloc moved a motion calling on Parliament to make membership in a criminal organization a criminal offence. The same year, at the committee stage of Bill C-24, the Bloc proposed an amendment at the Standing Committee on Justice and Human Rights to prohibit membership in criminal organizations. Our amendment had the support of the criminal investigations branch of the Montreal police service, which at the time was called the Montreal Urban Community Police Department.

Unfortunately, parliamentarians rejected our motion. Then in 2009, the Bloc Québécois managed to get a motion adopted at the Standing Committee on Justice and Human Rights calling on the committee to study the possibility of creating a list of organizations once again following the model of the list of terrorist organizations. I would remind the House that the last biker gang war claimed more than 150 lives in Quebec alone, including that of an 11-year-old child.

Organized crime is very costly in terms of human life, so we cannot sit idly by and do nothing. Witnesses from the Sûreté du Québec, the SPVM, and the RCMP all supported the creation of such a list.

• (1740)

They believe that adding a criminal organization to a list would help crown prosecutors, because they would no longer be required to prove the existence of a criminal organization at each trial. This would be more efficient in terms of the length and cost of proceedings, and it would be more consistent.

A QPP chief inspector had this to say:

The proposal...however, would be a major and important step forward, to avoid having to prove the criminal organization all over again at each trial, for the same organization. It would save us weeks or even months of testimony and preparation to prove aspects that have already been accepted in previous court proceedings, and would therefore be an important avenue to enable us to be even more effective in combatting organized crime on the ground.

We can agree that in the era of the Jordan decision, saving weeks or even months would have been beneficial for our judicial system. That is why we are trying again this year with two new measures.

First, make it possible for the Governor in Council to establish a list of criminal organizations and to place on that list those organizations recommended by the Minister of Public Safety.

Second, make it an offence for a member of a listed criminal organization to wear emblems such as patches.

With respect to establishing a list of criminal organizations, there is no legitimate reason to knowingly be part of a criminal group. Our bill simply prohibits membership in such a group. Currently, the existence of an organization must be proven before someone can be charged with organized crime. We saw what happened with the megatrials, where trials were literally derailed because of the sheer volume of evidence. Rather than serve the cause of justice, the time it takes to process all that evidence serves only the criminals. Obviously, that is not what we want. Establishing a list of criminal organizations will shorten trials and allow justice to take its course within a reasonable period of time and achieve its ends.

People quite rightly believe that nobody should be allowed to belong to a criminal organization. Why do people believe that? Because nobody should be allowed to belong to a criminal organization.

If Parliament passes this bill, it will send a message to the people and to criminals that the government is not sitting on the sidelines. The government is taking action for justice, for the common good, and for everyone's safety.

Members of Parliament will simply not accept something so unacceptable.

The Minister of Public Safety already has the power to establish a list of terrorist groups, a list that, I really want to emphasize, has never been challenged.

In 2005, in *R. v. Lindsay*, Justice Fuerst of the Ontario Superior Court established that the Hells Angels were a criminal organization across Canada. However, this ruling did not exempt crown prosecutors from having to prove once again that the Hells Angels were a criminal organization in other trials.

I realize that this measure alone would not be enough to put an end to organized crime, and that proving gangsterism is not always easy, but is that not the case anyway when it comes to each and every offence?

As for emblems, the second aspect of our bill, we are proposing that an offence be created prohibiting the wearing of emblems or patches of listed criminal organizations.

• (1745)

Paragraph 467.11(1) of the Criminal Code states the following:

Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence...knowingly...participates in or contributes to any activity of the criminal organization is guilty of an indictable offence...

We believe that—

The Assistant Deputy Speaker (Mrs. Carol Hughes): I apologize for interrupting the member, but his time has elapsed.

My honourable colleague will be able to finish his speech during questions and comments.

Mr. Anthony Housefather (Mount Royal, Lib.): Madam Speaker, I thank my honourable colleague for his passionate speech. Naturally, we want to fight organized crime as well.

My colleague spoke about some witnesses who appeared before the Standing Committee on Justice and Human Rights as part of a study. In 2012, the committee released a report recommending that a list of criminal organizations not be made. I would like to ask him why.

Furthermore, does my colleague not think that the proposal violates at least sections 2 and 7 of the Canadian Charter of Rights and Freedoms concerning life, liberty, security of the person, and freedom of expression?

Private Members' Business

Mr. Rhéal Fortin: Madam Speaker, first, I would like to clarify what I said earlier. Experts have recommended that such a list be adopted, not the other way around. Whether the Sûreté du Québec, the RCMP or the SPVM, everyone agreed that it was a good solution.

Regarding my colleague's question about the constitutionality of such a bill, I would say that there is no doubt about its constitutionality. The provisions of the Canadian Charter of Rights and Freedoms cannot be used to defend an individual's right to be involved in criminal activities. The provisions of the charter can only be used for legal purposes. I do not believe that there are any problems in that regard.

As I said in my speech, such a list already exists for terrorist organizations. It is maintained and updated by the Minister of Public Safety and Emergency Preparedness. Its constitutionality has never been questioned. In my opinion, the problem does not exist.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Madam Speaker, I thank my colleague for his work and his speech. Of course, I also thank him for having put the social scourge of organized crime on the agenda.

As my colleague from Mount Royal stated, we can have a debate on the bill, but I think we can easily say that we all agree that every possible effort must be made to eradicate organized crime.

That being said, the main objective of the list is to facilitate the work of police forces that must provide the burden of proof before the court to prove that the person belongs to a criminal organization or is involved in its activities.

In the 2009 study proposed by the Bloc Québécois, one of the points raised was that the list was not enough and that evidence must still be gathered.

Does my colleague not think that the best solution proposed would be to amend the law so that past decisions regarding the recognition of a criminal organization can be received?

Mr. Rhéal Fortin: Madam Speaker, were it possible to apply the evidence from one case to another case, that would have made things easier. Unfortunately, that is not possible. The creation of a list makes it possible to avoid that burden of proof. Currently, if someone is accused of organized crime, or "gangsterism", it must be proven that the person is a member of an organization and that the organization is actually a criminal organization.

My colleague is right in stating that the existence of a criminal organization can still be proven, but paragraph (c) of the definition of a criminal organization in subsection 467.1(1) provides the possibility of creating lists of entities, which frees crown prosecutors from the obligation of proving it each time, with the risk of contradicting decisions and significant delays of several weeks or several months to prove that the organization is a criminal organization.

• (1750)

Mr. Gabriel Ste-Marie (Joliette, BQ): Madam Speaker, I would like to commend the brilliant presentation by my colleague from Rivière-du-Nord and note his courage in tabling this bill in the House. Tackling organized crime is often scary, and usually people would rather sit on their hands. I congratulate him for continuing the

tradition of the Bloc Québécois. I would like to invite him to provide greater explanations regarding his bill.

Mr. Rhéal Fortin: Madam Speaker, there has already been a decision regarding the wearing of patches, that of Justice Claude-C. Gagnon in *R. v. Pearson* in 2007. He stated that jackets were an integral part of crimes committed by gangs, as they are a means of intimidating people.

As for the rest, we should stay strong, be worthy of the trust the public puts in us, and take action in this unfortunate situation.

Mr. Marco Mendicino (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I will begin by thanking my colleague for his presentation on Bill C-349.

[*English*]

I am pleased to join this debate on a bill that proposes to amend the Criminal Code to create a scheme to list criminal organizations and to also create a new offence prohibiting the wearing of emblems of listed criminal organizations. The rationale behind these proposals as put forward is to make it easier for the police and prosecutors to investigate and prosecute offences committed by criminal organizations.

We have already heard a number of concerns expressed about this bill. I share those concerns, and accordingly will be encouraging all members to vote against it.

Organized crime is of great concern to all Canadians and all levels of government. As a former federal prosecutor, I take this issue very seriously. Whether it consists of loosely organized street gangs or highly structured motorcycle clubs, organized crime pervades almost every aspect of society. Activities such as the theft and resale of legal commodities, the trafficking of drugs and firearms, terrorism, money laundering, fraud, and human trafficking cost the Canadian economy billions of dollars and also pose great risk to the safety of Canadians.

Not only does organized crime have a direct impact on the Canadian economy, as I said, but the violence used to commit these crimes for the benefit of criminal organizations affects innocent people, decreases public safety, and undermines the fundamental values of our society.

In 2013, Criminal Intelligence Service Canada stated that there were 672 criminal organizations reported in Canada, most of which were located in metropolitan areas, especially in cities where there are ports or a larger economy. CISC also reported that the majority of organized crime groups in Canada are involved in drug trafficking due to the high revenue of Canada's import and export drug market. In this regard, I would just take a moment to note that our government's approach in Bill C-45 aims to deprive criminal organizations and gangs of the very source of revenue they use to continue to profit from the trafficking of illegal drugs.

Canada's black market is currently valued at approximately \$77.83 billion, with drug trafficking accounting for approximately 57%, or \$44.5 billion, so the figures have some significance.

Private Members' Business

[*Translation*]

The structure and operation of organized crime also seem to be changing. Historically, organized crime consisted of complex and cohesive groups, such as outlaw biker gangs and the mafia, and each group tended to be involved in specific criminal activities for long periods of time.

Today, organized crime is more fluid; gangs come together for different purposes and work together to achieve their goals, relying on particular skills to carry out a specific criminal act. Once the criminal act is complete, these individuals may or may not continue to work together.

This point highlights one of the reasons why I do not believe that Bill C-349 is the appropriate solution for addressing certain challenges related to the investigation and prosecution of criminal organizations. Most groups are fluid and, as a result, keeping a current list of those groups would be an ongoing challenge that would take a lot of time and resources, and would probably be useless in most cases.

The Criminal Code already includes solid legislation to fight organized crime, and contains four specific offences. Those offences cover those who support the activities of criminal organizations, those who commit offences for criminal organizations, and those who ask others to commit offences for criminal organizations.

The Criminal Code also contains tougher sentences for offenders linked to organized crime, ensuring that those people are punished more severely. Finally, the Criminal Code contains specific provisions covering organized crime.

• (1755)

[*English*]

Bill C-349 proposes to amend the definition of criminal organization in the Criminal Code to include any criminal organization as prescribed by the Governor in Council.

I know that some commentators have found it frustrating that every time a court makes a finding of fact that a group meets the definition of a criminal organization, that this finding carries no weight in a subsequent prosecution involving the same group. However, I believe that the proposal in Bill C-349 to overcome this so-called redundancy is not an effective solution and may actually create more practical problems than it would solve. For example, there is a risk that if a group is a listed entity, law enforcement would decide not to collect evidence as thoroughly as they do presently, relying on the assumption that it is unnecessary.

However, reliance on the list to prove the existence of a criminal organization would almost certainly be challenged during a prosecution for a criminal organization offence, as we have seen in the past. For example, defence counsel could argue that the listed group is not the same group as the one at issue in the prosecution, slight variations in the conspiracies, or improper motives that are being advanced differently from one case to the next. Accordingly, the prosecutor would still require evidence to refute this claim, evidence that may not have been collected.

Alternatively, a defence lawyer might argue that the court cannot rely upon the list because the evidential standard to list criminal

organizations—that is, reasonable grounds to believe that the group is involved in organized crime activity—is lower than that required in a criminal trial, which is proof beyond a reasonable doubt.

These sorts of inevitable challenges would lead to delays and possibly to frustrated prosecutions, which I know no member in the House would like to see.

I am also concerned about the basis upon which a group would be listed. The bill says that the group has to have carried out "organized crime activity", but that phrase is not defined in the bill. Does organized crime activity mean only criminal offences, or does it also include conduct that facilitates the ability of a criminal organization to commit crimes? This is another area that would inevitably be challenged in court and could cause years of delay and confusion.

I also have some questions about the charter viability of the proposals in the bill. It is fundamental that the crown bear the burden of establishing all essential elements beyond a reasonable doubt. I have serious concerns that the listing process may indeed interfere with an individual's right to be presumed innocent under the charter. Relying on such a list would most likely lead to charter challenges, which would further complicate the prosecution instead of simplifying it. This would also add to the length of these trials and further clog up our courts.

In light of the Jordan decision, we should be mindful of any changes that might make our criminal justice system slower and less efficient. It is also worth noting that the listing process itself is a time-consuming undertaking for the machinery of government and that it would require substantial and ongoing resources to attempt to keep the list accurate and up to date.

The proposal to create an offence of wearing an emblem of a listed criminal organization also carries charter risks relating to the accused's right of freedom of expression. Although I think we would all join in saying that we find some of these expressions in their emblems and patches to be highly offensive, potentially putting at risk the outcomes of these trials could create delay. Indeed we have seen some cases already in the province of Saskatchewan, which has struck down proposals similar to the one we see in Bill C-349.

One effective way of combatting organized crime is to prevent these groups from profiting through the black market. In that respect, our government's introduction of Bill C-45, concerning the legalization and strict regulation of cannabis, will have a positive impact on reducing the role of organized crime in the sale of cannabis and will take the illicit profits out of their hands. It will also keep it out of the hands of our children, as my colleagues have pointed out very ably on numerous occasions.

While I recognize the pervasive threat organized crime poses to Canadians, I do not believe the bill would improve the criminal justice system in any practical way and could quite possibly create more challenges than it would solve. For these reasons, the government will not be supporting Bill C-349. I would encourage all members to vote it down.

Private Members' Business

• (1800)

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): Madam Speaker, today I am pleased to rise to speak to Bill C-349, an act to amend the Criminal Code and to make consequential amendments to other acts involving criminal organizations and the important issue of combatting organized crime.

The bill seeks to establish a government-maintained registry of symbols associated with organized crime. Symbols on this list would be illegal to wear or prominently display. Should someone deliberately flaunt a symbol on this registry, the person would face a penalty of up to two years in jail.

While the bill has good intentions, it contains many flaws.

As it is written, there is no requirement to make this registry of symbols easily accessible to the public. It would be important for the public to have access to such a list otherwise Canadians would not know whether they were in violation of the law. This is especially worrying since offenders or unintentional offenders could face jail time if they were wearing clothing sporting one of these outlawed logos.

As the bill is about protecting public safety, this is a significant oversight. The broader concern is that when organizations are cited for offences that lead to their logos being placed on this registry, their symbols, but not the organization itself, would be targeted and banned. A more fundamental problem is that the bill would not significantly impede or frustrate organized crime. Criminal organizations may use multiple symbols and insignias, or none at all.

Different factions within the same criminal organizations may have their own symbols. If the proposed registry were to include all of them, it would get quite long and perhaps even unwieldy for enforcement officers. Gang members can and will likely change their symbols to get around any formal bans or simply stop wearing clothing with banned logos. They also may simply use identifiers not addressed in the bill, such as tattoos, in order to identify their allegiances.

Organizations, like gangs, have little trouble making their affiliations clear when they want to use their reputations for intimidation, and the bill is unlikely to appreciably hinder them.

While gangs will weave easily enough around this legislation, others who are not implicated in organized crime may be unfairly caught up in it. The bill states that it would affect only those knowingly wearing the symbols it lists in order to establish membership in a criminal organization. I believe it would be difficult to either prove this for those who are guilty or to prove innocence for those who unwittingly made a mistake. Gang members could easily claim no affiliation to the symbol or that they wear the insignia for other purposes.

Without knowledge of the individual's history, it would be difficult for police and other law enforcement to prove otherwise. It would also be valuable to clarify exemptions for forms of portrayal that are less objectionable.

Even countries with difficult relationships to past symbols often allow for them to be used for historical or educational contexts. This bill should acknowledge their use in, for example, journalistic or

dramatic works, which may indeed help shed light on organized crime and its detrimental effects on society.

The previous Conservative government took concrete action to combat organized crime. It expanded the Criminal Code's definition of serious offences to include prostitution, illegal gambling, and many drug-related crimes. The penalties for these offences, which constitute major revenue streams for organized crime, were all increased. Police forces were given the tools they needed to go after gangs. Funding for RCMP drug enforcement was greatly increased and the national drug strategy helped combat drug smuggling. Furthermore, funding to combat international drug smuggling in the Americas was increased. Smuggling drugs and the crime that results from it does not stop at our border.

These initiatives had a positive impact in the fight against organized crime. This bill, however, would be ineffective at fighting organized crime as it focuses on symbols rather than the crimes themselves.

• (1805)

The bill also raises serious concerns about freedom of expression, which is a fundamental constitutional right. Section 2 of the charter clearly sets out freedom of expression as protected, and as it is written, the bill would likely find difficulty surviving a constitutional challenge.

It would be unlikely to pass a charter challenge under reasonable limitations since it targets symbols rather than the criminals themselves, or the organizations which are actually responsible for the crimes.

Finally, the bill does not account for how the meaning of symbols can differ and change considerably over time and in different place. The insignia adopted by a gang in one city may be a completely innocuous symbol anywhere else in the country. Many symbols often have wholly different connotations in different cultures or contexts.

Criminal organization by their very nature have little reason to follow copyright or respect symbols already in use by others. What would happen if a criminal organization attempted to appropriate the symbols of others, of other legitimate organizations?

This is especially concerning since gangs often take ethnic or existing symbols as their insignias. The bill would have us ban these symbols, regardless of their meanings in other contexts.

As I said earlier, the bill has many flaws. It would largely fail in its main objective of combatting organized crime, and its provisions raise many deep concerns. Therefore, I will not be supporting the bill.

[Translation]

Mr. Matthew Dubé (Beloil—Chambly, NDP): Madam Speaker, today, we are debating Bill C-349. I want to begin by thanking the sponsor of this bill, the member for Rivière-du-Nord, as I did in my questions.

Private Members' Business

The fact that we are still talking about this problem obviously says something. We all recognize that, unfortunately, in politics, whether we are talking about organized crime or other matters, it sadly often takes a tragedy before something is done about an important issue. The issue before us today, that of organized crime, is obviously extremely important.

We must be honest and recognize that, regardless of our political stripes or what we believe are the best ways of eliminating or at least minimizing the human, personal, physical, and economic threats posed by organized crime, we all agree that we must do everything in our power as legislators to combat it.

I am going to talk about the solutions that are proposed in this bill, with a particular focus on the creation of a list or registry of criminal organizations. When I took the time to reread the testimony of the witnesses who appeared before the Standing Committee on Justice when it was carrying out the study proposed by the Bloc Québécois in 2009, I noticed some interesting things. I noticed that the burden of proof placed on the shoulders of police forces and others creates a real challenge. The police have to prove that an organization is criminal and then prove it again every time, even when it seems obvious. Anyone looking at the situation would say that this does not make any sense and that we are well aware of which organizations in Quebec and Canada are criminal organizations.

Nevertheless, this burden of proof exists and, every time a crime related to organized crime is committed, the crown must constantly prove that the organization in question is in fact a criminal organization. That causes a lot of grief and creates a lot of work for prosecutors and the police.

I would suggest that the proposed list is not an adequate solution to ease the burden on the police. I took note of what witnesses said during this study. William Barclay, a lawyer working in the criminal law policy section of the Department of Justice, said, "Even though a group was a listed entity, law enforcement would still have to collect evidence for a case to be presented in court, as the listing process in its application to a particular case could still be challenged in any case."

From that and what other lawyers have said, we see that there is still an obligation for police and, consequently, for the crown to collect the evidence necessary to prove that the organization in question is criminal.

There are a few things that we find worrisome about the creation of such a list.

First, even though we know that it is sometimes necessary, we always worry when something is basically left up to the minister's discretion. The bill contains a challenge mechanism, but I think it falls short.

I will give an example from that section of the bill. It says that, if a group goes to court to challenge the fact that it was put on the list, the judge may receive anything into evidence, even if it would not otherwise be admissible under Canadian law.

That is very worrisome. Take for example a recent case in Montreal where a megatrial against various organized groups was basically thrown out. One of the reasons why that happened was that

the RCMP conducted various wiretap operations that were deemed illegal and that would no doubt have been challenged because they were illegal and unconstitutional.

We might find ourselves in the same situation if we grant this kind of discretion together with an inadequate method for challenging it. Although it is a different mechanism, it is somewhat the same thing as with the no-fly list, the list that prohibits people from flying under the passenger protect program. We see that the lack of a robust remedy creates an enormous amount of trouble for individuals on the list.

• (1810)

We can see that the counter-argument would be that the names of organized crime groups are relatively well known. Whether we target them or not, we cannot wait until they start challenging it. The problem arises when we examine this kind of list. Obviously there are groups that we all know, that we can name, such as biker gangs that we are very familiar with, for example, and that are in the news on a regular basis.

Some experts submitted a problem during the 2009 study. Specifically, when we say organized crime, that may mean biker gangs, but it can also mean street gangs, for example. As the member for Rivière-du-Nord said himself in his speech, these groups know how to adapt. Their identities are very fluid and the groups' names and composition are constantly changing, as are the crimes in which they are involved in our society. This therefore presents an enormous challenge.

