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(HANSARD)

Thursday, November 9, 2006

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, November 9, 2006

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I have two reports this morning.

Pursuant to Standing Order 113.(1) I have the honour to present the 21st report of the Standing Committee on Procedure and House Affairs regarding the membership of the legislative committee on Bill C-27, an act to amend the Criminal Code regarding dangerous offenders and recognizance to keep the peace.

The Speaker: Pursuant to Standing Order 113.(1) the report the member just tabled is deemed adopted.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, there have been consultations with all parties and I believe that if you were to seek it, there would be unanimous consent for the following motion. I move that the 20th report of the Standing Committee on Procedures and House Affairs, concerning the membership of committees of the House, presented to the House yesterday, be concurred in.

The Speaker: Is it agreed?

Some hon. members: Agreed.

(Motion agreed to)

INTERNATIONAL TRADE

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on International Trade.

In accordance with its order of reference of Wednesday, October 18, the committee has considered Bill C-24, An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, and has agreed on Tuesday, November 7 to report it with amendments.

* * *

NATIONAL CAPITAL ACT

Mr. Paul Dewar (Ottawa Centre, NDP) moved for leave to introduce Bill C-381, An Act to amend the National Capital Act (appointments and meetings).

He said: Mr. Speaker, I would like to thank my seconder, the hon. member for Sackville—Eastern Shore, for helping me with this important project, an act to amend the National Capital Act regarding appointments and public meetings.

For years now, people have asked for transparency and a public process for the appointment of people to the National Capital Commission. I am delighted to present this bill to bring democracy to the National Capital Commission and to ensure that we have a National Capital Commission of which we can all be proud. I hope that the government actually takes my bill and adopts it.

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

* * *

PETITIONS

LITERACY PROGRAMS

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I have the pleasure to table petitions from across Canada protesting the incompetence and irrational cuts to adult literacy programs by the Conservative government.

It is my sad duty to present the first of several petitions which is from Haldimand—Norfolk, the HRSD minister's own riding. Hundreds of petitioners note the importance of literacy for social and economic development and the impact it has on our society. I stand with the citizens of Haldimand—Norfolk in calling for the reinstatement of literacy funding, since their own MP will not.

I also have the sad duty to present a petition from the Minister of Health's riding on the same subject. Hopefully, the minister will stand up for literacy programs.

Finally, I have the duty to present the same petition, this time from the Ontario Literacy Coalition. These people are on the front lines fighting for literacy. I am honoured to support their efforts, along with their call to government to reinstate funding, so they can keep doing their vital work.

RELIGIOUS FREEDOM

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I have several petitions. The first one is a petition containing names from residents in my riding of York West and the surrounding GTA.

The petitioners recognize that religious persecution is an international crisis affecting many religious groups in countless countries of the world and that the persecution of groups for their religious beliefs is immoral, unjust and violates an individual fundamental right to religious freedom.

The petitioners call upon the federal government to develop an automatic array of interventions that may be imposed by Canada against foreign governments, such as Iraq, when they support religious persecution or fail to prevent it, and to improve measures for refugees who have suffered religious persecution.

LITERACY PROGRAMS

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I would like to present a petition on behalf of the constituents of St. John's, Newfoundland on the whole issue of literacy and the need for the reinstatement of funding to literacy programs that have been cut by the minority Conservative government, and to undertake a national literacy strategy to ensure that all Canadians have the opportunity to achieve this vital skill.

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I have the privilege this morning to present, on behalf of constituents from the riding of Timmins—James Bay and the riding of St. John's South—Mount Pearl. The petitioners request that we look at the whole issue of literacy and the fact that the government recently cut funding for the literacy programs.

The petitioners would have us understand that the elimination of adult illiteracy is a key component in ensuring Canadian competitiveness in the global market as well as ensuring the quality of life of thousands of Canadians. They would call upon us to reinstate the funding to literacy programs cut by the Conservative government and undertake a national literacy strategy to ensure that all Canadians have the opportunity to achieve this vital skill.

● (1010)

AGE OF CONSENT

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, I have the honour to present petitions from 612 individuals from my area of the country, which is in and around Calgary.

The petitioners, the undersigned citizens of Canada, would like to draw the attention of the House to the fact that the protection of our children from sexual predators must be a top priority of the federal government; that the Canadian Police Association, a number of provincial governments and a parliamentary committee report, all favour raising the age of consent; that the studies show that 14 and 15 year olds are most vulnerable to sexual exploitation, including recruitments from pimps; and that it is the duty of Parliament, through the enactment and enforcement of the Criminal Code, to protect the most vulnerable members of our society from harm.

These petitioners pray that this government, assembled in Parliament, take all measures necessary to immediately raise the age of consent from 14 to 16 years.

AFGHANISTAN

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I have the honour to present to the House two petitions.

The first petition is from my constituents in Vancouver Quadra. Approximately 150 signatures were accumulated in a very short period of time in a small area of the constituency, which shows the potency of the concern that they are raising with this petition. Their concern is that Canadian Forces and other personnel in Afghanistan are put at some great risk as well as Afghan people. These petitioners ask Canada to remove its troops from Afghanistan.

LITERACY PROGRAMS

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, the second petition relates to the national literacy programs and funding that was cut recently by the government. This comes from the citizens of Lethbridge who, I assume, are not pleased with the representation made on this matter by their Conservative member of Parliament.

However, they ask simply that these programs be returned and funded immediately, noticing that adult illiteracy can affect as much as 38% of the population, and has a huge impact on the social and economic development of individuals and their own quality of life as well as that of our country.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, it is my honour to present a petition signed by the constituents of the riding of Labrador. The petition expresses their outrage at the cuts to the literacy funding committed by the Conservative government.

The petition calls on the government to immediately reinstate this funding for what is an absolutely vital social service in Atlantic Canada. I do hope that the government will pay close attention to this and other petitions from around the country, and stop turning its back on Canada's most vulnerable people.

AFGHANISTAN

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is my privilege to table a petition from hundreds of Canadians calling upon Parliament to hold extensive public hearings to gather information, expert advice, and opinion from Canadian and Afghani citizens on how best to use military and other forms of Canadian involvement in Afghanistan for the creation of a stable, democratic and self-sustaining state.

The petitioners propose that following public hearings there be a full debate and vote in Parliament on the extent and nature of Canada's future commitments to Afghanistan.

LITERACY PROGRAMS

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, on this National Literacy Day it is altogether appropriate that we present petitions from hundreds of Canadians who are reminding the government of how important are literacy programs. They add value to the capacity for Canadians to mainstream and become part of life here in Canada.

In my riding of York South—Weston, these programs are extremely fundamental to the community. We hope that the government will reconsider its intent to cut literacy programs. These petitions come from areas around Peterborough, Beamsville and St. Catharines.

● (1015)

RIGHTS OF THE UNBORN

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, my petitioners note that in federal criminal law right now an unborn child is not recognized as a victim with respect to violent crimes. When Olivia Talbot of Edmonton was shot and killed in November 2005, her 27 week old unborn son Lane Jr. also died. Because there is no legal protection for unborn children today, no charge could be laid in the death of baby Lane.

The petitioners have indicated that studies show that violence against women often begins or escalates during pregnancy. Therefore, the petitioners are calling on Parliament to enact legislation which would recognize unborn children as separate victims when they are injured or killed during the commission of an offence against the mother, allowing two charges to be laid against the offender instead of one.

LITERACY PROGRAMS

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, I have a petition from the people of Atikokan in the great riding of Thunder Bay—Rainy River protesting Prime Minister Harper's despicable, cruel and incompetent cuts to literacy which have—

The Deputy Speaker: Order, please. The member should know that he cannot refer to the Prime Minister by his name, even in a petition.

Mr. Ken Boshcoff: —wreaked enormous damage to all the great work of the staff and volunteers of centres such at Atikokan's Literacy Centre.

The petitioners want the Conservatives to immediately reinstate this vital funding. They also understand that this would not have happened without the NDP supporting the Conservatives. The Conservatives just do not understand how important this is to people all over Canada.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I would like to join my colleagues by presenting a petition today.

Hundreds of constituents from northern Ontario, whether they are from the Sault, Timmins, Wawa or other parts of the region, call upon the government to reinstate funding for literacy programs. Far too often the most vulnerable in our society are left behind. Those adults who suffer from illiteracy need our attention and care.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, it is an honour to rise on this being National Literacy Day.

I have the honour of presenting a petition from the residents of the riding of Labrador. The petitioners call upon Parliament to reinstate funding to literacy programs cut by the Conservative government and to undertake a national literacy strategy to ensure that all Canadians have the opportunity to achieve this vital skill.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have two petitions to present today.

The first petition is from the people of St. John's suggesting that because literacy is so important for social and economic development, and because 38% of Canadians have difficulty in writing and reading, and because it costs Canada $10 billion a year because those people are illiterate, and because literacy is key for the competitiveness and quality of life in Canada, they would like the Conservative government to reinstate the funding that it cut to literacy programs. This petition is especially appropriate today as it is National Literacy Day.

The second petition I wish to present today is from the people of Iqaluit in Nunavut. They emphasize the fact that reading and writing is so important to people in their area for their social and economic development. There are many people who have difficulty reading and writing and it costs Canadians $10 billion. Reading and writing is key to the competitiveness and quality of life in Canada. It is absolutely essential, no excuse, that the Conservative government should reinstate the cuts it made to literacy programs. That would be very appropriate to do today on National Literacy Day.

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, I wish to present today a petition signed by many citizens of Edmonton Centre, Lethbridge and Westlock—St. Paul who are frustrated by the minority Conservative government that has slashed $17.7 million in literacy funding despite a $13 billion surplus.

[*Translation*]

On this, National Literacy Day, we understand their frustration with these cuts, given that some 38% of Canadians have difficulty reading and writing.

The international adult literacy and skills survey shows that nearly one in two Quebeckers between the ages of 16 and 65 have insufficient reading skills to function fully in society.

● (1020)

[*English*]

These petitioners are asking Parliament to reinstate funding to literacy programs cut by the Conservative government and to undertake a national literacy strategy to ensure that all Canadians have the opportunity to achieve this vital skill.

Mr. Lee Richardson: Mr. Speaker, I rise on a point of order. I ask for unanimous consent to revert to presenting reports from committees.

The Deputy Speaker: The hon. member for Calgary Centre has asked for unanimous consent to revert to reports from parliamentary committees. Is it agreed?

Some hon. members: Agreed.

COMMITTEES OF THE HOUSE

NATURAL RESOURCES

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Natural Resources in relation to supplementary estimates (A) 2006-07.

Mr. Scott Simms: Mr. Speaker, I rise on a point of order. Since we are all in a somewhat generous mood, I would seek the consent of the House to revert to reports from interparliamentary delegations.

The Deputy Speaker: The House has heard the hon. member's request. Is it agreed?

Some hon. members: Agreed.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian Parliamentary Delegation of the Canada-Europe Parliamentary Association to the Council of Europe Parliamentary Assembly, PACE, for its meeting of the Committee on the Environment, Agriculture and Local and Regional Affairs, in Paris, France, June 9, 2006.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

JUDGES ACT

The House resumed from November 8 consideration of the motion that Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts, be read the third time and passed.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise to speak on the third reading of Bill C-17, a piece of legislation that at least purports to incorporate into law, as is required by legislation, the report of an independent commission with regard to salaries and other compensation for our judiciary at the federal level, all the way from the Supreme Court of Canada to our superior courts across the country, as well as our federal court system. There are approximately 1,100 of those judges across the country.

Historically this has been a very difficult problem for legislatures, at both the federal and the provincial level. The problem we have is because of the structure of our Constitution, which recognizes the independence of our judiciary and, quite frankly, the importance of an independent judiciary to the democracy of Canada. We never have been able to satisfactorily deal with how we compensate those judges and maintain their independence from the legislative and administrative branches of government.

Approximately 10 years ago, a system was developed as a result of several court decisions, and one since then, that required the legislative branch, this House and government, to establish an independent commission, a commission that would be composed of an independent neutral chair, one person delegated from the government and one from the judiciary. That commission was to investigate the compensation paid to judges right across the country at the federal level and make recommendations in the form of a report.

That report then came back, first to the government, and to the House as well, to be dealt with in committee and encompassed in legislation. That is why the bill is before the House at this point. What happened to some significant degree, and I think shamefully, is that the process either has been ignored by the government in its proper sense or has been hijacked to some degree for ideological reasons by the government. I suppose we could use interchangeable terms here.

The report that came back recommended certain compensation levels, straight salary levels, while a number of issues around pensions and fringe benefits, if I can put it in that vernacular, were to be dealt with by way of these recommendations for the government to implement.

One of the travesties of what has gone on here is that this report is almost four years old now. The previous Liberal government, as was so common with that government, dithered on it and did not deal with it other than preparing some legislation to accept it. That government then basically just let it sit, ignoring its constitutional responsibilities to process the commission's recommendations in a reasonable timeframe. That had been part of one of the court decisions, that whatever methodology was deployed it had to be used in a reasonable timeframe. The past Liberal government did not do that.

Then we had the Conservative government. Of course, I think the country generally knows its attitude toward the judiciary. One of the first things it did, in the form of this legislation encompassed in Bill C-17, was to slash the compensation, both in salary and in some of the benefits, by over 25%. To go through the bill's history, it then went to the justice committee. Attempts were made there by me on behalf of the NDP to reinstate the commission's recommendations.

● (1025)

I want to go directly to the intellectual dishonestly of the government with regard to this. The courts, in a series of cases, have said the commission's recommendations are to be accepted and can only be deviated from if set criteria are met. What came forward from the government was a couple of arguments, no more than that. The government tried to characterize them as sound reasons, but they were arguments that were specious and in fact intellectually dishonest.

One of the reasons the government gave for slashing the compensation recommendation was that it had the right to take into account the state of financial circumstances at the federal level when making a determination. One has to appreciate how ridiculous that was, because in the three and a half years when this report was sitting there and not being dealt with, either by the Liberal government or by the Conservative government, there were surpluses in this country that amounted to in excess of $20 billion over that period of time.

This was not money that was going to be spent by either the Liberal or Conservative governments on other programs, on other necessities in the country. It was simply set back and used to pay down the debt. That is what it was used for. The government tried to contrive an argument that somehow it had the right to take into account financial circumstances, but when one looks at the facts that of course was meaningless.

The other argument the government made was that when the commission did its assessment it did not properly take into account incomes of lawyers, because that is one of the tests that we use to set the compensation we pay our judges. The argument was that it did not take into account a broad enough scope. That simply was not true.

In fact, members of the commission appeared before the justice committee and pointed out that they made an assessment of income levels within the legal community right across the country, in large cities, large law firms, small communities, small law firms and individual practitioners of law. They said they had done all that, that they had done their job and done it properly and had reached a consensus among the three of them, the independent chair, the government appointee and the judiciary appointee. They had reached a consensus that this was the proper amount to be dealing with. So the second argument, the second so-called reason, was basically destroyed by the facts of how the commission had conducted its work.

As I said, the NDP, in my person, attempted to bring it back. It was voted down. First there was a decision that the government would not grant the royal prerogative, even though when the minister was in front of the committee he was equivocal as to whether he would accept the recommendation to increase the amount of compensation to what it was originally in the commission's recommendations.

It was ruled out. There has been no indication since then that this will change, and in fact, just the opposite. Very clearly, if those amendments were brought forward to increase the amount to its original level as recommended by the commission, the government would invoke the royal prerogative and would not be prepared to accept those changes.

That is the bill we now have in front of us at third reading for its upcoming final vote in the House.

I have to say very clearly with regard to this process that it was not honoured. It was just the opposite. In terms of the timelines that were applied, it is a disgrace for both governments, the Liberals and the Conservatives. Specifically, the Conservative government's approach or attempt to explain away its reasons for reducing the amount of compensation for judges is, as I said earlier, specious. It is intellectually dishonest. Quite frankly, it is a disgrace to the importance and the significance of having an independent judiciary, because this goes right to the heart of it.

If someone is going to go after judges' compensation in this fashion, both ignoring the process and then trying to undermine it with specious arguments, it really is very difficult not to see that the independence of the judiciary is being attacked by the government.

● (1030)

This is a pattern that we have seen from the government, both as a political party before it became government this last year and since it has been in power. I will go back to that to give other examples of how I have seen the judiciary at the federal level come under attack from that political party.

Before I do that, I want to make one final point with regard to the process. Given that it has taken us so long, we are now at a stage where the government has to appoint a new commission because the cycle for judicial compensation is actually in vogue at this point. The government has not done that but I assume it will be doing it shortly.

However, it begs the question: Are we going to go through the same process, assuming, and one would hope not, that the government will still be in power when the recommendation comes back from the commission? Will the government again ignore an independent commission doing good work, the solid processing of information, to determine what is appropriate compensation for our judiciary?

Given what I have seen go on in this process, I have no reason to believe that the government will not undermine the process if it does not get the recommendation that it believes is appropriate rather than what the independent commission believes is appropriate.

I believe this is part of a pattern. I will just go through a number of points where I see the Conservative Party, which is now government, attacking our judiciary from a number of different vantage points.

When the debate was going on over same sex marriage, the Leader of the Conservative Party, now the Prime Minister, made wild accusations of our judiciary being biased, that they were small "l" liberal appointments appointed by large "L" Liberal governments to specifically enhance the program of rights for the gay and lesbian community in this country. It was a wild accusation, it was offensive to the independence of our judiciary and it was wrong.

One of the leading decisions that came out of the Court of Appeal in Ontario, a three member court, was made by Justice McMurtry, a Conservative cabinet minister in the provincial Government of Ontario at one time, who was appointed to the bench by the Mulroney Conservative government. The court interpreted the Constitution and the Charter of Rights specifically based on equality rights. The Conservative Party did not want to hear that and so the Leader of the Conservative Party made a wild accusation that, ultimately, was factually incorrect.

Near the end of the election campaign, we again heard him say that he saw the judiciary as being one of his opponents if he were elected. His government and his party see the judiciary, not as part of the constitutional structure of this country and not as part of the fundamental support for democracy in this country, but as an ideological opponent to the government and its political party.

Shortly after the election, we had the member for Saskatoon—Wanuskewin attacking and putting words into the mouth of the Supreme Court of Canada Chief Justice alleging she had made certain statements. The member subsequently had to apologize because they were statements that he had made up. What it showed was the attitude of the Conservative Party, now the government, toward the judiciary. It has total disrespect and it is willing to fabricate accusations against the judiciary, all of it based on a strong, ideological bent that it sees the Supreme Court, our superior courts and our Federal Courts as not being supportive.

● (1035)

We hear a number of members from that party constantly attacking the judiciary for making laws, not interpreting them, which is their role and the role they in fact play.

Having practised law in our courts for 27 years before I was appointed here, our judges are better than any judges in the world. I do not hesitate to say that I am proud to be part of a legal community that produces those judges. They are not perfect but they are better than any other judicial branch in the world. It is recognized around the world. If one were to go to Australia, the United States, Britain or any number of other Commonwealth countries with a similar legal structure, that is what we would hear. The decisions our judges make are used repeatedly in other countries because of the respect they have for our judiciaries, but not our government, the Conservative Party, which constantly attacks our judiciary for making laws.

They are not making laws. Their role is to interpret the Constitution and the Charter of Rights, which is what they do and they do it extremely well.

As we saw, once the Conservative Party got into power it cut the court challenges program. The methodology in that is to undermine the role that our judges play. It means that we will have a reduction in the quality and, I might even say, the quantity of cases that go in front of the court that challenge both federal and provincial statutes, practices and policies. If these cases do get there, there will likely to be a lesser quality of argument because the funding for the court challenges program has been cut by the government in a very petty, vindictive way and with absolutely no rationale for it.

We hear the President of the Treasury Board, when he stands in this House, constantly, in his bombastic fashion, attacking the court challenges program, which is really an attack on the judiciary.

The government then cut the Law Commission, which played a role of support for this House, for the committees in this House and for the legal infrastructure, if I can put it that way. It had a very important role in the research that it does and the reports that it produces. It allowed for dialogue to go on, not only within the legal community but also within the political community. It helped foster that dialogue as to where we should be going with our legal system. A great program has been cut and, I think, cut illegally.

The government did not even have the gumption to bring forth a bill, which is what I believe they must do to terminate the Law Commission. It did not do that because it knew that all three of the opposition parties would have voted it down. This is a very clear indication of the government's attitude toward the judiciary and the judicial system. It sees itself as being an opponent of that system and doing whatever it can to undermine it in a variety of ways.

Now we have the appointments of the judges. The government is at a level of hypocrisy that is frightening, as is the minister who, on the justice committee, was very strong about us cleaning up the judicial appointment process and trying depoliticize it as much as possible. We have models at the provincial level where that has been done.

The Conservatives have been in power now for a number of months. They could have done that but we have heard nothing. What we are seeing is that a good third of the appointments that have been made so far at the federal level are appointments of people who have very close ties to the Conservative Party. They may very well be good judges. The minister thinks he may have done even more than those, and it would not surprise me if he has. Maybe we have not identified all of them.

● (1040)

The point is that the Conservatives take a cynical approach toward the judiciary by seeing it as an opponent. They need to take care of the judiciary which means they need to undermine the judges and do whatever they can to lessen their authority.

Ultimately, it brings into disrepute the government and it does attack the very essence of the constitutional structure in this country, the important leg of that, of course, being the independent judiciary.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I am pleased to have heard my colleague's comments on Bill C-17 dealing with the whole issue of compensation for the judiciary. I have enormous respect for my colleague's indepth knowledge of the law, which is why he is such a good justice critic, but also for his profound understanding of what is so dangerous about this bill.

It would be very easy for the government to fluff it off and persuade people that judges are already well paid anyway. However, what is clear is that the concern goes so much further and much deeper. We want to know what underlies the proposed changes that are brought forward here in terms of an outright attack on the independence of the judiciary.

The member referred to the fact that our judiciary is well-known and that it is respected throughout the world. As the international development and foreign affairs critic, I am aware of how our judges and our retired judges are sought after by countries around the world to assist with the judicial reforms needed in other countries. In fact, the new love affair of the government is to be talking about democratic development. Everybody knows that the reform in the judiciary and the independence of the judiciary is absolutely critical.

I wonder if the member might elaborate further on the stature of our judiciary. He said that they are not perfect, and none is, but in terms of how they are seen, not just within Canada but literally around the world, for their distinguished service to justice.

● (1045)

Mr. Joe Comartin: Mr. Speaker, my colleague from Halifax has given me the opportunity to point out the role that judges play, both as retired judges and active judges. They are regularly at international conferences to share their experiences of how they built the strong judiciary we have in this country.

I would like to use a couple of examples, one being Justice Arbour and the role she played with regard to crimes against humanity and war crimes, and the role she is playing at the United Nations. She is a very good judge but she was not atypical in the role she played in advancing, which, I would guess, our government, like the Bush administration in the United States, would be opposed to, the development of international law and, specifically, an international criminal court, that would deal with crimes against humanity, genocide and holocaust. She has been one of the leading judicial figures in the world in developing that.

The other example I have comes out of my law school days in Windsor. Work is being done, with the direct active assistance of a number of the judges in Canada, to develop a judicial system in Palestine to deal with the corruption that has permeated its judicial system in the past because of the direct conflict with the involvement at the political level in the judiciary in Palestine. Quite frankly, that program is in serious jeopardy because of the Conservative government's decision to cut funding to the Palestine government. A key part of that program are the judges who come from Canada to help Palestine better its judicial system.

The program we used in Russia, again with the active participation by our judiciary, showed the Russians that the old Soviet system was not the way to go. They should not have government telling the so-called independent judiciary but in fact have an independent judiciary. It is beginning to have some impact in Russia even under the current government. The quality of the judges that we send to take part in that contributes to the development of a better judiciary right around the globe.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, to follow up on the international aspect, when the eminent member for Mount Royal went around the world, shortly after the cuts to the court challenges program and other institutions, other nations were astounded that Canada would cut these eminent institutions, which are leaders in the world.

The minister very appropriately said yesterday in debate and at committee that the recommendations for remuneration and benefits for judges was a decision of Parliament, not the government, as outlined in the Constitution in section 100.

Does the member see this as a decision of Parliament, that Parliament is unencumbered in making that recommendation and decision?

Mr. Joe Comartin: Mr. Speaker, my colleague's question allows me to briefly expand on my comments.

The government and the minister have made statements that this is a decision of Parliament. It absolutely is not. There may be enough votes, although the Bloc has its own agenda on this, which again is very shameful. However, the House will never have the opportunity because the government has taken a position, which by the tradition of this Parliament it can. If amendments come forward to increase the amount we pay our judges, in accordance with the independent commission's recommendations, the Conservatives will invoke the royal prerogative and refuse to make a royal recommendation. Therefore, those amendments will be ruled out of order.

The opposition does not have the support of the government to present those amendments because it will not receive a royal recommendation. That is the government's role.

I get the sense from some of the discussions I have had with contacts within the judiciary that the government has put out this message, it has spun it, that Parliament will make that decision. This is absolutely false. Parliament cannot make the change. The government will not allow us. It is as simple as that.

This is going through because the government has taken that position. It has cut the recommendations by 25%. Judges will be compensated by that much less because of the government, not because of the House.

● (1050)

Ms. Alexa McDonough: Mr. Speaker, one of the points the member has made is that the decision to cut the court challenges program is a frontal attack on the judiciary itself. Of all the bad decisions the government has made, the very worst decision is to eliminate the court challenges program.

Our country has prided itself on ensuring justice means something, that there is a way for people, who do not have deep pockets and high placed connections with the government in power, to have their rights and their views upheld in the judicial process. Now the government has thrown that on the scrap heap.

Could the member elaborate briefly on what he means when he says that in effect cancelling the court challenges program is an all out attack on the judiciary?

Mr. Joe Comartin: Mr. Speaker, in some respects it may be difficult. I always get laughed at when I say this. If one is not a lawyer, he or she may not be able to appreciate this. Then I get all the boos about lawyers, but it is true to some extent. I am not being arrogant. We have to appreciate how important it is to have quality representation before the judge so the judge can make good decisions. It is about as simple as that.

This preceded me because I am not quite that old, but perhaps the best way to describe it is like this. Before we had legal aid in Canada, broadly based and broadly available, judges who practised and made judicial decisions in our criminal courts found it difficult to make good decisions when the accused was unrepresented. The Crown prosecutor would present the case for the state. No one was there to challenge the prosecutor, to put forth legal arguments, to present evidence in a better fashion than the untrained individual could.

It is the same thing when we get rid of the court challenges program. It is like cutting legal aid. We will not have qualified people in front of the judges to present good evidence and good legal arguments. It is just not going to happen.

It is a shame that this has happened. Hopefully, the government will be gone shortly and we will reinstate the program.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I think my remarks will pretty much follow along the same context as our colleague who just spoke.

In my remarks today I want capture three separate perspectives on the bill, and not because I am looking in a rear view mirror. The way the government appears to want to handle this matter will likely cause new files to open in the future. The other place, next door to the House of Commons, will undoubtedly be interested in some of these perspectives as it reviews the bill.

As we all know, the Supreme Court of Canada a few years ago decided that the only solution to the ambiguities and imprecision in the matter of setting or adjusting the salaries for judges was the need for an independent commission which would study and recommend what those salary levels should be. The commission has functioned for the last five or ten years. As I recall, the second last report was implemented as the Supreme Court had recommended.

It was a Supreme Court decision, which is a bit more than a recommendation. It created the law in that case in an arguable vacuum, taking into account the contingencies that the court felt were relevant at the time.

The report we are dealing with now is from the independent commission, not from the justice committee. It was introduced a couple of years ago. The last government introduced a bill that would have implemented the recommendations of the commission. That bill fell from the order paper at dissolution of the last Parliament. The new government has now introduced a bill that would substantially reduce the amount recommended by the commission.

Part of the problem identified by the government, which it felt empowered to identify, was that in assessing the costs and what should be paid to judges and the courts, there was a difference between street inflation in Canada and what I would call lawyer-judge inflation. The Supreme Court and the commission recognizes that one of the considerations of setting judicial salaries is the need to attract some of the best legal minds into the judicial profession. In order to attract them, there has to be appropriate amounts paid in salaries. Therefore, the court has accepted that lawyer-judge type inflation is very relevant to the setting of those amounts.

The setting of those amounts do not have very much to do, whether one agrees with this or not, with what a bus driver might make in Winnipeg or what a fish plant worker might make in Nova Scotia. As a result, we have these two different worlds competing. When the independent commission makes its report, it looks at the judicial-lawyer type inflation and the salary amounts that should be paid to continue to attract good people into the profession. As I said, the previous government had followed through on this, but the new government has not.

I want to now turn my attention to the legal infrastructure in this place to deal with the salaries of judges.

● (1055)

Just so the record is clear, section 100 of the Constitution Act says that judges' salaries shall be fixed by the Parliament of Canada. Section 17 of the Constitution Act says there shall be a Parliament of Canada composed of the Queen, the House of Commons and the Senate. Parliament has three heads. I think most would agree the modern manifestation of the Queen would be the Privy Council, which, for all practical purposes, is the cabinet. The cabinet is represented in the House of Commons through the Prime Minister and the other ministers. In dealing with judicial matters it would be the Minister of Justice.

There is another section of the Constitution Act which is a bit of a sleeper but very important to us here. Notwithstanding that section 100 says that Parliament shall fix judges' salaries, section 54 of the Constitution Act says that the House of Commons may not pass a bill or motion that involves the expenditure of public money unless the government, the Queen—the Privy Council—has already given a royal recommendation for the expenditure of that amount.

As the House deals with these matters in the ordinary course, the House cannot increase any of the spending of public money without a royal recommendation. That is very important because what has happened in this case is that the consideration of the report of the independent commission is done by this House. While this House under those constitutional rules could reduce the amount recommended by the commission and put it into a bill for adoption, this House could never increase the amount.

The best laid plans of the Supreme Court of Canada in setting up this independent commission which then makes a recommendation to Parliament is handicapped by the fact that there is only one player in the mechanism that has the ability to fairly implement, and that is a government bringing in a bill with a royal recommendation.

I make the point that it looks to me as though section 54 requiring a royal recommendation hobbles, handicaps, is an impediment to the House fairly dealing with the commission report. The independence that the Supreme Court of Canada had hoped for when it went through the Prince Edward Island case and the Bodner case has been lost simply because section 54 requires the existence of a royal recommendation. We have one hand tied behind our backs as we deal with this.

Oddly enough the Minister of Justice, confirmed as recently as yesterday by his parliamentary secretary, told the justice committee as it reviewed this report that if the committee wants to increase the amount recommended, it should go ahead. That is essentially what was said. That came from the justice minister. I suggest to the House, in this circumstance knowing the law as he should, and I am looking for an adverb or an adjective, but that position could be described as falling in the spectrum somewhere between ignorance and deceit, with sincerity in the middle.

Surely the justice minister knows that the committee and the House could never recommend an increase or adopt an amount that was in excess of what the Privy Council put into the bill without a royal recommendation. Yet it appears that publicly the government is giving the impression that the government, the Privy Council, is open to Parliament fixing this amount to what Parliament and the House think is appropriate, when all along it knows full well that such an increase could not be implemented, recommended, moved, proposed in committee or in the House because there is no royal recommendation.

● (1100)

I would say today that if the government were sincere in saying it is possible to raise these amounts to what the independent commission had recommended, I challenge the government now, I challenge the minister now, I challenge the members of the Conservative caucus to say they will give a royal recommendation to implement what this House wants, what the committee would have adopted had the proposed amendments to increase the amount in the bill not been ruled out of order at the committee. The amendments to reinstate the commission's report were ruled out of order. If the government were really sincere in its suggestion that the House could increase the amounts, it must say that it is also prepared to provide a royal recommendation, which the government is apparently not prepared to do.