The most striking example is that one of the groups that supports the creation of this kind of list, in principle, is the RCMP. When we read the RCMP testimony more closely, however, we see that it has in fact acknowledged that this kind of list would be extremely difficult to maintain, particularly in terms of the administrative burden associated with maintaining it, and making sure that the information is accurate and that communication with the Minister of Public Safety and Emergency Preparedness is robust and appropriate.

I am not just saying that, in my opinion, this mechanism is not the solution. We also have to examine different solutions, because the member is actually talking about an important issue in his bill. As he said very well in his speech, the Jordan decision has brought on a new reality. We see trials ending too soon, at the expense of victims. Criminals are being released because of the judicial system and all sorts of factors. Sometimes these are legislative or administrative factors, and other times, let us be honest, this happens because of the incompetence of the government, in particular this government, when it comes to appointing judges, for example. However, we have to acknowledge that we must deal with this reality.

I am in favour of the solution proposed by Department of Justice representatives in a 2009 study. The law currently allows expert testimony from previous trials to be included in an attempt to facilitate the collection of evidence to prove that an organization is criminal. We need to go further, and this solution should be backed.

Private Members' Business

In a case in Ontario, for instance, in a trial involving an individual associated with a biker gang, if the judge rules that it is a criminal organization, that decision would be admissible in a new trial. According to the experts we consulted and the testimony we read during the study, this approach would be much more robust, much more likely to be constitutional and less likely to be challenged under the charter.

If we want to discuss public safety issues, the reality of the Jordan ruling, and the whole administrative burden that currently exists in the justice system, we must acknowledge, whether we want to or not, that any additional burden will create another tool that defence lawyers can use to challenge a decision under the charter. We must also acknowledge that this could lead to proceedings that last much longer and that, unfortunately and inevitably in some cases, may result in release of the offender and the end of the proceedings. I do not think anyone in the House wants to see this happen. To the contrary, like I said at the outset, every member wants to do everything they can to tackle organized crime.

We therefore recognize that a tool that may seem obvious unfortunately creates too many problems. These are problems that will exacerbate rather than alleviate the burden on the legal system. However, we also acknowledge that there is a solution.

In closing, the other solution involves resources. I am on the Standing Committee on Public Safety and National Security, and I have already asked Commissioner Paulson of the RCMP about the focus on the fight against terrorism and how it has affected the fight against organized and white-collar crime. He told me that there was indeed a lack of resources. Obviously, money is also the sinews of war.

Ten minutes is not enough time for me to fully express my thoughts. Unfortunately, we are unable to support this bill, but I congratulate the member for tabling it, and we hope to find the right solutions.

• (1815)

Mr. Luc Thériault (Montcalm, BQ): Madam Speaker, I am not a lawyer or an expert, and I have to say that after what I have heard from my Liberal and Conservative colleagues in this debate, I am glad that I am neither of those things.

However, one thing I am very familiar with is the Canadian Charter of Rights and Freedoms and the Oakes decision. When my friend from the Conservative Party talks about copyright and tattoos, frankly, it leaves a bit of a bad taste in my mouth. She cannot be serious. This gives the public the impression that the legislators have given up.

For years now, front-line workers have been challenging the scope of sections 2 and 7 of the charter, and my colleagues are telling us that freedom of expression could be unreasonably breached in a free and democratic society, and that this would not survive a court challenge.

I hope the voters were listening to my colleague from Rivière-du-Nord's brilliant speech. To hear my other colleagues say it, bills have to be perfect from the get-go. How many bills have been introduced here and have gone on to be improved in committee? On what grounds can my colleagues justify opposing the principle of fighting

organized crime? If making a list of terrorist groups is a good idea, why is it not a good idea for organized crime too? They go on and on about the Canadian Charter of Rights and Freedoms.

Quite a few constitutional experts have said it is time to overhaul the charter because of its unintended consequences. We should talk to police officers, to people on the front lines, to people who put together the evidence needed for an open-and-shut case. We should talk to them about the Canadian Charter of Rights and Freedoms and see what they have to say about it. People have been talking about freedom of expression and freedom of association in connection with criminal organizations. Can anyone here stand up and tell me that section 1 of the charter does not support the bill my colleague from Rivière-du-Nord introduced? Can anyone seriously say that, here and now, at 6:20 in the evening? Come on.

The bill must pass the Oakes test, which is cited in many Supreme Court rulings. What is it? The Oakes test determines whether the purpose of the law is demonstrably justified "in a free and democratic society". The test applies when the applicant has proven that a provision of the charter has been violated. It is incumbent upon the crown to establish that its limitation satisfies the requirements of the Oakes test. There must be a real and pressing purpose.

In the House, everyone has said that it is urgent that we fight criminal organizations. Everyone agrees that we must improve the Criminal Code in order to better combat organized crime and criminal associations. However, some members have said that what is being proposed is not what is needed. In my opinion, this should be referred to a committee, so the committee could study how it could be improved and evaluate the claims of those who, all too often, call on the experts.

I was a philosophy professor in another life. Appealing to the authority of experts or science amounts to sophistry. When we call on another authority too often and make it our main argument, we do not have a solid argument.

• (1820)

This happens too often in the House. My colleague's bill absolutely deserves to be debated in committee, in accordance with respectable parliamentary tradition.

The Bloc Québécois' organized crime roadmap seems to bother my colleagues. However, it was not the Liberal Party that put its imprimatur on the fight against organized crime. The Liberals instead put their imprimatur on the Canadian Charter of Rights and Freedoms. Their interpretation of freedom of expression and freedom of association is outrageous. They ask everyday men and women if they find it unreasonable to infringe on the right of association of criminal organizations by creating a list and fighting intimidation.

For the last year and a half, I have heard some of my colleagues give impassioned speeches decrying the bullying our young people are exposed to at school, and yet, they are ready to accept that members of organized crime walk around with their patch and intimidate people in their communities. Could we be a bit more consistent?

Government Orders

In light of the Jordan ruling and the fact that we release people because proceedings are constantly delayed, my colleague from Rivière-du-Nord claims to believe, after reviewing the matter and consulting experts, who are not the same ones consulted by the members across the floor, that we need to save time. Why kill the bill now instead of talking about it and calling witnesses in committee to tell us what they think about it?

My colleagues' partisan position is not in keeping with the spirit of parliamentary debate. This is not what the people of Quebec and voters want. They do not want partisan debates in which we seek to defeat bills by claiming in a 10-minute speech that they do not pass legal muster, while my colleague's arguments are worth at least as much as the arguments by my colleagues across the floor.

I will calm down, since I am speaking on behalf of my constituents. When the Conservatives, who tabled Bill C-51, talk to me about copyright and tell me that the bill before us will unreasonably violate freedom of expression and association, they are expressing a partisan position.

Incidentally, I am happy that my colleague has been able to introduce legislation; we have only had occasion to table two in the last year and a half. This is how Bloc Québécois MPs are treated in Parliament, treatment that no Western parliament reserves for representatives of the people.

Sometimes I hear people question the usefulness of the Bloc Québécois. Well, contrary to what some might think, if it were not for the Bloc Québécois, its roadmap and its efforts to fight organized crime, we would not have been able to improve the Criminal Code's provisions on fighting organized crime.

In all honesty, I think my colleague's bill deserves to be studied in committee and deserves to be reviewed in the same way as we review all other bills that have received our support in principle, even if they are flawed.

• (1825)

The Assistant Deputy Speaker (Mrs. Carol Hughes): Before I recognize the hon. member for Joliette, I will just let him know that I will need to interrupt him at 6:15 p.m. He therefore has three minutes to begin his speech.

The hon. member for Joliette.

Mr. Gabriel Ste-Marie (Joliette, BQ): Madam Speaker, once again, I want to congratulate my colleague on the bill he is introducing this afternoon and on the courage it took to do so. Tackling organized crime is no easy feat.

I would like to remind the House that this bill has the support of the various police forces he mentioned earlier. This is what is needed to help fight organized crime.

I am shocked at the reaction of the three federalist parties that have spoken out against this bill. I am truly shocked. They tell us that they are fighting organized crime in theory, but when we come forward with a concrete measure based on what our police forces want, they all do nothing.

We were treated to all kinds of silly examples. The silliest, I think, came from the Conservatives who said that theatre groups dressed up

as the Hells Angels should not be locked up. What a ridiculous example. I cannot believe it.

The government is telling us that it is going to legalize pot and that that will solve everything. Come on. What is this, anyway? The message being sent to Quebec this afternoon is that Canada is doing nothing to wipe out organized crime because the parties representing it are spineless, period. More than ever, I think the message is clear.

I am angry. I cannot believe it. We are looking at the principle of the bill. They are saying that they are opposed to organized crime in principle, but then they are finding all sorts of frivolous reasons not to support the member's bill. They are simply shirking their responsibilities.

There was a gathering of a criminal organization here in the region a few months ago. When people in the community in question were polled, they said that it was fine, that they were happy because the group was going to come and spend money in their community. People fear of organized crime and what it represents. It is up to us to be brave, to stand up, to show some backbone, and to change that. That is what my colleague is trying to do here, but the reaction of the other parties shows us that they are scared.

I think that members of organized crime who are watching the debate right now are saying that everything is fine, that they are going to stay in Canada, and that they will not have any problem supporting the three parties. Those parties are opposed to organized crime in principle, but in reality, they are doing everything they can to allow criminal activity to continue. That is unacceptable.

In closing, I want to once again commend my colleague from Rivière-du-Nord for his courage and for everything that the Bloc Québécois has done to eradicate organized crime.

• (1830)

The Assistant Deputy Speaker (Mrs. Carol Hughes): The member for Joliette will have seven minutes and 12 seconds to continue debate the next time the matter is before the House.

[English]

The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts, be read the second time and referred to a committee.

The Assistant Deputy Speaker (Mrs. Carol Hughes): The hon. member for Mount Royal had five minutes left for questions and comments.

Questions and comments, the hon. parliamentary secretary to the government House leader.

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Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I appreciate the comments from my colleague from Mount Royal, who is very passionate about this issue.

My question for him relates to the importance of this to the different stakeholders, and I am thinking in particular of law enforcement agencies, that have been waiting for quite a while for certain aspects of this legislation. In good part, the legislation responds to outside experts in recognition of the fact that we need to modernize our Criminal Code to deal with this issue.

I wonder if the member could provide his thoughts on the importance of those stakeholder meetings that were conducted prior to the legislation being introduced.

Mr. Anthony Housefather (Mount Royal, Lib.): Madam Speaker, legislation is always improved when proper consultation is done beforehand.

When it comes to the infraction of driving while impaired, we need to listen to police and we need to listen to prosecutors. We need to listen to those who are charged with protecting us.

I am very pleased that this legislation would eliminate certain of the defences, bogus defences, that have been used by people to try to avoid being convicted of impaired driving, such as claiming, “Well, I drank right before I got in the car, so my blood alcohol level wasn't 0.08%”, or alternatively, “I rushed out of the car and drank a bottle of Scotch, but I didn't drink it before I got out of the car.” Changing it to if people reach these levels within two hours of the time they stopped operating a motor vehicle is an excellent idea, and it comes from talking to law enforcement in advance.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Madam Speaker, my question has to do with one of my concerns with this bill, which is with respect to drug-impaired driving. I know that on the alcohol side we have a roadside test in place where we can actually test and find out if people are impaired. However, we have not implemented the roadside saliva test, and there really is not good data with respect to that test showing at what level one is drug impaired, especially if the saliva is contaminated with alcohol at the same time. If we look at the time frame for the provinces to implement the roadside testing for alcohol to get the drunk drivers off the road, it was a couple of years. We are talking about legalizing cannabis next July, and there is not enough time to get all of the equipment and training in place, nor are there limits established.

Has the member seen a plan, and if so, could he give some details of the plan?

Mr. Anthony Housefather: Madam Speaker, it is absolutely critical that the alcohol test committee approve the proper equipment. We are at the point where we are coming up with the proper equipment to be used to measure whether or not the saliva test shows the presence of drugs to provide the necessary proof to require a blood test. We need to train law enforcement officers. I think there is a plan to do that.

I also come back to what I said in my speech, which is that personally, I think that the bill has used a very scientific approach by looking at what has happened in other countries, and what other countries are doing with respect to both drugs and alcohol. My

preference would be that we start with a zero tolerance on alcohol and on drugs. I know we are not starting from scratch, and it will be difficult to get there politically, but I am very open to discussing lower thresholds at committee for both drug and alcohol offences. I am glad to be on the justice committee to see this happen.

• (1835)

Mr. Raj Grewal (Brampton East, Lib.): Madam Speaker, as I rise today to debate Bill C-46 at second reading, I am thinking of the people in my riding who have lost loved ones to impaired driving, as well as those who have been injured and whose lives will never be the same.

Sometimes when debating legislation in the House, we can lose sight of the real human impacts of our decisions. Impaired driving has done a lot of damage in a lot of communities. We are lucky if we do not know someone who has lost a loved one as a result of impaired driving. By making our laws in this area more effective, we can do a lot of good.

Let us talk about the bill. Bill C-46 would provide a new way forward to address impaired driving and would get drivers impaired by alcohol or drugs off our roads. That is something, fundamentally, we can all agree on in this House.

Impaired driving has been an issue for a long time. We know that drug-impaired driving has become a growing problem over the past decade. It is not any specific age group causing the problem. Indeed, this is one of those issues that transcends age, gender, and socio-economic status. What we need are wholesale behavioural changes backed by comprehensive, evidence-based policy and regulation and further public education.

I am proud to stand with a government that is taking action to tackle this issue in an informed and forceful way, as reflected in this bill. I am very proud to know that Bill C-46 is a product of a great deal of legwork by many departments, including the departments of justice, health, and public safety. The Task force on Cannabis Legalization and Regulation has been central to these latest efforts through their engagement with law enforcement and many other partners across the country.

Indeed, I extend my heartfelt thanks to the dedicated women and men on the front lines dealing with the tragedy of impaired driving every day, including the roughly 4,000 officers trained to perform the standardized field sobriety test.

However, we know that more needs to be done. There is a vacuum to be filled, especially in terms of creating drug-impaired driving limits, the tools to detect these violations, and the legal teeth to clamp down on offenders. That is why the Government of Canada began by requesting that the Drugs and Driving Committee of the Canadian Society of Forensic Science assess the validity of oral fluid drug screening technology.

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They agreed that the technology reliably detects THC, cocaine, and methamphetamines, these being the drugs most frequently abused by Canadians. However, this is only one piece of the puzzle. The technological tools needed to detect impairing substances must be accompanied by a legal framework that provides for their effective use. That is one important way this bill would create a stronger impaired driving regime. It would authorize law enforcement, at legal roadside stops, to require that a driver provide an oral fluid sample if the officer had a reasonable suspicion that a driver had drugs in his or her body. That could mean redness in the eyes or an odour in the vehicle, for example. The screener, which has a disposable oral fluid collection kit and a reader that analyzes the saliva, would then help the officer check for the presence of particular drugs in the oral fluid.

A positive reading on one of these devices would be information an officer could use to develop reasonable grounds to believe that an offence had been committed. At that point, the driver could be required to either provide a blood sample or to submit to a drug recognition evaluation by an officer to determine whether a criminal offence had been committed.

The bill would create three new criminal offences. It would allow law enforcement to charge those who had a prohibited level of drugs in their blood within two hours of driving. This would be proven by the blood sample. Drivers could also be charged if they had a prohibited level of drugs and alcohol in combination. Importantly, this bill would allow for mandatory alcohol screening. That means officers would be able to require a preliminary breath sample from any driver they stopped in accordance with the law.

• (1840)

Evidence tells us that this is an important tool for detecting impaired drivers and for reducing the rate of impaired driving. This has been demonstrated by studies in other jurisdictions where the system is in place, such as Australia, New Zealand, and several countries in Europe.

Most of the proposed new offences would be punishable by penalties that mirror the existing penalties for alcohol-impaired driving: \$1,000 for the first offence; 30 days in prison for the second offence; and 120 days for a third or subsequent offence.

Much will be made in comparing this tough new legislation with our international counterparts. The United Kingdom, for example, introduced legislation last year that created legal limits for drugs and authorized screeners that detect THC and other drugs, which has resulted in more effective enforcement. Other countries, including Australia, France, Germany, and many more, have similar legislation in place and have also found it effective in preventing drug-impaired driving.

For Canada, the other piece of the puzzle will be making sure that misinformation and misperceptions are addressed. We absolutely must educate the public in a comprehensive way. Public Safety Canada has already launched an effective social media campaign to encourage sober driving and to amplify messages from partners, such as Mothers Against Drunk Driving, which does phenomenal work.

To complement this new legislation, a comprehensive public awareness campaign is under development to inform Canadian youth and parents of youth about the risks associated with drug-impaired driving. I am confident that the government will use this opportunity to address misconceptions, correct misinformation, and promote prevention.

This is about safer roads for our communities from coast to coast to coast. Getting impaired drivers off our roads is the number one priority of all parliamentarians. It is encouraging to see the positive response to this legislation thus far and the willingness of so many partners to act together on this crucial issue.

As I said at the outset, real lives have been turned upside down by impaired driving, and of course, real lives have been tragically ended by it. We need to make it stop.

I thank my hon. colleagues for their attention. I look forward to seeing the common-sense provisions in this bill applied on our roads for the benefit of all Canadians.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Madam Speaker, the question I have has to do with mandatory testing. When I was director of engineering at Suncor, we had a zero drug and alcohol policy. One of the things we wanted to implement at that time was mandatory random drug and alcohol testing. In fact, at that time, it was not considered to be allowed by the courts. They maintained that it was against people's personal privacy rights, and we were not able to implement it.

I wonder if the member could comment. I see that there is mandatory roadside testing in this bill. What is the current situation in the courts, and will this be allowed or will it be challenged?

Mr. Raj Grewal: Madam Speaker, I think we can all agree that more needs to be done to protect Canadians from the ill effects of impaired driving and drug-related offences. I think we have a consensus in this House on that. Last year alone, 72,000 incidents of impaired driving occurred across this country.

When it comes to mandatory breath testing, we are going to look at international examples of jurisdictions that have implemented mandatory drug testing. When Ireland implemented mandatory drug testing, the next year there was a 26% reduction in drug-impaired and drinking impaired driving offences. I think the evidence is there. We will find a common-sense solution to get there. At the end of the day, we are here to protect Canadians, and that is what we should work toward.

• (1845)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I thank my colleague for a thoughtful speech. I think it covers a lot of the main issues.

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This is a modern, progressive country, and I am actually pleased to see the government moving forward on legalizing cannabis. It is the right move to make. It takes some political courage and actually reflects what the majority of Canadians want to see as law in this country.

Of course, crafting that law has a lot of other aspects to it, including modernizing and updating our Criminal Code when it comes to impaired driving. We all know that police have had difficulty in our country enforcing impaired driving provisions when it comes to drugs. That will lead into my question about marijuana.

One of the difficulties technologically is coming up with adequate testing to make sure we are measuring present impairment, as opposed to just picking up the presence of THC in a person's body that could indicate previous ingestion but not necessarily impairment at that time. I wonder if my hon. colleague would comment on what provisions in the bill he thinks would be helpful in making sure that we can keep impaired drivers off the road but not improperly interfere with or criminalize people who are not impaired.

Mr. Raj Grewal: Madam Speaker, I think we can all agree that we want to protect Canadians and at the same time protect their charter rights. The bill achieves that delicate balance.

First and foremost, it requires an officer to have reasonable grounds before conducting a test, which is still the current law when it comes to impaired driving. I think we can all agree that the definition of reasonable grounds has been studied quite extensively by the Supreme Court of Canada.

Before an officer conducts a test, there must be reasonable grounds before an individual is asked to circumvent their freedom, their liberty, by giving a sample of saliva. That is a balance the bill achieves. We think that going forward, it is a common-sense approach to protecting Canadians.

The Assistant Deputy Speaker (Mrs. Carol Hughes): Before resuming debate, I want to advise that the time allotted for 20-minute speeches has expired and we are now going to 10-minute speeches.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I hear the groans of disappointment from my colleagues across the House.

Canada's New Democrats have long stood for effective measures to stop impaired driving, the leading cause of criminal death in Canada. We have always supported legislation and policies that give the police the tools they need to save lives by keeping drunk drivers off our streets. With one of the worst impaired driving records in the OECD, we need new evidence-based initiatives to stop impaired drivers in their tracks. Given that our impaired driving laws have historically been focused on alcohol consumption, there is a clear and pressing need to update the Criminal Code to prevent an increase in cannabis-impaired driving as recreational cannabis is legalized in the months and years ahead.

That is why Canada's New Democrats look forward to studying the legislation at committee, and working with experts and stakeholders of all types across Canada to help ensure the legalization of recreational cannabis, and indeed medicinal cannabis, will not lead to an increase in impaired driving. Ultimately, we will need a far more sophisticated regime to address cannabis-impaired

driving than we currently apply to alcohol. That is because cannabinoids possess relatively unconventional pharmacokinetics, meaning the process by which a drug is absorbed, distributed, metabolized, and eliminated by the body, particularly compared to alcohol.