After the bill passes third reading it will move to the other place. There is another rule in the Constitution which says that the other place is not able to initiate a money bill or spending. The only place in the whole world where one could implement an increase in this bill is in this House, but we have one arm tied behind our back because of section 54 which says that we need a royal recommendation and that royal recommendation can only come from the government.

I regret that. I wanted the record to show that. It is most insincere for the attorney general to hold that out, that he and the government are willing to see an increase when they will not come forward and say that they will give a royal recommendation for the increase that might be there.

Now that I have that out of the way, I want to do two more things. The first is to talk about the independent commission mechanism that was set up by the courts. Looking back over that, it occurred within the last 10 years, it seems to me that while the court was sincere in wishing to create the independent mechanism and to have a vehicle that Parliament could make use of, I believe the courts overlooked some of these elements that I have described here today, the incapacity of the House to move anything upward or to make a move without a royal recommendation. At the end of the day, the one component of government that obstructs the court, i.e., the cabinet and the Privy Council, is the one component the court wanted to distance itself from when it set up the mechanism.

The court felt that there should be a degree of judicial independence and it should not be in a position to go cap in hand to the cabinet, to the Privy Council, and yet, after implementing this mechanism, we are still stuck with the problem that was there before. The cabinet, the Privy Council, still has that one piece of paper, the royal recommendation, that prevents Parliament from fulfilling its constitutional obligation.

There was a time at the committee when I was prepared to argue that the royal recommendation provision in section 54 was, I will not say it was unconstitutional, but because there was a conflict between section 100 and section 54, that section 100 empowering Parliament to fix the salaries of judges should prevail over section 54. It is an argument for another day, not here.

I do suggest in the event the court wishes to deal with the matter again, and the court may, given what has happened here with this bill, that an attempt be made to implement an improved dialogue between Parliament and the court just this one time. The courts do not have to come cap in hand here. They are an independent institution and have to be constitutionally.

● (1105)

If they are designing a judicial salary adjustment mechanism, and if Parliament is an integral part of that process, then the mechanism surely must be designed in collaboration with Parliament itself. Had that dialogue occurred 10 or so years ago, the problem we have today might have been avoided.

The last thing I want to do is to connect some dots, and my colleague who spoke just prior to me actually began to do that. It has to do with the position of the current Conservative government that has in one sequence of actions managed to clip the increases to judges' salaries. Some would say the government has not done it very respectfully or at least respected the mechanism already in place. The government has also managed to clip the court challenges program, virtually abolishing it, and the Law Commission.

What do all of these things have in common? I am going to try to connect some dots. I could be wrong; I can only do this by inference. It is very difficult for me to figure out why, in a period of relative prosperity in this country where we have had balanced budgets and surpluses every year for seven or eight years, the government finds the need to get rid of the Law Commission and the court challenges program and to not implement the independent commission's report on judges' salaries. The only thing I can see that these things have in common is disposition over the last two or three years of the same sex marriage issue.

I recall the report from the Law Commission entitled “Beyond Conjugality”. It was a discussion of the law relating to spousal and non-spousal relationships. Part of the discussion dealt with many of the same sex marriage issues which this House has dealt with. I could not help but detect some disfavour on the part of many Conservative members about it. I have seen it at the justice committee. It is not always on the record, but it is there.

The court challenges program brings court charter challenges into the courts. Members will recall the same sex marriage issue, the redevelopment of the definition of civil marriage, was accomplished primarily as a result of litigation charter challenge. I am not certain whether the court challenges program funded any of that; it may have, but it is passing strange. I see a connection there.

I mentioned the Law Commission's report and now the judges who made these decisions that essentially required Parliament to act a year or two ago. I have simply had no choice but to draw the inference that the Conservatives' distaste for those decisions was a prime motivator in this, because I cannot see any economic or fiscal reason to turn attention to these very viable working mechanisms in our judicial sector.

The Law Commission which is being scrapped now was the reincarnation of the old Law Reform Commission, which was scrapped by the previous Conservative government in 1990 or 1991. A very strange thing. The Conservatives do not like law reform commissions. They junk them.

I appreciated the opportunity to make these remarks. I hope they will be helpful for the record.

● (1110)

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I have listened to the presentation by the hon. member from the official opposition.

It is no doubt always a delicate topic for those involved when salary increases for judges are debated publicly in the House of Commons. The same was true for parliamentarians. That is why an independent commission is responsible for determining the rate of increase. Where judges are concerned, it is especially sensitive since there could be a great deal of demagoguery about what increase they should be getting, particularly in comparison with politicians.

I would like to ask the hon. member whether he feels, based on his knowledge of the field, that the judges themselves would prefer a different mechanism so as to prevent discussions in the House about their rate of increase each time the issue of judges' salaries comes up.

● (1115)

[*English*]

Mr. Derek Lee: Mr. Speaker, that is a very good question because it goes to the core of why the Supreme Court originally recommended that there would be an independent commission, whose report would be presented and essentially adopted as is, thereby obviating any need for Parliament itself or the cabinet or anybody else to actually go and reinvent the wheel and figure out by how much judges salaries should be increased.

The independent commission, as established, is the mechanism that the judges hoped would avoid this kind of a back and forth argument. Originally, it is worth noting and as the member mentioned, when the mechanism was created for the judges, it was felt that members of the House of Commons and the Senate could simply piggyback on that same salary adjustment mechanism, but it turned out, as I referred to in my speech, that lawyer and judge inflation is different than street inflation.

Many members of the House just felt that we could not, in fairness, accept the relatively rich increases that were being generated in the lawyer-judge area. We preferred to peg our salaries here to combinations of either the consumer price index or the industrial aggregate. Those numbers, those percentage increases, are closer to what I referred to earlier, regarding the bus driver in Winnipeg and the fish plant worker in Nova Scotia, tracked by Statistics Canada.

Members got the right idea and the Supreme Court had the right idea. At this point in time, I think the government is trying to change that and the future will tend for itself.

[*Translation*]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I am pleased to once again rise in this House to discuss Bill C-17 dealing with the salaries of federally appointed judges across Canada.

It is a delicate matter to discuss the salaries of the judiciary. We agree on that fact. It is important for those who are listening to us and who are trying to understand this, to know that the Bloc Québécois voted against the bill on second reading because we consider that the increase offered to judges by the government is well beyond the norm in all other sectors of Canadian activity where the government and public funds are involved. It is important that we explain to the people why we have adopted this position.

On May 31, 2004, the mechanism for establishing the compensation of judges went into action; the commission presented its report and recommended a salary adjustment of about 10% for judges and parliamentarians. The salaries of parliamentarians had been linked to that of judges by the previous Liberal government—not the government just prior to the last election but the government of Jean Chrétien. At that time, the Liberals had decided, I believe with the unanimous consent of the House, that it was important that not only the salaries of judges but also those of parliamentarians should be removed from public debate.

It became usual, proper and accepted that from then on the salaries of the two groups became linked. Among other principles, it seemed to us unreasonable and illogical that mechanisms should determine that the Chief Justice of the Supreme Court, who holds a very high office, but an office that in terms of hierarchy is not as high as the Prime Minister, and with the passage of time, that other members of the judiciary, should have a much higher salary than the Prime Minister.

All those who are listening to us, who are at home and are of good faith, will certainly want to say that it is perfectly normal and they believe that the salary of the Prime Minister should be higher than the salary of the Chief Justice of the Supreme Court, if only by a single dollar.

Finally, with the acceptance of this mechanism or idea, a link was established between the salaries of judges and those of parliamentarians by concluding that if the mechanism works so well for judges, it should be the same for parliamentarians. So, it was agreed once and for all to stop talking about that because the situation is even more odious for members since they are the ones who have to determine their own salaries. If it is annoying to members to discuss judges' salaries, you can image how annoying it is to talk about their own salaries.

This means that in our democracy, here in Canada primarily, we have often seen in the past, in the provinces, cases where elected representatives' salaries were harshly criticized by the public. In some governments, deputy ministers and assistant deputy ministers, people who have good job security, are paid more than ministers, and in some cases than the premier. There should really be some degree of fairness, and the public is entitled to know about these things.

At the initiative of the previous Liberal government, under Jean Chrétien, judges' salaries were used as the model and the increases that members of Parliament should receive were tied to the increases given to judges.

At the time the report was submitted, the increase was about 10%. The former Liberal prime minister, the one who was in office at the time of the election, the member for LaSalle—Émard who is still a member today, suddenly got excited. It had become unthinkable and horrible that members be given a 10% salary increase. There were headlines in the newspapers and this became something quite shameful. It was indeed a large increase. Everyone thought it was huge, knowing that all of the raises being given in other parts of the economy were 1.5% or 2% or 3% or something of that sort.

● (1120)

How could we justify parliamentarians suddenly being given a 10% raise? This had nothing to do with parliamentarians; in fact it was the mechanism for setting judges' salaries that had produced a 10% increase in members' salaries.

Parliamentarians had nothing to do with this. I was told I would be getting a 10% increase. The prime minister got all excited and said that this did not make sense, because Canadians did not have the resources to give politicians a 10% raise. Everyone applauded and said that it did not make sense to give a 10% raise. This did not look good, because if other people were getting a 2% raise, why would we get a 10% raise? We agreed.

When the decision was made to break the law that put politicians and judges in the same box, or undo that law, the Bloc Québécois, concerned about fairness to the public, said that if a 10% raise for politicians was scandalous, because people did not have the resources to pay that kind of increase, which was understandable, the public did not have the resources to give judges that kind of increase either. My goodness, there are more judges than members of Parliament.

I am trying to understand the logic followed by the member for LaSalle—Émard, who was the prime minister at the time.

No, Canadians did not have the resources to pay what the mechanism for determining judges' salaries called for, which was a 10% increase. That was scandalous. Members of Parliament had to be distanced from what was being asked for. We would not give ourselves such a raise; we would make it closer to employees' salary increase, a raise of 2% or 3%. Everyone agreed to this. Everyone thought that it made sense. In all the living rooms of the land, people applauded.

What people did not know, however, was that the Prime Minister had it in mind that the increase, which was too expensive for Canadians and for the 308 members of this House, was not too expensive for the hundreds and even thousands of judges in Canada. To the Prime Minister's mind, the resolution no longer worked; the idea no longer worked.

These are the kinds of actions that have put us in the situation we are facing today. We have to re-assess judges' salaries and set aside the recommendations in the mechanism because at one time, politically opportunistic people destroyed the credibility of the mechanism and the process. In an "attempt to win votes", they tried to make us believe that Canadians would be much poorer if the 308 members of this House and the hundreds or thousands of judges in Canada got a 10% pay raise.

We agreed with the Prime Minister. Nevertheless, what is good for the goose is good for the gander. If Canadians cannot give a 10% pay raise to members of Parliament—we understand and we agree—they do not have to. But then nobody should get a raise. We cannot give a raise to one half of the people and not the other.

Canadian citizens are too poor to pay their members of Parliament a reasonable salary or to give them a pay raise, yet they are rich enough to give judges a raise? Hold on a second. We like judges well enough and we respect the judiciary, but our priority is justice. We support social justice. What is good for the goose is good for the gander. Period. End of discussion.

Citizens made it very clear to the member for LaSalle—Émard what they thought of his decision. The member for LaSalle—Émard, who was Prime Minister at the time, kind of broke the mechanism. Since then, the Bloc Québécois has said that it will not agree to another mechanism unless and until there is a guarantee that judges will be treated fairly with respect to citizens, that is, that their pay raises will match everyone else's.

I would like someone to explain to me why it is that Canadians can afford to grant judges a salary increase of 7%, yet they cannot afford to grant a salary increase of 4% to a deputy minister, a 4% increase to an assistant deputy minister, a 4% increase to a public servant who looks after the cleaning here in Parliament, a 4% increase to any professional who works in the public service—such as an engineer or accountant, for example—and a 4% increase to MPs. Someone please explain this to me. It is taxpayers who must pay and who we are asking to make an effort.

● (1125)

We definitely want the judiciary to have the respect of Canadians, to function independently, and to maintain the trust of Canadians.We must avoid at all cost creating a situation in which judges receive a salary increase that is completely out of line with what other Canadians receive and what they can afford to pay everyone who serves the Government of Canada, at all levels. Judges serve the Government of Canada and Canadian citizens in an independent judicial system that is not isolated from the economic situation of this country. That is the reality.

Rulings have been handed down, such as the Bodner case in Alberta. The court clearly acknowledged that decisions about the allocation of public resources belong to legislatures and to governments. Governments are entitled to reject or modify commission recommendations provided that they have articulated a legitimate reason for doing so—which is fine, that the government's reasons rely upon a reasonable factual foundation—which is also fine, and that, viewed globally and with deference to the government's opinion, the commission process has been respected.

The commission has reported, the government believes that the economy does not permit giving anyone much more than the overall increase in the economy as a whole, and the government is able to explain this. It sees to me that that should become the rule. That is what the judgment says. However, governments do not have the courage to apply decisions as they should. They have a bad habit of behaving in one way when public opinion is at stake and another when it is not very much. As an elected representative of the people, I cannot accept that.

I am prepared to meet voters under any circumstances and justify the decisions for which I voted in Parliament. I am prepared to do that at any time. I am not prepared, though, to meet people in my riding to explain an injustice. I am not prepared to meet them and say that the government does not think it has enough money for certain very deserving social causes, it does not have enough money to help older workers who were let go in mass layoffs due to globalization problems.

I cannot say that to forest workers in the riding of Roberval. These are people who are 58 years old and toiled all their lives in a plant or sawmill. Now these people are being let go, and at 60 or 62 years of age, they do not have the necessary pension funds. They are condemned to give up their houses, cottages and cars. They go on welfare until they turn 65 and can get their Canada pension. I cannot in all conscience meet these people and tell them that the government does not have $75 million to spend on all the older workers victimized by mass layoffs in Canada. On the other hand, though, the government does have $75 million to spend on judges all across Canada over three years. It is going to give them annual increases between $14,000 and $20,000.

I hold our judges and parliamentarians in high regard, but I cannot in all conscience and as a member of Parliament tell my voters that I agree with a $14,000 to $20,000 salary increase for judges, who are already earning between $220,000 and $260,000, when the government does not have $12,000 or $14,000 for families that have been reduced to poverty through economic circumstances, globalization and mass layoffs. I am sorry, but I cannot do that. There are some things a person just cannot do in life, and that is one I cannot do.

● (1130)

I have nothing against judges, but let them be subject to the same criteria as parliamentarians, which my Liberal colleague referred to earlier. Let them be subject to the same criteria.

Why should the rule whereby increases in wages and salaries reflect the collective wealth of society not apply to judges?

Would the protection of judges from public opprobrium not be best achieved by ensuring that their salary increases are not sickening to those for whom poverty and misery are a part of their daily lives? Does protecting judges not mean ensuring fair pay, but pay that reflects the increase in collective wealth across the country? Am I to understand that, until this year, the Canadian judiciary was 7% poorer than average Canadians? Absolutely not.

In Canada, the judiciary is well paid, as it should be. It should nevertheless be granted pay increases which reflect a social and economic reality that cannot be ignored.

I do not see why a profoundly human speech in tune with reality, or explaining to people that the mechanism for setting judges' salaries should take into account the increase in collective wealth, would raise opposition on the other side of the House. If I said anything terribly wrong today, let me be chided on the spot. What was wrong with saying that I believe it is not right for the Chief Justice of the Supreme Court to have a salary set by this House that is higher than that of the Prime Minister? There is no cause for scandal in that.

Mr. Yvan Loubier: The logic is impeccable.

Mr. Michel Gauthier: It seems to me that the logic is indeed impeccable.

It is the government's duty to establish the guidelines. Imagine what it is like to be a member of a committee convened to discuss the salaries of judges and of MPs—as was the case in the past. First, a judge is appointed to the committee. Naturally, he knows his profession well, and knows the salaries. Second, a lawyer is appointed. We like lawyers, but they work with judges. Some lawyers have fairly substantial incomes. Representatives from the economic sector, usually individuals who have had some success in the business world, the economic world, are also appointed; for them, the salary of a judge or MP is small change. There is a certain degree of openness.

When I was an MPP in Quebec City, I saw some of these people who talked about members' salaries. All these committees always produce reports indicating that they think there should be an increase of around 20%—what do I know?—and an increase of 20% to 25% for elected representatives. That is normal. These people are trying to make a judgment call, except that they have no connection to the daily reality of a parliamentarian. That is the difference. It is the government's duty to establish guidelines.

It is all well and good to let a small committee decide on the most appropriate salary for judges, but the government's duty is also to ensure that the committee takes into account the state of the economy, the usual benchmarks the government sets and the usual progress of increases. This is set out in the Judges Act. If the economy grows by 3% annually, I agree that judges should benefit, as MPs do now, as well as public servants and all those people. An increase of 2% to 3% a year is fine.

But if the economy grows by 2% to 3% a year, I cannot accept that people who are already well paid in this society should receive a 10% increase, plus have their salaries indexed to the cost of living, and later receive another 10%. This has meant that judges' salaries, which were equivalent to MPs' in the early 1980s, have gradually risen to double that amount today.

This has to stop, because the public is paying. It is not that I do not like judges or that I do not believe they should be paid appropriately, but they have to be paid equitably, and that means that we have to look at all the other categories of jobs, at the thousands of employees who work for low salaries in this Parliament and who make sure each day that Parliament runs smoothly. We have to consider the people who do the housekeeping and work every day to make us more comfortable. We have to look at senior officials, who have outstanding skills and who could be lured away to jobs elsewhere.

● (1135)

We have to take all these people into account and think clearly and with respect for the public and for our ability to pay.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I listened very carefully to the speech by my colleague from Roberval—Lac-Saint-Jean, in order to understand his arguments.

[*English*]

I listened very carefully to the social justice arguments that were put forward on behalf of the Bloc Québécois that has allowed the Bloc to rationalize why it is supporting the government position with regard to Bill C-17.

I have a lot of sympathy for that social justice argument. I think there is every reason to be concerned about the growing gap. There is every reason to be concerned about paying exorbitant, excessive salaries to one segment of the population, even if we can make a case for a higher level of education and so on as compared to working people. The member knows that the New Democratic Party is very much seized with the same arguments.

I am extremely surprised frankly that the member chose not to address at all what I think is at the heart of the government's actions with respect to the bill and that is the serious erosion of the independence of the judiciary.

I listened carefully when the member made the arguments on the basis of comparability of salaries and so on. However, what I did not hear was any suggestion whatever coming from the member about whether his party had any concerns about the independence of the judiciary which is being severely compromised by the government's actions.

It has been described that we are involved in a farcical process because the government knows that we do not have the means to actually act on even a decision that might represent the majority of this party because it is holding the power and the purse strings to do that in the processes.

I did not hear the member acknowledge that, taken in and of itself, the encroachment on the independence of the judiciary represented by the bill is problematic enough, but taken together with the elimination of the court challenges program and the Law Commission, we are seeing a very serious, dangerous and devious pattern.

I wonder if the member would address those aspects of concern that have certainly been identified as a very serious aspect of what is going on with the government's decision to basically throw out the independent process for determining the level of remuneration for judges.

● (1140)

[*Translation*]

Mr. Michel Gauthier: Mr. Speaker, I want to thank the hon. member for her judicious comments.

I would like to clarify one thing. It is not a question of abolishing the mechanism or the structure for determining judges' salaries, but of giving this committee, as the legislation allows, the necessary framework to review, as set out in the legislation, the financial needs of the judiciary in relation to growth in the economy. The government can very well indicate to the commission within which framework it wishes to work. The legislation refers to the state of Canada's economy, the cost of living, the overall financial and economic situation of the government, the role of financial security for the judges, the need to recruit the best candidates and every other objective aspect the commission considers important. This mechanism needs to be maintained, but a framework needs to be in place to guide the work done by these people.

As far as independence is concerned, beyond the mechanism for setting salaries, I do not think judges will be less independent, less fair in their decisions or that they will not do as well in their profession and in interpreting the law, whether they are paid $220,000, $238,000 or $263,000 a year. We must also consider their responsibilities as compared to other professions. There are degrees of responsibility in the machinery of government, even for people who are not in the judiciary. For example, the Deputy Minister of Justice has extremely important duties and certainly a level of education that is equivalent, if not superior, to that of judges.

We must also look at how the government establishes the value of the service provided by these people. I do not believe that the hon. member thinks that the MPs, ministers and the Prime Minister in this House are less independent, less dedicated and less objective when they take decisions because they earn a certain salary and not another. Whether the Prime Minister earns $250,000 or $300,000 a year, I do not think this has much impact on his independence.

We have to maintain, for each individual, a level of income that is more or less equivalent to his or her responsibilities. The Bloc Québécois feels that the Chief Justice of the Supreme Court should earn the Prime Minister's salary, less one dollar. It seems to me that this is a reasonable level for a chief justice. The other salaries must be based on this primary responsibility. We do not think that the responsibilities of the chief justice are such that he should earn much more than the Prime Minister, for fear that otherwise he will not be objective or independent. This is totally irrelevant. The salary must be fair and reasonable, but we must also take into consideration the ability to pay that salary.

I am surprised to see this coming from the NDP. Amendments were proposed in committee. The hon. member may not be aware of this, but the NDP suggested to increase judges' salaries more than what the government is proposing, that is to increase them by 10%, instead of 7%, and indexing them to the cost of living. This amounts to about 13%. I have a hard time with the fact that this is from the NDP, because, usually, that party fights for social justice, rather than trying to improve the plight of society's upper echelons.

I would love to get an explanation some day, because I never understood that.

● (1145)

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I listened carefully to my colleague's very incisive and relevant comments.

He referred to social units in relation to older workers who lose their jobs in mass layoffs, but I think that he could also have referred to people who lack affordable housing, senior citizens who have been fleeced out of the guaranteed income supplement, people who no longer have access to literacy classes because of government cuts, senior citizens whose pensions are increased by only 1.5% or 2% a year, people who helped build the country and our wealth today, and the veterans whose programs and conditions suffer for lack of willingness to improve them.

Could my colleague talk to us a little about this in relation to judges' salaries?

Mr. Michel Gauthier: I thank my colleague since this gives me a chance to clarify something. We must be careful not to lapse into demagogy when it comes to salary issues. We could not decide to freeze the salaries of every judge, member of Parliament and minister as long as there is human misery.

This would not be a good way of solving the problem. Still, what I say is that by looking at the problems of the homeless, of senior citizens who receive only a slight increase in their small monthly pension each year and the general enrichment of public servants—which is not very high either—by looking at all these questions, we see that the government can do better for everyone, but do better within its means. So what it can afford should serve as the criterion in all circumstances.

Indeed, within its means, the government could do much more for older workers and homeless people. This is a large number of people, but not such a large number that the government would go bankrupt if it helped them more.

What I mean is that, within its means, the government should do more for the homeless, for older workers who are victims of mass layoffs, perhaps a little more for senior citizens who might well deserve a little better support and for the needy groups of society.

The government could do for judges, as for MPs and public servants, what is fair and reasonable, that is, less than what it is now proposing. It is as clear as that. The homeless, senior citizens, workers who have lost their jobs and MPs all deserve justice. I will end by saying that judges—especially judges—who deserve all our esteem and all our respect, also deserve justice. We must therefore not cut them off from reality.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am pleased to be here today to debate Bill C-17, an act to amend the Judges Act and certain other Acts in relation to courts.

● (1150)

[*English*]

Before I begin my remarks, I will note that I have just come from a meeting with a delegation from Mongolia. I certainly commend them for being here. I think we have a lot in common with that country. I am delighted that we were able to meet with the Mongolians, who have made the effort to come to Parliament today.

I would like to briefly comment on the remarks made by the Bloc member who just spoke. I have good news and bad news.

The good news is that a few hours ago I actually made a recommendation for how eloquent a speaker he was. That was certainly upheld by his speech today. I think all parliamentarians should take note of how eloquently he spoke. One of the keys in making an eloquent speech is to make only one or two points. He did that admirably. It was a dynamic speech.

The bad news is that I disagree with the two points the member made.

First, I have always had difficulty talking about the salaries of members of Parliament. I have never thought that salaries should decided by elected officials at any level.

Second, comparing judges and members of Parliament is like comparing apples and oranges. A special independent commission was set up to do the research on a particular occupational group. It did the research and came up with a recommendation that cannot necessarily be applied to other groups because there may be different histories, conditions and situations. It is a more complex situation.

Some members have suggested that it is a delicate topic any time we talk about the salaries of judges in a debate. I am not going to talk about their salaries. It would be a contradiction of the whole point that I am trying to make in this debate, and that is the independence of the legislative branch and the government.

I am not going to comment on whether judges are making too much or not enough, whether the original recommendation was enough, or whether the government's cut is too much. To do so would defeat the whole purpose, which is that we should not have great influence over the judiciary so that it can be independent.

Probably I will vote for Bill C-17, and certainly the Liberals will be supporting it, but only under extreme duress, which I will explain. My point is around the whole argument of the independence of the judiciary.

First, though, I want to reiterate a technical point that I made at the previous reading of the bill. It is related to my jurisdiction as the northern critic for the three northern territories. In the bill, the chief justices in the provinces are so named, but under subsections 22(1), 22(2) and 22(2.1), the bill refers to those who are the chief justices in the territories as senior judges. This is an archaic definition.

There have been no objections in the House to harmonizing these terms. The three territorial governments have suggested that the titles be harmonized. The federal minister of justice at the time and the judicial council also have recommended that this be modernized and updated so that the senior judges in the territories would also be called chief justices. As we see in the bill, they have the same responsibilities and receive the same remuneration. They should also receive the same title. I hope that technicality in the bill can be changed.

I would like to thank the justice minister. After discussions, the Minister of Justice has taken this suggestion to the Prime Minister, who apparently has to make that decision. Hopefully he will make this change so that we can get this technical improvement people are asking for and we can change the title of senior judge to chief justice so they are all the same.

As the representative for the north, I am totally in favour of the discussions related to the northern allowance and the added costs of doing business and living in the north that are covered in this bill.

I would like to comment first of all about some of the witnesses. I think the first group of witnesses we had at committee was the commission that determined these salaries. I must say that, just like some of us, they were apoplectic when I talked to them personally about this decision that had been made. They were not apoplectic that their decision had been changed, but that the process had been politicized.

They had given their report to the previous government, which had agreed with the report and was going to maintain that independence of the judiciary with no serious reason to question it. All of a sudden, a new government came in and changed the recommendations. What had changed from one day to the next?

The members of the committee thought that was an exceptional politicization of the process and exactly what was not supposed to occur. They were trying to create the independence of this commission, so it would not have political or legislative interference in the judiciary.

The reason that was given at the time was the cost, that the government could not influence its agenda the way it wanted to. Really, except for a few members on the Conservative side of the House, I do not think anyone could really understand or accept that a minor amount of $3,000 in the scope of the entire Canadian budget would stop a government from implementing its agenda, in particular at a time when there is a $13 billion surplus. It is really ludicrous to even consider that argument.

On top of that, the government has more cash than it ever expected to have. It cut the Kelowna accord which is $5 billion extra. The day care agreements that we had with the provinces would be $10 billion or $15 billion more. The government also let a number of excellent greenhouse gas programs expire, such as EnerGuide, so there was all sorts of extra cash. If we were to go with that rationale, the government would probably have too much cash and should be paying the judges more. It just does not wash.

I would like to present more evidence and more opinions to the same effect.

The way the system has been set up to maintain an independence of the judiciary begins with this independent commission. That commission had a member from the Canadian Superior Court Judges Association and a member from the government. They then chose the chair. This commission makes recommendations regarding benefits for judges. Unless there are serious reasons, and it is very specifically laid out as to the definition of those reasons, Parliament would approve those and make the final decision. However, as I was just suggesting, the government did not give any serious defensible rationale under the guidelines and description that the Supreme Court of Canada gave.

When we were decrying the very sad and senseless cutting of the Law Reform Commission, the justice minister suggested there were a number of other bodies that could give advice to government. One of them that was suggested was the Canadian Bar Association, which, by the way, said at that time that it was shocked that the government would suggest that, because it did not have the resources and time to do all the good work the Law Commission was doing.

Nevertheless, if the government wants to use the Canadian Bar Association instead of the Law Reform Commission, let me just quote what the Canadian Bar Association submitted to the committee on this bill, which backs up what I was just saying.

● (1155)

In its submission, it said:

> The CBA is concerned that the government response fails to pay adequate heed to the constitutional imperative to depoliticize the process of setting judicial salaries and benefits, in accordance with the principles set out by the Supreme Court of Canada.

So, it is not just coming from me or from this side of the House and some of the other speakers we have heard. It is coming from the Canadian Bar Association, who the minister himself said was an excellent body to provide advice to the government.

It went on:

> More particularly, the government response fails to provide adequate reasons, and evidence in support of those reasons, to deviate from the salary recommendations in the 2003 commission report.

In fact, it went on further. The whole basis of the point that I am trying to make today reflects on the independence of the judiciary. It is, as the Canadian Bar Association says: "An independent judiciary is a cornerstone of a democratic society".

I am sure all parliamentarians agree with that basic foundation of our constitutional democracy, of law and order acceptance in Canada, and that there is a total separation of the judiciary and the legislative process. How could we have powerful legislators telling judges or influencing judges in their decisions: who they convicted, what they did, and the types of sentences? Would that be fair? Would that be equal justice before all? Of course not. I am sure every parliamentarian would agree with that.

The independence of the judiciary is referenced in the Constitution and it is just a cornerstone principle. As the Canadian Bar Association went on to say: "An independent judiciary is 'the lifeblood of constitutionalism in democratic societies'".

So, it is this principle that I am basing my arguments on today. I do not think anyone would suggest that if they were getting paid by someone, someone influencing their salary, that it would not have an influence on their decisions. Certainly, with regard to all the employers I have had over my life that were paying me, I took some deference to their opinions and views. That is exactly why an independent commission was set up that had to have serious reasons for altering its recommendations.

I want to go on to present further comments on the report and those reasons as identified by the Canadian Bar Association.

The CBA believes that the government response is so generalized and so lacking in particulars that it fails to give a meaningful effort to the 2003 commission report.

The government submitted two reasons. The second reason that it provided, a technical reason, and I give it credit, was actually accurate. It was accepted by the bar commission as a potential minor reason for some modification of the report. But it had this as the second reason.

Its first reason, which was given much more prominence in the view of the Canadian Bar Association in its decision, had no waiting specified in its decision, so it would be hard for observers to make an evaluation to that effect. However, it seems to give to the knowledgeable observers far more credibility to the first rationale which was not found to be acceptable and was not found to fall within the Supreme Court guidelines, and was not acceptable as a reason.

So, under those circumstances, the Canadian Bar Association just said that this is not acceptable, this does not maintain the independence of the judiciary and so, these changes are not appropriate. In fact, it suggested the best outcome for the judicial independence would be for Bill C-17 to be amended without delay to compare with the recommendations of the 2003 commission report.

I guess in the long run that would be best. However, we live in the real world, the day-to-day world. We also have to take into account other ramifications.

● (1200)

Judges must now wait for three years out of a four year cycle. It is about to start next year again and this decision is holding up the whole process.

Certainly, I personally do not mind doing it on a matter of principle, but on the other hand, through these technicalities, I do not want to hold up the process. The judges need to get on with their lives. The process can start again next year and we hope these considerations will be kept in mind.

I hope that in the future this will be a good warning to those people involved in the process to remember the great Canadian principle, that of modern constitutional democracies, which believe in the rule of law and that the independence of the legislature and the judiciary should be maintained. That is a very important principle of our society.

In conclusion, I have one last reference to a report from the Canadian Bar Association to substantiate that. It says that if we carry on like this with the government bill as is, it further risks damaging the judicial independence and public support for the administration of justice.

We certainly do not want that to happen. As previous speakers have said, we have one of the most honoured justice systems in the world. People from around the world are looking to our retired judges to lead worldwide initiatives. There is great credibility and part of that credibility is based on the independence of the judiciary to do its best. I hope I have made that point strongly today and that it will be thought out carefully in the future when this process comes back to us in the not too distant future.

● (1205)

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I listened carefully to my official opposition colleague's speech.

Since becoming a member of Parliament, I have been meeting a lot of groups from my riding. I have met people living in seniors' homes who complain about the paltry increase in the guaranteed income supplement offered to pensioners. The rate of increase is very low and does not keep up with the increase in the cost of living.

I would be very unhappy if we were to adopt the bill before us today, which offers a 7.25% increase. A raise like that would make people from every walk of life jump for joy. How many people currently find themselves in a difficult situation?

Earlier, my colleague from Roberval—Lac-Saint-Jean talked about all of the older workers and people losing their jobs in Roberval, people who are affected by the government's repeated delays in implementing assistance programs that could help them meet their needs. They have no income.

How can we support the increase proposed today when there is already an indexation mechanism that has been used for parliamentarians, among others? The mechanism has proven reasonable, and it should also apply to pay increases for judges.

How can the member justify supporting this pay increase to his constituents, who are certainly not all financially well off?

[*English*]

Hon. Larry Bagnell: Mr. Speaker, the point I was making throughout my entire speech would make it inappropriate for me to answer the member's question specifically on the judges' remuneration because the point I was making is that it is not our decision. As legislators, we should not be commenting on that.

We should not be trying to influence judges one way or another. If people know that a group has charge over their salaries, how are they possibly going to be independent, so I will not comment on their salaries. There are 30 million other Canadians. Someone else should be making those recommendations, not us. We should not be interfering, whenever possible, in those salaries. The Supreme Court set up a mechanism to somewhat preserve that independence.

If the member would like the escalator he was talking about to be a new system to be put in place, there is nothing to stop the Bloc Québécois from suggesting that system. However, I agree wholeheartedly with his point about the disadvantaged people and the seniors trying to get back to work. We had studies on that. For how long did we put in a program? How many seniors are being covered?

The government has attacked the most vulnerable since it came into power. We have income tax cuts and business cuts, which I would have been totally in favour of if they had been even across the board, but the increase in income tax from 12% to 12.5% has hurt the poorest segment of society. Why would it give university students enough for a $70 book when, as a student told me the other day, books cost $200 each? We were offering $3,000. Why, when the government has a $13 billion surplus, would it not, as we did, increase the guaranteed income supplement? Why would it reduce the amount available for the basic deduction for the average person when there is a $13 billion surplus? Everyone should have had the benefit of those extra funds.

● (1210)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I found overwhelming favour with the position of the member for Yukon. He has a very clear understanding of the importance of an independent judiciary and he appreciates the importance of having an independent commission determining the level of remuneration for the judiciary as part of maintaining that independence of the judiciary.

Given how cogent the member's arguments were and how clear an understanding the member seemed to have on why the independence in the judiciary must be maintained, I am totally buffaloed as to why he would, at the beginning of his comments and again at the end, say that he will be supporting the bill, a bill that is being widely criticized for doing precisely what he has indicated is indefensible and unacceptable.

I know he said that he would be doing it under extreme duress, and I guess I would like to hear him explain that a little bit more. The only other argument that I heard for why he was rationalizing support for the bill was a sort of pragmatic argument. It was not based on the important principles that he himself showed an understanding of. I guess I find this doubly puzzling because, if there were ever an important principle worth fighting for and worth preserving, and refusing to allow to be eroded in any way, it would be the independence of the judiciary because it is a fundamental cornerstone of a democratic society.

I do not want to misinterpret the member's comments, which is why I am asking for further interpretation. I think the member said that three years has now gone by since the four year independent review process was set in motion. As an argument, I could say that since we are almost at the end of the four years and we need to start the process over again, why not just hold our noses and pass this under duress and then we will...what? Respect the independence of the commission the next time around?

I do not want to be provocative about it but it seems that the Liberals did not really act on what needed to be dealt with and now we are three years into the process. I find it terrifying what the government is up to because it is not just an isolated thing. It is about a frontal assault on the judiciary on many fronts: the elimination of the court challenges program and the Law Reform Commission.

The government has only been in power for eight months. Where have the Liberals been in dealing with this with dispatch?

Hon. Larry Bagnell: Mr. Speaker, we certainly tried to act on this. I think the member's colleague on the justice committee mentioned that we tried to bring forward amendments but we were ruled out of order because we could not have a royal recommendation at the time. We did everything in our power under the present procedures to get this point across and to implement it in committee.

At the beginning of my speech I said that I would probably vote for the bill but that it would be under duress. My speech gave all the reasons as to why I had a problem with it. After discussions with most of the people involved, they do not want this to hold up the next process, which, in a way, would hold up the operation of an independent body and the independence of the judiciary. They could not get started on the next round if we were holding it up because of technicalities on a case that I seem to have no chance of winning.

As I said, I may or may not vote for it but the people involved would like us to get on with it. We may have lost this round but we have certainly inflicted enough damage that people will consider this more seriously the next time. I totally agree with the member that this is a fundamental principle of our law-abiding, law-respecting constitutional democracy and we cannot stop fighting for it.

● (1215)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, my question for my colleague relates to the independence of the judiciary, which is part of the checks and balances of our system. He has made the point very well. He fears the concept that if Parliament pays the piper then Parliament should call the tune, and that, of course, would compromise the judiciary.

The fact that Parliament is debating the bill, in the form that it is in and setting judges salaries, is in fact Parliament's role. It seems to me that is a check and balance on—

The Acting Speaker (Mr. Andrew Scheer): I apologize to the hon. member for York South—Weston for having trouble remembering his riding name but it was because I often need to refer to the seating chart to help remind me which member is from which riding and he might find that he was over a couple of rows from his normal place. I see now that he is a bit closer to where he ought to be and he can continue on with his question. You have about 30 seconds left.

Mr. Alan Tonks: Mr. Speaker, I do apologize.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, I rise on a point of order. Why is my colleague sitting in the seat belonging to my Bloc Québécois colleague for Berthier—Maskinongé?

[*English*]

Mr. Alan Tonks: Mr. Speaker, I apologize once again.

Could my colleague simply indicate what other checks and balances in the appointment of judges that Parliament would be able to assert showing that there was a very clear and definitive difference between its power to appoint judges and its power to set salaries but would not compromise the objectivity of the judiciary?

Hon. Larry Bagnell: Mr. Speaker, just in case people who are watching are wondering what is happening, a member must be sitting in his or her actual seat to speak in Parliament.

To give the government credit, section 100 in the Constitution says that Parliament sets these salaries. What I was trying to say is that there is a whole process that keeps the appointments detached from government, although it does make the final decision, but those appointments are for life and the government cannot revoke it. There is independence there. It is not like having an influence in setting the salaries every year.

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I rise on a point of order. There have been discussions between all parties and I think if you would seek it you would find unanimous consent for the following motion. I move:

That, whenever debate concludes today on Bill C-17, the vote on third reading of Bill C-17 be deferred to Tuesday, November 21 at 5:30 p.m.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. chief government whip have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Andrew Scheer): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I want to take this opportunity to congratulate you on how you direct the proceedings when you are in the chair. Everything runs very smoothly.

I am pleased to speak about Bill C-17, an act to amend the Judges Act and certain other acts in relation to courts, and especially about judges' salaries. First, I would like to say that the Bloc Québécois does not support the bill in principle, and I will explain why. I will also explain what we in the Bloc Québécois would suggest.

In their statements before question period and whenever they get the chance, the Conservatives like to say, "Oh, the Bloc is useless, the Bloc doesn't make any proposals", and so on. I would remind hon. members that the Bloc is not content merely to criticize. It also suggests improvements to legislation proposed by the government. When legislation is acceptable and sounds reasonable, the Bloc Québécois votes for it. We do not want to stoop to petty politics by saying, "We are opposed to that because it comes from the government or another party". But when legislation does not seem reasonable, the Bloc Québécois is not afraid to strongly condemn it and suggest improvements.

This bill proposes that the government increase judges' salaries by 7.25% effective April 1, 2004. Yes, Mr. Speaker, you heard correctly, 7.25%. I am speaking to the people sitting in the gallery or watching us on the Parliamentary channel. I would like to know whether many of them got a 7.25% increase in the past year.

As my colleague from Alfred-Pellan so aptly pointed out, when we go to seniors' facilities and golden-age clubs, people say to us, "Our old age pension cheque went up last month". It went up by 18¢ or 47¢, but that does not even buy one cup of coffee a week. It is important to stress that this bill provides for a 7.25% salary increase for judges, who incidentally are not underpaid.

I wish to say right away that the Bloc Québécois did not set out to campaign against judges as individuals or as an institution. What is at issue is legislation which gives judges a 7.25% increase in salary retroactive to April 1, 2004. That is the issue. I would not want anyone to make allegations that the Bloc Québécois has something against judges, because that is not at all the case.

We in the Bloc Québécois believe that this salary increase is completely unreasonable. I will also explain how it came about under the process, what we had before and what happened at the time, and so how we now have a bill which provides solely for increases in judges' salaries.

We also realize that by constantly changing the recommendations of the Judicial Compensation and Benefits Commission, both the Liberals and the Conservatives unduly politicize the process of setting salaries. In this matter, the Conservative government has chosen to continue this hypocritical tradition instituted in the 13 years of Liberal rule, by continuing not to link the salaries of parliamentarians and judges.

● (1220)

Here is what happened. We realized that it was a delicate matter for parliamentarians to vote on their own salary increases. This could give rise to comments by columnists or the public, citizens who we meet by chance at various activities in our neighbourhoods, at the mall or at social events.

Sometimes people would tell us that it made no sense for us to vote for our own salary increases. That is quite true. The government at the time, the Liberal government, had contacted us about a different process for determining the salaries of parliamentarians and judges. There is a commission that sets the salaries and examines various criteria, including the cost of living, inflation and salaries paid under various collective agreements in Canada. This mechanism is fairly complex and I certainly would not have the time to explain it in detail in a 20-minute speech.

Accordingly, members would no longer have to vote on their own salaries since it would be the role of the commission to make a decision on that subject. This was a body made up of House leaders. Earlier today—at the time I was working in committee—our House leader probably explained that some basic principles were established. For example, to determine the salary of the Prime Minister, one should ask what is the highest office, in terms of hierarchy but also in terms of salary, appointed by the Prime Minister. Who is that? That person is the Chief Justice of the Supreme Court.

The question then was whether it was normal, acceptable and realistic that the Prime Minister should earn the same salary as the highest official that he or she appoints. All the parties were represented around the table and all answered "Yes" to that question. That was how it was established that the salary of the Prime Minister should be the same as the salary of the Chief Justice of the Supreme Court.

A second question also arose : is it normal, acceptable and realistic that ministers, who have a little less responsibility than the Prime Minister but a little more responsibility than a constituency member, should receive 75% of the salary paid to the Prime Minister? All parties answered "Yes" to that question, and as a result ministers' salaries were established. I purposely did not use the words "ordinary member" or "mere member" because even the Prime Minister is a "member" before becoming Prime Minister. The same applies to ministers because we are in a parliamentary system. Unlike us, in other countries the ministers are appointed by the Prime Minister or President without the need to be elected. We are in a parliamentary system with 308 members.

That led to a third question. What about the other members in this House? That includes me, as well as the majority of my colleagues who are here in the House at noon today and who are listening attentively to my remarks. Is it normal that these members should earn 50% of the salary of the Prime Minister and 25% less than a minister because they have fewer responsibilities? Thus, the salary for members was established.

The salary structure of the 308 elected members of this House was tied to the recommendations of this totally independent commission and, through it, the salary of judges was also determined.

● (1225)

Still, through some petty politicking, in 2004, the House leader, and government House leader, when the Liberals were in power, decided that it was no longer appropriate for members' salaries to be pegged to judges' salaries, and that we should put an end to that.

The outcome was that the Chief Justice of the Supreme Court now earns more money than the Prime Minister. I will explain the figures later, if time allows.

So the most senior public servant appointed by the Prime Minister now earns more money than he does. I worked for 16 years in human resources, in the pulp and paper industry, before becoming an MP. I never saw an employee, a worker, earn more than the plant manager, unless of course he did excessive overtime, spent literally 95 hours a week in the factory and worked all holidays, etc. Industrial health and safety legislation, however, stipulates that employees must not work more than a certain number of consecutive hours, I think it is 16 hours.

So we have before us a totally absurd principle pertaining to salary structure, introduced at the time by the Liberal Party House leader, Tony Valeri, and perpetuated by the Conservative government. What is needed is to separate the remuneration of MPs from the remuneration of judges, which is the point of this bill.

We in the Bloc Québécois, through our House leader, gave our word in good faith. We were in favour of the principles whereby judges' salaries should be linked to MPs' salaries.

This is not petty politicking on our part. We are not challenging this out of plain pettiness towards the judiciary. We are acting on the following ground: if the earlier principle was true when it was established, how is it different today?

I remind the House that this year MPs got a 2.4% salary increase. I still have contacts with the private sector and the public sector, and I think that this matches the increases given to union employees in the large private sector companies, whether paper mills, aluminum plants or the automobile industry—which unfortunately we no longer have in Quebec. I consider that this percentage is reasonable and acceptable, but what about the 7.5% that the judges are going to get? It is totally unacceptable.

The Bloc Québécois is proposing an independent salary setting mechanism for parliamentarians as well as for judges, and calling for the government to reintroduce a legislative obligation to link the salaries of parliamentarians to the salaries of judges.

Also, because the indexing of the salaries of judges and parliamentarians has to be reasonable, the Bloc Québécois is asking that the salaries of judges be based on the same indexing mechanism as the salaries of parliamentarians, so that their salaries increase each year in step with those of unionized employees of big corporations in the private sector.

This is what I wanted to say on the matter. For all these reasons, I can tell this House that the Bloc Québécois will not support this bill, at least not in principle. This bill will likely be referred to the Standing Committee on Procedure and House Affairs, on which I sit.

● (1230)

In due course, we will determine whether amendments should be proposed. This bill is completely unacceptable. Furthermore, I deplore the fact that the Liberals and Conservatives are speaking with one voice on this matter. This is sheer hypocrisy. They are ignoring the facts in order to try to look good.

I would like to repeat once again that our position does not mean that we have anything against judges, either as individuals or as an institution. I would not want there to be any misunderstanding about what we are saying. Bill C-17 is before the House and the Bloc Québécois is offering its opinions on this bill. Let no one think that we wish to put certain people in categories.

● (1235)

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I would like to point out that I am proud to belong to a political party that is opposed to a 7.5% salary increase.

When I go back to my voters during the upcoming break week, I will be able to hold my head up high, while telling them that the Bloc felt that this increase is too high.

In our society, there are many people who only get minimal increases. For example, those who rely on pension income get an annual increase of about 1%. These people deplore the fact that they are practically living below the poverty line; they have a hard time living decently. This is not to mention the unemployed and older workers who lose their jobs, and who are currently left to fend themselves by the government. Indeed, the government refuses to set up an assistance program for older workers who lose their jobs.

There is another reason why I am opposed to this increase. I am well aware that, in any case, federally appointed judges earn more than their provincial counterparts.

In Quebec, provincial court judges are asking for salary increases to catch up with federal judges, because the latter are getting paid a lot more. This creates an escalation, an increase in salaries. By paying such salaries, the federal government is confirming, at least partly, that it has too much money. This is why the increases given are so high.

I wonder if the hon. member for Charlevoix—Haute-Gaspésie—Montmorency could tell us what he thinks of the fact that this puts undue pressure on the provinces' judicial branch.

Mr. Michel Guimond: Mr. Speaker, my colleague had a hard time naming my riding. He called it Charlevoix—Haute-Gaspésie—Montmorency, rather than Montmorency—Charlevoix—Haute-Côte-Nord. I will stick to a riding of 351 km, exclusively on the north shore of the St. Lawrence River. If the hon. member wants to ask the chief electoral officer to also give me the Haute-Gaspésie, this will definitely present a problem for me.

But let us get back to the issue before us. The hon. member is right. Until such time as Quebec becomes sovereign and has its own salary determination process for Quebec judges—I was going to say "for Quebec or provincially appointed judges"—this bill puts increasing pressure on the whole wage plan for judges appointed by the Quebec government.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, I listened carefully to my hon. colleague from Montmorency—Charlevoix—Haute-Côte-Nord and to the question that followed.

I would like to specify that the income splitting measure announced by our new government last week will give retirees a billion dollars to help them meet their needs.

I recognize that there has to be a balance between federal and provincial judges' income. I am sure that provincial governments will have the means to make this happen once our government has followed through on its promise to correct the fiscal imbalance.

My question is about something the member mentioned in his speech that I believe to be inaccurate: sometimes employees do earn more than their superiors. I would like to suggest an example.

I think it is important that judges be well paid. I am sure my colleague would agree. As the saying goes, "You pay peanuts, you get monkey". It is important to have a well-paid judiciary so that it can do its duty freely.

My question is this: A hospital administrator manages doctors, yet gets paid less than they do. In spite of that, the hospital runs well. Does my colleague agree that, since a hospital administrator earns less than doctors, it follows that members of the judiciary could earn more than members of Parliament?

Mr. Michel Guimond: Mr. Speaker, a distinction must be drawn. I can reply, but it is a matter of judges' salaries.

Having been director of personnel in a hospital for two years I know that we need to remember that doctors are paid on a fee-for-service basis. In Quebec, there is a health insurance remuneration system. In a hospital, the chief of staff does not earn more, so far as I know, than the president and CEO, even though he is a medical doctor. He is the one who liaises with the medical and dental staff, but he is part of the administration.

When I was the personnel director, I was in category 14, the chief of staff was in category 15, and the president and CEO was in category 21. Indeed physicians are paid on a fee-for-service basis and have hospital privileges. However physicians working in the hospital in Lévis for instance, like Dr. Georges L'Espérance, who did a carpal tunnel operation on me recently, have operating privileges there but are not employees of this hospital. My example was more in relation to the private sector where there is a salary structure for managers and one for unionized employees. I do not think we can go on debating this for very long.

The hon. member should consider something else in regard to this bill. The Bloc Québécois does not necessarily support it at any price. To prove it, the Bloc favours the old system under which the Chief Justice of the Supreme Court earns as much as the Prime Minister. Under this bill, the Chief Justice, the most senior public servant appointed by the Prime Minister, will earn $3,000 more than the Prime Minister. We think that is unacceptable.

● (1240)

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, in his speech, the chief whip of the Bloc Québécois told us that the previous Liberal government originated the current system for remunerating judges. He also told us that the Liberals are now doing an about-face and supporting this new legislation introduced by the Conservatives.

I would like to ask the chief whip of the Bloc Québécois, who has sat on the Standing Committee on Procedure and House Affairs for many years, if he would try to explain this radical shift, to say the least, on the part of our Liberal colleagues.

Mr. Michel Guimond: Mr. Speaker, it is simply an attempt to play politics with the issue of salary increases for parliamentarians. The committee had suggested a much higher salary increase. In order to look good to the public, if parliamentarians were in the same boat as judges, in terms of salary, then they could say it was common knowledge and that was how things worked.

However, when the independent commission suggested a larger salary increase, the Liberal government of the time panicked and said it was outrageous, that the salary increases were too big and that people would complain. Nonetheless, the commission made its decision and we no longer vote on our own salary increases. We leave it up to this neutral, independent and credible agency. Because it is panicking, the government is now saying that this will be all right for judges, but that it is outrageous for parliamentarians.

The Bloc Québécois is sticking to what it said in 2004. Those who are watching us could conclude that apparently only the Bloc is against this bill. We are against it because we want to be consistent with the position we took at the time.

In 2004, we maintained that what the government wanted to do was outrageous. We were opposed to it since it was not a matter of supporting a salary increase for judges because the government had gone ahead with this reform. We are simply being consistent with what we said then. We said we would react this way when they introduced the bill on increasing judges' salaries. We expected the Conservative government to change its mind and not behave like its Liberal predecessor. However, it is behaving exactly the same way—

● (1245)

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Abitibi—Témiscamingue has the floor.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, for once I can disagree with my whip, and I will do it at the beginning of my speech. Because we are at third reading stage, this bill will unfortunately be passed or rejected by this House and therefore cannot be referred back to committee.

As I said, I have rarely disagreed with my whip in this House, and I am doing it now because he thought that we could reconsider Bill C-17, which we have already examined. I sit on the Standing Committee on Justice and Human Rights and we examined this bill after second reading, only a few days ago.

It is strange, extremely strange even, how the more things change, the more they stay the same. The Liberals had set up the same system for judges, and to avoid upsetting them, upsetting judges or whoever it might be, the Conservatives have decided to go ahead with it.

I will begin by saying that establishing the salaries of federal judges is an obligation set out in the Canadian Constitution. The federal government must pay judges' salaries, and there have always been problems. We saw this in committee. The Minister of Justice and Attorney General of Canada appeared before us to explain his view of things, as did senior officials, and everyone is in a quandary.

Do I dare to use the expression? Judges' salaries, with all due respect for the entire judiciary, are like a hot potato in the hands of the various levels of government, and the various political parties have a little trouble with this. The only party that does not is the Bloc Québécois. We do not aspire to power, and we are in this House until a majority of Quebecers decide to take the path of sovereignty for Quebec. We therefore have no axe to grind. We believe that we can speak to the people of Canada and say: enough is enough.

Listen, Your Honour. Excuse me, Mr. Speaker, if I referred to you as a judge. You would then deserve a much higher salary because, and this is what I was saying, if we give our consent to going ahead with Bill C-17, the Chief Justice of the Supreme Court of Canada will be earning more money than the Prime Minister who appointed her. That does not make any sense. I do not and will never agree that the Prime Minister of Canada should earn less money than the top government bureaucrat. I do not agree with this.

The Chief Justice would then earn $298,500, the Prime Minister would earn $295,400 and superior court judges would earn over $240,000 retroactively to January 1, 2004, under this bill. That will result in undue pressure and I am going to try to say it in my own words, by virtue of my 25 years of practice in criminal law.

I have pleaded before provincial judges in Quebec, before Superior Court judges who were presiding over trials, and obviously before the Quebec Court of Appeal. I have pleaded before to the Supreme Court as well, of course. Today, on this splendid November 9, there is a gap of almost $50,000 between the salary of a judge of the Superior Court and a judge of the Quebec Court. That gap will increase. What will happen then? Either there will be a total lack of interest or the governments of the provinces, in particular the Quebec government, will be forced to increase the salaries of their judges to meet, if they can, the salaries of the Superior Court judges. That will cost a lot of money.

● (1250)

The Bloc Québécois does not agree with giving a salary increase of 7.25% effective April 1, 2004, accompanied by legislated indexation on the first of April each year.

Why is the increase 7.25? We did some research and as of April 1, 2004, the increase in the cost of living was 2.5%. Why then give an addition 5%, especially considering the salaries. We are not talking about a salary of $22,000 or $30,000 but an annual salary of almost $250,000; 7.25% of $250,000 is a lot of money.

Even if we were the only ones to say it, the Bloc Québécois believes that it is unacceptable and that the people of Canada do not agree with it. At least, they would not agree if they were well informed, as we are here in this House, as we were at the Standing Committee on Justice and Human Rights when all the experts told us that it was much too high.

We would like the judicial compensation and benefits commission to be able to do its work. Here is what happens. Given that the government has a hot potato, it creates the judicial compensation and benefits commission. The commission makes its report, but the government is not satisfied; it rejects the report and asks the commission to start over. Whether they are Liberal or Conservative that is how governments have acted for several years, for far too long.

They had found the solution by creating the judicial compensation and benefits commission. At the Standing Committee on Justice and Human Rights, we had the opportunity to hear from the chair of the commission, Mr. McLennan, as well as two members, Mrs. Chambers and Mr. Cherniak. They told us that they had done their work; they investigated all sides of the issue and met with everyone. They made their recommendations.

Why does the government interfere in areas that do not concern it? Let the commission do its work and we will see what happens. Having said that, the commission did its work and we should have adopted their report. That would have solved all the problems.

Like the previous government, the Conservatives were being hypocritical. They refused to recognize the work done by this commission and instead introduced a bill. This bill is very complicated. It creates different classes: appeal court judges, federal court of appeal judges, federal court judges, judges who sit in the North, judges who sit less in the North than those who regularly go there and for less time. They are making Swiss cheese of judges' salaries. Salaries will be so cut up that no one will be able to figure them out, when the commission had solved the problem.

What we are proposing is an independent procedure for setting salaries, not just for judges but for parliamentarians as well.

● (1255)

There is no question of increasing MPs' salaries to $300,000—we should not get carried away—but what we have always wanted, and what worked, was that MPs' salaries would follow the lead of the judicial compensation and benefits commission. MPs' salaries were added to ensure that they did not vote themselves excessive increases.

I was not in the House at the time but listened to the debate. I was a lawyer practising in Abitibi-Témiscamingue, and there was a meeting of the bar where this was discussed. We thought it was a good idea and that MPs, their staffs and judges would no longer be in a conflict of interest. But they decided to cut that.

Judges' compensation will therefore be subject to Bill C-17 and, according to what the government says, it will get around to parliamentarians' salaries when it has time.

We would have wanted judges' salaries to be based on the same indexing procedure as parliamentarians' so that they would rise each year at the same rate as the salaries of unionized employees of large businesses in the private sector, so about 2.4%. Everyone should have cost-of-living adjustments.

Why does this government want to put judges in a class of their own with a 7.25% increase retroactive to January 2004, and then add a cost of living adjustment?

The Minister of Justice and the Parliamentary Secretary to the Minister of Justice came before the committee and told us that the independence of judges had to be protected. For heaven's sake. I think that at $250,000 a year, judges' independence is quite nicely protected. Why give them another 7.25% a year, retroactive to January 2004? Judges are going to end up with salaries of nearly $280,000. That is too much in our view.

We will therefore oppose this bill. Even if they are the only ones in this House to do so, the members from the Bloc Québécois will oppose the bill. Sadly, the bill is likely to pass anyway, since the Liberals, who are playing the same politics as the Conservatives, will probably go for generous salary increases for judges. Perhaps some of them harbour ambitions of sitting on the bench. Time will tell, but I do not think that the public will tolerate this kind of thing for very long. Again, as we said before, we want judges' salaries to be determined using the same indexing mechanism used for parliamentarians. Given that our salaries are now subject to a yearly indexation of 2.4%, we cannot see why that same increase could not apply to judges.

Before closing, I want to add that we would like the government to reinstate the statutory obligation to tie the salaries of parliamentarians to those of judges.

I have five minutes remaining. I shall not rush therefore to conclude. Questions will be answered later, as there are ten minutes provided for that. I can see that my hon. colleague from Lévis—Bellechasse is anxious to put a question to me. I will gladly answer him. I have a pretty good idea of what his question will be.

We have called for a separate method of appointing judges to the Supreme Court. At present, they are appointed by the Prime Minister from a list.

● (1300)

We wanted Quebec, the government of the province concerned, as the case may be, or the region where a position needs to be filled to be able to submit a closed list of candidates to be reviewed by a committee including federal members before being sent to the federal Minister of Justice and the Prime Minister for final selection.

The Liberals had grasped that. I hope that the Conservatives will as well. We would like essentially the same method, with committee reviews, to be used for appointing judges to federal courts.

I should remind members that, for the Bloc Québécois, the independence of the judiciary is essential to the safeguarding of our judicial system. I will not denigrate anyone in this House by saying that all parliamentarians believe that the independence of the judiciary is one of the fundamental principles of our judicial system. I think that is what everyone believes.

We would like a system whereby the process for appointing judges, and Superior Court judges in particular, is a non-partisan one.

At present, it is the same as before. In other words, the Liberals appointed Liberals and the Conservatives appoint Conservatives. We had proof at the Standing Committee on Justice and Human Rights, when the Minister of Justice came to tell us that he had received a list containing only the names of people with Liberal allegiances. He asked the committee to redo its homework, and suddenly there appeared the names of potential judges who had made their careers, helped and worked for the Conservative Party. This is unacceptable.

I sat on the judicial appointment committee in Quebec. Clearly I had no aspiration to be made a judge, but I sat on the committee. It is independent and composed of a member of the bar, the chief justice or deputy judge of the responsible court and a representative of the public. We establish a list and we meet with all the candidates listed, and then we give the minister a list of two to four candidates, and the minister chooses the judges by means of this list.

I have put the question to the minister and I put it now to this House: why could we not have the same system? Also, I had put it to the previous Minister of Justice, the hon. member for Mount Royal, and I have put it to the current Minister of Justice. But I still have not received any answers.

The House must reiterate the importance of the independence of the judiciary.

To leave time for questions, and as my hon. colleague from Lévis—Bellechasse will surely wish to ask me some, as will other colleagues in this House, I will say in closing that we are against this bill and we are going to vote no, in spite of everything. Perhaps we will be the only ones in this House to vote against the bill, but we will have stood steadfast, throughout the time we have been here, and we will do so for as long as we are here.

If it is up to us, we will still be here for the coming years, in view of the survey whose results we saw this morning. Things are going pretty well, after all. We will be here to represent Quebec's interests and to defend them until sovereignty. One of these interests is that judges should not receive salary increases above the cost of living index, which is currently at about 2.4% annually. I do not see why they should receive more, and no one can give us an explanation.

● (1305)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I share many of the concerns raised by my colleague from the Bloc regarding judicial appointments and compensation. I found it useful for my colleague to outline the way the selection of judges is undertaken in the province of Quebec.

I should point out that it is kind of mystifying that the current Minister of Justice who comes from the province of Manitoba should deviate so wildly from the practice of selection that is used in the province of Manitoba. The difference is that the committee that recommends judges on the federal scene is established by the minister and exists at the pleasure of the minister. The minister can take the committee's recommendations or not take its recommendations as he sees fit. The commission that puts names forward in the province of Manitoba is in fact appointed by the minister. Those people are selected by the minister from a short list developed by other outside agencies as per the provincial court act. Legal groups, the law society, et cetera, would recommend those names.

What we have heard from the current Minister of Justice is that he would like to begin putting police officers on the commission that recommends the names of judges. Does the member not feel that this is politicizing the judicial selection process in that clearly, the Minister of Justice has made no secret that he is frustrated by what he believes are judges who are soft on crime. In other words, he is trying to put people on the commission who will put forward names of people who will suit his own views to rule in the way that he sees fit. That way, to me, lies danger. Alarms should go off when we see an effort to politicize the judiciary. One of the cornerstones of a free western democracy is an independent judiciary unaffected by the current minister of the day.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I want to thank my colleague for his question. I will try to summarize it and give my answer in two parts.

The Minister of Justice is forgetting something important: the judges before which most people appear in criminal courts in Quebec or elsewhere in the country are appointed by the provinces. For example, in Quebec, they are called Quebec court judges. I would say, if I am not mistaken, that 80% or 90% of everything related to criminal law goes before Quebec court judges.

These judges are recommended by a committee. If there is a vacancy on the bench in Abitibi-Témiscamingue, which is published in the newspapers, candidates with more than 10 years of practice are asked to apply. A committee is then formed, with a representative from the public, a representative from the Quebec Bar and a representative of the chief justice, or the chief justice himself, of the court involved.

What happens next? I can speak from experience because I have sat on these committees at least four times. We receive the candidates and determine which ones are most appropriate to be appointed as a judge by asking ourselves whether we would want to judged by that individual. The response is negative or affirmative. If it is affirmative, we recommend that person to the Minister of Justice and, from the list of recommended candidates, the minister chooses and appoints the judge.