This poses a number of distinct enforcement issues. Unlike with alcohol, peak THC blood levels do not necessarily correspond with the subject's maximum levels of behavioural impairment. This phenomenon is defined as counter-clockwise hysteresis, meaning that the effects of the psychoactive substance lag behind observed maximal drug concentrations. This phenomenon is contrary to the pharmacokinetic profile of alcohol, whereby peak blood alcohol levels positively correspond with the subject's peak level of drug impaired performance.

Also unlike alcohol, cannabis has a variety of medicinal applications and can be authorized for use by physicians in Canada. That is the case presently. At the end of 2016, there were some 130,000 Canadian patients authorized and prescribed to use medicinal cannabis. Since the very first Canadian veteran was reimbursed on compassionate grounds in 2007, Veterans Affairs Canada now covers the cost of medicinal cannabis for over 3,000 Canadian veterans. That is why, as the NDP's health critic, I would like to use this opportunity to specifically examine the bill's potential impacts on Canadian patients who are legally authorized to use medicinal cannabis.

Last summer, in response to the Federal Court's decision in *Allard v. Canada*, Health Canada announced the access to cannabis for medical purposes regulations. The ACMPR replaced the previous regulations governing Canada's medical cannabis program, and came into force in August of 2016. These regulations were designed to provide the immediate solution required to address that court judgment. However, they were not meant to be comprehensive and they did not provide guidance on driving restrictions for patients.

That is why Health Canada was clear that these regulatory changes "should not be interpreted as being the longer-term plan for the regulation of access to cannabis for medical purposes, which is presently being determined as part of the Government's commitment to legalize...regulate and restrict access to marijuana." Indeed, new regulations specifically dealing with the operation of motor vehicles for medicinal cannabis patients will be necessary to supplement the legislation before us today.

Constructing effective cannabis driving regulations will require us to understand the unique properties of the effects of ingesting cannabis.

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Following consumption, THC accumulates rapidly in body fat, where it is stored in various tissues and then slowly redistributed to the blood. While occasional, i.e., recreational, consumers of cannabis will likely test negative for the presence of THC in blood within 12 hours following inhalation, THC's lipid solubility may cause some chronic users, such as those legally authorized to consume cannabis therapeutically for the treatment of a chronic medical condition, to potentially test positive for residual concentrations of THC even after several days of abstinence, long after any behavioural influence of the substance has worn off.

• (1850)

Chronic consumers may also experience intermittent spikes in THC blood levels in the absence of new use during this terminal elimination phase. The potential presence of residual low levels of THC in the blood, combined with the possibility of periodic increases in THC blood levels absent use, may potentially confound the ability of toxicologists or prosecutors to interpret whether the presence of THC in the blood in a single sample is evidence of new cannabis consumption by an occasional consumer, or instead, indicative of past consumption by a more frequent user.

Because the process by which cannabis is absorbed by the body may be influenced by the subject's prior pattern of use, as well as by the specific route of cannabis administration, rather than solely by the single use of cannabis itself, the U.S. National Highway Traffic Safety Administration said, "It is difficult to establish a relationship between a person's THC blood or plasma concentration and performance impairing effects." Therefore, under the cannabis-specific per se standards being proposed by the legislation, the detection of THC or its metabolites could result in a criminal conviction regardless of whether the defendant has recently consumed cannabis or whether the crown can establish that a person was behaviourally impaired by cannabis.

Given that the legal use of cannabis will soon be sanctioned by the federal government, we must be cautious that traffic safety laws, in order to be equitable, impartial, and effective, mandate sufficient evidence of a subject's cannabis use immediately prior to driving, as well as objective evidence of behavioural impairment as a legal requirement. Such requirements would ensure that the traffic safety laws are not inadvertently punishing unimpaired individuals who have engaged in the legally protected behaviour of consuming medicinal cannabis and we must make sure that we catch and prosecute impaired drivers who are impaired by cannabis.

Indeed, the omission of such requirements would have particularly negative impacts on those authorized to use medicinal cannabis since those patients will never be able to know with certainty that the THC presence in their blood is below the per se limit, even if they have not consumed cannabis for days prior to driving. This could have serious unintended consequences for thousands of patients.

I want to pause for a moment and comment on the legal test that the bill proposes for police officers prior to their requiring a blood sample. My understanding is that the test being proposed is that a police officer must have "reasonable suspicion" of ingestion of cannabis or impaired driving prior to requiring drivers to subject themselves either to roadside tests or subsequent blood sampling. That, of course, is a lower standard than the current test of

"reasonable and probable grounds", which is much more common in the Criminal Code.

I, for one, will be very interested in hearing from experts both on the constitutional enforceability of such a standard, as well as some of the policy considerations around it. Personally, I can state that I do not have a problem with a lower standard before a police officer can require a sample from a driver, because I believe that the overarching public interest in keeping cannabis-impaired drivers off the road takes precedence in that case. However, we still must be sure that random testing or the testing of drivers in the absence of objective evidence of some type is prohibited.

It is axiomatic that we need a clear and consistent set of rules for cannabis impairment so that we can ensure that we have an effective law to target and prevent impaired driving in all of its forms. Equally, it is common ground that impaired driving is a deadly, senseless, and preventable crime. As legislators, I think our first obligation is to keep our streets safe and do everything we can to make sure that, as the government moves to legalize cannabis, we have smart, effective, targeted legislation that is geared toward keeping those drivers off the road, giving our police officers the tools they need to adequately and effectively enforce the law, and strike the balance to make sure that Canadians' rights are protected.

I sincerely hope that members from all parties will work together to study the legislation at committee, with the goal of making it the most effective law possible and effectively addressing impaired driving caused by cannabis and all other intoxicants.

With so much at stake, let us work together to get this right.

• (1855)

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I wish to thank the member for his support and for his expressions of concern with respect to Bill C-46. It is very helpful in advancing a very important debate about public safety.

I was hoping to tap into the member's experience as a long-standing parliamentarian here in the House, and just ask him if he may have some recollection of this. In 2010, the justice committee as it then existed, unanimously brought forward a report recommending to the House the adoption of what was then termed "random breath testing". My understanding is that, in 2012, two years later, the then leader of the opposition, now the leader of the member's party, asked the then justice minister and the prime minister of the day why they had not acted.

With the unanimous recommendation in the last Parliament, based on strong evidence that this measure of the implementation of a new random breath testing regime would save lives, does the member have any recollection as to why it was not acted on in that previous Parliament?

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Mr. Don Davies: Madam Speaker, I would like to first thank the hon. member for his hard work on this file in crafting legislation that is groundbreaking in many ways but also complex. He has done a great job of putting a piece of legislation before the House that strikes a very good balance. It may be able to be improved, but certainly the member has gotten us very close to the finish line on the bill. I would also like to thank him for the service he has given to our communities as a long-standing police officer and chief of police.

To be quite frank, I am not sure I can answer the member's question adequately because it would require me to peer into the minds of the previous government, which I am not really capable of doing.

An hon. member: You don't want to go there.

• (1900)

Mr. Don Davies: Yes, Madam Speaker, it is a dangerous neighbourhood, I think, to walk in.

However, I will say that one thing all members of the House from all sides can agree on is that we understand the gravity of impaired driving in all its forms. We want to do everything we can as national legislators and parliamentarians to make sure that we keep our streets safe and give our safety officers the tools they need to do so. If anything, we want to err on the side of caution and make sure we do everything we can as we legalize cannabis to ensure our streets are just as safe as, if not safer than, they are today.

Mr. David Christopherson (Hamilton Centre, NDP): Madam Speaker, my friend's excellent speech was well thought out, and accurately portrayed some of the trepidations that people have while recognizing that going forward is the right thing.

It may be that the member cannot answer my question and I accept that, but one of the things that struck me about this is that ideally what we would all like to have is the same as we have with the breathalyzer: a reliable, legally calibrated breathalyzer that will stand the test. Everybody was hoping that would be found for THC, and it has not. Maybe the government needs to answer my question, not my friend, but if he knows I would like to hear his thoughts.

Maybe it is happening, but I am surprised that some of the jurisdictions around the world have not pooled their efforts together to try to find this scientific solution, rather than each of so many countries reinventing the wheel in terms of trying to identify some way of accurately finding out what THC levels are in anyone who happens to be pulled over.

Mr. Don Davies: Madam Speaker, I also want to congratulate and thank my hon. colleague who has not only served the House for a long time but was solicitor general in the Ontario government, and is very attuned to issues of justice and making sure our justice system is working well, both in terms of enforcing the law and in defending the rights of Canadians.

It is an excellent point that he raises, which is to recognize that there are other jurisdictions in the world that are struggling and grappling with enforcing impaired driving laws in a world where people are impaired by substances other than alcohol. Exploring the experiences of other jurisdictions will be a very helpful mechanism as the bill goes through the House and to committee. I will say, though, that issues of testing technology and whether it is capable of

measuring present impairment versus metabolites is a very important concept, and I am hoping that this process as it unfolds will help us craft a very effective—

The Assistant Deputy Speaker (Mrs. Carol Hughes): Resuming debate, the hon. member for Guelph.

Mr. Lloyd Longfield (Guelph, Lib.): Madam Speaker, I am pleased to participate in the debate on Bill C-46, legislation that would have a significant positive impact on public safety. We are having a great discussion in the House on this today and I am glad to be a part of it.

In the time that I have available, I want to focus my remarks on the proposed new part of the Criminal Code, part VIII.1, on offences relating to conveyances. It would replace all the existing transportation offence provisions in the Criminal Code with a simplified and modernized part, which I believe will be better understood by all Canadians. Before discussing these changes, I believe it is necessary to understand how the current Criminal Code provisions dealing with transportation offences have developed and why there is a desperate need for modernization.

Driving while intoxicated by alcohol has been an offence since 1921, and driving while under the influence of narcotics became an offence in 1925. There have been countless amendments since then which include: creating the offence of being impaired by alcohol or a drug, in 1951; creating the over 80 offence, in 1969; authorizing demands for roadside screening breath tests, in 1976; enacting the offences of impaired driving causing death and causing bodily harm, in 1985; and in 2008, limiting the so-called two beer defence and strengthening responses to drug-impaired driving.

Unfortunately, these various piecemeal reforms have not always worked well together or kept up with improvements in technology. In particular, the provisions with respect to proving blood alcohol concentration reflect the technology that existed 50 years ago and not the modern electronic breathalyzers.

The current provisions are also very hard to understand, even for practitioners. This has long been the case. Indeed, the Law Reform Commission, in its 1991 report "Recodifying Criminal Procedure" wrote that some of the impaired driving provisions had become virtually unreadable. The current Criminal Code provisions are a minefield of technicalities that make the detection and prosecution of impaired driving cases, particularly with respect to the proving blood alcohol concentration provision, unnecessarily complex.

In the typical trial, the fundamental facts that prove guilt are not in dispute. The person was driving and the person blew over 80, yet impaired and over 80 trials are clogging the courts and are taking too long to conclude, in part because our laws are unnecessarily complex. It is time to clean up the provisions and focus trials on the relevant issues.

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Under the new part of the Criminal Code, all of the offences are set out in sections that are easier to read and understand. For example, the provisions would set out the simpler offence first, then the offence involving bodily harm, and finally, the offence causing death. Under the new part, a person would not, for example, be charged with dangerous driving causing death while fleeing the police as in the current law. Instead, they could be charged with dangerous driving causing death and with fleeing the police, which are two distinct offences.

The penalties and prohibitions are also grouped so that consequences of the offences are clearly rationalized. There are mandatory minimum penalties and mandatory prohibitions for impaired driving and the refusal offences, but there are no mandatory minimum penalties or prohibitions for the other offences. It gets complicated. The mandatory minimum penalty regime for impaired driving and refusal offences makes sense from a policy perspective.

First, unlike many other offences that can be committed in a number of different ways and capture a broad range of offenders, impaired driving offences always require voluntary consumption of alcohol or an impairing drug and then making the deliberate decision to get behind the wheel, which puts all users of the road at risk.

● (1905)

The minimum penalties are also well tailored, starting with a fine only for a first offence but certain jail time for those who reoffend. This type of certainty provides a clear deterrent effect.

Some offences would not be re-enacted under the new part. Failure to keep watch on a person being towed or towing a water skier at night are summary conviction offences that are rarely charged. Removing them would leave no gaps in the law. If the activity is carried out in a dangerous manner or results in bodily harm or death, the person could be charged with dangerous operation or criminal negligence in the appropriate cases.

Also, sailing with an unsafe vessel or flying an unsafe aircraft are summary conviction offences that are not being re-enacted. Laying a charge for these offences requires the approval of the Attorney General of Canada. This activity is more regulatory in nature, and there are strict laws governing the safety of vessels and aircraft.

The provisions under the investigatory powers of the new part would provide new tools for the police. In particular, mandatory alcohol screening is expected to result in deterring more drinking drivers, and deterring those tempted to do so. Roadside oral fluid drug screening will detect drivers who have consumed cannabis, cocaine or methamphetamines, the impairing drugs that are most prevalent on Canadian roads which have been discussed earlier.

Under “Evidentiary Matters”, the new part addresses directly the most important causes of delay and litigation under the current provisions dealing with proving blood alcohol concentration. These are welcome changes given the significant challenges many jurisdictions are facing in terms of court backlogs. Bill C-46 sets out what has to be done to ensure that a breath test produces accurate results and provides a simple formula for determining blood alcohol concentration where the first test occurs more than two hours after the person has driven.

The new part also sets out what documents are to be disclosed as relevant to determining whether the approved instrument was working properly when the driver's breath was analyzed.

There are also improvements with respect to certificates. An accused who wants to cross-examine the qualified technician or an analyst who filed a certificate would have to explain why their attendance is necessary. This ensures there would be no fishing expeditions.

All of these provisions reflect the advice of the alcohol test committee, an independent committee which has been advising the Government of Canada on breath testing for alcohol for 50 years, and whose expertise has repeatedly been recognized by the courts, including the Supreme Court of Canada.

There are many other changes in the wording of the provisions. It would be tedious to list them all, but suffice it to say we need to clean up this legislation.

I am pleased to recommend to members that Bill C-46 be given second reading and be referred to the Standing Committee on Justice and Human Rights, so the committee can do its great work.

● (1910)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Madam Speaker, certainly there are some good measures in Bill C-46 with respect to holding impaired drivers accountable. One of those measures is increasing the maximum penalty for impaired driving causing death from 14 years to life. However, what is missing from this bill is consecutive sentencing for individuals who get behind the wheel and kill multiple individuals. That was included in Bill C-226, introduced by the member for Bellechasse—Les Etchemins—Lévis. I was wondering if the hon. member for Guelph could comment on why consecutive sentencing is absent from Bill C-46.

Mr. Lloyd Longfield: Madam Speaker, I thank the hon. member for the work that he does on the justice committee. I know that he will bring questions like this to the committee, and I am sure the committee will be able to get experts in to address those.

In general, I would say, rather than focusing on the sentencing provisions, what we are looking at is zero tolerance, and to make sure that people who have any drugs in their blood or saliva are not behind the wheel. When we look at mandatory screening, keeping people off the road is better than repeat offences, and the aim is to stop the offences from occurring in the first place.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Madam Speaker, I appreciate the member's contributions to this place, particularly his service on the industry committee, but I do think the member sidestepped the last question somewhat, so I am going to give him another chance.

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If someone harms many individuals in an incident, the consecutive sentence recognizes that the punishment fits the crime. For example, the previous government worked to make consecutive sentences for human trafficking, so that someone would receive time not for a single incident but for multiple incidents. All would be taken into account when the person was sentenced.

This is not a mandatory minimum. This just recognizes that if someone gets behind the wheel and causes harm to many people, flexibility in sentencing is given to a judge to make sure that the sentence fits the crime.

Does the member believe there should be consecutive sentences in this area?

• (1915)

Mr. Lloyd Longfield: Madam Speaker, it is good to have the member in the House. He always asks great questions.

I am a mechanical engineering technologist, not a lawyer, and I do not sit on justice committee. What I said in my answer was that the justice committee would look at some of the details in application of sentencing, but our bill proposes to prevent crimes from occurring in the first place by deterring people from getting behind the wheel when they have any drugs in their body.

Ms. Jenny Kwan (Vancouver East, NDP): Madam Speaker, there are a lot of questions around the science and testing of THC. For example, people are at a concert and many are smoking marijuana. Individuals nearby, even though they are not smoking marijuana, may absorb that into their system. Under this bill, those people could potentially be pulled over in their cars and tested only to find that THC is in their system even though they did not smoke any marijuana. How would that be dealt with? That is my big question and it is a big concern on a lot of people's minds.

Mr. Lloyd Longfield: Madam Speaker, we have a zero tolerance policy and detection would be at the very minimum standards. If individuals are above that standard, their licence would be suspended, their vehicle towed, and they would have to deal with things after that.

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Madam Speaker, I am pleased to speak to the act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts. What we are talking about here is enabling police officers to detect impaired drivers.

Before I begin, I want to make one thing clear. I think we all want to support measures that protect Canadians on our roads no matter where they are. However, I am not convinced that the bill before us addresses all of our questions and concerns.

This is an issue that matters a lot to me and that I have done a lot of work on because it ties in with marijuana legalization, which the government wants to implement on July 1, 2018.

First, I want to point out that I supported the bill introduced by my colleague from Bellechasse—Les Etchemins—Lévis, Bill C-46, an act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts. This bill also amends the Criminal Records Act so that the offence of impaired driving and the offence of failing or refusing to comply with a

demand are no longer exceptions to the offences, rendering null and void the record suspension. My colleague has done an excellent job. However, unfortunately, this was rejected by the government. This bill makes consequential amendments to these laws and others that are directly related to the bill we are debating today.

Second, I also sponsored Bill S-240, introduced by Senator Claude Carignan. This bill sought to implement measures to combat impaired driving. The bill amends the Criminal Code in order to authorize the use of a screening device approved by the government to detect the presence of drugs in the body of a person who was operating a vehicle or who had the care or control of a vehicle. It also authorizes the taking of samples of bodily substances to determine the concentration of drugs in a person's body based on physical coordination tests and the result of the analysis conducted using an approved screening device.

Once again, even though all senators, regardless of their political stripe, and all opposition parties unanimously agreed, the government nevertheless decided to reject all the Senate's hard work. The bill had passed all three stages of the legislative process, but now we have to start from scratch. It will be too late and no one will be ready if the bill to legalize marijuana is rushed through.

Third, I asked about 15 questions and I took part in many of the debates we have had here in the House of Commons.

Fourth, I met with representatives from various businesses that produce drug screening devices in order to learn more about these devices' ability to screen for faculties impaired by drugs.

Fifth, I met with senior officials responsible for training police officers at the École nationale de police du Québec. Unfortunately, I learned that they had not been consulted as part of this process and that they feel unprepared to deal with the consequences of this bill to legalize marijuana.

Sixth, I asked the citizens of my riding for their thoughts on this plan to legalize marijuana, and more specifically the consequences it will have on road safety.

Seventh, I studied the cases of Uruguay, Colorado, and Washington in particular, and I reviewed all of the legislation on the subject from other places in the world.

That is why I can talk about this issue today with a full knowledge of the facts and confirm that Canada is not ready to legalize marijuana, especially not by July 1, 2018. Before any bill to legalize cannabis is passed, the police must have the proper tools to prevent many lives being lost on our roads.

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To be frank, I find it hard to understand why the Liberals dragged their feet for so long before introducing a draft bill that they are now saying must urgently be passed before the summer recess. Let us be serious. The legalization of marijuana has been part of the Liberal platform for years. To get elected, the Liberals even told Canadians that they had a plan.

● (1920)

Once elected, it took them two years to introduce a bill in the House because their legislative agenda has been flawed from the start. Ironically, the Senate is not working very hard compared to when other governments were in office. Now, all of a sudden, things have picked up and the Liberals are trying to quickly pass bills without allowing them to be thoroughly studied in committee.

Two bills need to be quickly passed so that everything is in place in time for the next election. That is simply irresponsible, and the Liberals are to blame. In short, this bill is critically important in protecting Canadians from the growing scourge of drug-impaired drivers who get behind the wheel. It becoming increasingly urgent to eradicate this scourge in light of the Liberals' bill to legalize marijuana.

Every jurisdiction that has legalized marijuana has experienced an increase in the number of accidents and impaired drivers. Here is what the Canadian Police Association told the Senate Special Committee on Illegal Drugs:

Driving while intoxicated by drugs impairs judgment and motor coordination. In one study involving aircraft, ten licensed pilots were given one marijuana joint containing 19 mg of THC, a relatively small amount [for users, or so I am told]. Twenty-four hours after smoking the joint, they were tested in a flight simulator. All ten of the pilots made errors in landing, and one missed the runway completely.

The report also said that, according to a recent opinion poll about drug-impaired driving, 58% of Canadian drivers did not know if their province or territory had any administrative laws on drug-impaired driving. The clearly demonstrates the need to sort out the drug-impaired driving issue before cannabis is legalized. Unfortunately, I doubt that can happen given the Liberal government's unrealistic and irresponsible timelines. For things to happen that fast, the Liberals will have to rush the process, which will jeopardize Canadians' health and safety. That is extremely unfortunate.