At the federal level, it is a different kettle of fish. It is not at all the same. At the federal level it has always been a little secretive. Allow me to explain. This little secret is not very complicated: if you want to be appointed as a superior court justice, a committee must determine whether you are up to the task. What do you do? You might think that since you have 10 years of practice and experience you would be a good superior court justice and you file your candidacy. Then you receive a telephone call asking you to appear before a committee on a certain date. A committee gathers. Who is on it? We do not know at the moment, and I want to explain. We have asked for someone to look into this committee to ensure that there is a representative from the Quebec bar on it who knows the individual. The aspiring judge is then recommended, highly recommended or not recommended. The Minister of Justice chooses from this list. That is what happened: he made a choice and quite often that choice is a little political.

● (1310)

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, earlier, the Bloc Québécois member spoke about the hypocrisy of the Conservatives. I will not get into a war of words, but I will simply say that when a group which does not aspire to anything calls others hypocrites, it should direct these remarks to its own membership.

My question to the hon. member had to do with the relation between salaries, and the fact that the Prime Minister cannot be paid less than the Chief Justice of the Supreme Court. I know that in a number of sectors, people with specific skills are sometimes paid more than other employees. For example, in the field of medicine, a surgeon with a specialization will usually earn more than a general practitioner. In sports, coaches are often paid much less than players.

Why should, or why must a prime minister absolutely earn more than a specialist, than someone who has decades of experience in legal matters, including as a judge? Why must there be a connection with the Prime Minister's salary? I wonder if the hon. member could explain to me why this is a requirement.

Mr. Marc Lemay: Mr. Speaker, I thank my colleague from Louis-Hébert for his question.

First, I will say to him that we have only one goal in this House, to represent Quebec's interests until a majority of Quebeckers decide that Quebec should become a country. We are not here to play games since our role is to defend Quebec's interests.

When I mentioned the word hypocrisy earlier, I did not say that because I think my Conservative colleagues are hypocrites. No, I was just saying—and one has to consider my speech as a whole—that all of a sudden the Conservatives are criticizing the method used by the Liberals to appoint Superior Court judges.

Last year, I sat on the Standing Committee on Justice, along with my colleague from Charlesbourg, and heard the current Minister of Justice criticize the method used to appoint Superior Court judges. And now he just told us flat out, in committee, that he uses the same method. You can use whatever word you want, but I personally chose that one.

That being said, with regard to salaries, it seems to me to be a rather difficult issue. I worked in sports for years and I can talk about it. I know a lot of coaches and some of them earn a higher salary than their athletes. This is true.

When you need a highly specialized opinion, I agree that you must seek the services of an expert and pay that person a salary that is proportionate to his or her competence.

However, at some point, everybody is on the same footing and all Superior Court judges receive a starting salary of $240,000. That is what I find unacceptable. They earn more than the Prime Minister. It is wrong. I can understand that it could be acceptable for the chief justice of the Supreme Court; I could go for that. However, I do not understand how Federal Court and Superior Court judges can earn more than the Prime Minister of Canada. I do not understand that and I never will.

● (1315)

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am happy to speak today about this important bill, which deals with compensation for judges.

When my Bloc Québécois colleagues and I studied and analyzed this bill, we realized that something was drastically wrong. Here are the reasons why the Bloc Québécois is not in favour of this bill.

This government bill increases judges' salaries by 7.25% effective April 1, 2004 and subsequently introduces legal indexing effective April 1 each year. We feel that this increase is unreasonable. My colleague did a very good job of comparing judges' and MPs' salaries.

In this House, under the former government, a mechanism for setting salaries was put in place, which avoided the emotional, irrational aspect of the issue. Now, though, the government is reverting to this sort of practice.

In my opinion, my colleague gave a very good explanation as to why we should keep a method that would ensure judges and MPs are treated equitably.

I would like to mention something else that I find completely unreasonable. We are living at a time when many people aged 55, 58 or 60 are losing their jobs. In fact we fought to have an older worker adjustment program put in place. The government did not offer these workers a 7% increase. All it did was decide not to implement a program to help them. I find that deplorable and unacceptable.

We cannot have a double standard in our society. In Montmagny, Whirlpool employees lost their jobs. Then, they qualified for severance pay and EI benefits. Today, at the age of 56, 57 or 58, these people are trying to find new jobs, but they are not able to get work. They are moving slowly toward welfare, with a gap of three, four or five years when they will have no income.

By our estimates, such a program would cost $75 million a year. No, it is out of the question. The federal government is refusing categorically to do this for workers.

Yet, in the same month, in the same parliamentary session, they introduce a bill to give judges a 7.5% raise. What is more, that raise is to be indexed every year. We know very well that judges and we members of Parliament are very well paid. This is excessive and totally unacceptable in our society.

This kind of decision on the part of the government angers the people, especially those members of society who are in dire straights and are fighting for justice but are not getting it.

Meanwhile, they want to give judges a 7% raise just like that. I think this is totally unfair and unacceptable.

A society like ours can be judged according to how it creates wealth. This is an important part of how we do things. We must also assess how that wealth is distributed.

There are people who have been contributing to creating wealth for years. They labour in factories and give their lives to the companies they work for. That is how they support their families. When the market forces step in and take away their income, we do nothing to compensate them. Then we turn around and give a 7% raise to judges. That is unreasonable. I think even the judges would agree. In my opinion, this bill is obscene.

This is why we think it is so important to vote against this bill and reject it. The government can still take a stand, make some adjustments and find a more rational, less emotional way to determine salaries that does not break the rules.

It is very surprising to see this Conservative government, which said it wanted to do things differently from the Liberals, behave just like the last Liberal Prime Minister.

● (1320)

Some people in this House criticized the former Liberal prime minister, the hon. member for LaSalle—Émard. They said he did not play by the rules and that he changed the situation as a purely emotional reaction to what was happening in society,

The Conservatives are now doing the same thing. They want to grant an increase that I find excessive. By constantly modifying the recommendations made by the commission that determines judges' salaries, the Liberals and the Conservatives are making the salary setting process unnecessarily political.

We wanted to move away from this way of doing things and establish a consistent method. The Conservatives are now abandoning this consistent method, which the Liberals had also begun manipulating and changing. One might have expected this government to act differently, but to no avail. Indeed, the Conservative government decided to pursue this somewhat hypocritical Liberal tradition, by still refusing to link the salaries of parliamentarians and the salaries of judges.

Because it is crucial that we establish an independent salary setting mechanism for parliamentarians and judges, the Bloc Québécois is calling upon the government to reintroduce a legislative obligation to link the salaries of parliamentarians to the salaries of judges. This seemed to us to be the best way to prevent an irrational situation.

A fixed mechanism allowed the Prime Minister, for example—the most important elected member of this House, the representative of the entire population—to receive a salary equal to that of the Chief Justice of the Supreme Court, and so on. Following the pyramid model, ministers received a salary that corresponded appropriately to that of judges at the various levels.

The Conservative government rejected this practice and is going back to a system that is irrational and unacceptable.

Because the indexing of the salaries of judges and parliamentarians has to be reasonable, the Bloc Québécois is asking that the salaries of judges be based on the same indexing mechanism as the salaries of parliamentarians, so that their salaries increase each year in step with those of unionized employees of big corporations in the private sector, that is, approximately 2.4% for this year.

This is where the inequity comes in. It could be argued that parliamentarians and judges should have roughly the same compensation as the heads of large companies in the private sector. However, some would say that, since our salaries are already high, we could be more reasonable. Let us suppose that this principle, for one, is accepted.

Furthermore, in our society, some individuals do not benefit from indexation and live under an employment insurance system that, for years, has penalized people who want to work— seasonal workers, among others, who go through periods of five, six, eight or ten weeks without any income. These are the individuals who have been made to fight the deficit.

We know that the recipients of employment insurance benefits, contributors to the employment insurance plan—employers and employees—have made the largest contribution to the reduction of the deficit in Canada. These are the people from whom $50 billion dollars in contributions was taken and diverted to repay the national debt, to pay down the deficit. Yet they themselves were never reimbursed. In recent months and past years, no one has talked about a 7% indexation of employment insurance benefits.

No one has spoken about indexation in the case of those who have to make it through the waiting period, as I explained at the beginning of my speech, or for older workers. They do not even have a program.

There are some people who, after having received employment insurance benefits for one year at the most, find themselves without income overnight after being laid off by a company that was not unionized or that was but that did not provide income guarantees or pension benefits. They do not negotiate a 7% salary increase. Even if their salary was increased by 7%, 7% of nothing is nothing.

There is no equity here and it is very unfortunate that the Conservative government has decided to go ahead with this legislation rather than using a more scientific means of setting salaries, one not based on emotion and one that cannot be manipulated to provide a sudden increase to attract the support of these groups.

● (1325)

In the past, in fact, the Conservatives tended to be somewhat contemptuous of the judiciary, and the way they are doing things in this bill reflects the same attitude.

Right now, the Bloc Québécois is speaking for the public as a whole, for people who earn their living, who pay their taxes, whose wage increases are the result of tough bargaining, whether individually or collectively, and who will learn today that the Conservative government has decided to give judges a 7% increase as of April 1, 2004, plus an indexed increase on April 1 every year. Those people are really going to be wondering why there is such a double standard in our society.

I gave the example of older workers and EI benefits for seasonal workers. We might say the same thing about young people who pay into the employment insurance scheme. No one has told them that their benefits would be going up. In fact, the number of hours they have to work in order to qualify has been increased, so they are still being discriminated against by the law. No one decided to reduce the number of hours they were being asked to work before qualifying. And yet if there is anyone in our society whom we should be giving a chance in life, it is those young people.

The position of the Conservative government is not really defensible and does not reflect what society would like to see. I hope that with our presentation we will be able to persuade the government that this bill should be reworked in terms of how it applies, how it works in practice. If we do not succeed with this bill, at least, even if it does not publicly admit it today, it could perhaps do something so that the salary determination method will be more rational in future. It could revisit the principle that was proposed, an increase that uses the comparison between judges and parliamentarians. It would also have to take into account average wage increases in society, to make the method credible, instead of producing the kind of result we are seeing today. This creates a discrepancy between what judges are paid and what parliamentarians are paid, and what is being forgotten is that in our society people are getting nothing like the increases being offered to judges.

I say all this with the greatest respect for the quality of our judges. We are not here to determine whether the judges do their work well or poorly. That decision is of another order. The way in which the government has decided to act on compensation does not appear to us to be in accordance with the will of the public and we hope that the government will reconsider its decision, and that in future it will adopt a much more acceptable method.

In the proposal that was developed by all of the parties represented in the House of Commons, and which seemed reasonable, it was anticipated that the judicial compensation and benefits commission was required by law to propose a reasonable salary, taking into account the state of the economy in Canada, the financial situation of the government, the role of the financial security of judges in preserving judicial independence—we agree—and the need to recruit the best candidates for the judiciary.

Under that method, the Prime Minister would earn the same salary as the Chief Justice of the Supreme Court; ministers would earn three-quarters of that salary; members would receive an annual sessional allowance of 50% of the annual salary of the Chief Justice of Canada, and so forth. The whole mechanism was spelled out and it produced justified and defensible results that could very well be explained to the public.

The solution was simple and fair. It made it possible to preserve the independence of the judiciary and provided that members of parliament were not asked to set their own salaries. That worked very well until 2004, when the judicial compensation and benefits commission proposed an excessive increase. In a fit of panic, the Liberal government and the Conservative opposition decided to play politics by separating the salaries of members and judges instead of analyzing the situation with a cool head. That is the cause of the whole problem.

If that method had continued to be applied over several years, it would have been clear that this was a totally appropriate mechanism, and salary adjustments could have been proposed regularly, as the commission suggested.

● (1330)

The Conservative government announced that it would not behave like the Liberals. Then it decided to introduce a bill of the same kind, in the same spirit of panic, as the one introduced by the Liberals. The result is what we have before us.

As things stand now, the Prime Minister would earn $3,000 less than the Chief Justice of the Supreme Court, and the disparity would likely increase over the years. I think it would be interesting in our democracy to see the government accord some minimal recognition to the role played by elected people and parliamentarians, as we have suggested in one method that would be interesting to apply. But that way of doing things is nowhere to be found in the current bill. For this reason, the Bloc Québécois is opposing it.

I will conclude by saying that judges have an important role to play in our society, as we all know. Their compensation should reflect that fact, but those in political power should also show respect for the judiciary, and the method of appointing and compensating judges should be more transparent. The Bloc Québécois believes that the current bill is inadequate from this standpoint. We will therefore be voting against it.

In conclusion, I will repeat the main reasons for our opposition. There is a 7.25% salary increase retroactive to April 1, 2004 and indexing thereafter. The government broke with the old practice of a specific method for associating the salaries of judges with those of elected officials, even though it was the right thing to do. They broke with this procedure and that is one of the reasons why we think that this bill should not pass. They are unduly politicizing the salary setting process. The government adds insult to injury in view of all the people who do not have the minimum protection they deserve. It is unacceptable to me to see judges getting so much more while other people are living in trying circumstances. That is why I and the Bloc Québécois will vote against this bill at third reading.

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Andrew Scheer): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Andrew Scheer): Pursuant to order made earlier today, the recorded division stands deferred until Tuesday, November 21, at 5:30 p.m.

* * *

[*Translation*]

CRIMINAL CODE

The House resumed from October 31 consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I am pleased to conclude today the speech I started two weeks ago on Bill C-27, which seeks to amend the Criminal Code so that the courts designate as dangerous offender an individual who is convicted of three serious crimes, unless that person can prove that he or she does not meet that definition.

Just before I was interrupted the last time I spoke to Bill C-27, I was questioning the approach taken by the Conservative government that now wants to automatically determine the extent of the sentence imposed and reverse the burden of proof. In our opinion, this approach is irresponsible because, as my colleague from Abitibi—Témiscamingue so clearly explained, we believe that the justice system must be based on a personalized process that is geared to each case and based on the principle of rehabilitation.

However, with this bill, sentencing is no longer a personalized process but rather an automatic process, and the fundamental principle of rehabilitation is eliminated.

That is not all. The bill goes much further in providing not only for automatic sentencing, but also for the reversal of onus. At present, our legal system rests upon the basic principle that it is up to the Crown to prove that an individual is guilty.

Due to the reversal of the burden of proof, the Bloc Québécois has serious concerns about the constitutionality of the bill. We believe that the reversal of onus will represent a very heavy burden of proof. The fact is that any accused who wishes to challenge the assessment filed in support of finding him to be a dangerous offender will likely have to produce an expensive second assessment. But the Conservatives ought to know that the presumption of innocence was introduced precisely because the accused are all too often destitute and may not even be able to afford counsel to defend them.

Why change the procedure for finding individuals to be dangerous offenders when the existing one is working well? The procedure allows the prosecutor to ask the judge to find an offender to be a dangerous offender after a first offence, instead of the third one—it is not three strikes and you're out—if the brutal nature of the crime is such that there is no hope of rehabilitation.

In Quebec, statistics show that, for repeat offenders, prosecutors prefer the long term offender designation procedure over the dangerous offender designation procedure. Members will recall that, after serving their sentences, long term offenders remain under the supervision of the correctional service for a period of up to ten years upon returning to live in the community. This is more conducive to rehabilitation. Fewer violent crimes per 100,000 of population are committed in Quebec than anywhere else in Canada. This seems to indicate that the Quebec model, which is based on rehabilitation instead of repression only, is working.

The government wants to continue deluding itself into thinking that this bill will be, and I quote, "protecting innocent Canadians from future harm".

● (1335)

The government is unable to provide us with studies supporting this statement. The Conservatives are trying to convince people that those who oppose their plans do so out of lack of concern for the victims and public safety. That is what the Conservatives are currently saying. But the public knows full well that the changes to the Criminal Code proposed by this government are not real solutions to violence in our society.

I realize that the Conservatives are quite influenced by the U.S. model and that they very much like the U.S. approach, but the hon. members of the government have to understand that it is not by filling our prisons and building new ones that the federal government will reduce the crime rate. It is important to remember that the United States, according to hard statistics, has an incarceration rate seven times greater than Canada's and a homicide rate three times higher than Canada's and four times higher than Quebec's. So why adopt the American model? I am convinced that to better protect the public, we should address the root of the problem, in other words, the causes of crime and violence in our society.

The Conservatives should understand that poverty, inequality and the sense of exclusion are three significant elements of the emergence of crime, which is why it is important to adopt social policies that do more to foster the sharing of wealth, social integration and rehabilitation.

I worked for a number of years at a CLSC, in the early childhood, youth and adult departments and with seniors. Often, prevention measures are already needed early childhood to help young parents properly raise their young children, and to help and support them in their education. If this support is not given in early childhood, quite often these children can, unfortunately, turn to crime.

It is also important to remember—and for the Conservative government to clearly admit—that this bill will entail additional costs for the prison system, which is already overburdened. This is money that will not go toward fighting the deepest source of violence—poverty.

If the government absolutely wants to go ahead with reforms, then it should focus on the parole assessment process so that release is based on the merit principle and on the assurance that the individual no longer represents a danger to society.

Lastly, instead of trying to do something after the fact through reverse onus provisions in the Criminal Code, the government would do better to address the source of the problem by adopting effective social policies and by maintaining the firearms registry, which limits the movement of weapons and increases people's awareness regarding the responsibilities involved in owning a firearm. Clearly, tackling the causes means tackling social policy.

When funding is cut from employment insurance benefits and from literacy programs, when funding is cut from communities in need and their resources taken away, crime rates will rise. Statistics show that when we intervene in communities—and I worked in underprivileged environments for years—crime rates, poverty, social injustice and inequality are all closely related.

In short, the Bloc Québécois does not support this bill, which, we believe, does not promote rehabilitation, but rather an increase in recidivism. I would also like to add that the Criminal Code currently contains all the provisions we need to put away people who commit serious crimes. We are not against punishing serious crimes, as the Conservatives suggest.

To conclude, the Bloc Québécois will vote against this bill.

● (1340)

[*English*]

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, as usual, the members opposite, in their speeches regarding clamping down on crime and protecting our society, focus on the criminal and his rights, privileges and treatment. I never hear a whole lot from the opposition, particularly the Bloc, about the victims of these people, who are considered to be extremely dangerous because of their proven past.

I do not understand how any human being could think for a moment that extreme, serious consequences should not occur when an adult rapes, murders, or tortures a child. I have a five year old grandchild. If somebody did something like that to my grandchild, I would not care if he ever saw the light of day again. Why should he?

We can look at the root causes all we want, but we have not done very well in the past 13 years with respect to child poverty and all that. We could look at a number of things that could be considered the root cause of a lot of attacks on our children.

For 13 years, I have been trying to get this place to do something serious about child pornography. That group of people on the other side of the House has always balked at getting tough on child pornographers.

Does the member not know that child pornography is a real root cause of a lot of these problems? It affects people's brains. They go out and attack children. They love to attack children. That is their way of life. I do not want to spend one penny trying to rehabilitate somebody with that kind of poisoned mind. I really do not care. I want him off the streets and I want him in a place where he can never hurt another child.

I really get tired of hearing about root causes. I never hear mention of child pornography, a major root cause for attacks on our children. Why do they not grow up, get smart and start to deal with these people the way they ought to be dealt with?

● (1345)

[*Translation*]

Mr. Guy André: Mr. Speaker, I am very troubled by the Conservative member's comments. He stated that the Bloc Québécois does not care about the victims of crime. In fact, we have community agencies that work with victims of crime and work to prevent youth crime. These organizations are under-funded.

If the Conservatives are truly interested in helping victims of crime or sexual assault, then I ask the Conservative government to increase provincial transfers for health and social services which would allow us, in Quebec, to better support our agencies that look after victims of crime and sexual assault.

Unfortunately, that is not the case at present because social policies are taking a hit. The Conservative member claims that we do not care about these individuals. The government has just cut social programs.

We are speaking of the Criminal Code. That does not mean that we do not care about victims of crime. On the contrary. Action in this area must be based on programs to support these individuals. The Conservatives are cutting in all areas related to crime prevention. They want to send more people to jail.

The Conservative member should not be lecturing us.

* * *

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I rise on a point of order. Pursuant to Standing Order 83(1) I wish to table a notice of ways and means motion to introduce an act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts. I am also tabling explanatory notes to legislative proposals on the same subject.

I ask that an order of the day be designated for consideration of the motion.

* * *

● (1350)

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, in terms of the Criminal Code, there are already provisions with respect to the sentencing of dangerous offenders. One of the concerns that has been raised is that if this bill is passed in its present framing, portions of the existing Criminal Code, dealing with dangerous offenders, could in fact be struck down as well. Could the member comment on whether he thinks that is a valid enough concern for this bill to be given further consideration?

[*Translation*]

Mr. Guy André: Mr. Speaker, the Bloc Québécois members believe that the Criminal Code contains nearly all the elements needed to declare someone a dangerous offender, or what Quebec calls a long term offender.

The Bloc members feel that the bill does nothing but further criminalize a dangerous offender. It is up to the judiciary, not a bill, to determine who is declared a dangerous offender. There is no automatic way—after three strikes, you're out. In that respect, I agree completely with the hon. member. And we are concerned.

At present, the Conservative Party wants to improve judges' working conditions. But the Conservatives have to let justice take its course, and they have to provide the means to enable it to do so. That might be a bill that would provide more resources, make it possible to further assess the chance of parole or add to the number of psychosocial experts to conduct follow-ups.

But we have no need of a bill that, in a move calculated to appeal to public opinion, simply proposes to improve public safety by tolerating the first three offences. A person could just as easily be declared a dangerous offender after only one offence, and the member knows that as well as I do. I want to thank him for his question nonetheless.

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, my colleague, the hon. member for Wild Rose, raised the issue of how the Bloc Québécois argument disregards interest in the victim. That is an excellent point. We on this side have raised that many times and of course the Bloc has responded by saying that not enough money has been given to victim organizations. That is not what this legislation is all about.

This legislation says that the third time someone is convicted, not charged but convicted, for a very serious offence the onus is on the convicted person to show why he or she is not going to be a dangerous offender. That is what it is all about. It has nothing to do with all the other garbage that the Bloc Québécois is talking about.

I would like to zero in on one of the areas that my colleague from the Bloc raised when he said it is going to cost too much money because there is no room in the jails to put these terrible people. I assume from that he is saying, we should let them go. I do not think the member realizes what the whole purpose of this is about. It is about, first, a penalty and, second, protecting the public and the victim.

I ask the member to reconsider his position and support this legislation.

[*Translation*]

Mr. Guy André: Mr. Speaker, I was answering a question from a Conservative member that, in fact, did not pertain to the bill.

As I said in my speech, Quebec has the fewest major crimes per 100,000 inhabitants. We have rehabilitation measures and community support measures. Here, we also have a justice system, a Criminal Code, that we can use to punish people. What does this bill add, then? We feel that it adds nothing other than the idea that after three strikes, you're out. A person might be convicted and sent to jail for life after his first dangerous offence. It is up to the judiciary to decide. A bill like this is not going to improve public safety.

I would also like to point out that we are not opposed to prison terms for people who commit serious crimes. Of course we are not opposed to that. But we also know that there need to be rehabilitation mechanisms and inmate services. I am not sure that when someone who spent 20 years in prison and received no rehabilitation services leaves prison—

● (1355)

The Acting Speaker (Mr. Andrew Scheer): I am sorry to interrupt the member but his time has expired. The hon. member for Marc-Aurèle-Fortin.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I have a feeling that in the years to come a certain amount of courage will be needed to stand up to demagoguery. It is possible that nobody in the United States has found themselves in this situation, even those that were re-elected.

I have come to this point in my life after spending all my career dealing with crime in one way or another, whether it be as crown prosecutor, as defence attorney, as public safety minister, as justice minister or in today's role as federal MP. This means that my vision of crime is more complete than what we see from the member for Wild Rose, for example, or from just about anyone whose knowledge of crime is based solely on what they read in the papers.

Here is another piece of legislation brought to us by the current government which is based on the American model. I will have the honesty to tell the truth here, as will be the case throughout my remarks: it is not as terrible as the American model. It does not go as far. Nevertheless, it is a step in the wrong direction.

To fully understand how we are going in the wrong direction, we must make a few comparisons. The homicide rate is one comparison we can make. In the United States, that rate is three times higher than in Canada.

Ask any educated and reasonable American to explain why that is. He will say that it is because it is so easy to get firearms in the United States. There is a contradiction in the United States, and the government wants to import into Canada: let us be harsher on criminals, but more lax with firearms. Let us put more people in jail, let us have more guns around, and the situation will improve.

I have never understood this logic. Yet, this is what some people want to do here. The homicide rate in the United States is three times higher than in Canada. I want to be absolutely transparent here: I know that, contrary to what many people think, the crime rate in the United States is generally comparable to our rate in Canada. Our crime rates generally compare with those of countries where economic development is similar.

Do we want to follow the U.S. model? That model has led to an increasing number of people being incarcerated. While our two countries had similar incarceration rates 15 or 20 years ago, that rate is now seven times higher in the United States than in Canada. Is there anyone here who thinks he is safer when he travels to the United States than when he is in Canada? The rate is roughly the same for crime in general, but not for very serious crimes.

The connection with firearms is very clear when one considers that, in the United States, there are five times more spouses killed by guns than in Canada. This clearly shows that it is not real criminals who kill in these cases, even though these crimes are the most dramatic ones.

There is also a clear connection here. Out of all the people killed in the United States, eight times more are killed by guns there than in Canada.

Of course, there will always be people who kill. Regardless of the legislation that we pass, there will always be people who commit crimes.

The question is, how do we fight crime effectively? I will talk about it after oral question period.

● (1400)

The Acting Speaker (Mr. Andrew Scheer): The hon. member will have 16 minutes left, after oral question period.

STATEMENTS BY MEMBERS

[*English*]

REMEMBRANCE DAY

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, as it does on every Remembrance Day, the Canadian flag atop the Peace Tower will fly at half-mast on Saturday. We do this to honour the courageous men and women who paid the ultimate sacrifice so that future generations of Canadians could live in peace and freedom. From the brave soldiers who fought and defeated tyranny during World Wars I and II to those fighting the scourge of terrorism in Afghanistan today, these are ordinary men and women accomplishing extraordinary feats.

Today we are again reminded of the high price of our freedom. As we observe Remembrance Day, let us live each day as a tribute to those who have fought and given their lives for that freedom. To our fallen heroes, present and past, to our veterans, to the members of our armed forces serving at home and abroad and to their families, we express our thanks.

I ask my colleagues to join with me in expressing our gratitude to Canada's real heroes.

PARKS CANADA

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I rise to express concerns about Parks Canada's intent to destroy a perfectly sound tennis court at Green Gables golf course when other options are available.

While I agree that renovations are needed to improve the course, the planned demolition of the tennis court to accommodate a new practice putting green is absolutely unacceptable. Parks Canada made its decisions without consultation with either the community or users. A government agency has a responsibility to respect community views.

The existing courts are low maintenance and offer the only public space to play tennis in the Cavendish area. With all the available acres on the golf course, there is no need for this irresponsible destruction. To destroy tennis courts that are in superior condition is unnecessary government waste and improper use of taxpayers' dollars and shows a belligerent attitude by a government agency to the people it purports to represent.

I ask the minister to stop this destruction today.

* * *

[*Translation*]

ÉMILE BOUDREAU

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, we have been deeply saddened to learn of the death of Émile Boudreau, a champion of the labour movement.

A colourful character, Émile Boudreau was born in New Brunswick. He practised many trades related to wood cutting before becoming a colonizer of Abitibi. He soon entered into politics and became a key player in the Syndicat des métallos affiliated with the FTQ, the Fédération des travailleurs du Québec.

This militant left his mark as the director of the FTQ's industrial health and safety service, where he worked for 32 years. He was awarded the Antoine-Aumont prize for his involvement in the promotion of industrial health. Even into retirement, he continued to occasionally defend industrial injury cases before review boards and appeal boards.

This man of passion whose energy was contagious, this great advocate of labour rights, will be missed. My colleagues from the Bloc Québécois and myself extend our sincerest condolences to Émile Boudreau's family and friends, and to all those who have crossed his path.

* * *

[*English*]

CANADIAN HERITAGE

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, earlier this week the heritage minister was caught passing the hat with industry insiders and lobbyists. As soon as we shone the light on it, they scrambled to cancel the event so we would not find out who was at the trough.

When I asked the government for accountability, the President of the Treasury Board stood up and asked for the NDP's help in order to get rid of the influence of big money in politics. I think the implication of his plea is clear. We are going to need an all party strategy to keep the heritage minister on the straight and narrow.

I have done what I could to have a three point plan to maintain the ethical sobriety of the heritage minister: first, reveal the list of those she is putting the tap for money on so we know which lobbyists are rewriting government policy on copyright and deregulation; second, institute a remedial plan so she can learn how to listen to the groups and artists that she is supposed to be representing; and third, ask the House of Commons carpentry staff to head over to the heritage minister's office and paint over the big for sale sign on her door.

* * *

● (1405)

CHILDREN'S FITNESS TAX CREDIT

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I think we have the bestheritage Minister we have had for years.

The children's fitness tax credit is part of the Government of Canada's commitment to maintaining the health of Canadians and specifically addresses the negative impact of declining levels of physical activity among our children.

Canada's new government keeps its promises. An expert panel set up by the Minister of Finance and chaired by Dr. Kellie Leitch has released its report to the government. During its consultations, the expert panel travelled across the country gathering input from a broad range of Canadians.

The children's fitness tax credit will encourage more children to be physically active and will help parents with the costs of organized fitness activities. This is good news for Canadian families and another example of Canada's new Conservative government delivering for all Canadians.

* * *

FRANK CALDER

Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.): Mr. Speaker, the Nisga'a Nation lost its Chief of Chiefs when the Honourable Frank Calder passed away last Saturday at the age of 91. He will always be remembered as a leader, an advocate and a proud Canadian.

Raised during the time of the repressive blue book, he brought aboriginal issues to the forefront of Canadian politics. In a life of achievement, such as being the first aboriginal cabinet minister and being named a member of the Orders of Canada and B.C., his lasting legacy will be the victory he secured in the court case that bears his name, Calder v. the Attorney General of B.C.

His father, Nisga'a Chief Na-qua-oon, foretold a great future when Mr. Calder was just an infant. Although many elders considered the Nisga'a land claim to be an immovable mountain, the chief responded that his son would move the mountain. The historic Calder case fulfilled that destiny. The Supreme Court of Canada affirmed the existence of aboriginal title. This affirmation directly led to the success achieved in 2000 and it was proclaimed law.

Rest peacefully, Chief of Chiefs.

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VETERANS

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, on November 11 we remember the men and women who paid the supreme price for our freedom.

We also remember our veterans who returned from the front lines of years past, some of whom are still fighting for their survival. Tragically, today many veterans rely on food banks and other assistance to help make ends meet. For some years now, in an effort to help them, my Calgary office has been running the Food-for-Life program to help restock the shelves of the Calgary Poppy Fund.

This year, a remarkable boy from Calgary was moved by the plight of our veterans and created a Christmas card to raise money to meet their needs. Eleven-year-old Dirk Chisholm contacted famous wildlife artist Robert Bateman, who shared Dirk's concern and generously volunteered one of his paintings. Sales of these wonderful cards featuring Mr. Bateman's art will likely raise more than $45,000 for the Calgary Poppy Fund this Christmas.

My sincere thanks to young Dirk, Mr. Bateman and all generous Calgarians who are remembering and supporting our veterans both now and throughout the year.

* * *

[*Translation*]

LAWYERS WITHOUT BORDERS QUEBEC

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, on Friday, October 27, at the first Soirée Justitia, Université Laval's law faculty paid tribute to three of its graduates, who founded the organization Lawyers without Borders Quebec, as legal scholars who, through their exceptional career and their social or academic involvement, are pioneers in the field of law, and who, through their initiatives, have contributed to society's progress and to the Université Laval's reputation. They are Dominique-Anne Roy, Pierre Brun and Pascal Paradis. These individuals were also named personalities of the week by the daily *Le Soleil* and the Société Radio-Canada.

Over the past four years, Lawyers without Borders Quebec has led 23 missions to strengthen the ability of lawyers, in developing countries or in countries that are in a state of crisis, to protect human rights.

I wish to offer them my most sincere congratulations for these well-deserved honours. The old saying to the effect that one can go far without having lived long fits them perfectly.

Statements by Members

TOURNESOL SCHOOL IN THETFORD MINES

Mr. Christian Paradis (Mégantic—L'Érable, CPC): Mr. Speaker, as you know, water is a very important issue in my riding of Mégantic—L'Érable.

The Écol'eau project was started after the city of Thetford Mines experienced a drinking water supply problem. The project aims to raise awareness of rainwater recovery through Concept'eau Bac, a program to design rooftop rainwater harvesters. The water can then be used to wash cars and water gardens and flowerbeds.

The project was developed by 69 dynamic grade 5 and 6 students at Tournesol School in Thetford Mines under the direction of Marie-France Lessard, whose great devotion to the students and their wonderful project I applaud. The students' energy and their involvement in a major environmental cause have raised awareness of their project close to home and further afield.

Thanks to Concept'eau Bac, the Chaudière-Appalaches region won first prize in the grade 5 and 6 category in the Quebec entrepreneurship competition. The City of Thetford Mines supports the program and is providing funds to help our young entrepreneurs with this tremendous project.

The program was a complete success and organizers report that it is in high demand. Teaching consultants, teachers and scientists all want to know more about Écol'eau and are amazed to see such passion and determination in the eyes of these student entrepreneurs.

I would like to emphasize—

● (1410)

The Speaker: The hon. member for Ajax—Pickering.

* * *

[*English*]

REMEMBRANCE DAY

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I am pleased to bring to the attention of the House a reading and remembrance project.

Started and managed by the Durham West Arts Centre in my riding, this innovative program provides educators with tools to promote literacy while carrying out Remembrance Day activities in their classrooms and schools.

This year's project is Holocaust and anti-racism education and will focus on the values for which Canadian veterans have sacrificed their lives. Educators can select reading materials found on the Durham West Arts Centre website and will spend 10 to 20 minutes with their students reading and remembering on November 10, as close to 2:10 p.m. as possible.

We, as members of Parliament, are in a unique position to share with young people the importance of the values that Canadians have and continue to fight for. It is my hope that on Remembrance Day more students will have the chance to participate in this worthwhile event and that my colleagues on all sides of the House will take a moment to read and remember with young Canadians.

COMMONWEALTH GAMES

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, today marks the start of the one-year countdown to the decision of selecting the city that will host the 2014 Commonwealth Games.

Canada is proudly represented by the Regional Municipality of Halifax. The successful candidate city will be announced in Sri Lanka on November 9, 2007, during the Commonwealth Games Federation annual general assembly.

The historic role of Halifax within the Commonwealth is well known. Being selected to host the games will only reinforce that role in the future.

Canada's new government is proud to support Halifax and the province of Nova Scotia in their bid to host the 2014 Commonwealth Games. The whole Atlantic region stands to benefit because of the increased exposure that will lead to the creation of jobs, increased tourism, economic investment and the development of state of the art sport infrastructure.

I have every confidence in the ability of Halifax and the entire region to host the Commonwealth nations should the Commonwealth Games Federation give it the opportunity, and I say way to go, Halifax.

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REMEMBRANCE DAY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I rise today on behalf of New Democrats to honour the service and sacrifice of our veterans and the more than 100,000 Canadians who did not return home from war.

On Remembrance Day we will pay tribute and give thanks to the soldiers, nurses and others who served and gave their lives for Canadians. They made the ultimate sacrifice so that we could live free, but we also must honour the veterans who served courageously and returned with the memories of fallen comrades and the horrors of war. They too made the sacrifices and they bear a burden that the rest of us can barely imagine.

[*Translation*]

Remembrance Day is our connection to the past. We must celebrate this connection to ensure that the lessons of history guide us and help us create a better future.

It is my privilege, on behalf of all NDP members, to thank the courageous people who served Canada. We will never forget your sacrifices.

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LITERACY

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I would like to welcome the literacy advocates who have come from across Canada to be here on Parliament Hill today, to commemorate Literacy Action Day.

This year marks the 13th anniversary of this important day. In Canada, nine million working-age adults do not read well enough to succeed in our knowledge-based society. The federal government must remedy this situation immediately.

[*English*]

The Conservatives claim they are spending $80 million on literacy but refuse to show us how or where they are spending it.

Canadians have watched the Conservatives' cruel so-called fat-trimming exercise and listened to a cabinet minister liken it to going without a cup of coffee for a week.

Conservative cuts to federal literacy funding have undermined the quantity and quality of literacy services across the country. The Liberal caucus calls upon the Prime Minister to immediately restore the funding for literacy programs in Canada.

* * *

[*Translation*]

AMATEUR HOCKEY

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, Quebeckers are passionate about hockey and have a genuine love affair with the sport. Every week throughout Quebec, players of all ages, including a growing number of girls and women, get together to practice the sport. Our ice rinks have become important meeting places. Passion for the sport no doubt contributes to its popularity and longevity. Hockey has become quite a tradition in Quebec, even a family affair.

All these games and tournaments could not be held without the efforts of hundreds of volunteers who, through their constant support and enthusiasm, have made amateur hockey in Quebec the flourishing sport it is today. From parents to coaches to referees, they all give generously of their time so that the players can develop their skills and practice the sport in the best possible conditions.

During this week of celebration for amateur hockey, the members of the Bloc Québécois would like to take this opportunity to commend and thank the volunteers, parents and players.

* * *

● (1415)

[*English*]

PROUDLY SHE MARCHED

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, it is my pleasure to rise in the House today to recognize the launch of a new book and video: *Proudly She Marched: Training Canada's World War II Women in Waterloo County*. This book and DVD are the product of a research project undertaken by the Canadian Federation of University Women of Kitchener-Waterloo.

During World War II, Canadian women served for the first time in military uniform. Over 45,000 women enlisted: 21,624 with the Canadian Women's Army Corps, 17,030 with the Royal Canadian Air Force Women's Division, and 6,783 with the Women's Royal Canadian Naval Service.

Two of the largest military training centres for women were located in Waterloo county. Although these bustling military camps were significant parts of their communities and of great local interest, they have been virtually forgotten until now.

In its major book and video project, the Kitchener-Waterloo branch of CFUW has taken up the challenge of uncovering history. As we approach Remembrance Day, I ask this House to join me in paying special tribute to the women who have served Canada in uniform.

* * *

UNIVERSAL CHILD CARE BENEFIT

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, while the Liberal leadership wannabe from Etobicoke—Lakeshore has called the universal child care benefit a terrible use of public funds, the NDP's devious hidden agenda has also been exposed.

Christmas will not be here for a while, but the NDP grinches are already at work threatening to rob Canadian families of precious social development programs.

Through a motion introduced at the human resources committee, the NDP has proposed to effectively take away the universal child care benefit from Canadian families.

This meanspirited NDP assault on Canadian families is shameful. Then again, what else can we expect from a party that is so out of touch with the daily realities of working Canadian families?

Unlike the NDP and the Liberals, Canada's new government will stand up for the choice in child care benefits and stand up for Canadian families.

ORAL QUESTIONS

[*Translation*]

THE ENVIRONMENT

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister has always refused to take a serious position on climate change. He continues to maintain that it does not exist. His party is opposed to the Kyoto protocol. His government is opposed to specific targets to reduce greenhouse gas emissions. As for the Minister of the Environment, when we can find her she just muddies the waters.

We have put forward a proposal with four points establishing a strong Canadian position. Will the Prime Minister save Canada's reputation and tell his minister to defend this position in Nairobi?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, this government was the first to present a serious plan to reduce greenhouse gas emissions and the number of air pollutants in Canada. With regard to his government's record, I can quote the Liberal member for Kings—Hants:

> Instead the government's plan in terms of the Kyoto agreement was basically written on the back of an airplane napkin on the way to Kyoto. There was no long term planning. There was no real negotiation with the provinces or with industry sectors. In fact it was a last minute, hastily drafted agreement.

[*English*]

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, Canadians have seen that the emperor has no clothes; 71% of them are telling him the Conservatives have no plan whatsoever.

What we are asking is that the Prime Minister change a course which is a disaster for our environment, a disaster for our foreign policy and a gross abandonment of our responsibility for the world.

Will he not face the evidence that the planet is more important than any neo-conservative anti-climate change ideology? Will he order his minister to follow a sensible course of action in Nairobi? Will he order her to stop trying to destroy the Kyoto protocol and to adopt some short term targets, fund projects in the developing world and set ambitious concrete goals for the next phase of Kyoto which is essential for our planet?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the previous emperor had no clothes on Kyoto. That is why the people of Canada changed the emperor in the last election campaign.

Let me quote once again one of his own members, the member for Esquimalt—Juan de Fuca who said the following:

> Unfortunately Kyoto is a shell game. My friend knows well that the [Liberal] government has made this into a shell game. We are to pay countries like Russia to buy the ability to produce greenhouse gases. We will produce the same amount of greenhouse gases and say disingenuously that we have met our commitments.

That was the plan of the previous government. It is not the plan of this government.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, I am not sure what planet the new government is living on, but the rest of us are trying to save planet Earth.

The Minister of the Environment has wasted this year as the world chair on climate change. Not only is she going to the conference in Kenya with no prescription for global action, she is going with zero plan for Canadian action. The Minister of the Environment is not a leader on the environment. She is an anti-leader.

Will the Prime Minister order his minister to quit trying to undermine Kyoto? Will he adopt the sensible non-partisan plan that was proposed this morning by the opposition parties?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Minister of the Environment is going to Nairobi as the first minister of the environment in the history of this country who has tabled legislation to deal with the problem of greenhouse gases.

The party opposite signed Canada on to Kyoto a decade ago, for 13 years did not produce a single plan, and now has the gall to actually suggest that the Liberals would go to Nairobi and commit us to even more targets while we are still waiting to see their plan after 13 years.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, Canadians and most members of this House are demanding that Canada attain the Kyoto protocol targets and want stringent targets for phase two.

Most other countries are willing to take bold steps to fight climate change. The consensus is clear.

What more does the minister need in order to take action? Why is she sabotaging international efforts? When will the Conservatives stop playing politics and side with the rest of the planet?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, Canada's clean air act will enable us to meet our Kyoto protocol obligations, except for the unattainable targets set by the Liberals. We will set new targets in order to make real progress, together with our international partners. We hope that the Liberals will support Canada's clean air act.

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, Canadians are fed up with the minister's doublespeak. The environment is their top priority. They have the right to know what she has ordered her senior officials to say in Nairobi.

Will the minister continue to dig in her heels and refuse to listen to Canadians who believe in Kyoto, or will she stand up in this place and promise to meet the short-term Kyoto protocol targets? In light of the consensus at the Montreal conference, will she give her unqualified support to more stringent targets for phase two?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, we have been honest with Canadians, honest with our international partners and honest with ourselves, compared to the last government. We have said to the international community,we are committed to the Kyoto protocol, committed to working with them, but we cannot meet the unachievable, unreachable targets set by the former government.

I would encourage the hon. member to go to the United Nations website or the Environment Canada website, which has all of our position related to Kyoto posted there for everyone to see, before we leave for Nairobi.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of the Environment has said repeatedly that the Kyoto protocol objectives are unrealistic and unattainable. The Prime Minister said we needed to go beyond the Kyoto objectives, which, according to him, is what his bill achieves. Let us just say that the government's position is ambiguous, to say the least.

With the climate change conference underway in Nairobi, will the Prime Minister stop sowing confusion about his position on the Kyoto protocol?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, speaking of confusion on Kyoto, it is interesting to see this new alliance on the environment between the Liberal Party and the Bloc Québécois.

My advice to the leader of the Bloc is that before continuing to associate himself with the Liberal record, he should read this quote, "I think our party has got into a mess on the environment. As a practical matter of politics, nobody knows what Kyoto is or what it commits us to". It was the hon. member for Etobicoke—Lakeshore —

The Speaker: The hon. member for Laurier—Sainte-Marie.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the past they have criticized the flaws in the Liberal plan. The only thing the Conservatives can come up with to remedy those flaws is to deny that greenhouse gases exist. They are not going to correct the situation that way.

Rather than continuing their denials, as they have been doing throughout the entire debate on Kyoto, could they not respect the first phase of Kyoto and impose stricter targets for the second phase, instead of defending the oil companies the way they do?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, now the Leader of the Bloc Québécois wants to work with the Liberal Party to resolve the greenhouse gas problem. This is a very interesting development. I see that Bob Rae is not a member of the Liberal Party, but he has enjoyed a lot of success in the leadership race so far.

Perhaps the leader of the Bloc Québécois could hop on his high speed train and go to the Liberal Party convention where he could also criticize the leadership of the Liberal Party of Canada.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I will reply to the Prime Minister by saying that the Bloc Québécois is prepared to join with all the political parties and all the countries that wish to reduce greenhouse gas emissions, but not with the Conservative government, which is associated with the NDP.

Montreal is the only place in Canada with a derivatives market. The Montreal stock exchange wants to set up an environmental market. In order to do that, specific standards must be set.

If the Minister of the Environment wants to support Montreal's initiative, what is she waiting for to establish specific standards to reduce greenhouse gas emissions?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, by opposing the clean air act the opposition and the Bloc Québécois are wasting the time of the House and of the Montreal stock exchange.

Why does the Bloc Québécois oppose the clean air act, and perhaps also the creation of the Montreal market?

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I did not expect that I would have to reply to the questions, but I will do it.

The Bloc Québécois is opposed to the minister's bill because, unlike the Conservatives and the NDP, it firmly believes in Kyoto, like the rest of the world.

The minister's bill only includes targets for the year 2011. This is 2006 and if we wait until 2011, Montreal will not succeed.

Will the minister agree to set targets now?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I invite the opposition to read clauses 27, 29 and 33 of the clean air act, which allows a North American tradeable units system. As with acid rain, we need a North American solution. This is why we are consulting the parties, namely the Bloc Québécois, the Liberal Party, the NDP, and also the provinces and industries.

* * *

[*English*]

AFGHANISTAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, on Tuesday, average Americans sent a very strong message to George Bush indicating that they thought his war in Iraq was wrong. Every day we see more and more Canadians speaking out with their concerns about the Liberal-Conservative mission in Kandahar.

The Liberals and the Prime Minister do not have the support of average Canadians when it comes to the mission in Afghanistan.

Will the Prime Minister finally rethink this unbalanced and ill-defined mission before he meets the same fate as his southern cousin?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I appreciate the concern the leader of the NDP has for my fate.

That said, regardless of what happens in the United States, our role here is to support our Canadian men and women in uniform. I understand that is what the leader of the NDP in Nova Scotia did yesterday in supporting an all party resolution. Darrell Dexter said, "Our job here in this province is to support our soldiers and our military personnel". That is the job of Canadians in every province and in every party.

● (1430)

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, there are reasons why more and more Canadians are opposed to the war in Afghanistan. The mission is unbalanced, there is no exit strategy and there is no measure of success. It is a mission that just is not working. Ordinary Americans have sent the Republicans the message that they do not support the war in Iraq.

Will the Prime Minister finally change the direction of the Afghanistan mission and rethink it, as needs to be done?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the Afghanistan mission is a United Nations mission, and is supported by almost all of the countries in the world. It is supported by the government and people of Afghanistan. It is important that we always support our soldiers.

Before Remembrance Day, when we remember our veterans, I have to say that it is important to support our troops when they are in the armed forces as they are at present.

[*English*]

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, every major environmental group in this country has slammed the Prime Minister, or, as he now describes himself, Canada's new emperor, on his 50 year environmental scheme. Canadians have overwhelmingly rejected the Conservative approach.

In a desperate attempt to salvage credibility, the Prime Minister voted non-confidence in his environment minister and asked the opposition parties to rewrite her legislation.

Given that the minister had her chance and failed, will the government commit now to allowing MPs who actually care about the environment to write Canada's environmental policy?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, if that is an offer of support for the clean air act to go to a legislative committee and to work with the government in putting forth a good piece of legislation, we are open to it and we always have been.

I would point out to the hon. member that we have support from the Clean Air Foundation, the Healthy Indoors Partnership, Pollution Probe, the Canadian Renewable Fuels Association, the Canadian Medical Association and the Canadian Lung Association. We are happy to hear that the Liberal Party will also support us.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the Prime Minister has abandoned the fundamental principles of his clean air act by agreeing to send it to a special committee before second reading and he has abandoned his minister at the same time.

Yesterday, the Minister of the Environment was unable to explain her goals for the Nairobi conference.

Now that the Minister of the Environment has thoroughly been discredited at home, internationally and by the Prime Minister, will she have the courage to withdraw her bill and let the committee draft a real climate change plan?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, during the 13 years the Liberals were in power, they put forward four plans and they completely ruined Canada's international reputation.

We finally can go to the international community and get support for our new plan because this government had the guts to actually be honest with the international community and with Canadians and put forward a bold piece of legislation to regulate every industry sector across this country.

I wish the Liberals had been as honest with the international community as we have been.

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, this morning at the Standing Committee on Environment and Sustainable Development one thing was made clear: we must take action right now. The minister's plan makes no provision for the short term: no objectives, no timetable, nothing. Everything is being put off until the year 2050. On the other hand, my private member's bill sets out what needs to be done if Canada is to meet its Kyoto objectives and do something concrete, starting today, to preserve and protect the future for the next generations.

I am extending a non-partisan hand to the minister. Will she support my bill so that we can work for our children's future?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, once again, our government is the first government to be honest with Canadians about where we are at with our Kyoto objectives. Yesterday in committee someone said that the bill put forward by the hon. member would have been good back in 1998. It is 2006 and we are 35% above our target.

We need to put bold regulations forward for industry. We need be honest with the international community and with Canadians and say that we will not achieve our target but that we will make progress toward it.

● (1435)

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, a large majority of Canadians voted for parties that want to start fighting global warming right now. The public is worried about the serious and expensive consequences that the Conservative government's inaction will have. The public wants immediate action. The international community wants to act right now; a large majority of this House wants to act right now; Canadians want to act right now.

Why are the Minister of the Environment and her government the only ones who oppose my bill? Why are the only ones who have abandoned the Kyoto protocol?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I appreciate that the member has a private member's bill, but that will not, after 13 years and four plans later, implement the Kyoto protocol. We need real government legislation and that is what we have put forward. The NDP is being constructive. Environmental groups are supporting us. The international community is supporting us. I would ask the Liberal Party to stop hanging on to the past and move forward.

* * *

[*Translation*]

MIDDLE EAST

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, everyone has been touched by the tragedy that struck yesterday in the Gaza Strip where 18 civilians, including seven children, were killed. The entire international community condemned the rocket fire that exacerbated the situation, and also Israel's violent response and the outcome for the civilian population.

Why does the Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency refuse to join the entire international community and condemn this violent action?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I thank the member for the question.

Our government is quite clearly concerned about this situation in the Gaza Strip.

[*English*]

Yesterday we expressed ongoing concern and support for peaceful measures to address the strife that is there. Clearly, Prime Minister Olmert has indicated his personal concern for this accident that took place in Gaza. We continue to call upon both sides of the dispute to come forward and take part in a peaceful and constructive resolution to the ongoing strife in the Middle East.

[*Translation*]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, France, Great Britain and the Secretary General of the United Nations, who are not enemies of Israel, condemned the violent nature of the response.

Should the Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency not avoid isolating himself from the international community and clearly express Canada's disapproval of the harshness of the response and its unacceptable consequences?

[*English*]

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, yesterday we expressed sympathy to those victims and their families on behalf of the Government of Canada. We similarly expressed concern for this escalation in violence. We called upon the Palestinian Authority, as well as Israel, to take concrete steps toward reducing violence, protecting civilian life and taking all steps to move toward a peaceful solution.

I am also concerned about the leading Hamas official who encouraged attacks upon Israel.

Once again, this is deeply disturbing and demonstrates the incapability between peaceful solutions and the incapability of terrorism and democratic principles in the Middle East.

* * *

[*Translation*]

ETHICS

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, faced with a government that boasts about its transparency and prides itself on having introduced Bill C-2, we were naturally very surprised to learn that the fax machine in the constituency office of the Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency was used by his father, Elmer MacKay, a former Solicitor General of Canada, in his work as a lobbyist defending an individual who is facing fraud charges in a court in Germany.

Will the minister acknowledge that his father's use of that office equipment constitutes inappropriate use of House of Commons property?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I am very happy to respond to this question.

Clearly, my father is not a lobbyist nor a lawyer representing the interests of another individual. He wrote a letter in which he expressed a personal point of view. He used a fax machine in my office to send his letter.

However, he lives in my riding, and I believe that members of the opposition also allow their constituents to use their fax machines. It is a simple matter and my reply is clear.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): This is unbelievable, Mr. Speaker. This means that anyone can use the fax machine in the minister's office for anything they like. Is this really what it means?

Will the Prime Minister call his minister to order and tell him that his behaviour is not only unethical, but it also violates the Standing Orders, and that this is both unacceptable and intolerable?

● (1440)

[*English*]

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, as I indicated previously, my father is not a lobbyist. He is a retired lawyer and parliamentarian, as you would know, Mr. Speaker, having served in this chamber for 23 years.

Almost two years ago, he went into my office and, unbeknownst to me, sent a letter expressing a personal view, which he is entitled to do. He wrote a letter to express a personal view on behalf of himself. I would expect that this happens quite often when constituents come in and want to send a fax. However, he has guaranteed me that he will get his fax machine fixed and refund the 17¢ that this cost the taxpayers.

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VETERANS AFFAIRS

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, the Conservatives broke their promise when they said that they would treat Canada's veterans with "the respect and honour that they deserve", and "stand up for full, immediate compensation for veterans exposed to defoliant and agent orange".

Would the minister inform the House why victims of the spraying of agent orange at CFB Gagetown are still waiting for a comprehensive compensation package?

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, I can hardly believe that question is coming from a member of a party that sat on this issue for decades and never attempted to resolve it.

We are working on a solution and we will have a solution. I have the support of the Prime Minister, my cabinet colleagues and, most of all, my caucus members. We are working on a solution and we will have one.

The member should examine the record of the Liberal Party on this issue. He should go back and do his research.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is good to see that the minister has some energy. He should put it into solving the agent orange problem.

During the election campaign, during a stop in Woodstock, New Brunswick, the Prime Minister falsely promised that a Conservative government would act immediately.

When will the minority government offer immediate compensation to soldiers and civilians who were exposed to agent orange or to other toxic defoliants?

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, I think we have a pretty good record of dealing with veterans issues on this side of the House in the time that we have been in office. I would run through some of the things we have done. We made a commitment on this and we will honour that commitment.

I would examine the fact that those people were in a complete state of denial on this issue for all the years they were in office. Again, I cannot believe the member would get up in such a hypocritical fashion on an issue that we will have a resolution to.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, the Conservative election platform misled Canadians when it promised that:

> The Conservative Party would immediately extend Veterans Independence Program services to the widows of all Second World War and Korean War veterans regardless of when the Veteran died or how long they had been receiving the benefit before they passed away.

The Conservative government voted against extending the benefits to these widows. This is yet another broken Conservative promise.

Is this the minister's way of honouring veterans and war brides?

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, just for the record, we are spending $352 million more on veterans and their families than the previous government did last year alone.

In addition to that, we approved *ex gratia* payments for widows who were left outside of policies that the Liberals should have implemented. We did that almost immediately upon forming government. They forget about that.

In addition to that, I initiated a health care review. We will act on that review to extend payments and benefits to all veterans.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, I remember the promise the Conservatives made and they broke it.

The minister has confirmed that the government has no intention of honouring this commitment. In fact, at the Standing Committee on Veterans Affairs, the Minister of Veterans Affairs had the gall to tell Canadians that it was never promised in the first place, when it was very clearly laid out in the Conservative platform.

When will the government keep its promises to veterans and war brides?

● (1445)

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, on that issue, the member is wrong in terms of his presentation. We will honour our commitments. We will do it in a comprehensive fashion, not only for widows, not only for veterans, but for their families and for new members of the Canadian Forces as well.

We will honour our commitments. It will be for all veterans and all families, not just a selected group.

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[*Translation*]

GUN CONTROL

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, Canada's new government wants to tackle crime. That is why we are determined to do a better job of controlling firearms.

The Minister of Public Safety held a number of consultations with various organizations to discuss options for more effective gun control.

Can the Minister of Public Safety update the House on the status of these consultations?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I am still meeting with groups to talk about firearms. For example, just this morning, I went to Dawson College to meet with Hayder Kadhim, one of the students who was seriously wounded, Mrs. de Sousa, mother of Anastasia, who was so tragically killed, and members of the Dawson College committee. We had what I feel was a very constructive discussion about gun control.

[*English*]

I will continue to meet with people like the student Hayder Kadhim, who was injured at Dawson College, and the mother of the slain student. It is very important that we consider their concerns.

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PUBLIC WORKS AND GOVERNMENT SERVICES

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, under the previous Liberal government, A.T. Kearney received a contract to produce a report on how to save the government money on procurement policy. It said that it would cost $15 million over four years. The total cost of the contract was $24 million over nine months.

Mr. Fortier finally appeared before the estimates committee and, to my surprise, he said that no report was ever produced. That is $24 million and no report.

Could the Prime Minister explain to Canadians how he will get the money back? Where is the accountability in public works that the government promised?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, as the member for Parkdale—High Park mentioned, this was a contract that was signed by the Liberals. It was done in a way that this government would not do. We believe in getting value for taxpayer dollars.

With regard to the A.T. Kearney contract, the government is going through an extensive process in order to get the best value for taxpayer dollars with regard to procurement. This was part of that process.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, in August the *Globe and Mail* reported on a junket to the U.K. taken by two ministerial advisers who ended up cancelling their meetings with British officials. Again, we learn today that no reports have been produced.

How is it possible, at a time when over a billion dollars has been cut for programs to help our most vulnerable citizens, that government, like the Liberals before them, wastes so much of our hard-earned dollars for reports that do not even exist?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the two people in question, whom the member has referenced and whom the minister talked about today at committee, were in fact held accountable. They no longer work for the federal government.

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FEDERAL-PROVINCIAL RELATIONS

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, on January 18 of this year the Prime Minister wrote to the Premier of Ontario, telling him that he would honour the Canada-Ontario agreement.

Just hours ago, the finance minister confirmed to the finance committee that this was yet another broken promise. I refer to the minister's preposterous claim that funds paid to all Canadians in every province under the apprenticeship tax credit could be counted as part of the Canada-Ontario agreement.

Why can the people of Ontario not trust the signature of the Prime Minister?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I explained to the member opposite at the committee, there are aspects of the agreement that are solely expenses that are going to be paid to the revenues that are going to be paid to the province of Ontario. For example, there are $300 million for infrastructure that only the province of Ontario will receive as a result of the Canada-Ontario agreement.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, this is creative deceptive accounting that did not answer the question. It is perfectly obvious that we cannot get fairness for Ontario by giving money to everybody when Ontario gets radically less in areas like labour market training. That was the whole point of the Canada-Ontario agreement.

Students at Fanshawe College and the University of Western Ontario in London stand to benefit from this money if only the government would keep its word.

Why can the minister not stand up for his own home province?

● (1450)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, no province is doing better than the province of Ontario. There is an agreement of not just five years, which the Liberal government entered into, but a full year more, six years, with $6.9 billion from the federal government to the Government of Ontario.

This is a great agreement for the province of Ontario.

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LITERACY

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, literacy students and workers from across Canada in Ottawa today for the annual literacy action day.

Unfortunately, they are not here to celebrate, but to protest the loss of $17.7 million cut by the minority government. The cuts are forcing literacy organizations across the country to close their doors to adults who want to learn how to read and write.

What does the minister have against students and organizations here to help these adults learn to read and write?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as I explained to the literacy groups at lunch today, we are going to be honouring all our existing commitments for literacy projects with them. I have said that many times in the House.

I might also point out that we are not cutting literacy training. However, we believe Canadian taxpayers expect us to spend money on literacy education, not on supporting websites and overblown travel budgets for a literacy industry.

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, that is the minister and the government that said the cuts were an exercise in fat trimming. That is the minister who dismissed more than $150 million cuts to her department as equal to going without a cup of coffee a week.

Instead of callous remarks, will the minister do the right thing, apologize to literacy students who are here today and restore the full $17.7 million in funding cuts from adult literacy?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we are going to focus our efforts on literacy education, unlike the previous government. It paid literacy groups $34,000 simply for media consultants. It paid for travel budgets. It paid $34,000 for a group to develop a logo. That does not help people who want to learn to read and write.

Today I announced five new programs that will help Canadians learn to read and write.

* * *

[*Translation*]

AGRICULTURE

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, grain producers are demonstrating once again today in Montreal and Quebec City against the dumping of American grain on the Canadian market.

Will the Minister of Agriculture and Agri-Food take advantage of the federal-provincial conference in Calgary next week to tell farmers who have been demanding assistance that he plans to help them immediately, and will he announce a real policy to offset the harmful effects of massive American agricultural subsidies?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the head of La Financière agricole du Québec is saying that the agricultural sector in Quebec is in generally good shape.

Experts have a great deal of evidence that this sector is more robust than ever. To date, farmers in Quebec have received more than $135 million this year under current programs, and an additional payment of more than $400 million is expected by the end of the year.

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, grain producers are fed up with the competition from American crops that are being dumped here.

Will the minister finally admit that he needs to conduct a thorough review of assistance programs for grain producers, in order to help them compete better against the Americans? During the election campaign, his party promised to do this. It is time he kept his promise.

[*English*]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the very first action the government took was to accelerate the $755 million payout to grains and oilseeds producers across the country. Quebec received its share of that, as it does in all programming.

So far this year, our contribution in Quebec is about $135 million. We anticipate that our contribution in Quebec this year will be over $400 million. We continue to work with the Government of Quebec and all our provincial counterparts to find the best programming possible to help the most farmers we can.

* * *

● (1455)

[*Translation*]

INCOME TRUSTS

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, small investors know exactly how much the word of the Conservatives is worth: as little as their shares in income trusts after the announcement by the Minister of Finance. The voters of Repentigny would do well to remember this when they vote.

It is difficult to believe any of Stéphane Bourgon's promises. We have the proof that the former Conservative promises are not worth the paper they are written on.

Is this perhaps why the Minister of Public Works is afraid to stand for election? He is definitely not here.

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the member opposite expresses concern about the little people, the small people, in Canada. It is in the interest of individual taxpayers and their families and it is in the interest of tax fairness that corporations, especially large corporations, in Canada pay their fair share of taxes. That was endangered by the growth of income trusts.

* * *

JUSTICE

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Mr. Speaker, yesterday, Statistics Canada released a startling report showing that violent crimes had increased as a direct result of gun and gang crime in our cities. The numbers show that the national homicide rate has gone up for the second straight year because of a spike in gang related homicides.

Could the Minister of Justice please tell the House and Canadians what steps he has taken to crack down on this type of crime?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the homicide survey released by Statistics Canada is a shocking wake-up call to Canadians. We need to take action on guns and gangs right now.

I tabled Bill C-10, which is a targeted measure. It proposes mandatory prison sentences for gang members who use guns to commit crimes.

During the election, we promised to introduce mandatory prison sentences for criminals who used guns, as did the Liberals, as did the NDP. We kept our word. Why will they not support the legislation?

* * *

CANADIAN WHEAT BOARD

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, every time the agriculture minister makes a Wheat Board decision, he steps in what prairie folk politely call a cow pie.