I would like to share a few quotes that I compiled about impaired driving because I want to give everyone a real sense of just how big an issue this is even though the Liberals are trying to downplay it.

According to Washington State toxicology lab manager Brian Capron, since the state legalized marijuana, over a third of impaired drivers tested positive for the drug. They test over 13,000 drivers every year.

According to Dr. Chris Rumball of the Nanaimo Regional General Hospital, the Prime Minister's plan to legalize marijuana should take into account sobering U.S. experiences. In Washington State, fatal crashes among drivers who tested positive for marijuana doubled from 8% in 2013, before legalization, to 17% in 2014 after legalization. In Colorado, the number tripled from 3.4% to 12.1%.

"The number of car accidents in Colorado increased because of marijuana usage," said Kevin Sabet, former adviser to Barack Obama on drug policy.

According to the Quebec police, "Canadian police forces are worried about drug-impaired driving [in the wake of Ottawa's announcement that it intends to legalize marijuana]. Police are concerned about trivializing consumption [and] an increase in drivers under the influence of drugs."

I also have this quote from Annie Gauthier, CAA Québec's spokesperson. "We must continue to collect data, put technology in place and establish guidelines that will enable police officers to properly control and deal with this new situation in order to prevent it from spiralling out of control."

I have many more similar quotes and I could go on at length.

In closing, every effort to make our roads safer is critical. I sincerely hope that the Liberals will allow sufficient time for a thorough study of the bill in committee. The Liberals' irresponsible marijuana legalization proposal aside, there is still the issue of impaired driving that needs to be addressed as soon as possible, whether or not legalization is about to happen.

● (1925)

[*English*]

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, the member quoted a number of unnamed police organizations. I was curious about a number of things and I would like to inquire about them.

First, since we have introduced Bill C-46, I want to share with the member a fact with which he may not be familiar. The Canadian Association of Chiefs of Police traffic committee has put out the following statement in response to Bill C-46. It says:

The government has put forward strong legislation not only focused on impairment by drugs, but also addressing on-going issues related to alcohol impairment.

Steps that have been introduced to reform the entire impaired driving scheme are seen as much needed and very positive. The CACP has called for such changes in the past, specifically in support of modernizing the driving provisions of the criminal code, supporting mandatory alcohol screening and eliminating common "loophole" defenses.

I have looked back at some of the data over the past decade. For over a decade, Canada has had the highest rates of cannabis use. It is estimated that over 3.5 million Canadians have used cannabis. Therefore, driving under the influence of cannabis has been a significant issue.

I wonder if the member opposite might offer some insight as to why his government did nothing about that for a decade.

[*Translation*]

Mr. Alain Rayes: Madam Speaker, I suggest that my colleague read the transcripts of the speeches. As we know, they are all translated.

Government Orders

He would see that I supplied sources for all my sources. If he needs the resources to find these quotes, study what has been done around the world and see for himself just how much of a hazard this is to road safety, he need only ask. I sincerely think that if the government was as serious and thorough as it claims to be, it would put a system in place, equip police cars, train police officers and set up a prevention, awareness and education program in every school in Canada to make sure everyone is very cognizant of what is going on before even thinking of legalizing marijuana.

After all that, if marijuana use does not decrease, then the government can consider legalization. The Liberals are putting the cart before the horse, as the saying goes. They refused to move forward with my colleague's Bill S-230, which aimed to get tough on impaired drivers. Even if the government follows the current schedule, it will not meet its July 1st, 2018 deadline, unfortunately. We are headed straight for a wall. It is time that the government realize how irresponsible this is. The government needs to get to work and give police officers the cars and equipment they require as soon as possible.

• (1930)

[*English*]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thought the question from the parliamentary secretary was fairly straightforward, and I would like to get an answer from the member.

Stephen Harper was the Prime Minister of Canada, and the Conservatives were in government for over 10 years. We very much recognize this is an issue. Individuals who were using cannabis were driving, yet for a decade-plus the Conservative government did absolutely nothing.

The member says that we are the ones who are being irresponsible. The Conservatives completely ignored the issue. If anyone was behaving in an irresponsible fashion, it was the Stephen Harper Conservative government. Would he not agree?

[*Translation*]

Mr. Alain Rayes: Mr. Speaker, this is a first: I have never heard anyone else insinuate that the Conservatives were not tough on crime. We heard quite the opposite from the Liberals and the second opposition party, in fact. They used to say that the Conservatives were too tough on criminals. It boggles the mind that the member opposite would try to paint the former Conservative government as anything but extremely tough on crime.

Unlike the current Liberal government, the former Conservative government—which will be back on the other side of the House in two years—protected victims, was tough on crime, ensured that justice was done and did not simply use buzzwords to pander to the public. I will never let anyone say that the Conservatives do not believe in equal justice for all. Let us keep our roads safe, forget about legalizing marijuana for now and educate the public and our young people about the harmful effects of this drug.

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, I commend my colleague from Victoriaville on his excellent speech and his commitment to public safety. We have been debating two complementary bills for two days now.

Today, we are talking about Bill C-46 on drug-impaired driving. We know that drunk driving is a major problem in Canada. It is the leading criminal cause of death. Now, because of the Liberals' improvised approach, drugs are going to be added to the mix. The government is improvising.

Unfortunately, my speech may serve to fuel Canadians' cynicism. I would like to talk this evening about Bill C-46, about what is contained in this bill, what is missing from it, and what is needed. I would also like to talk about a bill that was introduced in the House and even went to committee but that was unfortunately gutted by the Liberals, who came up with a watered-down version of a law that is supposed to protect innocent victims from repeat drunk drivers and people who cause fatal accidents while under the influence of alcohol.

We had a robust bill that we introduced in the House, one that could have already made it to the Senate by now and could have received royal assent in order to save lives now. Instead, we are stuck debating this bill that unfortunately has some serious flaws, which I want to point out.

First of all, what is in the bill? In the riding of Bellechasse—Les Etchemins—Lévis, where I am from, an excellent MP, Claude Lachance, had a remarkable career. He said that, in opposition, it is our job to try to find what is positive in what the government brings forward.

One measure proposed by the government is called routine screening. This measure gives police officers the ability to ask an individual behind the wheel to submit to a blood alcohol test to screen for alcohol. This measure will save lives. This has been said many times in the House over the past few hours, and for the past few days, but particularly during the debate on Bill C-226. I have had the opportunity to say it myself. Routine screening is a measure that apparently has proven itself in many countries, for decades now, and it does save lives.

The government has been asked if this measure is constitutional. Unfortunately, the answers I have heard today have been evasive. Even so, it is one of the three pillars of an effective policy to reduce the number of accidents caused by impaired driving.

The second pillar has to do with the increasingly burdensome legal proceedings we have been seeing in recent years. Legal proceedings are interfering with the application of justice. I am not talking about the Jordan decision. I am talking about the last drink and intervening drink defences. The bill covers these issues to protect against abuse of process by drunk drivers. These are useful parts of the bill that would speed up proceedings and bring people caught driving while impaired to justice.

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Now that I have mentioned two useful parts of the bill, I want to make an important point about how, if we want to tackle impaired driving successfully, the key is to make sure drivers know the police can stop them. Roadblocks are not working very well, which is why impaired driving still causes so many deaths.

● (1935)

An important provision not found in this bill, is one that would impose minimum sentences, or deterrent sentences. There is a consensus in the House that impaired driving is unacceptable in Canada, especially in the case of repeat offenders, who are a danger to society. We have to protect these people from themselves because quite often they have addictions and put the lives of innocent people at risk.

Members will recall the organization Families For Justice founded by Markita Kaulius, who lost her daughter. I want to recognize her, and I think of her in the context of safety and impaired driving. These victims and their families are asking elected members to send a clear message: it is unacceptable to drive while impaired, and repeat offenders must be kept behind bars. All too often, these accidents that cause irreparable harm are the fault of individuals who have been impaired before. This bill does not include any measures providing for a minimum sentence, a tool that the previous Liberal government did not hesitate to use.

Even the member for Papineau, the current Prime Minister, approved of the use of minimum sentencing for bills on impaired driving. However, once again, the Liberals make promises and then, when it comes time to act, they give us half-measures. That is the case with the bill before us today. It contains measures regarding routine screening and speeding up the court process, but it has one major flaw. It does not contain any minimum sentences.

There is one thing that will certainly raise some eyebrows among those who are listening to us this evening. Our colleagues opposite had the chance to vote on the measures set out in the bill. Just a few weeks ago, the member for Montarville said that there was a flaw in Bill C-226. He said:

...the success of random breath testing is that it must be paired with a major education and awareness campaign. Unfortunately, there is nothing in the bill to address education and awareness.

He ended by saying that the government was going to come back with its own bill. Well, today, we have before us a bill that does not contain any coherent measures regarding an education and awareness campaign. We are talking about impaired driving, but everyone here knows that this issue is related to the legalization of marijuana. The government is introducing two major bills, but it is allocating very little funding to one of the biggest societal changes that Canada is facing and that will have unbelievable social costs. It is also not adopting any awareness measures. This government's botched bill is leading us to disaster.

Lastly, I will add that another flaw of this bill is the lack of consecutive sentencing provisions. If a repeat drunk driving offender kills three people, the government does not want to impose consecutive sentences for that crime.

These are all flaws in the bill. It falls short on so many fronts that I fear it will not be possible to amend it in committee. It is so full of

holes, it looks like Swiss cheese. The government could have done much better.

● (1940)

[*English*]

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to thank the member for his speech and also for bringing forward Bill C-226, a private member's bill that presented a number of very significant and important advances in dealing properly with impaired driving that the government took very seriously. As the member knows, I supported the bill at second reading and it went to the public safety committee, but, unfortunately, upon further examination of it and testimony from expert witnesses at committee, it was found to be flawed in many respects. It came back to the House and was not successful at third reading.

I hope the member is encouraged by the fact that many of the issues he attempted to address in his private member's bill, such as the various loophole-type defences, the bolus drinking defence, the intervening drinking defence, the St-Onge Lamoureux matter, the clarification of blood alcohol concentration presumptions, and the introduction of a system whereby the police would be able to demand and require mandatory roadside alcohol screening are all very important innovations.

I would agree with the member that after the passage of this bill, we should make sure that the public is well aware of the consequences, because the great benefit from those measures is in prevention. It is not merely in catching, detecting, and incarcerating individuals, but through saving lives.

I would also point out to the member that Bill C-46, as presented, does in fact contain minimum penalties for impaired driving. For example, I would bring to his attention proposed section 320.15, which allows for a maximum penalty of 10 years, exactly as in his bill, a minimum fine on first offence of \$2,000, on second offence 30 days, and on third and subsequent offences 120 days. I would ask the member to comment on whether he believes that the measures contained in this bill would achieve what he sought to achieve through his private member's bill.

● (1945)

[*Translation*]

Hon. Steven Blaney: Mr. Speaker, I thank the member for Scarborough Southwest for the question.

The member is a former well-respected chief of police. I had the chance to get to know him when I was Minister of Public Safety and Emergency Preparedness when we honoured police and peace officers who have fallen in the line of duty during a ceremony held right here in front of the Parliament buildings.

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Far be it from me to question the member's dedication to public safety. I thank him for the support he has given my private member's bill, that the Liberals unfortunately killed. He recognizes that major components of my bill are included in this bill, but in an incomplete fashion.

I also want to mention that not only is there no consecutive sentencing, but there is also the issue of testing. That is why I would have liked my bill to have been amended instead of being so casually shot down. There is another flaw in the bill. We have routine screening for alcohol-impaired driving, but what about drug-impaired driving? Again, we have reasonable doubts. People will be more at risk of being hit by repeat drug-impaired driving offenders.

[English]

Mr. Jim Egliniski (Yellowhead, CPC): Mr. Speaker, I was involved with impaired drivers—and I am dating myself—going back to about 1968. When the impaired driving laws changed, the breathalyzer came out. We went through an era of almost 10 years of case law. Everybody thought of every excuse. I read this new bill and I have some concerns, a couple of which go back to old experiences.

The bill talks about a roadside screening device for drugs, but there is nothing approved. I want to ask the member how he can see bringing this into law, which the government is proposing to do next year, when we do not have the proper tools available.

Also, blood alcohol tests are done with impaired driving, and if a person is a chronic drinker, he could build it up for two or three days. If he stopped drinking, it would decrease, but with drugs, the THC levels remain in the body for a long time. Theoretically, a person could have smoked five or six joints the week before, then smoke one joint a week later and get pulled over. If police officers are using the screening device the government is talking about, which still is not approved, how can they say that person is impaired? The person may not be impaired at that particular time.

I would ask the member to comment. I think the government is jumping the gun before it has the right tools.

Hon. Steven Blaney: Mr. Speaker, the member's comment is down to earth, and shows how almost improvised the Liberal approach is in providing the device to our police officers so they can effectively enforce the proposed law.

I want to thank the member. We are privileged to have people who have served the country as police officers and who are involved in the debate, which is so critical to keeping Canadians safe. I want to recognize my colleague's great experience.

Not only will police officers not have the device, but there is no prevention in the bill. That is a big hole. Again, this shows the government is rushing through a disaster, and that is unfortunate because Canadian lives are at stake.

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House this evening to speak to Bill C-46, an act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts. This bill was introduced in conjunction with Bill C-45, the cannabis act, and aims to update Canada's impaired driving laws.

Updates to these laws are welcomed and there is unfortunately much to be improved on in Canada regarding impaired driving. Over the past three decades, all provinces have seen significant decreases in their impaired driving rates.

For a significant majority of Canadians, a group that is growing larger each year, gone are the days when drinking and driving was totally socially acceptable or even something that was excusable once in a while. This has been a very important shift in culture that has saved countless lives.

The year 2015 marked the lowest rates of impaired driving incidents since data on this had been collected, starting in 1986. Since 1986, incidents have decreased by 65%, with a 4% drop from 2014 to 2015. However, there is still work to be done. In 2015, police reported 72,039 impaired driving incidents, representing a rate of 201 incidents per 10,000 of population. This is significant.

Impaired driving is still one of the leading causes of criminal death in Canada, and Canada continues to have one of the worst impaired driving records in the OECD. It is clear that we need to keep making progress on this front.

Criminal penalties for impaired driving, while an important component of restorative justice as a signal that our society condemns a behaviour and as a deterrent from committing an act, will not alone prevent a behaviour from occurring.

Simply put, if someone is being charged with an impaired driving offence, the damage is already done. In the worst situations, it means an innocent life has already been lost. Once someone is impaired, be it due to illegal drugs, legal narcotics, or alcohol, it represents a failure in our duty to properly educate the public about the dangers of this behaviour.

Given that government is moving forward with legalizing the recreational use of marijuana, now is a crucially important time to embark on public outreach, awareness, and education programs to inform Canadians. Canadians need to be informed, not just about legalization, not just about new criminal sentences for this or that, but about what constitutes impairment, what the dangers of impairment driving are, and alternatives to impaired driving.

The NDP, from the outset of this initiative, has been calling on the government to take the lead on public awareness campaigns that promote deterrence before anyone gets behind the wheel. The statistics show that campaigns and programs like these have resulted in a decline in alcohol-related incidents, so these efforts should be continued and expanded, given the current context.

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The campaigns have helped Canadian contextualize impaired driving to understand it better for themselves and to intervene when others might be about to engage in it. Education as simple as one glass of wine has a similar amount of alcohol as one beer and one shot helps dispel some of the myths and misunderstandings of impairment.

Unfortunately, thus far, the government has not held that leadership role in helping contextualize what constitutes what constitutes drug impairment. In fact, the government has shown a lack of leadership by leaving the legal limits up to regulation to be set later.

The government has made recommendations around two nanograms, five nanograms, and a hybrid offence for those with alcohol and drugs in their system, but these are not set. It has also not taken the lead on explaining to Canadians how a person reaches those levels of impairment, for how long they can expect to be impaired, and other important aspects of conceptualizing this new legal landscape.

● (1950)

It also is not clear that the limits suggested will not result in the arrest of individuals who are not impaired. The Canadian Medical Association has stated, “A clear and reliable process for identifying, testing and imposing consequences on individuals who use marijuana and drive absolutely needs to be in place nationally prior to legalization.”

This is because, like alcohol, consumption method, consumption frequency, and personal metabolism can impact the level of impairment. Some experts are questioning using nanograms as a result. We need to ensure we are making evidence-based decisions, decisions based on science.

Canadians need to be able to make informed decisions. In the absence of information, there will be misinformation, and that would be a serious failure on the government's initiative should that occur.

The goal should be to create the social conditions where the criminal penalties being brought in by Bill C-46 are used as little as possible. People are not getting behind the wheel in the first place.

Like my other colleagues who have spoken on the bill, I am supportive of updating our impaired driving laws to reflect the changing realities and severity of these offences. However, like my colleagues, I am concerned with striking the correct balance regarding the civil liberties of Canadians.

Civil liberties groups and the legal community have expressed serious concern about the removal of the need for reasonable suspicion to conduct a roadside breath or saliva test. The concern stems not only from the potential infringement on civil liberties, but also that it will be disproportionately applied to certain visible minority groups.

It has been spoken about in the House that random and mandatory breath tests for alcohol screening could be challenged under section 8 of the Charter of Rights and Freedoms, the right to be secure against unreasonable search or seizure. It has also been mentioned that it could be challenged under section 9, the right not to be arbitrarily detained or imprisoned.

The British Columbia Civil Liberties Association has stated quite clearly in the past on mandatory breath testing that “Giving police power to act on a whim is not something we want in an open democratic society.”

It is my hope that at the committee stage the government takes the study of the bill very seriously. It will be imperative to hear from civil liberty experts, constitutional law experts, and health care experts. We need to understand the science of the testing. We need to ensure there is a robust educational program for Canadians so they know about this law, they know and learn about what the consequences are so they are responsible for their actions.

I sincerely hope the government will be open to amendments, even significant ones, should the evidence suggest that they are needed. This is simply too important to get wrong.

There are the outstanding questions.

Earlier I asked about the possibility of someone being in a room where there was a lot of marijuana smoking and whether that could get into the person's bloodstream even though that person was not actively smoking marijuana. In those cases, how would that be dealt with? Do we have the science in place to ensure people are protected in those circumstances?

With alcohol, for example, we have designated drivers. If people are in a crowd with people who are drinking but they are not, they will not be impacted. However, it may not be the case with marijuana.

My colleague from Vancouver Kingsway, the NDP health critic, raised some very critical questions, particularly for those who would use medicinal marijuana. When they consume the substance, and some of them may have to consume a lot because of a medical condition, what does that mean for them with respect to these implications? The THC could be stored in their bodies for an extended period. It theoretically could be the case that they did not smoke while driving. How would that be dealt with and are what are the implications? Does it mean in those instances they would still be liable?

There needs to be a lot of clarification with respect to that and there needs to be public education. People need to know and understand that. People in the medical community who are prescribing medicinal marijuana need to let the patients know the risks and what impairment might mean.

● (1955)

I am, at this stage, not sure where the science is. There are a lot of questions out there. The science has to be solid as we move forward.

Finally, we do not ever want to see tragedies. We do not want to see anyone's life lost because someone was behind the wheel impaired, whether it be from alcohol or any other substance. That has to be paramount. We have to move forward to bring in laws to ensure that it takes place through education, through enforcement, and most important of all, through our own self-imposed responsibility for our own actions. People need to be clear about what those laws are so that they can make sure they do not do what is so wrong. Once it is done, they cannot take it back.

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• (2000)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the member is likely aware that the government has already committed to a public education campaign focused on young people. In fact, in the last budget, which the member across the way voted against, there was an allocation of over \$9 million to do just that.

My question is related to the member's last statement. We do not have any desire whatsoever to see individuals behind the wheel who, whether from cannabis or drinking, are not in the proper condition to do that. Sadly, it happens, and the best way to combat it is to have good, solid legislation. This is solid legislation.

The member asked about amendments. If there are good amendments, I would encourage the member not to wait until committee. If she already has some amendments she wants to share, nothing prevents the member from doing that now.

We are a government that is providing good legislation, but we also have to work with stakeholders. Provinces play an important role. Municipalities play an important role. Would the member not agree that the best way to deal with the issue is to also work with our stakeholders?

Ms. Jenny Kwan: Mr. Speaker, on education, I have heard over and over again, from previous governments and from the current government, about education. The reality is that there is still drinking and driving and impairment out there. People are still being killed as a result of that. Now we are charting new territory, so it is absolutely imperative. I am glad there is some money set aside, particularly for youth, but I would say it should not be just for youth but for all Canadians. There is a real question about whether there are sufficient resources in place to make sure that education is effective on the ground so people have that information.

In terms of working with stakeholders, of course we should be working with all sorts of stakeholders—municipal governments, provincial governments, community groups, civil liberty associations, and constitutional experts, among others—to make sure that this legislation is done right. Nobody wants to see an unnecessary death, so yes, let us get on with it. I am glad to hear from the member that the government is open to amendments.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, one of the consequences of the legalization of marijuana is that there are going to be more people using marijuana and therefore more drug-impaired drivers. What that means is more injuries, more deaths, and more carnage on our roads. It is precisely the reason the marijuana task force recommended a comprehensive national public education campaign.