The minister has denied wheat farmers the right to vote on the board's future. He set up a sham task force with the sole goal of dismantling the single desk.

Does the minister want to wipe some of that meadow muffin off his shoes and announce today that he will hold a fair vote on the future of the Wheat Board and that wheat farmers will also have a vote?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, what we anticipate is a very strong voluntary Wheat Board in a marketing choice world. We are taking steps to ensure that happens. We will consult with farmers, as we have been doing all along.

In fact, we will be having a plebiscite in the new year. We are going to be talking about barley at that time. We are going to have a very broad voter base and obviously, a very clear and fair question.

I encourage all farmers to participate in that vote.

[*Translation*]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, not only does the government want to dismantle the Canadian Wheat Board, but the Conservatives have also abandoned Quebec's grain farmers. For years they have fought unassisted against American dumping.

In the spring, the Canada Border Services Agency concluded that the losses caused by dumping warranted a penalty against corn imported from the United States.

Why does the government not appeal to the WTO? Why has the government abandoned Quebec farmers?

[*English*]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, foreign producers did take this issue to the Canadian International Trade Tribunal, using an argument that American producers were dumping corn improperly. The Canadian International Trade Tribunal did not support that point of view. There are rumours out there that corn producers may want to go this route again.

More properly, what we are doing is designing programming that will help farmers directly. We are working on things like biofuels and biomass enterprises and investment to ensure that farmers have more options and better prices. Thankfully, the price of corn is coming up. It is at a 10-year high.

* * *

[*Translation*]

INTERNATIONAL COOPERATION

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, today, yet another Conservative minister was the laughingstock of the international community. The Minister of International Cooperation attended the Montreal Millennium Promise Conference. No new announcements were made. We have even taken a step back with respect to malaria.

Can the minister explain why she did not mention this subject during her speech? Why did she cut $18 million from the budget for equipment to fight malaria?

Is she unaware that mosquito nets are very effective at fighting malaria and saving lives, especially in Africa?

● (1500)

[*English*]

Mr. Ted Menzies (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, there is new-found interest on the other side of the House about malaria. In fact, CIDA has for years been funding anti-malarial projects. Earlier this year, we funded the project that we have been working on with the African global fund to the tune of $250 million. That will probably save 75,000 lives.

* * *

ABORIGINAL AFFAIRS

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, we all know the Liberal Party's terrible 13 year track record on aboriginal affairs. It left the community of Kashechewan with a myriad of terrible problems, including flooding, tainted water, social problems and violence. Just about everyone would agree that this is a disgraceful legacy of Liberal incompetence.

Can the Minister of Indian Affairs and Northern Development tell the House what Canada's new government has done to address the situation in Kashechewan?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, first I would like to thank Mr. Pope, who has tabled his report, for his integrity and hard work. As one respected commentator here in Ottawa said this morning, this is one of the best reports seen in Ottawa in a long time. It was not written by the Department of Indian Affairs in Ottawa. It was written by Mr. Pope who met and consulted with the people of Kashechewan.

This report provides a road map for the people of Kashechewan. I would emphasize that it will be their choice as to whether they decide to pursue this road or not. However, we will do so in partnership with them. The government intends to leave a legacy of improving the lives of the people of Kashechewan.

* * *

PENSIONS

Hon. Garth Turner (Halton, Ind.): Mr. Speaker, my question is on behalf of soldiers, firefighters, policemen and others who are forced into an early retirement from their jobs, and it concerns pension splitting.

I could not get an answer to this question from the bureaucrats, so I would like to ask the minister. Will these folks have to wait until they are 65 before they can split income, or will we do the right thing and let them do it now?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as the member opposite knows, the rules have been set out with respect to income splitting for pensioners and the rules will apply to everyone as they were set out when we announced it on October 31. With respect to extending beyond that, as I have indicated previously to the hon. member, that is something that we can review among many other taxation issues going forward.

Business of the House

BUSINESS OF THE HOUSE

The Speaker: This being Thursday, I believe the hon. member for Wascana has a question.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, with the parliamentary break that is due for next week, I wonder if the government House leader would be kind enough to inform us of his schedule for the rest of today and for tomorrow, and then what he would anticipate for at least the first week back when the House resumes after the Remembrance Day break.

I wonder if he is now in a position to give us any more information about when he would intend to call the measures that the government has indicated it will call, at some point, with respect to same sex marriage.

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, we will be calling that debate that the hon. member just mentioned in due course.

Today, we will continue the debate on Bill C-27, the dangerous offenders act.

There is an agreement to complete Bill C-25, proceeds of crime, tomorrow. In a few moments I will be asking the approval of the House for a special order in that regard.

When the House returns from the Remembrance Day break, we intend to call for debate a motion in response to the much anticipated message from the Senate regarding Bill C-2, the accountability act. As well, we hope to complete the report and third reading stages of Bill C-24, the softwood lumber act.

Thursday, November 23 will be an allotted day

I want to inform the House that it is the intention of the government to refer Bill C-30, the clean air act, to a legislative committee before second reading.

● (1505)

BILL C-25—PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, as I said earlier, I have a motion regarding Bill C-25, for which I believe you will find consent. I move:

> That, notwithstanding the Standing Orders or usual practices of the House, Bill C-25 be amended as follows: Clause 38 be replaced with the following:
>
> "38. Section 72 of the Act is replaced by the following:
>
> 72. (1) Every five years beginning on the day on which this section comes into force, the administration and operation of this Act shall be reviewed by the committee of the House of Commons, of the Senate or of both Houses that is designated or established for that purpose.
>
> (2) Every two years beginning on the day on which this section comes into force, the Privacy Commissioner, appointed under section 53 of the Privacy Act, shall review the measures taken by the Centre to protect information it receives or collects under this Act and shall, within three months after the review, submit a report on those measures to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides without delay after receiving it or, if that House is not then sitting, on any of the first 15 days on which that House is sitting after the Speaker receives it." and
>
> the motion to concur in the report stage shall be deemed put and adopted; and
>
> when Bill C-25 is called for debate on Friday, November 10, 2006 after no more than one speaker from each of the recognized parties have spoken at the third reading stage, the bill be deemed read a third time and passed; and that after Bill C-25 has been adopted at third reading and provided that routine proceedings has already taken place, the House proceed immediately to private members' business.

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

Some hon. members: Agreed.

(Motion agreed to)

(Bill C-25, as amended, deemed concurred in at report stage)

STANDING ORDERS AND PROCEDURE

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I believe you will find that there is unanimous consent for a second motion. I move:

> That the debate pursuant to Standing Order 51.(1) be deemed to have taken place.

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

Some hon. members: Agreed.

(Motion agreed to)

SITTINGS OF THE HOUSE

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, finally, I have a third motion for which I believe you will find unanimous consent. I move:

> That, notwithstanding any Standing Order, when the House adjourns on November 29, 2006 it shall stand adjourned until December 4, 2006;
>
> That, notwithstanding Standing Order 54, during the adjournment from November 29, 2006 to December 4, 2006, the time provided for the filing with the Clerk of any notice be no later than 2:00 p.m. on Friday, December 1, 2006; and
>
> That, notwithstanding any Standing or Special Order, there shall be two remaining allotted days in the current supply period, one allotted to the Bloc Québécois and one allotted to the Liberal Party.

[*Translation*]

The Speaker: Does the hon. Leader of the Government in the House of Commons have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*English*]

Hon. John Godfrey: Mr. Speaker, I rise on a point of order. Canada had a climate change plan that would have met 80% of Canada's Kyoto obligations by 2010. It was called project green. I ask for the consent of the House to table this plan in Canada's two official languages.

The Speaker: Does the hon. member for Don Valley West have the unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

POINTS OF ORDER

BILL C-284—CANADA STUDENT FINANCIAL ASSISTANCE ACT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised by the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform concerning the need for a royal recommendation for Bill C-284, An Act to amend the Canada Student Financial Assistance Act (Canada access grants), standing in the name of the hon. member for Halifax West.

● (1510)

[*Translation*]

I would like to thank the hon. Parliamentary Secretary for having raised this issue as well as the hon. member for Halifax West for his comments.

[*English*]

In his presentation, the hon. parliamentary secretary argued that Bill C-284 seeks to create a new category of assistance for students with permanent disabilities and students from low income families, claiming that such a program does not currently exist in the Canada Student Financial Assistance Act.

The hon. member for Halifax West countered that this grant program already does exist and that the purpose of his bill is simply to extend the program over the course of four years.

After examining Bill C-284, the Chair has concluded that it has two objectives. First, it takes the existing Canada access grants program, established by regulation, and transfers its provisions out of the regulations into the Canada Student Financial Assistance Act.

[*Translation*]

I remind hon. members that a regulation cannot impose a charge on the public revenue without express authority having been provided in the enabling legislation. The government cannot expend funds pursuant to a regulation unless the legislation on which that regulation is based was accompanied by a royal recommendation.

[*English*]

In this case, then, the Canada access grants program, established by authority granted to the minister by the Canada Student Assistance Act is covered by the royal recommendation which accompanied that act. Accordingly, the Chair is satisfied that moving the program out of the regulations into the act does not violate the royal recommendation.

However, the second objective of Bill C-284 is more problematic for the Chair. As the sponsor of the bill, the hon. member for Halifax West himself pointed out, the bill seeks to expand the grants program, so that students will be eligible for grants in every year of a program rather than only during their first year of post-secondary studies. In enlarging the program in this way, the bill extends the program's scope beyond that originally envisaged.

Such an extension is not covered by the terms of any existing appropriation. Funds may only be appropriated by Parliament for purposes authorized by a royal recommendation. Any extension of the terms of an existing program must be accompanied by a new royal recommendation. Through the royal recommendation accompanying the original act, the minister was able to authorize the funding of a one-year program. The royal recommendation did not cover a program of four years, as proposed in the hon. member's bill.

Therefore, the Chair must conclude that those provisions in clause 1 of the bill, which relate to increasing the availability of Canada access grants, would require a royal recommendation.

In its present form, I will therefore decline to put the question on third reading of this bill in its present form unless a royal recommendation is received. However, the debate is currently on the motion for second reading and the motion shall be put to a vote at the close of the second reading debate.

* * *

[*Translation*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

The Speaker: Before question period, the member for Marc-Aurèle-Fortin had the floor. He has 16 minutes left to conclude his remarks. He may now proceed.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, it seems that my audience has changed but I will still follow up on the introduction I made earlier to try to convince the government—and I do not know if that is possible—that it is going down the wrong path in continually copying American methods. The methods it is using in this bill are once again based on automatic responses whereas, in dealing with crime, we must do the exact opposite. The issue of delinquency as a whole must be dealt with through an individualized approach to sentencing. It is not a simple issue.

I also noticed something that we see constantly from the current government. Every time it wants to increase sentences or impose minimums, it tells us about the worst cases. Well, it must be understood that when certain sentences are imposed automatically, they apply not only to the worst cases but also to the less serious ones.

Then, when we are given examples of sentences that seem totally unjustified, I do not remember one instance where it was mentioned that even one of these sentences was overturned by the Court of Appeal or that it was even appealed. It must be clearly understood that there are thousands of judges in Canada and that thousands of sentences are handed down every day. In such a system, errors are inevitable and we do have a mechanism that enables us to correct those errors. Under this mechanism, a large number of factors are taken into consideration when imposing a sentence. It seems to me that, if the government wants to change the law, it should demonstrate that the sentences imposed by the appeal courts are not appropriate.

With this bill, the Conservative government is telling us that it entertains the illusion that this piece of legislation will help us achieve the objective—a very ambitious one—and I quote, "of protecting innocent Canadians from future harm". I am willing to bet my shirt that the government will not succeed. Crime will always exist. What we need to do is look for models that will give us a better way of dealing with crime.

Also, and this is something we have been criticized for in the past —I notice that my audience has changed—we have been asked why opposition to stricter sentences proposed by the government always seems to come from Quebec? That is simply because, in Quebec, we have tried alternative approaches and found out that they work. Quebec's violent crime rate is lower than the Canadian average. The homicide rate in Quebec is also lower than the Canadian average.

As a matter of fact, Quebec did not draw inspiration only from the United States. Probably because of language differences, it tends to look at models offered by various countries, including European and Scandinavian models. These countries still believe in criminology, in the sense that they regard crime as a complex issue. Similarly, general psychology is a complex science with methods of measurement different from those used in exact sciences, physical sciences and even chemistry. Nevertheless, some truths become obvious over time, including the fact that the fear of going to jail is not much of a disincentive for criminals. In fact, I would say that the fear of going to jail is only useful in keeping law-abiding people from straying from the straight and narrow.

I realize that a society where those who break the rules face no punishment whatsoever is likely to experience some slackening. In fact, that happens in societies where the police has no control on crime. But essentially, offenders think differently from people like ouselves, who would figure it is not worth their while to commit a crime because of the risk of a harsher sentence, and tell themselves, "Why take that risk just to get that?". No, their reasoning is different. These are generally people with a short term outlook on things; they do not think that far ahead.

The department itself, before drafting these bills, asked researchers to establish a list of studies on imprisonment.

● (1515)

They had noticed that it did not reduce crime, and they established a link between longer jail sentences and a slight increase in recidivism. This shows that such an approach is not only useless, it makes things worse. Is this not precisely what we are observing in the United States? Are we really prepared to spend seven times more on incarceration measures to tackle crime, when we know that crime will always exist, but that it is possible to reduce it? Incidentally, it has diminished in Canada.

Before this bill was introduced, my colleague and homonym from Hochelaga, asked the Library of Parliament to prepare a paper on studies dealing with crime. Here are some brief excerpts:

> After decades of relatively steady increases, Canada's overall crime rate began to drop significantly in the early 1990s. From 1991 to 2004, crimes reported by police forces dropped by a little over 22%, or by an average of 1.6% per year...The drop in crime was particularly sharp in the 1990s. From 1991 to 2000 alone, the rate dropped by nearly 26%, or an average of a little over 2% per year...The downward trend in the overall crime rate was followed by a period of stability between 2000 and 2002, then a notable increase of 6% in 2003, largely due to the increase in crimes against property. The slight decrease of 1% posted in 2004 appears to indicate a return to the downward trend that started early in the decade.

I often do the test, and I am convinced that I am teaching something new to most people when I say this. Why? Because, when it comes to crime, most people trust daily newspapers. But the fact is that newspapers only report exceptional cases. They do not write about ordinary crime cases.

Certainly if something serious happens—like in the collection of crimes always presented by the member for Wild Rose—such a crime would make the headlines of the daily newspaper. For 30 years I have been watching the opinion polls on crime levels. Crime is going down and people still have the impression it is rising. Crime can be measured, because the police receive complaints from complainants, which they note. They compile them. That is how we get an overview.

I said earlier that Quebec had a completely different attitude from the rest of Canada. So it is not surprising that its representatives in this House present different solutions.

In Quebec, the number of violent crimes is lower than the Canadian average. Quebec has had remarkable success with young offenders, thanks to an individualized approach.

In spite of this success, Quebec was forced a few years ago to adopt the new Canadian policy, a policy that forces judges to follow a path with absurd outcomes.

● (1520)

I remember a judge who told me about a young man who was arrested on the side of the street for trafficking a small amount of drugs with a double agent. It was discovered that he had a cell phone, a car and an apartment, and that he was dressed, if not tastefully, fairly expensively. He had already committed a minor offence, but he had complied with all the conditions of his sentence.

If that had occurred before the reform, I would have said to myself that, since this young man is clearly evolving, it is time for me to intervene and send him to an institution for young offenders for a little while. But I cannot do that because the guidelines tell me that there was not any violence, he fulfilled the conditions of his sentence, the drug offence was minor, and so on. So things were going in the opposite direction.

Quebec, which incarcerated half as many young offenders as Canada, had a crime rate corresponding to half that in the rest of Canada. I would have thought that, in the same country, two different communities that apply different means might observe each other, take a page from each other's best practices and seek to adopt them. But this is not what happened. The preference was to look towards the south.

Could this be because consultation is done in English only and some people are so impressed by news from the south that they want to impose a hard and fast model and not rely on the good judgment of judges? And yet in Quebec, where these measures have been put into practice, there has been a decline not only in youth crime but also in adult crime.

That is why Quebec still objects to this. We are trying to persuade the rest of Canada that the American system, which incarcerates seven times as many people as we do, and where the risk of getting killed is three times higher than in Canada, is not the right way to do things. Better that we should look, as Quebec does, to foreign models such as those in Europe and, in particular, in Scandinavia.

There is another thing. People always think that prison is the solution to crime. Here again, what I see is that some people are so impressed by the economic success of the United States that they envy that country and try to imitate it. Let us do that in other areas, but this is not the area to do it in.

For example, Japan is another country whose economic success is impressive. Are we aware that Japan incarcerates three times fewer people than Canada? That comes to 21 times fewer than the United States. Japan also has the lowest crime rate in the world.

I am not saying that we can reproduce the unique social context that exists in Japan here, but this is one more demonstration that systematically and blindly locking people up is not the right solution. The real solution for fighting crime lies in individualizing sentences. When a crime has been committed, we must first assess the seriousness of the crime, and then look at the circumstances in which it was committed, the motivation behind it, whether the person was led into committing the crime and whether there is a possibility that he or she can be rehabilitated. Sometimes we will arrive at totally different solutions.

In my law practice, I once got someone a suspended sentence for three counts of trafficking in heroin, in a case in which the principal offender got 12 years in prison. I guarantee not only that the suspended sentence was justified, but also that it had a successful outcome for that individual, if I recall correctly. That person has been completely rehabilitated. She wrote to me at Christmas for years, to send me photographs of her little family. I was very moved to learn, when I met her by chance 15 years later in a restaurant where she was with her children, that she had given her eldest daughter the same name as my eldest daughter, Sophie.

Knee-jerk reactions are not a solution, particularly when there are serious offences that cover all sorts of situations.

● (1525)

I acknowledge that kidnapping is a serious crime. Abducting a child is indeed serious. Kidnapping a child for ransom is different, however, from a father taking his child from the mother who has custody when he believes that she is not fit to care for the child and the child wants to go with him. Of course it is a serious matter to break the law. The crime of kidnapping covers extremely different situations, however, as we can see.

The same is true for sexual touching. There are different kinds of sexual touching. Certainly, violent sexual touching is unacceptable, because it is much more serious. Once again, this is a crime that can be committed in more serious and less serious ways. The proposal is to treat them all the same way, and it is that knee-jerk reaction that we oppose, because we have achieved better results in Quebec by taking an individualized approach to sentencing.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, on a point of order, there have been discussions and I believe that you would find unanimous consent for the following motion. I move:

That, in relation to its study of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another act, twelve (12) members of the Standing Committee on Justice and Human Rights be authorized to travel to Toronto on November 23, 2006, and that the necessary staff do accompany the Committee.

● (1530)

The Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to move this motion?

Some hon. members: Agreed.

(Motion agreed to)

INDUSTRY, SCIENCE AND TECHNOLOGY

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, similarly, there have been discussions and I think you would find unanimous consent for the following motion. I move:

That, in relation to its study of the challenges facing the Canadian Manufacturing Sector, twelve (12) members of the Standing Committee on Industry, Science and Technology be authorized to travel to Halifax, Montreal, Granby, Oshawa, Toronto, Windsor and Edmonton, from November 20 to 24, 2006, and that the necessary staff do accompany the Committee.

The Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to move this motion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I listened quite intently to the speech by the Bloc member. I want him to know from the outset that I respect the years that he put into the justice system as a crown prosecutor, as a defence attorney, and probably some other avenues.

I am assuming we are fairly close to the same age. I spent the 1960s, 1970s, 1980s and 1990s in the education field, in the schools working with children. I remember in the 1960s and 1970s we allowed kids to go to the parks and play by themselves. We allowed them to go to the corner store to pick up some school supplies. We did not worry about their safety, but as the years progressed, it got worse and worse and less safe and more and more problems developed. All through those years there was a steady increase. I know he is talking about how much crime is really down, but I do not really believe that. I know that a lot of crime does not even get reported any more. And if it does not get reported, it cannot be in the stats and that is too bad.

During our generation, does the member not agree that we sort of let things get out of control with drugs, with pornography, particularly child pornography, where it grew and grew over those years that he talked about when things were really bad?

I am suggesting to the hon. member that today it is extremely bad when our children, and I am talking about babies and little kids, are being attacked, assaulted, raped and murdered by those evil people out there who like doing it. They like doing it because they are fed through the pornography against children, through the avenues that are available.

Our generation let it get completely out of control. I am ashamed of that and I would think that the member would be too. I never could understand why when we work hard to get rid of child pornography which feeds and poisons those minds that we would always end up being blocked and we could not get it done for 13 years. There is always somebody who objects. How could anyone object to getting rid of those kinds of things?

For Pete's sake, let us get serious. Let us clean up this mess. People who attack children should go to jail and never come out again.

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I would like to reassure the member for Wild Rose and tell him that in Quebec, people who attack children are put in prison, and that if they do it again, they will certainly spend long years in prison.

Unfortunately, that is perhaps the big difference between us. My personal experience is totally different from his. I raised children. They went to the park. I did not always go with them, and I would even say that most of the time I did not go with them. They were never attacked. There are attacks, but they are relatively rare.

I remember the newspapers of those days, and last weekend I was watching the movie *Monica la Mitraille*. By the way, I recommend the movie to everyone because it is a very good Quebec film. There was a real machine-gun Monica. I saw her in court when I was a young man. That was the era of armed bank robberies. The movie also shows how a young person turns into a criminal. In any event, I remember the beginning of my law practice. There were bank robberies every week. Today, bank robberies have almost totally stopped because preventive measures have become much more effective.

If we are afraid that children walking in a park will be attacked, it would be much cheaper and much more effective to pay for supervisors so that the children can play in safety. I am convinced that measures for preventing crime are effective.

My colleague does not believe that crime is on the decline because he does not read the statistics. He does not trust the people who compile data on crime. He says that people do not report crimes. In my experience, someone whose child has been attacked or a woman who was injured on the street generally complains to the police. Obviously, that is the basis for the statistics.

Increasingly, sex crimes are being reported. When I was young, the crime of incest was almost never reported. Today, it is. A great many sexual assaults, such as touching or sexual harassment were not reported. In contrast, today they are; but rape and violent crime are reported as often as they always were.

I would really like to know whether the member for Wild Rose is aware of someone who knows a girl who was violently attacked and who refused to report it to the police because she thought they would do nothing.

● (1535)

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I would like to thank my Bloc Québécois colleague for his speech, which I found extremely interesting.

I, too, was quite surprised to hear our Conservative colleague's statements. He claimed it is dangerous to live in Quebec and walk around there. I am from a riding in southwestern Montreal. The Saint-Henri neighbourhood used to have a terrible reputation. Now, people from all over Quebec are coming to live there because it is a peaceful haven where people feel safe. I think there is a disconnect between reality and what some people say to scare others.

I find that in Canada, there are two very different ways of viewing the fight against crime. For years, Quebec has been working to prevent crime, while the rest of Canada has focused on suppressing it. This has happened a lot, and we have seen it with young offenders. The work Quebec is trying to do is always hampered by the federal government.

I would like my Bloc Québécois colleague to tell me if there is some other way Quebec could go about making its own laws the way it wants to and its own choices about how to handle crime, instead of having the federal government impose its way of doing things.

Mr. Serge Ménard: Mr. Speaker, the person who asked that question already knows the answer. There is obviously another solution.

I am a bit saddened to say so, because I have personally always been a proponent of a sovereignty-association, like most Quebeckers, I am sure: we do not hate Canada or Canadians. What we do not like is the Canadian Constitution, which is assimilating us slowly but surely. That is what we want to separate from.

Generally speaking, we would like to maintain relations with the rest of Canada. I have always believed that we could, among other things, share the same criminal law, but not if Canada wants to continually align itself with the United States, which is going down a terrible path. The United States now incarcerates people as much as Russia does, which was once unthinkable. We could explain why the things that seem to happen in Wild Rose do not happen where we are from, but I suspect the hon. member for Wild Rose may have been exaggerating.

● (1540)

[*English*]

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, the hon. member failed to address a lot of things. If he thinks for a minute that there are more drugs in Wild Rose than there are in Quebec ridings or that child pornography does not exist in Quebec like it does everywhere else, he is living on a different planet, not a different nation. He does not address that. Why is it that his party is so reluctant to come down hard on these elements that obviously are a real threat to our society because they poison the minds of individuals who would dare carry out a threat of violent crime?

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I do not think there are fewer drugs or less pornography, but in my experience, I do not think I know anyone who prevents their children from going to the park for fear they will be attacked. And if that really happens in Quebec, the reaction is instant: more police are sent on patrol. I think that is a lot smarter.

The solution is not to hit hard, but to hit effectively. Being effective means trying to understand why people commit crimes and to address the root of the problem.

I do not have a lot of time to explain it, but that is the difference between Quebec and Canada. Thank God we have less crime in Quebec. It would be possible to have even less if they took our example.

[*English*]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I will be splitting my time with the member for South Surrey—White Rock—Cloverdale.

We have heard all the rhetoric from the other side time and time again. I have seen this in committee. I have the privilege to serve on the justice committee. We have seen on Bill C-10, which would bring in mandatory minimum penalties for gun crimes, how all of the opposition, the NDP, the Liberals and Bloc, are united in opposing getting tough on crime, even though the NDP and the Liberals ran on a platform in the last election of getting tough on crime. Actually, they were promising to bring in measures that were even tougher than what our bill contains. For them to now say that our bill goes too far, is ridiculous.

We saw the same thing with Bill C-9, the bill that would have brought an end to conditional sentences for people who commit serious crimes, like arson, break and enter into a home and car theft. Again the opposition ganged together to gut that bill.

I think Canadians are saying enough is enough. Three of the four parties in the House were elected with a mandate to get tougher on crime. The NDP, the Liberals and the Conservatives said that we would get tougher on crime.

A few months later, we brought forward Bill C-9 dealing with conditional sentences, Bill C-10 dealing with mandatory minimum sentences, and legislation dealing with raising the age of protection. When our party is putting forward the legislative initiatives to protect Canadians, we see the opposition parties dragging their feet, standing in the way and flip-flopping, when they should be cooperating with us so we can make Canada safer.

I reject the premise of some of the remarks today that crime is not getting worse. The crime statistics that were just released yesterday say that violent crime is up, gun crime is up and gang-related crime is up. I do not say that to be an alarmist. It is just that we on this side of the House have decided that we will face the facts that Canadians want us to take crime seriously, that crime is serious and that effective measures need to be put in place.

I want to speak today to Bill C-27, a bill involving dangerous offenders, a bill that addresses the worst of the worst, as it were, when it comes to criminal offenders, those who prey on innocent Canadians, those who have been shown to be perhaps repeat offenders and those who commit the most serious crimes. This is not about any low level crime. It is the most serious crimes and the most serious offenders.

The bill responds to our government's goal of tackling crime by strengthening measures to protect families from offenders who are of a high risk to offend sexually or violently in our communities. Most of these amendments are the result of changes that the provinces, the territories and other stakeholders, including victim's groups, have supported. That is important to note.

The bill amends the dangerous offender and long term offender provisions, as well as sections 810.1 and 810.2 of the Criminal Code dealing with peace bonds.

The dangerous and long term offender amendments in the bill seek to strengthen and enhance those provisions. One of the amendments deals with applications for a dangerous offender hearing under part XXIV the Criminal Code. It requires a prosecutor to advise a court, as soon as possible after a finding of guilt, which is important to note, and before the sentence is imposed, whether it intends on proceeding with an application.

However, for this provision to apply, the prosecutor must be of the opinion that the predicate, or current offence, is a serious personal injury offence as defined in the code, and the offender was convicted at least twice previously of a designated offence as newly defined in section 752, and was sentenced to at least two years of imprisonment for these prior convictions. This person has to have committed a serious crime for which he or she were tried and sentenced twice before for this particular provision to come into play. When that is the case, the crown prosecutor must indicate whether he or she will be pursuing the designation of dangerous offender.

● (1545)

Another amendment ensures that a court cannot refuse to order an assessment where it is of the opinion that there are reasonable grounds to believe that an offender might be found to be a dangerous or long term offender. This was a technical amendment recommended by provincial and territorial ministers of justice.

The bill also imposes a reverse onus on the offender in some situations where a crown prosecutor has sought a dangerous offender designation. If a prosecutor is able to satisfy a court that an individual was convicted of a third primary designated serious sexual or violent offence, one of the most serious offences under the Criminal Code, the crown is deemed to have met its case that the individual is a dangerous offender and the individual must then prove on a balance of probabilities that he or she does not meet those criteria. We are shifting the onus, after a third offence, on to the offenders to show why they should not be designated as dangerous offenders. This brings some balance and fairness into our system.

However, the bill also clarifies that even when the conditions to make a dangerous offender designation have been met, the court must consider whether a lesser sentence, including a long term offender designation, would be adequate and neither the prosecutor nor the offender has the onus of proof in that matter.

These amendments clearly strengthen the dangerous and long term offender provisions and will ensure that prosecutors can more readily seek a designation for violent and/or sexual criminals who will in turn receive some of the toughest sanctions in the Criminal Code.

I also want to touch on peace bonds. Bill C-27 seeks to amend the provisions related to section 810.1 peace bonds for the prevention of sexual offences against children. The member for Wild Rose spoke passionately about his desire to protect children from sexual offenders and this bill deals with just that. I commend him and all members who have taken this up and are concerned about protecting children. Also, section 810.2 peace bonds target more serious violent and/or sexual offences.

These types of peace bonds are preventive in nature. They are instruments that are available to law enforcement officials to protect the public. It is not necessary for an offender to have committed a criminal offence for a judge to make such an order. These orders require individuals to agree to specific conditions to keep the peace and be of good behaviour. They aim to protect individuals and the general public from persons who are a danger of committing sexual offences against children or are likely to commit a serious personal injury offence. These situations we know all too often do exist.

Once granted, failure or refusal to enter into peace bonds could result in an immediate term of imprisonment not exceeding 12 months. They can be renewed and breaches of any of the conditions in the peace bond would be considered a criminal offence and can be prosecuted in any provincial or territorial court with criminal jurisdiction, providing up to a two year prison sentence.

Specifically on a peace bond, where there is fear of a sexual offence, the current section of the code allows anyone who fears, on reasonable grounds, that another person will commit an offence under specific provisions of the code against a person under the age of 14 years, may lay an information before a provincial court judge for the purpose of having the defendant enter into a peace bond. The specific offences covered include sexual assaults, sexual assaults with a weapon, sexual interference, invitation to sexual touch and child pornography offences.

Obviously, those are very serious offences and this bill seeks to protect young children from them. The peace bond can set out certain areas, for example, where an offender is not allowed to go.

Bill C-27 also clarifies and outlines several additional conditions available to a judge if the judge considers it desirable to secure good conduct from the offender.

Our new government was just elected in January. We said that we would tackle crime to make our streets safer. What is a bit ironic is that the NDP and the Liberals also said that they would take steps to tackle crime but we have seen no evidence of that so far in this session.

● (1550)

Bill C-27 is one of the many initiatives the government has taken toward attaining the goal of making our streets safer. We consider offenders, who are at high risk of offending sexually or violently, to be a very serious threat to public safety.

I support this bill, as do all members on this side. I hope other members of the House will see how important these provisions are and how they are necessary measures that can be implemented as soon as possible to protect Canadians, protect children and protect society from the worst offenders.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, what a pleasure to hear a speech that makes sense on this particular issue. It sort of gives one a little more confidence after what has been happening over the past little while.