Maybe I should not be, but I was rather surprised that the Parliamentary Secretary to the government House leader talked about \$9 million in funding in the budget. That is \$9 million over five years. I would remind the hon. member that it is a pittance compared to the State of Colorado, which is approximately the size of the member's home province of British Columbia, which has spent tens of millions of dollars in a single year. I was wondering if the hon. member could comment on the lack of support and the lack

of a plan from the current government when it comes to prevention and education.

Ms. Jenny Kwan: Mr. Speaker, first, I would like to point out that there is no evidence that decriminalization would increase use. We actually do not know that, and there is no evidence to indicate that. I would love to see evidence, if the member has it to share with all members of the House.

That being said, there is no question that we need to have a robust program based on what I call a four-pillars approach. It is an approach that deals with prevention, enforcement, harm reduction, and treatment. There is no question that it is absolutely necessary when we are dealing with addiction issues. I know that very well in my own community of Vancouver East. All of that is essential.

We have not had enough resources invested, not by the Conservative government, not by this government, not by any government, for that matter. We had better understand that human lives are at stake. Mental health is tied into this issue as well. We have many people in our community who are dual diagnosed, and they end up in the community using drugs and being preyed upon.

Where is the mental health program? Where is the housing program? Where are the social determinants of health in determining the support that is so necessary for the people in need?

I call for all members of the House to step up and support a robust program and invest in it so we can get on with dealing with critical issues in my community and in every community across the country.

• (2005)

Hon. Alice Wong (Richmond Centre, CPC): Mr. Speaker, I rise this evening to speak to the proposed legislation, Bill C-46, regarding impaired driving and amendments to the Criminal Code. This bill examines and alters the procedures and consequences for impaired driving for both cannabis and alcohol. I will comment on a few aspects of the changes regarding alcohol, but the majority of my speech will be focused on the impacts of drug-induced impaired driving.

To begin, I would like to say that several changes proposed in the legislation are encouraging, such as increases in maximum penalties and mandatory fines. Unfortunately, not all the penalty changes seem appropriate. Rather than increasing mandatory minimum prison sentences, the government has decided to change the fines for a first offence, based on blood alcohol content, the BAC. While I can understand the importance of knowing the BAC of an individual behind the wheel, I would want to ensure that a slightly lower BAC would not somehow mean that a person was not penalized for driving under the influence. Alcohol has different effects on different people. Would an officer be able to use his or her discretion in a situation, or would a device be able to determine the accuracy of the BAC? I simply want to ensure that the corresponding fines are appropriate and fair.

Government Orders

One of the proposed changes affecting our law enforcement officers would be the ability to demand breath samples from any driver they lawfully stop. Officers would no longer be required to have a legitimate suspicion that a driver had alcohol in his or her body. Some critics have even stated that this would be unconstitutional, and research shows that most Canadians would oppose giving police these greater powers.

Recently, the CBC reported:

If Canada's new impaired driving laws are passed police could show up on your doorstep — up to two hours after you arrive home — to demand a breath or saliva sample.

How would the government ensure that someone who arrived home safely while sober and then consumed alcohol afterward would not be wrongly accused?

Another concerning change regarding alcohol-impaired driving proposed in Bill C-46 is that it would actually reduce the penalties previously outlined in the Criminal Code with respect to ignition interlock devices. Ignition interlock devices allow offenders to reduce the period of prohibition from driving by opting to use a vehicle equipped with an ignition interlock device under a provincial program. With the use of these devices, they are able to drive anywhere in Canada during this time.

While it is true that offenders should receive another chance to prove that they are capable of driving, they must first serve the appropriate minimum absolute prohibition period. These wait times have been reasonable: three months for first-time offenders, six months for second-time offenders, and 12 months for third-time offenders. Unfortunately, the Liberals have decided to reduce these wait times to the point where there would be no minimum prohibition at all for first-time offenders. Subsequent offences would be reduced to the following: second-time offenders would be prohibited for only three months, and third-time offenders would be prohibited for only six months. These drastically reduced prohibitions are dangerous. The changes could allow offenders to be behind the wheel before they were ready.

I would ask the government to reconsider some of these changes to ensure that offenders are properly convicted for their actions and that the probationary periods, as currently outlined in the Criminal Code, are maintained.

• (2010)

Moving on to drug-impaired driving now. The Government of Canada website states that:

Bill C-46 proposes to supplement the existing drug-impaired driving offence by creating three new offences for having specified levels of a drug in the blood within two hours of driving. The penalties would depend on the drug type and the levels of drug or the combination of alcohol and drugs. The levels would be set by regulation.

While it is encouraging to see tougher penalties for repeat offenders, some concerns remain about the ability to enforce these new offences based on the specified levels. For example, would officers be able to use discretion for those near the cut-off, or would the measuring devices be able to determine exactly how significant the influence of the drug is? Furthermore, the level of the drug may have a greater impairment on some people, causing their behaviour to be more harmful to the safety of others. My concern is that the punishment may not be congruent for all offenders.

It is of the utmost importance that we seek to protect Canadians from impaired drivers and ensure that there are strict penalties for those who choose to drive while under the influence of alcohol or drugs. However, it is also critical that those penalties are accompanied with sufficient education and resources for our police officers. The legislation does not include any specifics regarding the process by which police will be trained in order to handle the increased threat of drug-impaired driving upon the legalization of cannabis.

Education on impaired driving is not limited to police officers. It is critical that the Liberal government also emphasizes effective education to deter Canadians from impaired driving. The report and recommendations outlined by the Liberal government's task force recommended extensive education on cannabis and impaired driving awareness before any legislation takes effect. Unfortunately, the government has chosen to ignore that sound advice and is pushing through the legislation.

Impaired driving continues to be one of the leading causes of death in Canada and it is unwise to move forward without effective education and resources for our police forces and for all Canadians. While I find it hypocritical that after 10 years of denouncing the stricter penalties for criminals put forward by the previous Conservative government, the Liberals have opted to impose higher maximum penalties and mandatory fines, it is a good first step to ensuring that our streets are safe.

That said, as I have mentioned throughout my speech, the changes outlined in Bill C-46 are not enough to protect Canadians from the dangers of impaired driving. I hope the government will choose to slow down the legislation and provide relevant education before it chooses to move forward with cannabis legalization. The legislation has been rushed and has been put on an unreasonable timeline. The Liberal government needs to recognize that when passing major legislation such as this, it is far more important to get it right rather than to do it hastily.

I hope the government will consider the concerns I have raised and together we can work to protect Canadians from the devastating realities of impaired driving.

Government Orders

• (2015)

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I am grateful that the Conservatives finally understand that actions taken here in Parliament have unintended consequences on municipal budgets and police budgets. Having been a city councillor for the better part of 10 years, I can tell the House that the accidental downloading by the last government was quite extensive. I can assure the member that we are sensitive to that and are talking to our partners on those issues right now to make sure that, as we move forward with the legislation, the training and the compensation are there.

It seems that the point that was being made was that until we figure out exactly how we can test properly for impaired driving as a result of cannabis, we really should not move to legalize it. Keeping in mind that we have one of the highest rates of cannabis use in the western world, particularly by our young people, would the member opposite not agree that impaired driving is already happening?

The legislation would allow us to start moving towards regulating it, criminalizing that behaviour, and making sure that we do the public education to stop that behaviour because of the risk it poses to Canadians everywhere.

Hon. Alice Wong: Mr. Speaker, this is not what their task force advised. They advised that before any legislation is pushed through, these tools need to be there. How can we measure whether a young person or an adult is really impaired if the tool is not there? It is really unrealistic that the government would push this through.

Talking about expenses, earlier a member on this side mentioned that spending that money over five years and not using it properly is not the way to have really good laws. Just hastily passing it through and not making sure that it is done properly, that is really not a responsible lawmaker's job.

Our job in Parliament—

The Deputy Speaker: Questions and comments, the hon. member for Mount Royal.

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I assure my colleague that at the Standing Committee on Justice and Human Rights we will all work together to try to make sure the legislation is as well-rounded as possible.

I have a couple of questions. I listened attentively to the speech of my hon. colleague. She mentioned concerns with both the mandatory testing and the number of hours after the alleged driving that an individual could be tested. Both of these were found in Bill C-226, the private member's bill of the hon. member for Lévis—Lotbinière, which the hon. member voted for.

In essence, both of them allow us to make sure our roads are safer. The fact that a police officer can, on any lawful stop, ask somebody to submit to a breathalyzer test, to me, is a good thing, and so is the fact that an individual cannot argue that they drank alcohol right before they got in the car so their blood alcohol limit was not reached when they were in the car; it only got reached after. These are good things. They keep bad people off the road.

Why does the hon. member have concerns about these when she voted for them already in a different law?

Hon. Alice Wong: Mr. Speaker, there are people of different cultures in my riding, and I can give the member true stories. One of my constituents complained to me that she was pulled over by a police officer and she was trembling because she did not understand why she was stopped by police. Because of the differences in language, she did not understand exactly what happened.

Imagine if the police suddenly come into an individual's house and tried to make them do things. There have been incidents, probably, in the Lower Mainland, and a lot of abuses have been committed by people who do not follow the proper rules and who have not been trained on very sensitive issues.

That is the question and I would ask the Liberals to reply instead.

• (2020)

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I had not intended to speak to this specific issue until I had heard some of the presentations in the House here today, in particular around the issues of treatment, housing, and dealing with addictions and the intersectionalities around mental health.

I just want to be clear that as we move forward on this important legislation, we are not leaving those elements out simply because they have not been spoken to specifically in the bill. There is an all-of-government approach to ensuring that the evidence-based process is dealing with the dynamics and tragedies, as well as with the challenges that the intersections among addiction and mental health pose, right across the board.

I want to highlight some of the ways we are doing that, just to make sure that Canadians listening tonight, as well as members of Parliament, understand that this is more than just simply a question of cannabis. This is a question of how we deal with some very significant challenges in society in general.

Let me start with housing. We know that there is a significant spend in the budget this year. It is more than just the \$11.2 billion promised for a new national housing strategy. There is also a repurposing of the national housing program as it relates to homeless persons.

In addition to that, though, I think the most important accomplishment that has gone unnoticed in the House is in the health accords we have signed with the provinces, and in particular the province I represent, Ontario. There is a specific component for housing supports for dealing with addiction and mental health issues, and how they intersect. That is the support required to turn housing into supportive housing. It is the best way to deal with addiction and mental health issues, especially as they materialize in the lives of people who are chronically homeless.

Government Orders

While it is not specific to cannabis alone, because cannabis, quite frankly, is not the major pressure in that area, the reality is that there is a new era of treatment coming forward as a direct result of budget 2017, and tying together all these different pieces of legislation. I hope the NDP members can find it in their hearts to support the budget, because it delivers one of the best housing programs this country has ever seen.

Additional steps are also being taken on this front. The previous government had a very silent approach to the housing sector. It did not allow for the taking of a health care fund from a province or a municipality, or even a third party, as a subsidy to pay a mortgage for supportive housing. In other words, if there was a grant from CMHC to deliver supportive housing, the whole program was supposed to be run off that grant and not tie in other government programs to create the dynamic partnerships that are required to deal with the intersectionalities of health, mental health, and addiction issues.

We are removing those stipulations put in by the previous government to allow for dynamic partnerships on the ground to materialize in communities right across this country to deal with this issue, and in particular, in major cities where we know that addiction is having a huge impact on people who are homeless.

On the issue, again, of dealing with the impaired driving, dealing with the public education, and the support of the police departments in this area, we also know that our program, which is supporting municipalities with infrastructure dollars to unseen levels in this country, takes the pressure off municipal budgets and allows for municipal governments to have more flexibility to deal with the challenges as they materialize in their communities. This frees up resources, in particular, where local municipalities pay for policing to deliver that policing support.

We also know that downstream, as we start to move this program through the legislative process, as we start to move towards legislation, there needs to be an in-depth conversation with municipalities, local police forces, contracted police forces, aboriginal police forces, as well as municipalities and provinces, in terms of the public health side of this, as well as the public safety part of this.

The training of police officers and the support for police departments is very much front-of-mind as we start to move forward, but the first thing we have to get in place is the legislative regime. We have to get the public safety components in place. Then we have to sit down and talk to police forces as to the best way to deliver some of these resources.

I was on the police service board when the previous government made some changes to the Criminal Code and required specialized training for police forces. It mandated that training, which was only available in the United States, and did not provide any support for police officers to be trained. We, as local municipalities, had to pick up the costs for that.

That was really sort of typical of the previous government's complete lack of understanding of how their decisions impacted local municipalities. The program we were mandated to have our police officers take was not even offered in French, let alone in Canada. We were sending police officers south of the border to be

trained to meet federal requirements, with no financial support but also no linguistic support for the francophone police forces right across the country.

I can assure the House that in this particular piece of legislation, we are cognizant of the whole-of-government approach that is required, and the specifics that are required to support municipalities as they deal with a lot of the enforcement and regulatory requirements to make sure the process is safe.

In particular around impaired driving, one of the most important things we have to keep in mind is that many of the arguments we are hearing from the other side, particularly in the last presentation around impaired driving, were the same arguments used to try to thwart breathalyzers coming in.

● (2025)

They were the same things that tried to slow down tougher drunk driving laws in the late 1960s and early 1970s. Once again there was a Progressive Conservative opposition and the Liberal government moved on these issues to protect public safety.

The other side pretends to be tough on crime, but as a good colleague of mine on this side of the House says, sometimes it is better to be smart on crime than tough on crime. If we are going to reduce the risk to public safety, we need to have these comprehensive conversations.

I want to assure the House on the positions raised by the New Democrats around the support for housing, treatment for drugs, and public education, those programs are under way. We can see it in the language of our health minister. We can see it in the language of our infrastructure minister. We can see it in the language of the minister I work with in families, children and social development. We can also see it in our new relationship with the municipalities.

We do not consider municipalities creatures of the provinces. They are a legitimate order of government in the country. We deal with them directly. If members come to the FCM conference over the next weekend, they will see what happens when there is actually a positive relationship, when we show up at the Federation of Canadian Municipalities with a full ministerial approach, what exactly a new relationship with municipalities looks like.

On this side, we are proud of that record. It is one of the reasons so many of us from municipal councils ran to come to Ottawa to change the way the federal government spoke with municipalities, large or small, northern or southern, remote, rural, or coastal. It is a proud achievement of our government that not only are we funding municipalities, but we are also working with them to develop policies to make their laws and bylaws more effective, and our laws, rules, and regulations more effective.

We do the same thing with the aboriginal governments and provincial governments. That is why a whole of government approach and an all of Canada approach is going to pay off with such dividends, especially as we move toward a much better Criminal Code, a much better approach to impaired driving, and a much better partnership in terms of making sure when we deliver those services, they are there.

Government Orders

To recap very quickly, housing money is there; treatment dollars are there; supportive housing capacity is being built in our country; additional resources are being delivered to cities to pick up the tab on some of these challenges. The dialogue continues, and it is a good dialogue. I hope the rest of Parliament can support us as we move forward on this, because it is a new era in federal-municipal relations. It is entirely focused on giving cities the capacity they need to deliver programs that we are working with in concert to deliver.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I want to assure the member opposite that I certainly am committed to seeing impaired drivers off the road. However, the government likes to pretend it is fact-based, evidence-based, and science-based, but in this case, the science for determining whether people are impaired with cannabis is not at a place where it could actually be determined by the tests. If we decide to arbitrarily take a zero level, that still leads us to the other fact, which is, in 12 months there is not enough money in the budget or time for the government to actually implement the roadside tests that would be needed. That is another issue.

The other fact that would be relevant is that the provinces and municipalities do not have the money to take the download that the government is putting forward. Would the member agree that the plan that has been put forward has not been well thought out and is not in fact going to be able to be done?

Mr. Adam Vaughan: Mr. Speaker, in my previous position, I was the parliamentary secretary for intergovernmental affairs, and I can assure the House those conversations are ongoing. We have not downloaded one dollar yet. We are in negotiations right now to make sure that when this happens, the new policies arrive with the appropriate resources to deal with them.

As I said, cities have never been happier in my lifetime, with a federal government that has finally stepped up and recognized them as an equal partner in the affairs of this country.

As it relates to the technology which the opposite side does not think will be there, there is a problem right now on city streets, on streets in rural communities, and on highways across the country. There are impaired drivers with cannabis and other narcotics in their system that are wreaking havoc and creating a very dangerous situation. If the other side wants to sit there and wait until they are convinced of the science before they act, that is their business. This government will not step back and wait to make streets in our country safer. We are going to act now and move forward now.

I would ask that member to review the science in Australia, and review the science in the United States. They have already moved on this in Oregon. Talk to MADD, Mothers Against Drunk Drivers, who are completely convinced the science is there, as we are convinced. If they want to live in some alternative world where climate change is not a science, and addiction reduction services are not scientific, they can live in that world, but I can tell them right now that the debate on this one has given us the evidence we need to move to make our cities and our country safer.

• (2030)

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, I appreciate the member giving us his thoughts. Obviously, he served as a councillor in the Toronto area, or at least

that is my understanding. I served as a councillor in a small area in the interior of British Columbia.

One thing that was pointed out by the member of Parliament for St. Albert—Edmonton is that Colorado has gone through with legalization and set aside tens of millions of dollars for public education and safety measures, and the government is actually proposing \$9 million over five years.

I also want to challenge the member's math when it comes to housing. It is not \$11 billion now; it is over 10 or 11 years.

An hon. member: Twelve years.

Mr. Dan Albas: Mr. Speaker, twelve years? I understood it was 11.

The problem I have is that when we say we are going to allow things like gaming, what happens is provincial governments say they are going to legalize it, but they will make sure that any monies will go toward helping people get off of it. Then what happens? A new government gets in or a new approach comes up, and they need to cut transfers, just like the Martin government did during the 1990s, to pay the bills, and then it all gets downloaded on either the social costs to the provinces or on the individuals themselves and the places they live.

I have heard nothing from the Liberal government to say it is truly committed to making sure that social harms are going to be addressed not just with funding over the short term but over the long term.

Mr. Adam Vaughan: Mr. Speaker, it is interesting to watch the opposition look for solutions in a bill when those solutions actually lie in a different piece of legislation. As I said, the health accords have extraordinary dollars being invested in prevention, harm reduction, and addiction issues. It is the hallmark of the new provincial health accords and that is where parts of those issues are dealt with.

On the housing file, let me do some math for the member. Last year in budget 2016, we doubled the base funding in the housing program from about \$2.3 billion to \$4.8 billion. We then added \$11.2 billion on top of that and an additional \$11.2 billion in low-interest loans and mortgage financing, which means the total is well over \$27 billion over the next 11 years. That money is already starting to be spent now. We have more than doubled the amount of dollars going into housing, and as a result, for the first time in 25 years, we have not only a national housing strategy but a 10-year agreement that we will be signing with provincial and territorial partners.

Additionally, there will be close to \$4.5 billion on aboriginal housing, with more to come on that file. There are additional dollars for housing in the health care budget and the natural resources budget. It is one of the most comprehensive, dynamic, and substantial investments in housing, the biggest investment in the history of this country and the longest investment in the history of this country. It comes after 10 years of the Conservative government doing squat for people needing housing supports in this country.

Government Orders

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I rise today in this House to speak to Bill C-46, an act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other acts. In simpler terms, this bill seeks to address drug-impaired driving, more specifically regarding marijuana use.

This bill goes hand in hand with Bill C-45, which provides a framework for the legalization of marijuana. The NDP has always stood for sensible measures to prevent impaired driving. This bill is a step in the right direction. We have to focus on powerful deterrents that can actually help prevent tragedies. Therein lies the weakness of this bill.

Before this legislation comes into effect, we need a robust public awareness campaign, and that has not been done. I will discuss that over the next few minutes. Also, Bill C-46 does not clearly define the levels of marijuana in saliva that would qualify as impairment. That is another problem.

We need a strategy that is based on science in order to stop impaired drivers. The bill sets out no reliable strategy or benchmarks that would make it possible to set clear limits around THC levels.

Impaired driving is the number one cause of criminal death in Canada. This is a very serious problem that affects every part of the country, and we must address it. We must do everything we can to raise awareness around driving while impaired, either by drugs or alcohol, and to put prevention programs in place. We must give those that make arrests, like the police, all the tools they need.

Canada has one of the worst impaired driving records in the OECD. We have a lot of work to do. Cannabis legalization will have a number of repercussions. We will need to be ready, and we will need to take the necessary steps to mitigate these repercussions. We have to develop an effective public awareness campaign, and the Liberal government has to properly fund it. There is no such campaign at present—the work has not even begun yet. The proposed funds are not only lacking, they have not been invested yet. Despite all of that, the marijuana legalization legislation will be coming into force in about a year's time.