I wonder if the member could comment on what happened in my riding during the last election. I think most people in this place know that I have been working on a lot of justice issues for quite a few years. Yes, I am pretty passionate about some of them, particularly crimes against children. However, when I was campaigning in the last election we hardly ever entered into any debates on the subject because the Liberal candidate and the NDP candidate could only agree and cheer along with me on everything that I said with regard to getting tough on crime. I thought to myself that this would work out pretty good because, if I and my party went back to Parliament as the government, we would get things done knowing we had the support of the guys on the left. I thought this was looking good for Canada but, from what I am hearing today, it is looking sad for Canada. I wonder if the member would agree with me.

Mr. Rob Moore: Mr. Speaker, I have consulted with many of my colleagues and we found, disturbingly, that was the case in many of our ridings. I know it was the case across the country. It was certainly the case when we looked at the platforms of the national parties because both the NDP platform and the Liberal platform called for getting tough on crime.

I want to use one quick example. Our bill on mandatory minimum sentences would bring in, for the most serious offences involving gun crimes, three, seven and then ten year escalating sentences. The proposal put forward by the NDP was to have a four year mandatory minimum sentence for any firearms offence, serious and non-serious, on the first offence. The Liberals were proposing a doubling of the current mandatory minimum sentence from four years to eight years. Our bill brings in what we feel are constitutional measures, proportional measures, escalating so that on the first offence the sentence would be less severe than on the second and so on. It ramps up in severity. The more someone repeats the offence, the more severe the penalty.

The NDP and the Liberal platform went way beyond what we are proposing right now and yet they are not supporting any of our legislation that is designed to protect Canadians. Why will they not get on board?

● (1555)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I just have to point out, from an NDP point of view, that sometimes the government does not go far enough in getting tough on crime.

My colleague has not been listening if he has not heard some of the speeches from colleagues on the benches at this end of the House on the bill seeking to seize the proceeds of crime, the assets of terrorists, because we cannot understand why the government has gone soft on that bill. We think we should be able to seize the proceeds of crime, whether it is a motorcycle from the Hell's Angels or some other item from an organized crime figure. We should not just be able to seize their bank accounts. We should be able to seize their luxury mansions, their speedboats and their tricked out Escalade cars. If they cannot prove they purchased those luxury items through legitimate earnings, we should be able to seize them and put the reverse onus on the crook to prove they did not buy them through the proceeds of crime.

Mr. Tom Lukiwski: Why don't we talk about this bill?

Mr. Pat Martin: I am only pointing this out, Mr. Speaker, because the member down there wandered way off the subject of the day to accuse us of not being tough enough on crime when in actual fact it is those members who are going soft on organized crime. I do not know who they are worried about making angry.

Mr. Rob Moore: Mr. Speaker, that is a little rich. I can understand the hon. member's concern about his party having a record of being soft on crime. We only need to look at the evidence. The Liberals, the NDP and the Bloc are ganging up in committee to frustrate any attempt to get tough on crime. They gutted Bill C-9 on conditional sentencing. They opposed mandatory minimum sentences when they said during the election that they would be in favour of them. Now, on Bill C-27, which deals with the most violent and most serious offenders, people who have a third time serious offence, those members are not willing to get tough on these individuals. However, we are.

Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I rise today to speak to Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace).

Our government has already presented a number of important measures aimed at furthering our key election commitment to tackle crime. Among many other promises in our election platform, we said we would "create a presumption-of-dangerous-offender designation for anyone convicted and sentenced to federal custody for three violent or sexual offences". Bill C-27 seeks to fulfill this specific election promise. We said we would do it, and we are doing it.

Our Conservative government believes in treating criminals justly, but justice demands that after repeatedly offending against society, violent criminals must be stopped. After three strikes, the onus is on the violent criminal to prove he is no longer a danger to society. We do not believe in the revolving door justice that the Liberals promoted over the past 13 years, a system whereby serious offenders were able to commit violent and sexual crimes repeatedly and then were set free repeatedly to victimize even more Canadians.

We believe the primary responsibility of government is to protect Canadians. That is exactly what Bill C-27 will help us do. Bill C-27 strengthens existing measures that are available to protect our loved ones, our neighbours and our communities from repeat offenders.

I am going to get into some technical aspects of the bill, but they are actually very important.

The first portion of the bill deals with applications for dangerous and long term offender hearings under part XXIV of the Criminal Code. The amendments impose a duty on prosecutors to advise a court whether they intend to proceed with a dangerous or long term offender application as soon as possible after a finding of guilt, and before sentencing, when the following criteria have been met: first, they are of the opinion that the predicate or current offence is a "serious personal injury offence" as defined in section 752; second, the offender was convicted at least twice previously of a "designated offence" as newly defined in section 752 and was sentenced to at least two years for each of those convictions.

Under the current legislative framework, a court will order a designation hearing based on whether the individual has been convicted of a serious personal injury offence and whether there is a reasonable likelihood that the individual will be found to be a dangerous or long term offender.

An amendment recommended by provincial and territorial ministers of justice ensures that a court cannot refuse to order an assessment when it is of the opinion that there are reasonable grounds to believe that an offender might be found to be a dangerous or long term offender.

As well, an amendment is made to mandate a court, following an application by a prosecutor if there are reasonable grounds to believe that the offender might be a dangerous or long term offender, to order a psychiatric assessment before the hearing can proceed. This was previously done at the discretion of the court, but no longer.

Another amendment allows the court to extend up to 30 days the period within which a report must be filed if there are reasonable grounds to do so.

Of particular interest to members of the House may be the amendments in the bill providing for a reverse onus in dangerous offender designation hearings.

The amendments provide that the Crown is deemed to have satisfied the court that the offender meets the prerequisites for a dangerous offender designation once the court is satisfied of the following four principles: that the offender has had two prior convictions from the new list of 12 serious sexual or violent primary designated offences in section 752; that the previous convictions carried a sentence of at least two years; that the current or predicate offence must also be one of those primary offences; and finally, that the predicate offence would otherwise merit at least a two year sentence.

There are some serious hurdles here that need to be overcome, but we are confident that they can be overcome.

However, the amendments give the offender an opportunity to rebut this presumption on a balance of probabilities. The bill also clarifies that even when the conditions to make a dangerous offender designation have been met, the court must consider whether a lesser sentence, including a long term offender designation, would be adequate, and neither the prosecutor nor the offender has the onus of proof in that matter.

These amendments will enable prosecutors to more readily seek a designation for violent and/or sexual criminals. They will also encourage consistency in prosecuting when considering a dangerous or long term offender designation.

I would now like to speak briefly about the amendments to the provisions dealing with peace bonds. Bill C-27 amends section 810.1, dealing with peace bonds for the prevention of sexual offences against children, and section 810.2, dealing with peace bonds for more serious violent and sexual offences.

● (1600)

Peace bonds are tools available to law enforcement for public protection against high risk individuals who are likely to commit a sexual offence against children or personal injury to others. Current sections 810.1 and 810.2 of the Criminal Code may allow anyone who has fears on reasonable grounds to lay an information before a provincial court judge for the purpose of having the defendant enter into a peace bond to keep the peace and to comply with any other conditions the court might impose that are designed to protect the public from future harm.

The section 810.1 peace bond is designed to protect against sexual offences against children under the age of 14, while section 810.2 targets individuals who may commit "a serious personal injury offence". A serious personal injury offence is defined in the Criminal Code as including offences that are pursued by way of indictment, such as first degree or second degree murder involving violence, or conduct endangering or likely to endanger life or safety, or where the offender could be sentenced to 10 years' imprisonment or more.

Alternatively, a serious personal injury offence also includes a conviction for sexual assault, sexual assault with a weapon or aggravated sexual assault. Under the current legislative framework, a judge may order that a person enter into either of these peace bonds for a period not exceeding 12 months if the judge is satisfied that the informant has reasonable grounds to fear that another person will commit a relevant offence. This means a sexual offence against a child for the section 810.1 peace bond or a serious personal injury against another person for the section 810.2 peace bond.

The amendments that we are bringing forward significantly extend the maximum duration of these peace bonds, from 12 to 24 months in certain situations.

For the section 810.1 peace bond, this longer peace bond will be available where a judge is also satisfied that the person was convicted previously of a sexual offence in respect of a victim who is under the age of 14.

For the section 810.2 peace bond, the longer duration can apply where the court is satisfied that the offender has previously been convicted of a serious personal injury offence. Currently, the judge can also order that the defendant comply with any conditions that are reasonable in the circumstances to ensure the offender does not commit harm. These often include conditions to not have contact with potential victims or to stay away from certain places and to report regularly to the police or probation workers.

The amendments that we are putting forward will clarify that broader conditions can be imposed on defendants than those that are currently described. The additional conditions outlined in the amendments relating to both types of peace bonds include requiring a defendant to, for example, participate in treatment programs or wear an electronic monitoring device if the Attorney General consents, or remain within a specific geographic area unless permission to leave is granted by a judge, or remain at a residence at specific times, or abstain from consuming illegal drugs, alcohol or intoxicating substances. Clearly we are placing more options before the courts to prevent people from reoffending.

In addition, the very subsections in the two provisions regarding the types of conditions that can be considered will be amended so that they are worded more consistently. There are a number of wording differences between sections 810.1 and 810.2.

While there are certainly differences in who these provisions target, many of the wording differences have caused some difficulties in interpretation in the courts. As such, all provinces and territories have requested amendments that would provide a more uniform approach.

It is proposed, for example, that the judge must now consider, for both types of peace bonds, where they previously did so only for 810.2, whether it is desirable in the interests of safety to prohibit the defendant from possessing certain items, including firearms, or whether it is desirable to require the defendant to report to the correctional authority of a province or police authority.

The amendments in Bill C-27 will aid prosecutors considering a dangerous or long term offender designation. The bill will also enhance the ability of law enforcement officials to supervise and control offenders longer and more stringently if they are at high risk of reoffending.

Our three strikes law, Bill C-27, puts the protection of the public first, ends revolving door justice for violent offenders, and meets our election promise to Canadians. I ask all members to support this bill.

● (1605)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I would like to ask my hon. colleague to clarify something, not only for me but for any Canadian who may be observing these proceedings.

My understanding of the provisions contained under Bill C-27 is that if someone is convicted a third time for a dangerous or sexual offence, the onus will be on that individual to try to demonstrate or prove to the courts why he or she should not be considered a dangerous offender.

In other words, if someone has been convicted of a rape for the first time, goes to jail, gets out on parole, again rapes another child or young person, is convicted the second time, goes to jail, gets out and is convicted a third time for rape, that individual would have to prove to the courts why he or she should not be considered a dangerous offender. That seems to me to be eminently reasonable.

What I would like the hon. colleague to comment on is this. My understanding is that the NDP, the Bloc and the Liberals will be voting against this bill.

Once again, if someone is a convicted three-time rapist, not accused but convicted, that person would then have to make application to the courts as to why he or she would not be considered a dangerous offender. The onus would be on that individual under this bill.

My understanding is that the opposition parties, all of them, for some strange reason that is totally unfathomable to me, will be voting against this legislation that is designed to protect citizens and victims. I ask my colleague if I am on the right track. Should I believe my ears? Is that exactly what is going to happen? Are they going to vote against this legislation?

Mr. Russ Hiebert: Mr. Speaker, his ears are working fine, regrettably. It is incredibly unfortunate that this is in fact the case. For many months now this bill has been coming forward. I do not know about the hon. member or my colleagues, but I know that during the last election I had numerous debates with members of the Liberal Party and the NDP. They all came forward saying yes, they were going to get tough on crime. They said yes, they supported mandatory minimum sentences. They said yes, they supported dangerous offender legislation.

Now here we are in the chamber with an opportunity to pass the very bill that the member describes, one that would prevent somebody who has already committed horrible offences from being able to recommit those offences, and the members opposite and to my right, or should I say to my left, simply refuse to come along with us and support this proposition when we know Canadians want this.

Last fall, on our safe streets and communities task force, I spent many months with the current finance minister travelling across the country talking to members, police officers, families and people who have been victimized by crime Everywhere we went, at every stop across this country, Canadians demanded that we get tough on crime, that we do not allow people who have committed horrible crimes to reoffend. Once we know they are dangerous, they should not be let out again, yet that is what the previous Liberal government has allowed for so long.

Here we now have the opportunity to correct this huge problem within our justice system. Those members are sitting on their hands in this empty chamber, as I see when I look across, and are doing nothing to support the measures that we have come forward with in a mandate given to us by the Canadian public.

I implore the members opposite, the few who are here, to support this measure.

● (1610)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have to say that the government benches look pretty empty too.

I am waiting for the day when members of the Conservative Party and that government will be able to govern without having to mention the opposition parties. I wait for the day when the government will be able to stand on its own feet as a mature government and articulate public policy on its own merits, when it does not require reference to the Liberals this, the NDP that, and the Bloc the other. When is the government going to grow up and articulate good public policy from the floor in the House? That is what I am waiting for.

I note in regard to a lot of what the member was just referring to when describing the circumstances surrounding rape that those conditions also exist in the Criminal Code and allow the designation of a dangerous offender now.

Mr. Russ Hiebert: Mr. Speaker, coming from a member opposite who calls our border officers wimps, I do not think he has a lot of credibility on criminal justice issues.

I can assure him that we have tremendous support for this legislation. He may be embarrassed at what his government has not done over the past 13 years and may want us to not refer to its failures going forward. We have no other alternative but to look at the problems that party has left with our society that we are here now to correct. I would encourage the member and his colleagues to support this measure.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, before I get started on this particular bill, I want to remind the minority government of neo-cons that in fact more people voted against them than voted for them. Sometimes that is just a little lost on members opposite. If we were to look at the polls today, even fewer would vote for them than voted for them during the election. The consequence of that is that the new minority government has to solicit the cooperation of the parties opposite.

I want to note that the government dropped 11 bills on the floor of this House and the Liberal Party consented to six of them. Like that, we consented to six of them, largely because they mirrored legislation that was put forward by the Liberal government in the last Parliament. Poor fellows, like they cannot take success. Is that not what it boils down to? They cannot take success. They got six free bills.

The Conservatives talk about being tough on crime. Well tough does not mean stupid on crime at the same time. This is one of those bills that is just plain stupid because it will not survive any kind of constitutional challenge. It is a classic.

The Conservatives whip up a fear, get people all wired about how dangerous it is out there, that the whole nation is just going down the tubes, and then put forward another dumb bill. Here we have one more dumb bill that somehow or another is going to save the nation from this massive crime rate.

I listened to the member for Wild Rose being rebutted by the member from the Bloc Québécois because the member for Wild Rose is absolutely convinced that we are in fact under a massive crime rate in this country. The statistics of course do not bear him out. They have not borne him out for the last decade, but that really does not much matter to him. It does not seem to much matter to the members in his party because they basically traffic in fear and smear. They get the population worked up about something that does not exist and then propose a solution to a problem that does not exist. They then run away from it because the crown attorneys, the defence counsel, the accused, the victims, and the judges will have to clean up the mess afterward.

Some hon. members: Oh, oh!

● (1615)

The Acting Speaker (Mr. Andrew Scheer): Order, please. I am having difficulty hearing the member for Scarborough—Guildwood. I think all hon. members would want to keep their questions and comments until after the member's speech, when there will be an opportunity to ask him questions or provide him with some comments. Let us allow the hon. member to continue with his speech.

The hon. member for Scarborough—Rouge River on a point of order.

Mr. Derek Lee: Mr. Speaker, I want to support you on that. There has not been a five second window since my colleague began his speech that the members of the government have not been yelling and interjecting. I simply ask for the courtesy to let the member deliver—

The Acting Speaker (Mr. Andrew Scheer): I thank the hon. member, but I think I did just mention that. The hon. member for Scarborough—Guildwood.

Hon. John McKay: Mr. Speaker, I appreciate the intervention on the part of the Speaker and my hon. colleague from Scarborough—Rouge River. Certainly, the hon. members opposite have no interest in dealing with facts or in dealing with the Constitution or in dealing with the Charter of Rights and Freedoms. For whatever else the Liberal Party stands for, it is the party of the Constitution and the party of our Charter of Rights and Freedoms.

Let me turn to the bill which, I submit, is deeply flawed. Members who might be watching this debate, and I cannot imagine why they would be, but maybe they are, should know that in the Criminal Code, as it presently exists, there is a dangerous offender section. It is section 753. It says:

> —definition of that expression in section 752 and the offender constitutes a threat to the life, safety or physical or mental well-being of other persons on the basis of evidence—

That is evidence, gentlemen:

> —establishing
>
> (i) a pattern of repetitive behaviour—
>
> (ii) a pattern of persistent aggressive behaviour by the offender—
>
> (iii) any behaviour by the offender, associated with the offence for which he or she has been convicted, that is of such a brutal nature as to compel the conclusion that the offender's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint;—

That already exists in the Criminal Code. This bill does not change that. This bill stays with that standard of behaviour.

What is going to happen if this bill passes? First of all, a crown attorney is going to have to give a notice. He is going to give a notice presumably after two convictions. Right now there does not need to be two convictions. It can be done after one conviction, if it can be established that the individual is going to be a threat to society. In fact, an indeterminate sentence can be obtained based upon simply one conviction. The crown attorney is still forced to prove beyond a reasonable doubt that those elements of that individual's behaviour threaten society at large.

What will happen here is that the crown attorney is going to give notice. Think about that for a second. The defence counsel probably has someone who is a pretty bad person, probably has evidenced behaviour so much so that he or she has been convicted of at least two offences. That person is now looking at an indeterminate sentence, not a determinate sentence. In other words, throw the person away.

Now the defence counsel is going to say to himself or herself, "Well, we are going to fight this and we are going to fight this hard". There are no deals and no convictions.

What will happen then? The defence counsel is in effect going to force the crown attorney to accept the plea to something lesser than possibly is appropriate under the circumstances. Now we are looking at an indeterminate sentence rather than a determinate sentence. Instead of the individual going away for an appropriate period of time on the apprehension that they may go away for a much longer period of time, the defence counsel will try and plead it down to something less.

Purists in the chamber may think that this is not very good at all. On the other hand, that is the way the court system works. I do not see that changing any time soon.

We will have a perverse consequence. In fact, the courts are going to get clogged, the crown attorneys are going to have to make deals that they do not want to make, and the courts, ending up clogged, are going to actually process fewer people who have been charged with offences.

The reaction of the crown attorney is either twofold. The crown attorney can either say, "Okay, let us bring it on and let us have the fight" or it is going to be, "Let us make a deal time". Those are the two choices that the crown attorney will be faced with. The likelihood is that the crown attorney is going to accept something of a lesser plea because in fact the provinces are not going to be greatly more resourced in order to be able to deal with this legislation.

We can ignore that kind of advice on the part of the experts that come before or will come before the committee, or we can take it into consideration when drafting a piece of legislation.

● (1620)

The risk is that it puts the entire section 752 in jeopardy. One can go to the bank on it. It will be absolutely certain that if in fact this section were to pass, if in fact an individual were to be convicted under this section, this legislation would be challenged by defence counsel in court under a charter application. There is an absolute certainty of that.

We put at risk the entire section 752. The court might either strike this bill or it might strike the entire section. We again have an ironic consequence that we would lose the entire dangerous offender section and have nothing, which I do not think any party in this House would support that kind of consequence.

We are playing a high stakes game here with things that clearly are of serious consequence. I do not think hon. members need to take my word for it or anybody else in this chamber. They might actually listen to what other people who have expertise in this area actually say about it.

If I may take some time, I would like to reference David Paciocco, a professor of law at the University of Ottawa. He begins his speech by saying that the best that could be said about this bill is that it is an amalgam of unenforceable and constitutionally suspect provisions. It puts the burden of three strikes on the accused to prove that he or she does not pose that kind of danger that the dangerous offenders do.

In other words, it reverses the burden. We are reversing the burden on somebody who has to prove that they will not likely do this action. When we do that we, in effect, are having to prove a negative. If we are having to prove a negative, the courts that are constitutionally charged with reviewing this under the Charter of Rights and Freedoms will find it very difficult to accept that this is constitutionally acceptable.

The individual accused and convicted has to prove that he or she is incapable of restraining himself or herself, likely to cause death or injury in the future, have a substantial or general degree of indifference to the consequences of his or her behaviour, and be marked with an incorrigible brutality.

The professor goes on to say that, in effect, judges are forced to find that offenders pose the kinds of risks I just described not only in cases where there is a reasonable doubt but even in cases where it is equally probable that the offender poses no such risk. Therein lies the difficulty that this bill poses for those members in this party who actually have to read the bill in the context of the Constitution and in the context of how courts actually behave.

I listened to some of the rhetoric from the other side and I wondered whether in fact those members ever actually go to courts and actually see how they operate. Do they see what the dockets are like for these judges, some 200 or 300 cases on a docket at any given time? Do they realize that plea bargaining is in fact a way of life in courts and that we would have no justice system at all, that it would grind to a halt if in fact every section of the Criminal Code was constitutionally challenged? All we have done is raised a huge flag for defence counsel to challenge this constitutionally.

The professor goes on to say that if this were true, the provision would not only fail to meet the rational connection test, it would also fail to meet the ultimate balancing that is done under the proportionality test. The provision costs to the liberty interest of the convict would outweigh the benefits the provision would produce. In either event, section 1 would not justify the reverse onus.

● (1625)

The court is continually balancing the rights of the accused versus the safety and security of society. It is called the proportionality test, and it is a constant factor in any judge's mind. Does the sentence or the proposal for an indeterminate sentence weigh against the legitimate concerns for the safety and security of the larger society?

I hear the rhetoric about getting tough on crime. I respectfully submit to members opposite that they should get a little smarter on crime. They should not put legislation on the floor which will almost inevitably be challenged in the courts or which will almost inevitably see charter challenges from defence counsel.

I submit from our side of the aisle that there is no way we can support this legislation. It does not meet the proportionality test. It does not meet the constitutional test. We cannot reverse the onus in a situation of this kind. We are, in effect, saying to the courts that the person should be put away indeterminately and that person would have to prove they would not offend in the future. This is very poorly drafted legislation. It deserves to fail.

I would be interested in any questions that members opposite may want to propose.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I have listened to a great deal of what my colleague across the floor had to say. I may have spent more time in courtrooms than most lawyers have. One of the things I noticed during that 30 year career was the fact that lawyers continually challenged the law. I do not think we should be concerned about that.

He is fully aware that reverse onus provisions in the code already have been challenged and upheld as constitutionally strong.

The member talked about plugging up the courts. The courts do not continually deal with these people, but they deal with them enough times that we need to do something. We are talking about the worst of the worst offenders. They are not shoplifters or people who break windows. These people have run afoul of the law in the most heinous way. We should not, as a society, necessarily have to wait for them for a fourth, fifth or sixth time. This is a law that only makes sense to ordinary Canadians.

What do we have to fear if someone does challenge it in the courts, being that a lawyer's role is to continually challenge the law? We should not prejudge what the courts would say.

● (1630)

Hon. John McKay: Mr. Speaker, I agree with the member. We are dealing with the worst of the worst and, therefore, a very small minority of people. At any given time, there are only 21,000 people under Correctional Service supervision. Of those, about 8,000 are in some form of non-custodial supervision. We are dealing with a very small subset of a group of people. The commitment on the part of the Conservative Party during the election was to crack down on crime. In fact, it is cracking down on a very micro-subset of the worst of the worst.

I point out that section 752 has already been constitutionally challenged and has already been upheld in the courts. By putting this overreach into the courts is in fact opening up section 752 for an entire constitutional challenge. The risk he runs does not in any way commensurate with the harm that he wishes to address.

First, we are dealing with a micro-subset of a subset of a micro-subset. Second, he is putting at risk the entire constitutionality of section 752.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, during these remarks and prior remarks there was a suggestion that this legislation attempted to deal with the worst of the worst.

I have looked at the schedule of offences listed in the bill. While they are all criminal offences, they might not be classed as the worst of the worst. There are some 56 separate offences listed, not just the rape scenario mentioned by one of the members opposite. I agree a rape situation is an extremely serious offence and three of them in a row leads one to an obvious conclusion. However, the offences listed can include ordinary assault, an abduction of a child from Canada, which could be a parent leaving with the child without authorization, and robbery. I am not saying they are not criminal offences, but the members opposite described these offences as the worst of the worst.

Would my colleague care to comment on the list, given that we are dealing with a "three strikes and you're out" presumptive scenario in the bill?

Hon. John McKay: Mr. Speaker, I think California has something of a parallel legislation and it is finding that it does not work. It catches a bunch of unintended consequences. My hon. colleague addresses one of the unintended consequences.

The members opposite think this is like three brutal assaults, therefore this person is unable to control himself or herself. This constitutes a danger to society and, therefore, the individual should be put away as a dangerous offender. However, by lowering the standard of the offence, effectively we are opening up the entire Criminal Code, within a certain realm, to people who probably the members opposite do no intend to have convicted as serious offenders. By reversing the onus, for instance two assaults and now a third assault, one may or may not be the worst of the worst. One may have other problems that get one there.

The times when I was in court, which I do not think were nearly as frequent as he was in court, a lot of the people convicted were people who had all kinds of other problems. Something in the order of about 70% of the offender population is functionally illiterate. A lot of them have serious mental health issues. What we are doing is designating a lot of these people as dangerous offenders, putting them away in an indeterminate fashion and letting them rot.

I do not see the argument that they hon. members opposite are making to support the bill. It is literally taking a howitzer to kill a gnat.

● (1635)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, coming from Winnipeg Centre, one of the most shocking things, when dealing with criminal justice issues or sentencing, is acknowledging the overrepresentation of aboriginal people in our prison system to date.

When I looked at the schedule of offences being contemplated for inclusion under the bill, it struck me right away that it will exacerbate the appalling social situation where aboriginal people are locked up at an alarming rate disproportionate to their size in the population.

Has my colleague given any thought to whether there was any cultural analysis given to the bill when it was crafted in that light?

Hon. John McKay: Mr. Speaker, the discouraging part is I do not think much analysis has gone into the bill. It is simply election rhetoric and reaction to that rhetoric.

The hon. member rightly points out that, particularly in Manitoba and Saskatchewan, aboriginal offenders are seriously overrepresented in the criminal court system. Frequently they have problems outside of simply criminal issues, whether it is mental health issues or other social issues. The hon. member would know all these things better than I would.

That was my point on the previous issue. The bill will catch a whole bunch of people whom not one person in the chamber thought would get caught. It is easy. An individual has two assaults. This individual is on the streets. The person has an alcohol problem or a mental health issue problem, et cetera. The Crown gives notice, the defence counsel, who is usually duty counsel and does not really know the offender, will try to do his or her best to do a defence on a reverse onus and our friend, on the streets of Winnipeg, is in an indeterminate sentence, which essentially is a life sentence, for what otherwise would have been maybe a two year or a four year conviction.

That is how it will play out. I think there is a significant chance of injustice as a consequence of that.

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, the hon. member for Scarborough—Guildwood has stood in the House and referred to the bill as being stupid. I must thank him for this astute legal analysis. As proof of this point, the hon. member offers up the assertion that the bill might be found unconstitutional by our courts because it contains what is called the reverse onus.

Briefly, there is a list of provisions in the Criminal Code containing the reverse onus. They have either been unchallenged through the years or held to be constitutional. Examples of these are: section 515, bail provision; section 490, a sex offender registry provision; section 16, not criminally responsible provision; and section 487, DNA orders. I could go on. In other words, there are multiple precedents in the Criminal Code for a reverse onus provision.

Would the member for Scarborough—Guildwood would rise in his place and retract that statement?

Hon. John McKay: Not a chance, Mr. Speaker. The hon. member is correct to say that there are reverse onus provisions in the Criminal Code. He is incorrect to say that it is reverse onus for indeterminate sentences. An indeterminate sentence is essentially a life sentence. A person is away at the pleasure of Her Majesty. That is it, end of the story.

It will be a red flag in front of the court which inevitably will be challenged. The hon. member and his government have put the entire dangerous offender section of the Criminal Code at risk by doing so.

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, to finish up on that last point before I begin my remarks, there are multiple precedents in the Criminal Code for reverse onus provisions. Moreover, the burden is on the accused, an accused who has already been found guilty of the crime. That is key. The person has already been found guilty.

The bill is not stupid. It is the legal analysis of the hon. member opposite that more readily meets this description.

It is humorous to watch the member anticipate, almost with glee, the efforts of defence lawyers. He talks about the amount of time he spent in court, but who we really need to be listening to are the citizens of Canada who send us to this place, who sit and watch this on television and who may have spent no time in the courtroom, but who know, because common sense tells them, that this is the right thing to do for people who commit multiple, heinous crimes. We are talking about the worst of the worst here. We are talking about the Peter Whitmores of this world.

This is part of what sparked this type of courageous bill from the Minister of Justice. We are talking about locking up indeterminately, for at least seven years, the worst of the worst. Canadians coast to coast to coast know it is the right thing to do. It is only the Liberals, the Bloc Québécois and the NDP members who do not know that it is the right thing to do.

It is my privilege today to speak in favour of Bill C-27, which proposes to strengthen and clarify certain provisions relating to dangerous and long term offenders as well as two types of peace bonds. This bill seeks to accomplish the following reforms.

First, it proposes a number of changes to the dangerous offender provisions of the Criminal Code. These changes are designed to address concerns that since 2003 there have been problems encountered in securing dangerous offender designations. These changes include a new reverse onus provision, a new provision that codifies the determination of fitness of sentence, a new declaration provision and some procedural changes regarding the psychiatric assessment.

Second, this bill will introduce a number of amendments to toughen the sections 810.1 and 810.2 peace bonds that allow police and crown prosecutors to impose extensive conditions on individuals in our communities who have a high risk of committing serious sexual or violent offences.

Certainly these reforms are significant in the overall context of offender management, which is the federal responsibility of Correctional Service Canada, or CSC, within the Department of Public Safety and Emergency Preparedness. My speech today will focus on the Correctional Service, Canada's management of high risk offenders, and how the proposed provisions will assist these officials to monitor and supervise criminals who are at risk to commit violent and/or sexual offences.

The role of CSC is very important to highlight in the context of the amendments to the sentencing legislation. CSC is generally responsible for the management of all offenders who receive federal sentences of detention, that is, sentences of two years or more in a penitentiary.

Once an offender is sentenced, the role of CSC commences, in balancing assisting offenders in their rehabilitation with measures of control. This role continues throughout the duration of the sentence. Public safety is the paramount consideration.

Upon intake, each offender is assessed to determine appropriate interventions or programs. The assessment is multi-faceted and incorporates risk-based historical factors as well as the need for correctional intervention.

Risk-based historical factors are derived from tools such as criminal records and any sex offence history, as well as guidelines established by the Correctional Service to assess serious harm. The need for correctional intervention is determined through an analysis of factors such as employment, marital and family status, substance abuse, community functioning and the attitude of the offender.

The factors used to determine intervention are dynamic. As such, they require continuous monitoring to establish risks for reoffending posed by the offender at any given time. When all the factors are considered, offenders can be identified as high risk, the level of intervention required to achieve safe and timely reintegration into society can be determined, and a correctional plan can be established for the offender.

The correctional plan provides information about the management of an offender's sentence from beginning to end. It may include correctional interventions such as the referral to one of a range of accredited correctional programs, including the violence prevention program or the national substance abuse program, in order to meet the varying needs of offenders.

● (1640)

Other interventions may include increased levels of contact between an offender and a parole officer, psychological counselling, and community based substance abuse programs. These interventions are crucial in assisting the successful reintegration of offenders.

I have briefly outlined the role of the Correctional Service at intake. I will now speak about parole offenders generally and how this relates to the legislation before the House today.

Generally, an offender may or may not be granted parole eligibility by a judge in accordance with the Criminal Code. Offenders who are granted parole eligibility must serve one-third of their sentence before they are eligible to be released on parole. For certain violent offenders a judge may impose parole eligibility at one-half of the sentence or 10 years, whichever is less. For dangerous offenders, there is no parole eligibility for the first seven years and then every two years thereafter.