The Canadian Automobile Association, or CAA, a well-established association of which I am a member, recently ran a headline on that very question that read, “Federal marijuana announcement step in right direction but leaves unanswered questions”.

As we know, the CAA is a group that advocates for drivers and other road users. Without wanting to promote the CAA, I still want to say that they are now looking after cyclists, too. I will now read a quote from the article in question that is well worth hearing:

While the government committed today to making more money available to train police in drug recognition and to acquire testing devices, it didn't say how much or when it will be available.

● (2035)

I will read more later, but the gist of it is that police, law enforcement in general, needs proper training. They need every tool available to address the reality of people driving under the influence of marijuana. The government has made no information available to

us. We have neither the tools, nor the funds to deal with this issue. This is a big problem. It is one of the bill's weakest points.

The article continues as follows:

The government also reiterated a budget 2017 commitment to spend less than \$2 million a year over five years on public education—a sum that is clearly inadequate, given the misconceptions about marijuana's effect on driving.

Less than \$2 million a year is not enough. What is worse is that the plan offers nothing tangible, specific, and of enough substance to tackle the many misconceptions that currently exist about marijuana use and its effect on drivers.

Some people still believe that smoking marijuana has no effect on their ability to drive. Some even believe smoking marijuana makes them better drivers. We must bridge that information gap with a massive information awareness campaign that will go on not just for one year, or two or even three, but rather in perpetuity. We must ensure information is always available when we are dealing with dangerous substances. For example, in the case of alcohol, education campaigns designed to prevent the consequences of impaired driving are still ongoing and will keep going for another 10 or 20 years. We can never stop educating people. As the CAA points out, less than \$2 million is but a drop in the bucket, given current needs.

In response to the Liberals' marijuana legalization bill, the Société de l'assurance automobile du Québec, or SAAQ, has already kicked off its campaign to raise awareness about the effects of cannabis on driving. The bill has also put pressure on the provinces, which are increasingly called upon to invest in awareness and prevention so that people, especially kids, who are our future, have all the information they need.

The SAAQ's campaign costs money. The Liberal government has yet to give our municipal and provincial governments a single red cent. The bill should specify the percentage of taxes going to the federal, provincial, and municipal governments. That would guarantee that the provinces and municipalities will not get shortchanged in the long run.

This is critical, as those who really need the tools and the funds to properly educate our youth and raise their awareness are the schools, our social organizations, everyone involved in health care, everyone working with young people, youth centres, and stakeholders at every level of government.

Being legal does not make a substance safe. Marijuana use creates all sorts of health and social problems. People need to know about this. They need to take every precaution if they decide to consume marijuana. Personally, I would prefer it if marijuana, cigarettes, and alcohol were no longer consumed, but as we all know, the world does not work that way.

Government Orders

● (2040)

We need to make all the information available so that people can take the necessary precautions if they decide to consume cannabis, and so that no one ever drives under the influence, which would certainly be dangerous. This information should reach the public, and especially young people, to ensure we make everyone safer.

[*English*]

Mr. Lloyd Longfield (Guelph, Lib.): Mr. Speaker, 3,000 people were found to have drugs in their system when picked up in impaired driving situations in 2015, so 3,000 people were endangering the lives of other Canadians, as well as their own lives, so a zero tolerance program is what we are suggesting in part 1 of our legislation. In part 2 we are talking about simplifying legislation so that the courts will not be clogged the way they are now and we can have a more efficient court system.

A meter will determine whether there are drugs in the saliva, which would also mean in the blood and in the brain. Zero tolerance would mean that if the meter detects minimum levels of drugs, the person is then liable for criminal charges. It is not a question of how much one can get away with; it is that if there are any drugs in that person's body, he or she is not allowed to drive. That is the simple message that we will be putting out to youth and other people who currently drive while impaired.

My question for the hon. member is this. It seems like the NDP keeps bringing forward what one can get away with, when getting away with anything is what we are trying to avoid. We are trying to limit the use of drugs in people who are driving, so where does the zero tolerance point sit with the NDP?

● (2045)

[*Translation*]

Mr. François Choquette: Mr. Speaker, figuring out where that point is is very important. It is not in the legislation.

No matter what the legislation says about legal limits for marijuana, the problem remains. Where is the money to support police officers and law enforcement agencies that have to confront this new reality? Where is the money to help the provinces and municipalities educate people? That has already started. Quebec has already funded an awareness campaign. Where is that money? The government is putting up less than \$2 million per year, which is not enough.

What we need in the legislation is a firm commitment on the part of the Liberal government to transfer a portion of the marijuana sales tax to the provinces and the municipalities. They are the ones who will be burdened with doing the education and awareness and setting up social programs for the people who will be using marijuana and sometimes, unfortunately, abusing it.

[*English*]

Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Mr. Speaker, I want to provide a quote. It is this:

The government has put forward strong legislation not only focused on impairment by drugs, but also addressing on-going issues related to alcohol impairment.

Steps that have been introduced to reform the entire impaired driving scheme are seen as much needed and very positive.

The association to whom this quote is attributed has also called for these changes in the past, specifically in support of the modernizing of drug provisions in the Criminal Code, mandatory alcohol screening, and eliminating common loophole defences. The quote is from the Canadian Association of Chiefs of Police. These are the individuals who will be on the front lines of enforcement of this particular legislation. I wonder what my hon. colleague has to say with respect to this quote.

[*Translation*]

Mr. François Choquette: Mr. Speaker, I also want to read a very important quotation from the task force on cannabis legalization and regulation, which presented some recommendations to the federal government.

The first reads as follows:

Invest immediately [not next year or in two years] and work with the provinces and territories to develop a national, comprehensive public education strategy to send a clear message to Canadians that cannabis causes impairment and that the best way to avoid driving impaired is to not consume.

Here is what needs to be done. Investing less than \$2 million a year is not enough, and that money is not going to the provinces, as I said. Likewise, no money is going to the municipalities, which urgently need it to strengthen our law enforcement bodies and give them the training required as well as to begin an awareness campaign. At present, there are still people who think that driving while impaired by cannabis actually makes them better drivers. This myth needs to be dispelled immediately so that people understand that they must not drive after consuming cannabis.

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, it is an honour to rise this evening to speak to Bill C-46. This bill presents a number of complicated and novel problems for law-makers. I will say first that I will vote for this bill at second reading. It should get to committee.

There are many things in here that we need to move ahead with. I hope that my speech can reflect on the areas where the bill will need amendments. It is particularly in the sections that would enable the Governor General to make regulations in the future that we should approach regulation-making with caution.

Let me start by saying what is important about Bill C-46.

It is important that we do more to deal with the carnage on our roads caused by people whose judgment is not only impaired by drinking but who also fail to understand that an automobile is a lethal weapon. Persons getting behind the wheel when they have had anything to drink at all should be as socially unacceptable today as people lighting up a cigarette on an elevator.

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Social norms change over time. The social norms once allowed us to give the people around us the present of second-hand smoke without thinking anything about it, but it is now viewed as a reckless activity. One would have thought that with the attention and the hard work of wonderful groups like Mothers Against Drunk Driving, it would be clear to all Canadians as responsible citizens that if they have had anything to drink at all, they do not drive. Unfortunately, we see far too many examples of innocent people, children, or whole families killed on our highways by people who have gotten behind the wheel when they should never have done so. We need to do more to stop the threat of drunk drivers on our roads. This bill would begin to do that. This bill would begin to take some important steps.

Certainly it is important for people to know that they can be pulled over on reasonable grounds and have a breath test applied by a roadside breathalyzer. On reasonable grounds, police officers would be able to stop more people for randomized breathalyzer testing on the side of the road. It is important to note that Bill C-46 would require a police officer to have reasonable grounds to believe a person is committing an offence or at any time in the last three hours has committed an offence as a result of the consumption of drugs or alcohol. Throughout this bill there are requirements for reasonable grounds. Still, the threshold for giving a roadside breathalyzer test is going to be reduced, with the goal of getting more people who are drinking and driving off our roads, and that is important.

The risk here is that we would be conflating the legalization of cannabis with problems of driving and substance abuse, and this is where we need to be careful. In 2014, an astonishing 74,800 cases were reported across Canada of driving impaired due to alcohol or drug use. There were 74,800 cases in a single year reported by police. Of those cases, 97% were alcohol-related and 3% involved drugs. That is not to say that drugs are not the problem, but it is clear that in order of priority, alcohol is the bigger problem as a percentage, empirically, on our roads.

However, then we begin to dive into it. Certainly with the legalization of cannabis, reasonable concerns have been raised. What if people are impaired by having imbibed, smoked, or eaten cannabis and are now under the influence of cannabis and have THC in their system? This is where, as I dive into the evidence, it gets a lot more complicated, because if we are going to base our policies on evidence, it is not at all clear that the same kind of physiological effects occur from imbibing cannabis as from drinking alcohol.

For example, studies by the Pacific Institute for Research and Evaluation, as reported in *The New York Times*, talk about the estimates from a number of studies. In the case of the dangers of drunken driving, for instance, 20-year-old drivers with a blood alcohol content of 0.08%, which is the legal limit across Canada, had an almost 20-fold increase in the risk of a fatal accident.

• (2050)

When the researchers look at those who have imbibed cannabis, they find that the effect of using cannabis does affect driving, but it is within the same range as the legal allowable levels of blood alcohol. It is not at all clear. According to a 2012 study from the *Journal of Psychopharmacology*, only 30% of people who were under the influence of THC failed a field test of their ability to show physical

coordination and good cognitive reflexes. The effect of smoking marijuana is clearly going to be very different from the effect of drinking and driving.

This is again research from the Pacific Institute for Research and Evaluation. For the purpose of explaining this, I am going to use the term stoned drivers and drunk drivers. They concluded that stoned drivers drive differently from drunken ones and have different deficits. Drunk drivers tend to drive faster than normal and overestimate their skill, whereas the opposite is true for stoned drivers. More worrying, when we are dealing with the application of criminal law, is that those who are habitual users of marijuana can have levels of THC in their systems that do not affect their judgment. The metabolizing in the body of cannabis is very different from alcohol. To spot someone who is drunk, we need to test for ethanol. To spot someone who has been using cannabis, we look for THC, but the THC can be present in the bloodstream days after the last use and when a person is not actually impaired.

As we are going forward with developing tests and deciding when someone is criminally responsible, we need to approach this problem differently. If we find a level of blood alcohol of 80 milligrams of alcohol in 100 millilitres of blood, we know someone was driving over the limit. That is not going to be so easy to figure out with THC.

Those who are studying this recommend some interesting approaches, including in the very useful study by the U.S. Department of Transportation, from February 2015, called "Drug and Alcohol Crash Risk". I recommend this to other MPs who are looking for data. It is from the National Highway Traffic Safety Administration of the U.S. Department of Transportation. They looked at the adjustment for age, gender, ethnicity, alcohol concentration levels, and so on. They did not find that high risk correlated with drug use at all when they corrected for these other social factors.

What they recommend is fascinating. They say that if we are going to put resources into avoiding people being killed on the road, it would be far better to focus on banning establishments for imbibing cannabis away from home. I want to underscore this, because I do not think anyone has mentioned it in the debate so far. If we are legalizing cannabis, as we are, do not have facilities and establishments that encourage people to get in their cars to drive to a place to have cannabis. Encourage there being no driving involved and create the social norms that say do not drive at all when imbibing cannabis.

It is going to be very hard, and a failing test for the science, to find mechanisms for roadside testing for THC. It is far better to focus on where the threat to life and limb clearly is. It is overwhelmingly people who get behind the wheel of a car after having too much to drink. Frankly, I think a glass of wine or a beer is too much to drink to get behind the wheel of a car, yet we have a social construct and culture that there is nothing wrong with it. I have always loved the show *Cheers*, with the friendly guy behind the bar. Take a bus there. Take the subway there. We need to change our norms around what is okay, because a car is a lethal weapon.

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Finally, I want to hope that when we take the bill to committee, we look at unintentional consequences. If we make it easier for police officers to pull someone over for a breathalyzer, we need to watch for issues of racial profiling. We need to watch for the unintended consequences of additional searches that take place once someone is pulled to the side of the road.

• (2055)

I am not standing against the bill, by any means, but I think these issues are far more complicated than the debate we have had so far tonight. I look forward to seeing the bill sent to committee. I hope that when we look at regulating THC and finding ways to do roadside testing that we do not start with the assumption that if we can find THC in a person's body they have been reckless in their use of an automobile. Those two may not correlate the way blood alcohol levels indeed correlate toward recklessness and unsafe driving.

• (2100)

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, this is more of a comment, but I would be very interested in the member's reaction to it.

In the legislation, under proposed section 320.27, regarding the mandatory breath testing for alcohol screening, it requires that the stop be lawful, either as authorized under a statute of the Government of Canada, a provincial statute, or in common law. What that really means is that the stop must be provable to be lawful for the search to subsequently be considered constitutional and, therefore, legal. Therefore, it will be incumbent upon law enforcement, when they stop a vehicle, to be able to articulate that the stop was in fact legal.

I hope that might address any concerns that the member or other Canadians may have that the police may inappropriately use this authority to racially profile or to otherwise discriminate against anyone on the basis of the legislation. If the stop is deemed not to have been a legal stop, then any subsequent search and the evidence gathered from that search would, therefore, be illegal. I hope that would address, at least in part, some of the member's concerns.

Ms. Elizabeth May: Mr. Speaker, yes, indeed, in going through this, I read the concerns from those who said that on the grounds of civil liberties this would be intruding on constitutionally protected rights. I think, on balance, the courts will find this justifiable because of the threat of drunk driving, and as the hon. parliamentary secretary has mentioned, it is clear that the stop must be legal.

There is a concern once we start having the legal threshold for that stop adjusted downward in order to create more opportunities for testing people at the roadside. On balance, I agree with it. I think the fact that we have advice from Professor Peter Hogg is very reassuring. He is the country's leading constitutional law expert, and I studied from his textbook when I was at law school so I hold him in the highest regard.

However, I am talking about not so much whether it is challenged in court but about how it is applied day to day. That is going to be something that I hope we will be aware of as we take the bill through committee.

Mr. Jim Eglinski (Yellowhead, CPC): I would like to run a scenario through you, Mr. Speaker, and I would like to ask the member for Saanich—Gulf Islands to give me a response to it.

I am a young constable. I see a vehicle going down the road. It has a tail light out, so I pull it over. I walk up to the young gentleman sitting in the front seat of the car. He has the legal quantity of marijuana sitting beside him, with maybe just a bit gone. He might have just had it. He might even tell me he just had it. However, it may not give me reasonable grounds to follow suit with the legislation the government across is trying to put across.

If that was liquor, most provinces say I can seize it and prevent him from continuing driving down the road and consuming. However, the legislation misses something. What can I do about it? I think I am just going to have let him go because there is no law preventing him from doing what he is doing.

Ms. Elizabeth May: Mr. Speaker, with respect to the member's hypothetical, it is a legal stop to check someone whose car has a broken tail light. Bill C-45 has other things to say about how much a person carries with him or her and if it is legal to have it in a vehicle. Under these provisions, if the officer has reasonable grounds to think that the person is impaired, then his or her driving should be tested.

The point of my speech was that I do not think we have the science to know if people are impaired from cannabis in the same way they are from alcohol. Someone could be pulled aside and found to have THC in his or her body, as I understand the science, even more than 24 hours after the last time they had any.

I do not think the officer in the member's hypothetical is without any remedies whatsoever, but that goes to the legal control over how much cannabis one can have under the terms of Bill C-45. Someone under the age of 18 is not allowed. There are a lot of other rules that would apply in that circumstance beyond this, which deals with roadside inebriation.

• (2105)

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Speaker, I rise this evening to take part in the debate on Bill C-46, which would amend the Criminal Code and make other consequential amendments to various other acts.

Like many members in the House this evening, I have been following this legislation with great interest since it was tabled and I know that Canadians are also following it in the media. Before I begin my remarks, I want to say that I have great faith in members of Parliament in all parties to work together on this legislation so that at the end of the day, the Criminal Code is modernized, reflects the advancement of technology, and that our peace officers have the necessary legal framework to keep our streets and communities safe.

Far too many of us know members of our communities who have lost loved ones due to the actions of impaired drivers. Rarely does a week go by in Canada when we do not hear of people who lose their lives due to somebody getting behind the wheel while severely intoxicated or under the influence of mind-altering drugs.

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In preparing for this debate, I was contacted by the father of a young lady who tragically lost her life in the fall of 2015 when coming home for Thanksgiving dinner. He asked that we, as members of Parliament, put aside our political differences and work constructively to ensure this legislation is carefully debated and that it moves forward in a timely manner. I was also saddened to hear that even our colleague, the member for Cariboo—Prince George, lost his brother to a drunk driver over 20 years ago. I ask that we keep these families in mind as we prepare to carefully, hopefully in a non-partisan manner, get this legislation to committee. On a personal note, I lost an uncle in the same kind of situation.

As has been said by other members of the Conservative caucus, I will vote in favour of the legislation as currently written so that the necessary stakeholders, which include peace officers, provinces, municipalities, legal scholars, and those who actively work toward the prevention of impaired driving, can present their views and critique the bill's various implications.

As noted by others, this legislation would, for the first time, allow for the use of roadside drug screeners in cases where a peace officer has a reasonable suspicion a driver is under the influence of drugs. It would be naive of us to think that people are not currently driving under the influence of marijuana, methamphetamines, or other substances. We would also be naive to think that the number of those consuming marijuana and then getting behind the wheel will stay the same or even go down after a public education campaign following the legalization of marijuana.

We are about to embark on one of the largest changes in the law in respect of people consuming a substance since the elimination of prohibition. We can look at what other jurisdictions have done to prepare for the full legalization of marijuana, but at best, we only have estimates on what it will mean for Canadian roads and highways. Moreover, we actually do not know what it will cost for the RCMP, various police departments, and municipalities to purchase the necessary roadside oral fluid drug screeners nor the total dollar amount for the necessary training to administer the drug screeners.

In consultation with the Brandon police department and other police officers, they have explained there are significant costs that will be necessary when this legislation is brought into force. I do not want to delve into the specifics of Bill C-45 while we are debating this legislation, but I believe it is important to note that municipalities will probably not see any increased tax revenue from the legalization of marijuana. However, they might get stuck with the tab as they will be the front line on enforcement and regulation. At this time, I would even suggest that the parliamentary budget officer undertake a full review of the up-front costs of implementing Bill C-46 on municipalities and provinces and the potential hidden costs. For instance, many rural communities would not be prepared to provide blood analysis 24 hours a day, seven days a week.

As the bill states, it would authorize the taking of a blood sample from a driver when an officer believes the person is drug impaired. As rural members in the House know, sometimes people have to drive 100 kilometres or more to find a 24-hour health facility. To complicate this even further, people drastically absorb and metabolize THC in many various ways. My colleague from Yellowhead referred to this earlier this evening. We must ensure

the legislation provides no loopholes for those who may seek to evade the law. We want to make certain that the Ross Rebagliati defence of second-hand smoke cannot be invoked.

● (2110)

The other issue I want to raise is that I have serious and grave concerns about the mandatory alcohol screening clauses found within the legislation. I am aware that the government has tabled a charter statement from Professor Peter Hogg, and the Minister of Justice has fervently defended his position. However, I want to remind the Minister of Justice that the Supreme Court is the sole arbiter of what is constitutional and what is not.

It was only a few years ago that our previous Conservative government nominated Judge Marc Nadon to the Supreme Court after we were told it was constitutional by two former Supreme Court judges, as well as constitutional experts.

While the Minister of Justice may feel confident in the charter statement, various members of the House of Commons have lingering doubts. I am encouraging the Liberal government to keep a very open mind and be prepared to strike this clause from the legislation if legal experts believe it encroaches on the rights of Canadians under section 8, which provides the right to be secure against unreasonable search or seizure, or under section 9, which is the right to not be arbitrarily detained or imprisoned.

When giving the police such powers, even under the best of intentions, it must be carefully balanced with the rights and freedoms of drivers. While there is case law that has allowed for randomized breath tests, there is zero case law that would allow warrantless mandatory Breathalyzer tests.

While I know the government continues to state that an estimated 50% of people who are stopped and are over the legal limit are able to pass through current detection methods, I believe there must be a better solution to bringing this number down than a police officer who would be able to, on demand, without any reasonable suspicion, perform a breathalyzer test.

The hon. member for Cowichan—Malahat—Langford noted in his speech that even the Supreme Court was not unanimous on the issue of random stops by police officers. As the member stated in his speech, the minority opinion of courts stated there were serious implications with such power. He also went on to say that the decision of a police officer may be based on any whim that may tend to stop young drivers, older cars, and that racial considerations could become a factor. Let us recall that this was a Supreme Court dissenting opinion on random check stops, not mandatory roadside Breathalyzer testing.

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On a final note, I am encouraged to see that the provinces, such as the new Pallister government in Manitoba, are already working on updating their laws to prepare for federal legalization of marijuana. As Heather Stefanson, Manitoba's Minister of Justice said, the "proposed cannabis harm prevention act would provide tools to government, enforcement and public health during" the lead-up to the final implementation of legalization.

For the benefit of my colleagues, I would like to put on record exactly what this legislation would do. The legislation would allow for a 24-hour suspension of a driver's licence if a police officer believes the driver is under the influence of a drug and unable to safely operate a motor vehicle. It would require the registrar of motor vehicles to determine if graduated licence drivers who receive a 24-hour suspension should face further consequences. The legislation would create a specific offence for consuming marijuana in or on a vehicle, and that any marijuana must be stored in a secured compartment, for example, the vehicle's trunk, so that it is inaccessible to those in the vehicle.

The provincial government understands that not only do the laws surrounding driving need to be updated, but the Province of Manitoba will soon explicitly prohibit the smoking of marijuana in any enclosed public space or workplace; schools will still be able to enforce disciplinary measures to students using, possessing, or being under the influence of marijuana; and legislation will continue to apply to individuals who use marijuana as a tool to exploit or traffic another person. I applaud Minister Stefanson and the PC caucus for taking the leadership they have on this file.

I ask that our Liberal colleagues across the way work with the opposition not only on Bill C-46, but also on Bill C-45. There is no need to have an arbitrary timeline if it puts unrealistic dates for the full legalization of marijuana. I am equally concerned that the Liberals are not prepared to develop effective educational campaigns to deter Canadians from impaired driving.

If police departments and municipalities say they are not prepared or do not have the necessary resources or training required to manage the increased threat of impaired driving associated with marijuana, we must not move until they are fully equipped to do so.

• (2115)

I plan to host numerous meetings in my constituency over the summer on both Bill C-45 and Bill C-46. The legalization of marijuana and the conversation surrounding its implications should not just happen in this chamber or in committee rooms, but also in community halls, town halls and one-on-one with our constituents.

As I have always said, the legalization of marijuana has never been a top priority for me. I believe there are many more pressing issues. It is our collective responsibility to do all we can to ensure that if the Liberals want to legalize marijuana, they do not do more harm than good.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I heard the member say that we did not want to proceed with the legalization of cannabis until we knew how we would handle the issue of use and driving. The hon. member was probably here to hear my concerns. Did the member hear the suggestion that came from a number of policy experts I discovered in going through the literature? They suggest that we find a way societally to prohibit

the creation of essentially social clubs where cannabis is used in the same way we now have bars where alcohol is served. In other words, we find ways to encourage cannabis use only at home to avoid having people driving.

Mr. Larry Maguire: Mr. Speaker, I thank my colleague for her concern and for her idea that this only be allowed to be used in homes. I do not think that is a reference to the medical consumption of marijuana. As I said in my earlier remarks, if we are naive enough today to think we can keep it in homes, or people are not already intoxicated, or have imbibed, or have already consumed marijuana, or are in vehicles, we are kidding ourselves.

While it may be a decent suggestion, it is not practical once we have licensed it. It becomes much more wide open than that. It becomes much more of an opportunity for people to use it in an illegal manner than what they may even do with alcohol today. Just because we have had those laws, the police are still picking up people who are impaired. I believe we will not just have the same number that we are picking up today for illegal use of drugs, but we will have many more of them if we license it.

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the member for his reflections on those who have lost loved ones. It is a terrible tragedy in our society that so many people have either lost their lives or have had their lives irrevocably and traumatically changed as a result of the criminal actions of an impaired driver. I think we all share a common goal of making our roadways safe and doing what is necessary and right, under our constitution and within our laws, ensuring we do that. I am grateful for the member's comment.

I also want to assure the member and ask him if he thinks this will be of some assistance. He indicated that there was a legitimate concern in municipalities across the country, and I come from a municipality myself, about having adequate resources to do the job we ask them to do. I want to assure him of our government's commitment to ensure that law enforcement and our courts have the legislation, the technology, the training and the resources they need to do the job we ask them to do.

The bill provides that legislation and those authorities, but we also recognize those municipalities will need some assistance to ensure they have access to the technology, that their police officers have access to the training they will need, as both drug recognition experts and to use this device, and ensure the resources are there.

This is a commitment the entire country shares. I want to provide the member with that assurance and ask him if he agrees me that this is a very important commitment we make.

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• (2120)

Mr. Larry Maguire: Mr. Speaker, I thank my colleague for his assurances that it is in the bill, that they will be looking at the costs to municipalities, police forces, and others. The Liberals have not assured the police societies of Canada yet that the bill will do that. There are many questions left outstanding in the public.

With regard to the costs, stopping people on the highway for a breathalyzer test costs very little for the equipment to be reused. Costs for swabs for drug testing, which are not even proven yet, are in the range of \$20 to \$40 per stop, as opposed to cents on the dollar. The indication that they will bear this costs from their operations budgets is pretty tremendous. In the situation with which I am familiar, it would consume all of what they presently use for their training purposes just to train enough people to handle drug testing.

[*Translation*]

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Mr. Speaker, I am pleased to rise this evening to speak to Bill C-46, regarding driving while under the influence of cannabis or alcohol.

I do not disagree with Bill C-46, quite the contrary. No one here opposes the broader value of protecting drivers and our children. There are still too many deaths caused by drunk drivers, and much remains unknown about cannabis. However, we cannot talk about Bill C-46 without first talking about Bill C-45 on the legalization of cannabis.

With the bill to legalize cannabis, the government is trying to shift the responsibility to the provinces. If we want to give effect to Bill C-45, then we also have to give the provinces a framework that would allow them to adapt to Bill C-46. We need to put structures in place to help our police officers, those who are on the roads, those who have to drive, or those who have to arrest people who are under the influence of alcohol or cannabis.

In my mind, Bill C-46 is full of holes and does not go far enough to establish a strong framework because not everything is defined in Bill C-45. Everything is downloaded, as we say, to the provinces, which must do everything themselves. Unfortunately, they will not have the time to adjust because they will have only one year to prepare for the legalization of cannabis and the implementation of Bill C-46 on driving under the influence of alcohol or cannabis.

This leads me to say that there is no mention of prevention in Bill C-45, and yet we will need information and prevention because driving under the influence of cannabis or any other drug is a big unknown. The support of all members of the House is contingent upon having a framework that protects our children, relatives, and friends so that they are not taken from us by irresponsible drivers. We need a coherent law.

Bill C-46 follows Bill C-45. If we want to legalize marijuana, we must ensure that Bill C-46 provides a much stronger framework to help our cities, police officers, and the people who work with the victims of traffic accidents. We do not see this in Bill C-46 or in Bill C-45.

Furthermore, Bill C-45 is a botched bill. The Liberals did not consider the ideas of those who work with people who have are addicted to alcohol or drugs such as cannabis. Everyone in the House

knows someone, either a family member or a friend, who abuses cannabis. I believe that Bill C-46 needs to be fleshed out.

• (2125)

Our police officers need a little more support, and I am not just talking about money. Everyone involved needs education.

There have been shock advertising campaigns about drunk driving in Quebec. The ads did not stop people from drinking, but they did make people a little more informed. Now people call a cab or have a designated driver. We should do the same for cannabis.

We cannot talk about Bill C-46 without also talking about Bill C-45, which comes before Bill C-46. I will be voting to send it to committee, but it needs more teeth and it needs to be totally unassailable because Bill C-45 is an empty shell. The government is handing things over to the provinces, and they have to figure out how to deal with it. This is where the bill was drafted, and this is where we need to give it more teeth.

Personally, I think that the coming-into-force date for Bill C-45, 2018, is unrealistic. That is way too soon for the provinces, and it is way too soon considering all the conversations that need to happen with municipalities. How is the government going to make sure that the message in Bill C-46 gets to the municipalities, the provinces, the decision-makers, the organizations, the police officers, and everyone else involved in the day-to-day implementation of this bill? We must never forget that we are here to protect Canadians.

On this side of the House, we want to protect Canadians, and we want to make sure that the bills we pass contain all the necessary provisions, which is not the case with Bill C-45. I think that is what all parliamentarians think of these two bills. If we want to pass Bill C-46, Bill C-45 must have more teeth. Bill C-46 needs to establish structures that will help support and protect our drivers, our children, our parents, and people who work with individuals arrested for impaired driving. We also need to ensure that the right elements are in the right place. We need to ensure that any devices used to detect alcohol or cannabis are very sophisticated. Still today, breathalyzers are not 100% accurate.

I would like Bill C-46 to have more teeth, because it is missing an important element from Bill C-45, that is, ensuring that everyone affected by legalizing cannabis has all the resources needed to ensure that this legislation is rock solid. One year is far too soon for the municipalities and for everyone involved in enforcing this bill.

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• (2130)

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, as my colleague mentioned in her presentation, rural areas still do not have access to all health services, which would undoubtedly be useful for blood analysis. Some of these communities are quite remote.

My colleague is quite right in saying that municipalities will have to cover most of the cost and there is little or no provision in the bill especially for public education and information.

The bill provides for \$9 million over five years, which is less than \$2 million a year. That is totally ridiculous given the size of our country. We are not talking about just the province of Quebec, but of the entire country.

I would like to ask my colleague what she thinks of the ridiculous amount allocated to training and information.

Mrs. Sylvie Boucher: Mr. Speaker, I thank my colleague for his question.

Nine million dollars is very little when it comes to implementing structures in rural areas. We are a big country. We can agree that cities such as Montreal, Quebec, Toronto, and Vancouver have the necessary structures in place. Very remote rural areas such as Baie-Sainte-Catherine and La Malbaie are going to need money. Nine million dollars over five years will not be enough. That is equivalent to less than \$1 a day per citizen.

I sincerely believe that if we want structures to be put in place for Bill C-45, we must give municipalities and the provinces the financial means to do so.

[*English*]

Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Mr. Speaker, earlier today I quoted the Canadian Association of Chiefs of Police who said that this piece of legislation was much needed and very positive. The association also said that in the past it had made requests to have the driving provisions in the Criminal Code modernized and that this piece of legislation does that, and it also supports mandatory alcohol screening and the elimination of common loopholes. These individuals are on the front lines of our streets looking after individuals in our communities. The Canadian Association of Chiefs of Police has said that this piece of legislation is strong. I wonder what my hon. colleague has to say in response to the police chiefs.

• (2135)

[*Translation*]

Mrs. Sylvie Boucher: Mr. Speaker, I thank my colleague for her question.

I am not saying that the bill is no good. I am saying that it does not do enough. It does not give enough resources where it should. Five years ago, no one was considering legalizing cannabis. We cannot talk about Bill C-46 without also talking about Bill C-45 on the legalization of cannabis. No one was talking about legalizing cannabis five years ago. We were talking about decriminalizing it but not legalizing it.

Now that we have this bill to legalize marijuana in front of us, we need to give police the resources they need. We need to give them the funding they need to do their job. Everyone in the House agrees that we need legislation to protect people from impaired drivers and above all to equip those who will have to arrest impaired drivers, as well as hospitals. We are not against virtue.

What I am saying is that Bill C-46 should be sent back to committee where we can give it more teeth so that all parliamentarians are satisfied with it.

[*English*]

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Mr. Speaker, I am always honoured to rise in this place and represent the constituents of Saskatoon—Grasswood. Today, we are debating the merits and, more important maybe, the lack of merits of Bill C-46. It is an act to amend the Criminal Code and to make consequential amendments to other acts, in other words driving under the influence of drugs, notably marijuana. This is a topic unto its own and cannot be discussed without reference to the accompanying legislation, Bill C-45, which seeks to make the use of cannabis legal in Canada. Both pieces of legislation actually go hand in hand. In fact, if it were not for the introduction of Bill C-45, we would have no need really for Bill C-46, but here we are tonight debating this.

We have talked for many hours in the House about the bill, and I should note tonight that the Minister of Justice and Attorney General of Canada, during her introduction of Bill C-46, made a reference. She made a reference to a Saskatoon family, the Van de Vorst family. I am going to give some background on the members of this family. They suffered a devastating loss of four family members at the hands of an impaired driver.

The date was January 3, 2016. Many in my city of Saskatoon call this the worst accident in the history of Saskatoon. I wonder tonight if the Minister of Justice knows or appreciates the devastation that this family has gone through in the last year and a half. I do, because this past February I phoned the Van de Vorst family. The family has been on the front page of my newspaper in Saskatoon for the last year and a half. It was one of the toughest phone calls I have had to make. I made the phone call because I knew the mom, Linda. The father, Louis, I did not know. They lost their son Jordan along with their daughter-in-law and two grandchildren.

I felt that as a member of Parliament I needed to make the call and I did. It was not in my riding. They live in the northern part of the riding. It could be Saskatoon—University or it could be Carlton Trail—Eagle Creek. I had to make that call and I made the call this past February. It was 13 months after the accident on January 3, 2016. They were shaken because the person charged was moved to a healing lodge less than a year after killing four members of their family.

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I and the Van de Vorst family sat around the kitchen table. I was there at 10 o'clock on a Saturday morning. There was a phone call to the house while I was at the kitchen table with Linda and Louis. I said, "Go ahead, answer the phone." She answered the phone. There was nobody on the end of the phone line. She said, "Hello," but there was no answer so she hung up. We went on talking about the case. They had lost four family members. About half an hour later the doorbell rang. Unknown to Linda, a man had been driving around their neighbourhood for the last year trying to get up the courage to knock on the door or phone the family to say, "On January 3, 2016, I saw your son, I saw your daughter-in-law, and I saw your grandchildren having so much fun at a hockey rink outside in Saskatoon."

This man spent 13 months driving around their house. It took him 13 months to ring the doorbell. He did not know the family. I just happened to be there. This was not staged. Linda went out to the porch and talked to this man for half an hour. They wept. This man had pictures of her family because they were at a skating rink that day, January 3, 2016, and less than 12 hours later all four members of that family were killed because the person charged with their deaths was three times over the limit of alcohol. This was one of the most emotional mornings I have ever had.

• (2140)

This person did not know the family, but he spent 13 months driving around that house, getting enough courage to ring the doorbell to say, "I care." This is what the communities in this country are going to experience with the bill. There are going to be other families. I just happened to be at this household at this time.

In the province of Saskatchewan, believe me, we have a horrific record of accidents due to alcohol. Because of this accident that occurred in 2016, there are tougher impaired driving laws in Saskatchewan. As I said earlier, we cannot discuss one bill without bringing the other bill, the driving force, into the discussion.

Let us go back to the expert task force and its objectives in studying this issue. I keep hearing the same refrain in reference to this legislation: it will be "keeping marijuana out of the hands of children" and it will "keep profits out of the hands of criminals". Do we really believe that?

Some hon. members: Oh, oh!

The Assistant Deputy Speaker (Mr. Anthony Rota): I would ask the hon. member to hold for a second. I am starting to have a hard time hearing the member. It is nice to hear everybody talking together, but if you do not mind, if you have something to talk about, you can go to the lobby or maybe listen to the hon. member for Saskatoon—Grasswood.

The hon. member for Saskatoon—Grasswood.

Mr. Kevin Waugh: Mr. Speaker, I wish some of the members across from me had been with me at that house on that morning on February 3. This is a true story.

The legal age for consuming alcohol does not keep alcohol out of the hands of children. It simply means it is a bit more difficult to get, but it does not keep it out of the hands of children or young adults who actually want to consume it. By the same token, criminals will

always have a market for illegal marijuana, and in fact it will, I believe, make underage youth more of a target for them.

Another objective from the task force is to "reduce the burdens on police and the justice system associated with simple possession of marijuana offences". We will replace those burdens with the burden of producing an additional 1,165 drug recognition experts, bringing the numbers up to what is actually required today. In fact, in the province of Ontario, that number falls well short, and it is the shortest list in all of Canada.

Another objective is to "ensure Canadians are well-informed through sustained and appropriate public health campaigns, and for youth in particular, ensure that risks are understood." We are only 13 months out from this legislation becoming law, and I have yet to see any kind of campaign or even hear of one being planned. Where is the plan? I have been in many high schools in Saskatoon. I have talked to students in grade nine, grade 10, grade 11, and in grade 12. These are the same students who are going to graduate a month from now. There is no prevention plan, no education or dialogue with the school boards in this country, the ones who will probably have to talk about this in every classroom in this country. Not one word has gone out to any education system in this country about the bill, yet this is the government of consultation. We hear that every day in the House. Who are they consulting? Where are they talking to school boards in this country about bringing this education into the classrooms where it should start?

There is no consultation. We are only 13 months away, and there is no national plan. We hear that there is a device out there, but it is not approved. We have also heard discussion tonight about who pays for this. The Liberals put together \$9 million over five years, and they have some money, yet the municipalities are worried about this. I talked to my mayor and I talked to the Attorney General in Saskatchewan, and they have no idea where this is going. We are 13 months away, and there still are big questions.

As we talk about this tonight, we are on the heels of the report of the task force on marijuana legislation, and there are some serious concerns being raised throughout this country, especially by the Canadian Automobile Association. It says urgent work is needed in order to implement a system to keep Canadians safe on the road.

I experienced hell in February when I went to that house, but I also experienced education, and I am worried that the rest of Canadians, who need the education, are not going to get it in time.

• (2145)

Mr. Mark Holland (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, let me extend my condolences to the family he referenced. It is a terrible story. I am glad he took time to be with that grieving family. I think anyone in the House would share our sentiments that what they went through was a nightmare we would not wish visited upon anyone.

The problem we have in the country is that existing policies as they relate to cannabis have been wholly ineffective. The rate of use of cannabis among the younger cohort, those under 24 years of age, is around 20%. That is double what tobacco is, yet tobacco is legal.

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I was formerly head of the Heart and Stroke Foundation of Ontario. The strategies it used for tobacco was to de-normalize it, to go after it, to have public education, and to do so in partnership with government. That is a good strategy for trying to reduce harm.

I wonder if the member would agree with me that when we look at folks who are driving right now, we have no regime. There is that incredibly high prevalence rate among young people, which is over 20%, and those young people are driving right now, and we have no mechanism to help police identify when they are impaired or charge them.

Does he not see, given the fact that the status quo has been such an abysmal and abject failure, that this family, and every family, deserves good, sound policy?

Mr. Kevin Waugh: Mr. Speaker, we have spent probably 20 years in our country telling people smoking is not good for them. We have had ad campaigns for the last decade telling people about the effects of smoking, yet we are bringing this bill forward. We have not educated anyone in the country about marijuana. It is amazing, because second-hand smoke really was not realized until five or six years ago, and now we are bringing in this bill on marijuana, and we have not linked the two, smoking and marijuana, along with alcohol.

Yes, this is a serious bill. I appreciate the member from Ajax, but he must know that we have to start in schools, with our education system, and no one has done that. No one on the government side has thought about who we are trying to prevent from using marijuana. They are the ones who are driving vehicles at 16 and 17 years of age.

• (2150)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I want to thank my friend, the member for Saskatoon—Grasswood, for his impassioned speech. He is absolutely right about the need for education and awareness.

We know that with the legalization of marijuana, more people are going to be impaired. More people are going to be injured and die on the roads. The member for Vancouver East challenged me when I made that assertion, but one can look at the statistics in the State of Colorado, where there was a 62% increase in motor vehicle deaths involving drug impairment in the first year of the legalization of marijuana.

The government has boasted about \$9.6 million. That is only over five years. That is a pittance. That is inadequate. I wonder if the hon. member for Saskatoon—Grasswood could comment on that.

Mr. Kevin Waugh: Mr. Speaker, I want to salute my colleague from St. Albert—Edmonton. He is right on. Years ago, when Colorado started this marijuana mission, the state put tens of millions of dollars into educating people about marijuana. We do not even have \$10 million over five years. That is a major concern.

However, let us talk about prevention, because that is our health care. No one has talked about it on that side. How do we prevent kids from taking marijuana? How do we educate them? No one has done that. I know, because I have talked to the Canadian School Boards Association, and no one from the government has stepped forward and had a plan.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Mr. Speaker, I am pleased to deliver my first speech in the House of Commons. I am honoured to use this opportunity to address Bill C-46, which deals with offences and procedures related to impaired driving for both cannabis and alcohol.

The Minister of Justice tabled this legislation proposing that it would help address the problem of impaired driving, which we all agree is a serious issue, especially given the Liberals' misguided decision to legalize marijuana. However, in my opinion, they missed the mark.

I stand before the House tonight to express my views and the views of my constituents of Calgary Midnapore regarding this bill.

While the Liberals have proposed some good suggestions, this bill is riddled with flaws and inconsistencies. As is, the bill is poorly structured. It fails to consider the significant issues that matter to Canadians, the issues that we ought to consider in an effort to keep Canadians safe.

In discussing the bill, we need to consider some very relevant details. Impaired driving remains one of the most frequent and deadly criminal offences. In fact, it is among the leading criminal causes of death right here in Canada. Each year, roughly 1,500 Canadians are killed by impaired driving and another 63,000 are injured in impairment-related crashes. This is no small matter.

The Liberal government's marijuana task force made a couple of key recommendations. It recommended extensive impaired driving education and awareness campaigns before the drug's legalization. Canada and our legal system are experiencing a changing political landscape. We must be careful not to make policy changes before we carefully consider any implied consequences.

Let us look to our neighbours in the south for the consequences which they have faced. *The Globe and Mail* reported that two states in the U.S. that have introduced recreational marijuana sales have seen a significant increase in the proportion of fatal accidents. This sets a very dangerous precedent we should be careful not to follow.

The task force also indicated research shows that youth underestimate the risks of cannabis abuse. Young Canadians are the future of our country. We do not want them causing harm to other Canadians. We certainly do not want them causing harm to themselves, and we certainly need to ensure the lives of young Canadians, or any Canadians for that matter, are not being put at risk.

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Let me be clear. As a Conservative, I strongly condemn impaired driving of any kind. Impaired driving caused by alcohol consumption or drug use has no place on the streets of our country. I do not want that anywhere my young son and his friends play, and I do not want that in any of the neighbourhoods of Calgary Midnapore.

The Conservative Party supports measures that protect Canadians from impaired drivers. Mandatory fines and higher maximum penalties send a strong message that Canadians will not tolerate impaired driving. We need to be tough on crime. I support measures that deter and reduce incidences of impaired driving, but I cannot support the bill in its current form. The bill has multiple glaring flaws which must be addressed before we can even consider passing it through the House.

First, the bill compromises the safety of every single Canadian who uses a vehicle to commute. As I have stated, impaired driving is the leading criminal cause of death and injury in Canada. Marijuana-impaired driving is yet another red flag about this legislation. Recreational marijuana use is illegal today, but we know the Liberals' agenda to legalize marijuana. I suspect that the Liberals are recklessly trying to rush through this legislation in order to make it easier to pass their legislation legalizing recreational marijuana. This is a dangerous precedent to be setting. Thousands of lives will be at risk if we allow this to pass. The safety of our citizens is my top concern. Let us please put safety ahead of recreation.

Second, this bill would do nothing to help deter impaired driving. As we know, not only do strong penalties deter criminal activity, but they also limit the potential for criminals to reoffend. However, the bill would actually give first-time offenders a break by reducing wait times to get their keys back and drive once again.

• (2155)

Third, the wording of the bill is incredibly unclear. Bill C-46 would enable law enforcement officers to conduct impairment tests using roadside oral fluid drug screeners, if they reasonably suspected that drivers had drugs in their body. How do we define reasonable? Is it the way someone drives, the smell of his or her breath, or his or her ability to articulate words? The government has failed to define what is and what is not reasonable. This leaves ambiguity for impaired drivers who can evade unsuspecting officers, and for officers to unlawfully violate the rights of law-abiding drivers.

This brings me to my final point.

In its current form, Bill C-46 is an infringement on the rights of Canadians. The bill would implement mandatory alcohol screening. This is a fundamental violation of our Charter of Rights and Freedoms: innocent until proven guilty; the presumption of innocence. Mandatory alcohol screening shifts the burden of proof away from the crown, and toward the individual. This part of the legislation would likely face a charter challenge. Even if not, it is a very invasive practice of the state on an individual without justified reason. We, as representatives of our constituents, need to be awfully sure no legislation that the House passes is an infringement on the rights of Canadians. I fear the government has overlooked this fundamental freedom.

The House must consider three additional factors before proceeding with Bill C-46. I recommend a more cautious and evidence-based approach.

First, let us make the right decisions instead of making fast decisions. The Liberals want to rush these drug bills through Parliament by July 2018. This hurried timeline is unrealistic and puts the health and safety of Canadians at risk. Law enforcement has not been provided the resources or training required to deal with the increased threat of impaired driving associated with the legalization of marijuana.

Second, let us do a better job of consulting with the relevant stakeholders. Jeff Walker, the vice-president of the Canadian Automobile Association, said that legalization of marijuana should not be rushed and that educational campaigns and greater funding for law enforcement should be the immediate priorities.

I also want to point out that former Liberal minister of justice and health, the Hon. Anne McLellan who chaired the Liberal government's marijuana task force, said that the best solution was to give researchers additional time to develop proper detection tools. Let us listen to the experts.

Third, more education is crucial. My colleagues and I are concerned that the government has not developed effective campaigns to inform Canadians how dangerous it is to drive while under the influence of marijuana. Organizations such as Mothers Against Drunk Driving have done an excellent job of helping Canadians understand the risks of drunk driving. However, Canadians must better understand the dangers of all types of impaired driving. This education needs to happen before legalizing marijuana.

The Liberal government has done little to deal with this. Instead, the Liberals propose high mandatory fines and maximum penalties for Canadians who may not fully understand the risks of driving under the influence of marijuana. If we can ensure the safety of Canadians by proactively educating instead of retroactively penalizing, then we can save the lives of Canadians. That is the avenue we have to focus on first.

It is for these reasons I cannot support Bill C-46.

• (2200)

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I would like to welcome our new colleague from Calgary Midnapore to the House of Commons, and I congratulate her on her first speech.

I am a little puzzled by the hon. member's stating that the law is too strict in terms of mandatory screening and not strong enough in terms of deterrence. Mandatory screening was part of Bill C-226, which was a private member's bill brought by the hon. member for Lévis—Lotbinière, which was supported by the entire Conservative caucus. This bill requires mandatory screening only to be done in the context of a lawful stop. That was not the case in Bill C-226, which made it constitutionally much more challengeable than this bill. Why does the hon. member feel that mandatory screening, which should protect us by allowing more people to be screened, is a bad idea?

Mrs. Stephanie Kusie: Mr. Speaker, as my previous colleague indicated, one certainly cannot reference Bill C-46 without giving thought to Bill C-45. I served as a diplomat for many years in many developing nations, including Latin American nations and particularly El Salvador, where I worked tirelessly for years fighting against narcotics, which of course is one of the major tenets of the western world.

I am also concerned that again we are not listening to experts in regard to Bill C-46. We have also seen this recently in the evaluation of moving the NEB out of Calgary, where we are moving away from the expert base. It is very important that we listen to experts in both of these regards.

Finally, I go back to my point about education, which is very important. The lack of education we see in regard to impaired driving is just the tip of the iceberg. We also need to think of the education that will be required in the workplaces should Bill C-45 be implemented. I think of the oil fields, the oil sands, the industrial heartland of Alberta. These things are very important.

On many fronts I am very concerned about Bill C-46.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I would like to congratulate the hon. member on her maiden speech in this House. We have heard a lot of profound commentary in this House tonight, so as we near the end of the night, I would like to ask a lighter question.

The Liberals have not been clear on the revenue side of the equation, on how they will tax cannabis. Does my hon. friend think that the imposition of the GST on cannabis will be a buzz-killing carbon tax?

Mrs. Stephanie Kusie: Mr. Speaker, given that this was my maiden speech and it is past 10 o'clock, I think I will now sit down so we can end this debate on a high note.

● (2205)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I congratulate the hon. member for Calgary Midnapore, and I certainly do not want to take away from her spectacular finish to her maiden speech. However, since she brought up the National Energy Board, I did want to remind members that the expert panel included a number of prominent industry experts, including the president and CEO of the Canadian Energy Pipeline Association. I know we are not actually debating the National Energy Board tonight, but that report was not without deep roots in the Calgary community in recommending that the National Energy Board be scrapped, renamed the Canadian energy transmission commission, and moved to Ottawa.

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Mrs. Stephanie Kusie: Mr. Speaker, I thank the hon. member for Saanich—Gulf Islands for that comment. I appreciate the reminder regarding the findings of the panel and the makeup of the panel.

[*Translation*]

The Assistant Deputy Speaker (Mr. Anthony Rota): Is the House ready for the question?

Some hon. members: Question.

The Assistant Deputy Speaker (Mr. Anthony Rota): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

The Assistant Deputy Speaker (Mr. Anthony Rota): Consequently, the bill is referred to the Standing Committee on Justice and Human Rights.

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

[*English*]

Mr. David de Burgh Graham: Mr. Speaker, with the consent of the House, could we see the clock at 12 o'clock high so we can all go off and address our munchies?

The Assistant Deputy Speaker (Mr. Anthony Rota): Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, I rise in the House to urge the government to take actions to address the impact of the significant and troubling shift in humanitarian policy in the United States, following the most recent presidential election. Despite the fact that President Trump's discriminatory travel ban continues to be struck down by the courts, other anti-immigrant measures have not. As a result, fear and uncertainty have greatly increased among those with precarious immigration status in the United States, and it has without a doubt fuelled a significant increase in asylum seekers crossing into Canada.

To cut to the facts, for all of 2016, the RCMP intercepted 2,464 individuals at irregular crossings. From January to April 2017, the RCMP has already intercepted 2,719 individuals. Should irregular crossings continue at this rate, we could expect over 8,000 interceptions this year.

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It is very important to properly understand what these irregular crossings are. The current government's approach of simply ignoring that this is even occurring has allowed misinformation, fearmongering, and anti-refugee rhetoric to spread unchecked. This is a fundamental failure for a government that claims to be "back" and says, "Welcome to Canada".

Asylum seekers from the U.S. crossing irregularly into Canada are not illegal border crossers. Canada is a signatory to international conventions and has obligations toward the acceptance and treatment of asylum seekers. The current process, where irregular crossers are intercepted by the RCMP, turned over to the CBSA, and have their asylum claim processed and sent to the Immigration and Refugee Board is following both our domestic and international legal obligations.

These individuals are not jumping any queues. These individuals are being correctly treated as in-land asylum claimants. They are not displacing government-assisted refugees or privately sponsored refugees, and they certainly are not displacing economic or family class immigrants. Canada's immigration levels plan has an allocation for in-land asylum claimants. Lastly, this is not a crisis of people streaming across the border, though it is a significant increase, with causes, and some that have solutions. Should the government get around to actually acknowledging the problem exists, it can be addressed.

One of the main drivers of irregular crossings from the U.S. is the safe third country agreement. As a result of this agreement, individuals crossing from the U.S. into Canada at authorized border crossings will be turned away at the border, based on the notion that the American asylum system is of equal standing to ours, and if its system rejected the claim, we can safely assume ours would as well. Unfortunately, that is simply not the case, especially given the new and troubling shifts under its current administration. We now have proof of this.

On Christmas Eve 2016, Seidu Mohammed, a Ghanaian asylum seeker whose refugee claim in the U.S. was denied, walked across the Canadian border into Emerson. Freezing temperatures left Mohammed badly frostbitten and cost him eight fingers. On May 17, the IRB accepted his asylum claim. Mr. Mohammed said his claim was rejected in the U.S. for similar reasons to those the Harvard immigration law program, Canadian immigration legal scholars and students, humanitarian and civil liberty associations, and others have for repeatedly calling for the safe third country agreement to be suspended. During his lengthy, punitive immigration detention, he was unable to access counsel and adequately prepare for his hearing. Under our system, he was able to do so.

I have called for the suspension of the safe third country agreement—

• (2210)

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness.

Mr. Mark Holland (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, certainly there is no doubt that every Canadian, regardless of their gender, their sexual orientation, or their ethnicity should

have the ability to move freely in an unencumbered way, and any instances that the member is referring to are ones that we take seriously.

The minister has met with Secretary Kelly, and they have shared information. I have to say that Secretary Kelly and the folks working with him have been incredibly good to work with and to have a dialogue back and forth with as situations emerge, and there are a number of recourses. Obviously, the decision on whether somebody may enter a country is solely at the discretion of the country that is doing the admitting. We cannot force the United States, or any other country, to accept anybody they choose not to.

However, it is imperative that we stand up and fight for Canadians' interests so that when they are crossing into the United States, they are treated fairly. We continue to have dialogue with Secretary Kelly on that point.

It is important to note that there a number of resources that folks have at their disposal. I could perhaps enumerate them offline, but I doubt I will have time to do so in my remarks here. If they think that they are treated unfairly by U.S. authorities, there are clear mechanisms for redress that have been in place by the U.S. government.

On the issue of the safe third party agreement, this is overseen by the United Nations. This ensures the proper facilitation of claimants on both sides of the border. It is working effectively. We continue to monitor it. It is important that both countries are working in tandem with one another to make sure that we do not have chaos in the management of asylum seekers.

In terms of those who are crossing at the border, it is true the numbers are up. They are around the levels that we saw in 2008 and 2001 when resources were actually less, so it is important to note that these levels fluctuate. However, we are monitoring them. The resources that we have currently are working effectively. We are going to make sure that we work with local authorities, the RCMP, and immigration to ensure that the process for people seeking asylum is done in a way that is thorough and effective.

Ms. Jenny Kwan: Mr. Speaker, it has now been reported an individual has died of hypothermia in attempting to make this crossing. This was a tragedy that could have been avoided.

When will the government acknowledge what is happening? When will it suspend the safe third country agreement?

I remain deeply disappointed that the government refuses to back up its rhetoric with actions. The safe third country agreement has now contributed to a woman's death. Because she could not enter Canada and have her claim heard at an authorized port of entry, she had no choice but to attempt a dangerous irregular crossing. She has now lost her life. We will never know if her claim would have been successful in Canada, as Mr. Mohammed's claim was. This was a preventable tragedy, one that will likely occur again if nothing is done.

Adjournment Proceedings

What is the government waiting for? Why is it refusing to acknowledge the issue? Why is the government so scared to stand up to Trump and stand up for humanitarian values? Canadians expect the government to do that.

• (2215)

Mr. Mark Holland: Mr. Speaker, obviously the death is indeed tragic. It occurred in Minnesota. The person in question was not near Canada at the time, so I am not sure how that life would have been saved by anything being different.

However, what I do know is that we want people to seek asylum by using the mechanisms that they have. The safe third party agreement ensures that is done efficaciously and in a way that does not create chaos.

The claim will be processed, whether or not there is a normal entry, through the normal process to assess the veracity of the claim. If a person crosses irregularly, then obviously they are going to be apprehended by local authorities and are going to have appear before a quasi-judicial process, and then their claim is still going to be assessed in exactly the same manner.

The UN has looked at the safe third party agreement, has looked at the way in which we are dealing with asylum seekers, and has commended it for its effectiveness and how well it is working. That is the measure we work by.

[*Translation*]

NATIONAL DEFENCE

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, the Liberals politicized the heck out of the CF-18 file. That is about as low as it gets.

First, during the election campaign, they made promises that they could not keep. They promised to hold an open and transparent process to replace the current fleet of CF-18s, but they excluded the F-35. They were off to a great start.

The Liberals had their minds made up from the very beginning. They wanted to give a big contract to their friends at Boeing. That was clear, straightforward, and transparent. They wanted to give them a nice gift of \$7 billion. They planned to bleed the Canadian Armed Forces to grease their friends' palms. That is a great Liberal tradition.

Even though the commander of the Royal Canadian Air Force said, on April 14, 2016, that we had the resources we needed to live up to our obligations under NATO and NORAD, the Liberals decided to change the number of aircraft that the Royal Canadian Air Force would need at any given time. They were already beginning to tinker with the numbers. That is exhibit A.

The minister fabricated the capability gap. We know the minister likes playing architect. In this case, the minister was the architect of the air force capability gap. As it turns out, creating that gap involved a lot of meetings with Boeing. Since coming to power, the Liberals have had so much contact with Boeing that things are verging on the incestuous. It just so happens that the government's stance has shifted since the first of those meetings. I have a list of the meetings here. Let us call it exhibit B. There have been at least 14

known meetings with Boeing lobbyists, who met with political staff, ministers, and parliamentary secretaries over the past year.

After every meeting, the minister's position changed. The architect came up with his plan on the fly, apparently. This is a Liberal fabrication, pure and simple. One little sticking point interfered with developing the plan: Lieutenant-General Hood and the chief of the defence staff, General Vance, both told a parliamentary committee that they had sufficient resources to fulfill all of their commitments. Let us call that exhibit C.

This story simply does not hold water. If there really were a lack of resources, would the solution proposed by the government to acquire a fleet of 18 Super Hornets really be an effective solution, when we know that two-thirds of the American fleet is grounded? Indeed, two-thirds of the Super Hornet fleet in the United States is grounded. They are out of service. Parts are missing and there are problems with the oxygen system. It is a complete mess.

Problems with the Super Hornet are well known, and I have here a report, which is my exhibit D, that I found on the DND website. It is a public website. This 2014 report from the national defence research branch shows that having two fleets of aircraft was the worst idea in the world. Make no mistake; the CF-18s in our current fleet are not the same aircraft as the Super Hornets, even though they have the number 18 in their description.

The report contains all kinds of technical information that confirms that there was no capability gap, and that investments to upgrade the aircraft were going well and that they were operational. Most importantly, the report recommends not having a mixed fleet.

Here is my exhibit E. It is a letter signed by 13 former commanders of the Royal Canadian Air Force that was sent to the Prime Minister and that says exactly the same thing, specifically, that above all, we should not purchase an interim fleet or have a mixed fleet. Therefore—

• (2220)

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. Parliamentary Secretary to the Minister of National Defence.

Mr. Jean Rioux (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I would like to thank my colleague from Charlesbourg—Haute-Saint-Charles for his question.

First, I would like to say that his question is rather odd because it covers two subjects which, at first glance, appear completely unrelated. It must be said that my colleague was a little too vocal that day, to the point that the Speaker had to call him to order by encouraging him “to refrain from using such disruptive language.” I know that my hon. colleague does not want to be disruptive.

First, I am delighted that he spoke about the role of honorary colonels because I now have the opportunity to remind members that they are an integral part of the Canadian Armed Forces family. Their role is vital to our local communities. They use their experience and their expertise to promote and support members of the military and their families. They provide leadership and mentorship and foster camaraderie in units across the country.

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Under section 3.33 of the Honorary Colonel Handbook prepared by the Royal Canadian Air Force, and as representatives of the Department of National Defence, honorary colonels must refrain from defending any political opinions. Indeed, in order to fully exercise their leadership and promote esprit de corps, it is very important that they steer well clear of comments that could possibly threaten operational security or promote political opinions. In other words, they must not cause any controversy.

I will now address the so-called gag order my colleague referred to. The gag order is not an accurate reflection of the reality of the obligations government representatives and suppliers with a security clearance must meet.

As the member is well aware, and I am sure he agrees, the Government of Canada takes the handing of secret information very seriously. The special security accountability forms he mentioned are documents that remind people of the need to protect information for security reasons, regardless of the individual's security clearance level. These forms are used to ensure that staff meet their obligations to the crown under the Security of Information Act, particularly with respect to commercial information and sensitive military information.

These agreements protect delicate co-operative information for the long term. Signing such a document does not prevent a public servant from complying with the Public Servants Disclosure Protection Act. It is our duty to protect material belonging to the private sector that is used in our procurement process. This obligation is especially important when it comes to replacing our fighter jets, one of the government's major procurement projects. This project is complex, costly, and important to national security.

Considering the expertise and sensitivity involved, we decided it was necessary and appropriate to have people sign special security accountability forms. Information from other governments and contractors, regardless of its classification, is given to us in confidence. Failure to keep that information safe and confidential and to be mindful of corporate concerns could compromise Canada's future contractual relationships and place Canada at a disadvantage.

That is why the security forms were signed to ensure that employees would not divulge sensitive information to any unauthorized party, regardless of their security clearance. The forms enhance existing security protocols and procedures by reminding employees that it is important to share this information on a need-to-know basis only.

This is the normal, usual, accepted procedure—

• (2225)

The Assistant Deputy Speaker (Mr. Anthony Rota): Order.

The hon. member for Charlesbourg—Haute-Saint-Charles.

Mr. Pierre Paul-Hus: Mr. Speaker, for those listening, this is really interesting. When I laid out five arguments, the Parliamentary Secretary to the Minister of National Defence added information to my preamble. He just said that there is a lifelong gag order and that honorary colonels are silenced. The aircraft file is a real shambles.

In closing, I would like the parliamentary secretary to answer. This morning the Minister of National Defence said that Boeing was not a trusted partner.

Now that we have all the information, can the parliamentary secretary confirm that the Liberal government will discard this stupid plan to replace aircraft with a fleet of 18 Super Hornets that are completely useless, and will he immediately initiate a procurement process to equip the Canadian Forces with the best aircraft for the next 40 years?

Mr. Jean Rioux: Mr. Speaker, it is the responsibility of the minister and the government to ensure that the members of the Canadian Armed Forces have all of the equipment they need to successfully carry out their missions, and all the support they need for their well-being.

The Minister of National Defence has been given a broad mandate and he is carrying it out. Next week, he will unveil a new defence policy that will ensure adequate funding and rigorously established resources for the next 20 years. Our government intends to make sure that the Canadian Armed Forces has everything it needs to be a modern, more flexible, and better equipped force.

The men and women of our armed forces do an exceptional job of performing their duties, but they cannot successfully carry out their missions without adequate support. We are currently working to fill the gaps that have resulted from our predecessors' mismanagement.

[*English*]

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. member for Calgary Shepard is not present to raise the matter for which adjournment notice has been given. Accordingly, the notice is deemed withdrawn.

The motion to adjourn the House is now deemed to have been adopted.

[*Translation*]

Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 10:27 p.m.)

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