The offences that carry a parole eligibility requirement of one-half of the offender's sentence must be pursued by way of indictment and may not be a minimum punishment, and the offender must receive a sentence of imprisonment of two years or more. These offences include some of the most egregious crimes, such as sexual interference and sexual exploitation involving victims under 14 years of age.

The paroled release of an offender has a graduated approach rather than a cold release into the community. For instance, conditions may be recommended to the National Parole Board, such as imposing a curfew on the offender, to reduce the risk that the parolee will reoffend.

Offenders who have not been granted parole eligibility under the Criminal Code are eligible for statutory release. This is an inmate's legal entitlement, with exceptions for inmates serving life or indeterminate sentences to be released into the community after serving two-thirds of their sentences.

All federal offenders are to be reviewed for parole by the National Parole Board, if eligible, unless they waive this right. The board, in determining parole, is guided by a list of principles, including that the protection of society is the paramount consideration in all cases. The board must also consider certain criteria to grant parole. It must be of the opinion that an offender will not reoffend.

The National Parole Board must consider whether there is an undue risk to society before the expiration of the offender's sentence. It must also be satisfied that the release of an offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.

For dangerous offenders, the onus is on the offender to prove that he or she poses no risk to the public if parole is granted. Dangerous offenders are very rarely granted even limited parole. According to the National Parole Board, about 99% of all dangerous offender parole applications are rejected outright. This compares to, for example, parole applications for offenders convicted of first degree and second degree murder, whose parole applications are denied about 65% of the time.

As a result, the dangerous offender indeterminate sentence is often referred to as the toughest penalty in Canadian criminal law. Three main areas are considered during the board's review: an assessment of an offender's criminal and social history; the offender's institutional behaviour and results of interventions; and the release plan and community management strategy.

With respect to an offender's criminal and social history, many factors are assessed, such as the details of the offence, criminal history, substance abuse, and physical and mental health. Institutional behaviour and intervention assessment considers any evidence of a change in the offender as a result of the benefit of any treatment or program participation while incarcerated, as well as the offender's understanding of the current offence and previous criminal behaviour.

When assessing the release plan and community management strategy, National Parole Board members will consider the availability of programs or counselling, supervision controls, and whether special conditions are required to manage risk factors in the community.

Given all of these considerations and criteria, along with internal board policies, parole may not be granted to those offenders who are viewed as high risk and represent an undue risk to reoffend.

● (1645)

Canadians across the country have told us that they want to take action on crime. With this landmark legislation, we are delivering, but we cannot do the job alone. We need the support of the opposition MPs to help us pass this important legislation that we have introduced to tackle crime.

Despite grand overtures and rhetoric, the opposition has done little to actually get tough on crime in this Parliament. The opposition talked a lot about getting tough on crime during the election campaign, but this is really about what happens after the election. It is about how members stand in the House and represent their constituents and how they vote.

There is only one party that is sticking up for safe streets and safe communities and sticking up for the safety of our children and our seniors, and that is the Conservative Party of Canada and this government. I call upon the opposition to stop watering down crime legislation and do as it promised in the election campaign. Let us get on with the job of making our streets safe for all Canadians.

I would like to mention a few members in the House who are on board. They know the importance of getting tough on crime. First of all, they are led by the Minister of Justice, but we also have the member for Regina—Lumsden—Lake Centre, the member for Regina—Qu'Appelle, the member for Wild Rose, the member for Cambridge, the member for Northumberland—Quinte West, the member for Oxford, the member for Okanagan—Shuswap, and the list goes on with every single member on this side of the House. I see the member for Macleod looking at me. I see the member for Vegreville—Wainwright. They all want credit and they are all working extremely hard on this file to get tough on crime. I wish the members opposite would join us in that venture.

I thought I was going to have 10 minutes, but it turns out that I have 20 minutes so I want to talk to the House a little about how crime affects people in my riding of Palliser and across the entire province of Saskatchewan.

In case members do not know, Saskatchewan continues to be the crime capital of Canada under an NDP government. For the information of the House and the members opposite, I would like to let Canadians know what life is like under an NDP government.

Per capita, Saskatchewan's overall crime rate is higher than Ontario's. Saskatchewan is the murder capital of Canada. That is shocking. Saskatchewan has the highest rate of violent offences of any province in Canada. Saskatchewan continues to have the highest property crime rate in Canada. Crime rates for robbery in my home city of Regina are the third highest of any city in the country. Regina has the highest number of car thefts in Canada, again per capita.

All of us in this chamber and everyone watching at home recognize that this is a disgrace. The people of Palliser and the people of Saskatchewan have a right to feel safe in their homes and on their streets. Instead, every year they find that they live in the most dangerous province in Canada, thanks to years of provincial NDP and federal Liberal governments.

One would think that members of the opposition, when presented with a bill like Bill C-27, would support our government's tough new measures to crack down on dangerous offenders. Again, we are talking about the worst of the worst. We are talking about two dozen individuals a year. That is what we are talking about.

The members opposite and the members in the NDP refuse to support this bill, a bill that puts the onus on offenders who have already been convicted of three violent or sexual offences to justify why they should be released into a community. This is perfectly reasonable.

People at home recognize that it is perfectly reasonable. In fact, many of my constituents have contacted me wondering why we give people three chances. This is the Canadian way. We have a heart and we try to rehabilitate people, but there is a certain point at which we have to say enough is enough. Canadians are with us. To me and to the citizens of Palliser, the approach of this government makes a lot of sense.

That is not what we are hearing from the opposition benches today. I cannot believe that those members are not going to support this bill. Canada's new government is ready to take immediate action to get tough on dangerous offenders. I ask the members opposite, particularly the members of the NDP, to stand up today and join our efforts.

I ask that they do the right thing and support our efforts to make our neighbourhoods safe, but perhaps that is wishful thinking. After all, let us look at the record of the NDP when it comes to crime and criminal justice bills. The NDP joined with the Liberals to gut an important piece of our government's legislation, Bill C-9, which would have eliminated house arrest for arsonists, car thieves and criminals who break into the homes of our citizens.

● (1650)

It sounds perfectly reasonable to me that if someone burns down a building, steals a car or breaks into someone's home, they should probably go to jail. The members in the opposition parties do not think so. They think these offenders should be eligible to serve their sentences perhaps in the comfort of their own living rooms. Canadians know that is wrong.

I know the NDP members like to advocate softer sentences for criminals and make excuses for why we should not get tough on crime but Canadians understand that gutting important crime bills and failing to stand behind legislation, like Bill C-27, is simply wrong.

When it comes to Bill C-27, the NDP justice critic did not do the right thing and voice his support for our bill. Instead, he criticized the Conservative government for bringing forward legislation to target dangerous offenders. He suggested that the bill, including its reverse onus provisions, violates the Charter of Rights and Freedoms.

However, during the last election campaign the NDP said that it supported a reverse onus on bail for all gun related crimes. The NDP members cannot have it all ways. They cannot say one thing during an election campaign and then do a flip-flop once they come to this chamber. While I am on this topic, I should mention that the former Liberal justice minister also dismissed this bill outright. It is shameful.

It is clear that the NDP are content to say anything to get elected but when it comes to standing behind their words and doing the right thing they simply cannot be trusted. I think the facts speak for themselves. There is only one party in Canada today that is standing up for safer communities, safer neighbourhoods and safer streets and that is the Conservative Party of Canada and this new government.

I am so proud to support Bill C-27 on behalf of the citizens of Palliser. It is the right thing to do. It is the tough action on crime that Palliser residents have called for. What I hear all the time is that enough is enough, and this is the right thing to do.

I would like to take this opportunity during Remembrance Week and with Remembrance Day on Saturday to urge all Canadians to share the story of remembrance and to take the time to remember our veterans and those who currently serve in the Canadian Forces around the world, including our brave men and women in Afghanistan. The veterans and the members of the Canadian Forces are people to whom we owe everything that we enjoy today. We owe everything to those individuals. I urge members to take the time to remember, as I am sure all Canadians will.

● (1655)

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): 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 Laval, Health; the hon. member for Nanaimo—Cowichan, Aboriginal Affairs.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I want to try to correct the record, if I may. The member who just spoke referred to Bill C-9, a bill that just passed through this place. While it arguably may not be bang on relevant, it was mentioned by the member in his speech.

The member and the Minister of Justice have publicly stated that arson was removed from Bill C-9. Is the member aware that arson of a dwelling house still remains within Bill C-9? What those members are saying to Canadians, almost every day, is, I could be polite and say that it is wrong, but it is misleading to the point of being deceitful.

Is the member aware that arson of an inhabited dwelling house is a personal injury offence? It is quite unfair to Canadians for him and the justice minister to continue to repeat those remarks. It is misleading and most unfair.

Mr. Dave Batters: Mr. Speaker, I will certainly look into that. Perhaps he is picking on a technicality in the bill. My understanding is that under the Liberal and NDP versions of justice in this country, people who burn down property should be eligible for a conditional sentence.

I noticed that the member did not mention anything about the fact that for people who break into other people's homes, for theft over $5,000 or auto theft, he had no problem with those individuals perhaps serving those sentences in the comfort of their own living rooms.

The Liberals and NDP just do not get it when it comes to crime. Canadians have had enough and they have said as much. One of the major reasons they elected a new government on January 23 was because they knew it was time to get tough on crime. Canadians want the Liberals and the NDP to stop dragging their feet and pass these important bills, bills that will improve the safety of our streets and communities.

I would like everyone who is listening at home to notice there was no mention whatsoever that persons who commit break and enters and car thieves should not be allowed to serve their sentences in the comfort of their own living rooms. That is the hon. member's view. It is not the view of this government.

● (1700)

[*Translation*]

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, at the beginning of his speech, the hon. member for Palliser waved his arms about and told us that the Liberals, NDP and Bloc Québécois are making a mistake by not supporting this bill. I believe that the majority of the members of this House do not support this bill simply because it is a bad bill.

Most certainly, the Bloc Québécois does not support it because we base our position on what is happening in Quebec. When it come to justice in Quebec, we consider rehabilitation to be the most important thing, and this works. Proof lies in the fact that the crime rate in Quebec is lower than in Canada or the United States.

I wonder if the hon. member for Palliser believes in rehabilitation. Even more so, I wonder and I will put the question to the hon. member, although he says he wants our streets to be safer, why does the government, the Conservative Party wish to allow weapons to circulate freely and with no control on our streets?

[*English*]

Mr. Dave Batters: Mr. Speaker, my friend opposite knows that is not the case. This government has actually introduced mandatory minimum penalties for crimes committed with firearms. We believe in effective gun control measures. What we do not believe in is a $2 billion boondoggle registry that did not prevent one crime or save one life.

The member opposite talked about the majority of this House. For the people watching this debate at home, that will be one of the reasons that more Conservative members will be coming to this place. We, on this side of the House, believe in rehabilitation of offenders as well, but in Bill C-27, we are talking about two dozen people in the country, the absolute worst of the worst, people convicted of multiple heinous crimes, people like Peter Whitmore in Saskatchewan who has multiple sexual offences against children. We are talking about putting the onus on those individuals and giving them an indeterminate sentence of seven years.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the bluster from the member is quite something when we all know that right now it is possible to declare somebody a dangerous offender the first time they commit a heinous crime of the kind he is describing. The bill does not really add anything to protect Canadians. If someone is a dangerous offender, that is possible.

In my riding there is a group of dedicated, grass roots organizers and volunteers who believe in restorative justice programs. They have organized a youth restorative justice program. They are called the Burnaby Restorative Action Group, BRAG. They cannot get money from any level of government to assist them in that important work.

We all know that restorative justice programs work, that they reduce crime, that they bring offenders and victims together, that they resolve the problems and that they take the responsibility of solving the kinds of problems that led to crime in our cities, communities and neighbours very seriously. Here is a group of dedicated volunteers that cannot get one penny of assistance from the federal government to set that kind of program up, to run it and operate it effectively. I would ask the member if that is appropriate.

● (1705)

Mr. Dave Batters: Mr. Speaker, this is certainly not bluster. This legislation has received the support of victims' rights groups across the country, as well as the Canadian Professional Police Association. Our new government's stance is in step with the opinion of the vast majority of Canadians that serious crime must equal serious time. It is high time we started looking at crime and punishment through the eyes of victims instead of criminals.

The member mentioned an association in his riding called BRAG. He should take that up with the Minister of Justice on another day. Today we are talking about locking up indefinitely the 24 most dangerous people in this country.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, unlike members opposite, I will not stoop so low as to call members of this House deceitful. A colleague of my friend opposite was not being deceitful. He probably did not read the bill and was not prepared. He made a promise during the election with no intention to keep it and, therefore, felt no need to be prepared.

This bill deals with primary designated offences, offences committed, not once or twice, but three times. We are talking about sexual interference, incest, murder and kidnapping. Unlike what the member opposite suggested, kidnapping does not require a beyond a reasonable doubt defence. I am not suggesting members opposite were being deceitful. I just do not think they are prepared. Given that there is no requirement for a beyond a reasonable doubt defence, it is a balance of probabilities. There is still an opportunity for a judge to intervene in this case.

I would just like to ask the hon. member if he agrees that this is on a balance of probabilities, not on a beyond a reasonable doubt, as was indicated by members opposite who are not properly prepared.

Mr. Dave Batters: Mr. Speaker, a comment was made earlier by a member opposite about arson of a dwelling house being removed from Bill C-9. He should have been prepared when he came to the House. The truth is that it is taken out if someone is in their home when it is burnt down. However, if people are not in their homes when someone burns it down, the Liberal and NDP members think the arsonist should be able to serve his or her sentence in the comfort of his or her own living room. The member should have known that before coming into the House.

To answer the hon. member's question, the Minister of Justice has been very successful in striking an appropriate balance. We need to keep in mind that these people have already been convicted and certainly this law will—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Saint-Hyacinthe—Bagot.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I rise today to speak on this bill. I may not be a lawyer, but I have enough brains to read bills. I can tell whether a bill is in tune or not with the reality. My 13 years of experience as a member of Parliament and lawmaker in this place have taught me the difference between good bills and bills that do nothing for society in Quebec or Canada.

Bill C-27 before us does strictly nothing to help fight crime, reduce crime or discourage potential criminals from offending. This is a totally pointless bill which does not meet these objectives.

I listened earlier to the hon. member from the Conservative Party according to whom being against this bill is to be against the victims of crime. What demagoguery.

Bills like this, which do no good, may in fact interfere with the normal court process. Judging by the experience of the Americans in recent years, after they introduced similar legislation, this is the kind of bill that can hamper crime-fighting efforts instead of providing additional tools to fight crime. No study has shown that this three strikes and you are out policy can do any good.

In the United States, where the crime rate is the highest in the world, experience has shown in recent years that having that kind of policy in place does not make the crime rate go down. There are mostly studies that establish a connection between the likelihood of reoffending and the length of incarceration. That is the exact opposite of what we have just heard in relation to this bill.

In addition, this bill ignores a basic legal principle: the presumption of innocence. Even before a criminal commits another offence, he has to prove that he is not a dangerous offender and that he should not be incarcerated indefinitely. The offender has the burden of proof. I do not believe that giving an individual such a responsibility in the justice system is the right approach or that it is in keeping with the principle that every individual should be given a chance. This reverse onus is not in the tradition of British law, except in certain specific cases, such as proceeds of crime.

Recently, through the efforts of the Bloc Québécois, we passed a bill under which, after being convicted, an individual who has taken part in organized crime activities must prove that he acquired all his property legally: the Mercedes, the house, the secondary residence. This type of exception is what we should have, when we look at all the organized crime rings.

Opération printemps 2001 showed us what it cost in legal resources and tax dollars to prove that all the property belonging to the Nomads, Hells Angels and other organized crime rings had been acquired illegally.

When we look at this bill, we can see that it can even undermine the legal process. I was listening to my Conservative colleague earlier. He said that he had received calls from his constituents asking him why we should wait for the third time before declaring someone a dangerous offender and incarcerating that person indefinitely.

I would ask him the same question in reverse.

Why wait for the third offence when today, depending on the seriousness and brutality of a crime, a crown prosecutor can ask that someone be declared a dangerous offender after the first crime?

It is not necessary to wait for the third time. If the first crime is particularly brutal, the crown prosecutor can ask that the individual be declared a dangerous offender. The judge may grant the request and declare the individual a dangerous offender after the first offence.

● (1710)

Why wait for the third offence to be committed when, in the current system, with the flexibility afforded lawyers and judges, we can use intelligence and discernment to determine, right from the first offence, if rehabilitation is possible based on the nature, seriousness and brutality of a crime?

I said earlier that the United States experimented with this type of policy. Their prisons are full. It has been said that the Prime Minister is a carbon copy of George W. Bush. The government wishes to copy the Americans not only in military and economic policies, and support for oil companies, for example, but also in the changes it wants to make to the current justice and correctional systems in place in Canada.

In the United States, prisons are bursting at the seams. The rate of incarceration is sevenfold that in Canada. Yet, even with a policy of "three crimes makes a dangerous offender", the US homicide rate is triple that in Canada and four times greater than Quebec's rate. That must mean something. When a system does not work, for example in the United States—a country with one of the highest rates of criminalization—we must not copy that system and we should try something else. We must not duplicate the American system. To make themselves look good, the Conservatives have introduced this type of legislation while acting as though they alone can guarantee the safety of individuals, the prosecution of criminals to the bitter end, as though they alone will ensure that justice is served in this country. This is a completely twisted claim with respect to the discourse and the content of the bill.

As lawmakers, we bear enormous responsibility. This responsibility certainly includes the treatment of victims, both the past victims and potential victims of criminals. We need to look after them, but to do so, we need to have the right tools. In the last 10 years, serious crime in Canada has gone down. So they should not come to us with just the 2004-05 data and say that the situation is absolutely frightful and so terrible that something must be done. Certainly it should, but not through measures that are out of touch with reality, like these.

We need real action, but that is not what the Conservatives are offering. It is just the appearance of action. They want to show that they made some political promises that made no sense at all during the last election campaign, including this policy of three crimes equals a dangerous offender. So they introduce this bill. I cannot make head or tail of it. It has no relation to reality and adds nothing. It does not add any tools for fighting serious crime in Canada.

Among the things that should be done—but which they have not done—is the essential tool of firearms control. We just received the most recent data from Statistics Canada. We are not making this up; it is Statistics Canada. It tells us that Quebec and Prince Edward Island have crime rates that are much lower than the rest of Canada. The city with the highest crime rates and most serious crimes is Edmonton. Calgary takes second place. That is significant.

When people come from a region where the crime rate is the highest, could they not be a little bit more intelligent and find some way to deal with crime? Firearms control and the firearms registry are what we need. Yesterday, for example, they were saying on the news that 80% of the crimes in Edmonton were committed with unregistered firearms. Therefore, 20% of the arms were registered. Is that not a sign that controls should be tightened? We need to have a well managed registry.

Some hon. members: Oh, oh!

● (1715)

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Saint-Hyacinthe—Bagot has the floor and the Chair wants to hear what he has to say.

Mr. Yvan Loubier: Mr. Speaker, I am very pleased that you are prepared to hear what I have to say to the end.

When we are faced with a reality such as this, we sit down and pay attention to the crime rate. In some regions of the country it has gone down. Why? In Quebec, emphasis was placed on rehabilitation. There are dangerous offenders, but not many, and before an individual is declared a dangerous offender that person is first considered a long-term offender. This criminal can be supervised for 10 years.

Let us look at the crime rate in Quebec. It speaks for itself. Quebec is the place where there is the least amount of serious crime, but it is also the place where emphasis has been placed on rehabilitation. It is also the place in Canada where people are quite aware of the importance of gun control. This also says a lot. There are predispositions. There is intelligence in an approach.

The Prime Minister and his government have decided to do away with the firearms registry, to remove all controls and now weapons are pouring in from Montana, crossing the Canadian border, which is a real sieve. They are pouring in. Everyone is armed and it is a circus.

This is not how things work. First, we must keep the gun registry. Second, we must improve enforcement along our borders. Let us set up controls at the border, to prevent gun smuggling. One can go anywhere—a bar, a pub, whatever—ask for a handgun and get it very quickly. There is an incredible traffic going on for these weapons. That is the second measure to take, instead of passing cosmetic bills like this one, to make the Conservatives look good, because they want to show that they are the only ones defending justice. My foot!

I just said that these are two important measures, but the Conservatives are totally opposed to them.

Third, how about investing in prevention? We see some very young people—aged 10 to 12 or 13—working with henchmen from criminal organizations. For example, these young people help hand harvest cannabis plantations in Ontario, Quebec or elsewhere, and are paid $20 an hour. They work with organized crime and they learn to make quick money the easy way. Could it be that, as they get older, these young people will continue to deal with the criminal world and become part of it, instead of becoming honest members of our society? The purpose of prevention is to keep them from doing that. It is to ensure that those young people who are at risk can integrate our society and rehabilitate themselves, before they become adults and join the ranks of organized crime.

When do we hear about crime prevention for young people? When do we hear Conservatives talk about rehabilitation? Never.

I will conclude by simply saying that the Conservatives also claim to be great protectors of public funds. Looking at how they manage that money is my pet project. They claim to be great protectors of public funds. However, because of the measures that they want to take, jails will be full of people who, after three offences—regardless of the merits of the case and the good judgment of judges and coroners—will join the inmate population, thus increasing it significantly.

I would like to give you a few figures relating to the cost of rehabilitating a prisoner. In Canada, keeping a person in the prison system costs an average of $88,000. I am not talking about maximum security. Maximum security—incarcerating dangerous offenders—costs $120,000 per year. That is a lot of money.

Do you know how much it costs to supervise an offender? About $26,000 per year. $26,000 compared to $120,000 or $88,000 speaks volumes.

First of all, the Conservatives opted for Criminal Code reforms that provide no new tools for fighting criminals. Second, they did so merely to look good and give people the impression that they are strong supporters of a police state and the victims, even though they are doing nothing to help victims. What they are really doing is creating criminals, promoting recidivism and creating potential victims.

Third, they have not considered prevention and rehabilitation, even though that is what works. Wherever this approach has been used, crime rates have dropped and there have been fewer serious offences. Wherever there is a sense that the people's representatives do not support rehabilitation, we get situations like in Edmonton and Calgary, where the crime rate is sky-high.

● (1720)

Maybe this means something.

Furthermore, these ineffective measures, which are completely useless for protecting potential victims, cost an arm and a leg; they are a huge waste of public funds. As I said, measures like these create fertile ground for recidivism. There are people who go to prison and end up staying there 10, 12, 15 years. Most studies show that when they come out, their risk to re-offend is higher than it would be if they had had access to rehabilitation, as they do in Quebec and other countries. We have to think about this and stop going for the right-wing police approach by claiming to be the only ones fighting for justice. Give me a break.

[*English*]

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I have one comment to make on the whole issue of the opposition's soft on crime stance and one particular question for the hon. member from the Bloc.

The first thing I would comment on is that apparently the opposition members think it is an appropriate sentence to have criminals sit at home watching a 52 inch plasma TV stolen from a house that they just burnt down. That is exactly what these members are saying should be an appropriate sentence as opposed to Bill C-9.

I am absolutely appalled that he would stand in the House and say that for $26,000, that is the reason we cannot afford to designate somebody as a dangerous offender.

In our province there is a man by the name of Peter Whitmore who has just recently abused two 12-year-old boys. It is the sixth or seventh time he has done this. He was not designated a dangerous offender. Had he been so, he would have been in jail.

Why does that member not come to my province and tell the parents of these 12-year-olds that $26,000 is more than the value of a young child? Please come out.

● (1725)

[*Translation*]

Mr. Yvan Loubier: Mr. Speaker, I would like to resume with a more civilized tone. The Conservatives have a tendency to shout like that and sound off indignantly. They should express their indignation about their own government's failure to act on organized crime. They should stop throwing stones at the Bloc Québécois. I have a good memory. In 13 years, there were three major reforms to the Criminal Code to get the Hells Angels and other such criminal gangs behind bars. Those three major reforms were introduced by the Bloc Québécois. We did everything we could to get those reforms passed. The Conservatives were reluctant to adopt the reforms needed to fight real criminals with real tools.

Getting back to his example, what does Bill C-27 have to offer? From the first serious offence for assault or a heinous sexual crime—which we find just as heinous as my Conservative colleague does—a coroner can ask that the convicted individual be designated a dangerous offender. They want to give such criminals three chances. Where is the logic in this bill?

[*English*]

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I might say at the beginning, as one of the ones you tuned up for shouting across the floor earlier, that you are to be congratulated for the non-partisan and fair approach you take to your occupancy of the Chair. You treat both sides the same.

I have a question to the member who spoke, and it spins off what the new government member said a minute ago when he outlined a serious crime and indeed it is a serious crime. However, when we are looking at these bills, the key question is, will it work? That is what is fundamental. We all know there are crimes out there and there needs to be penalties for them, but the key question in terms of the whole new approach the Conservatives are taking to law and order is, will it work?

I attended the justice committee the other day. There was no evidence nor concrete facts. The Conservatives are basically bringing in an Americanization of our justice system. Which country do we feel safer in walking the streets, this one or south of the border? So I ask the member—

The Acting Speaker (Mr. Royal Galipeau): To be fair, again, this question and comment period will collapse at 5:30 p.m. and I would like to give time to the New Democratic Party for a question. I recognize the hon. member for Saint-Hyacinthe—Bagot.

[*Translation*]

I ask that the response be brief.

Mr. Yvan Loubier: Mr. Speaker, my Liberal colleague is entirely correct. What they are trying to do is simply copy the Americans. In the United States, where such a policy was brought in, here is what happened. The American rate of incarceration is seven times higher. There are three times more homicides in the U.S. than in Canada, and four times more than in Quebec.

Why would we copy such a policy here, when it clearly does not work and accomplishes nothing? Despite my colleague's indignation, I still insist that this measure is completely ridiculous. Its sole purpose is to make the Conservatives look good in the eyes of Canadians and deliver on their promises, which are completely ridiculous.

[*English*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Winnipeg Centre will recognize that there is less than a minute for both the question and the answer.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I want to thank my colleague, the member for Saint-Hyacinthe—Bagot, for his eloquent and thoughtful remarks. I will dwell only on the one issue that he raised.

In my earlier comments, I said that in fact the Conservatives are being soft on crime on the issue of reverse onus as it pertains to the proceeds of crime. It was a Bloc Québécois initiative that said in situations of organized crime why should we not be able to seize the luxury homes and assets and have organizaed crime prove that it earned that money legally and it was not purchased through the proceeds of crime.

Is it not the Conservatives who are going soft on that policy? They are not going after organized crime nearly as stiffly as was recommended by our colleague Richard Marceau from the Bloc Québécois?

● (1730)

[*Translation*]

Mr. Yvan Loubier: Mr. Speaker, I thank my hon. colleague and NDP friend for this question.

Reverse onus for the proceeds of crime is not the only amendment to the Criminal Code introduced by the Bloc Québécois. There were three others, and they were all major.

One of them, for example, is what led to operation springtime 2001 and its outcome, which targeted criminal biker gangs and made it easier to prove someone's membership in a criminal gang. We followed up with reverse onus. These are real tools, unlike the nonsense being presented here today. And those real tools were the Bloc Québécois' contribution.

The Acting Speaker (Mr. Royal Galipeau): 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

[*English*]

DNA IDENTIFICATION ACT

The House resumed from September 26 consideration of the motion that Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes), be read the second time and referred to a committee.

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I am very pleased to speak to Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes).

I want to congratulate the member for Burlington for bringing this forward. If I guess right, he probably inherited this from the member for Saanich—Gulf Islands, perhaps in a somewhat different form. The member for Saanich—Gulf Islands is now the Minister of Natural Resources. My colleague, the hon. member for Burlington, has picked up this important initiative and I congratulate him for doing that.

I worked with the member for Saanich—Gulf Islands in the previous Parliament to get this bill enacted. The federal Liberal government at the time was supportive of developing a missing persons index and in fact launched a public consultation process that was completed last year. There are some issues the member knows about, none of which I believe are insurmountable, and I think we need to move toward a missing persons index.

There are some issues around privacy and jurisdiction along with some technical issues, and that is why the government at the time launched the public consultation process. That was completed last year. It was taken to the federal, provincial and territorial ministers of justice in November 2005. There were further working groups established and I believe it is on the agenda for the meeting coming up in November 2006, if my knowledge is right.

The officials were asked to look at various issues around cost, privacy, legal implications and to bring forward recommendations. Perhaps this bill has all the answers in it, that I do not know. I suspect not. The processes may be somewhat out of sync, but there are ways to deal with that. It is a very worthwhile initiative.

We definitely empathize with those who have relatives or friends who have gone missing. It is a horrible thing to have to go through. We know this happens with some frequency. A lot of people go missing and are subsequently located. The number, for example, of long term missing persons in Canada is less than 5,000 and an average of 270 new long term cases are recorded each year.

The Canadian Police Information Centre currently records a total of 286 partial sets of unidentified human remains. It is a challenge to find a match. People who are missing perhaps could be linked back to a crime scene or some other event with a DNA match. In the case of a person who is deceased, it would bring closure to that case and at least allow people to get on with their lives. They would know their missing relative or friend was located at a crime scene and that is the end of it.

There are, though, other situations where, for example, young people leave home and disappear. In some cases it may be because of some mischievous event. It might be a voluntary move on a person's part to leave home to travel and go under the radar. It raises some privacy issues with respect to DNA.

In a case such as that the relatives would be approached or there would be some interaction with relatives to identify DNA through personal belongings, et cetera. What happens, for example, if relatives themselves are involved in a crime? Do they have any privacy rights? If it is a deceased person, it is fairly straightforward, but if the police are able to match the DNA of a missing person with the DNA of a person at a crime scene who was either at large or convicted or a victim, what privacy rights would that person have?

● (1735)

Maybe they do not want to know about their families anymore for various reasons. There can be a lot of things that go on in families and for whatever reason, they might not want to be associated with their families anymore. What obligations and responsibilities come into play then? Those rules would have to be laid out very clearly and that is not always simple. It is surmountable, but it is not always simple.

There are also issues around jurisdiction. We never like to get bogged down with which jurisdiction has the responsibility, but the fact is that our Constitution lays out certain responsibilities. With respect to criminal law, the federal government has that responsibility; civil law and property rights are provincial. When we are talking about missing persons, that normally comes up in the context of local police work, and until such time as there is some criminality attached to it, or there is a suspicion that there is a crime involved, it is a local issue. These matters are dealt with often by local police and every province and jurisdiction has a different approach with respect to the DNA. That is why it is clearly appropriate for the federal government to be talking with the provinces and the territories to make an assessment of what is being done currently and what could be done with the National DNA Data Bank.

It is interesting to note that not all DNA is collected and kept in the National DNA Data Bank. We might have a missing person's DNA but we would not have necessarily all the DNA in the DNA Data Bank. In fact the last Parliament passed laws that reduced the judicial discretion in terms of feeding DNA to the DNA Data Bank. In this Parliament, there were further enhancements to that so that for major crimes, serious crimes, there is no discretion with respect to the DNA passing to the National DNA Data Bank. It is only applicable at this point, even with those changes, to the most heinous and serious of crimes, such as rape, murder and the like. There is currently no process for systematically gathering and comparing the DNA samples. That is an issue that has to be dealt with.

The consultation paper that involved a number of Canadians sought to get some views from experts and other interested parties on how one could put together this kind of missing person's index. That report is in and in a moment I will go through some of the findings and recommendations that came out of that consultation process.

There are different approaches to the privacy issues. We need to have a good debate around that.

There are different ways of structuring a missing person's index. It could be run at the provincial level and coordinated at the National DNA Data Bank level. It could be run at the National DNA Data Bank level and fed by the provinces and the territories.

There are issues like that which need to be worked on. In fact, this consultation process identified a number of different options for the government to look at and for the provincial, territorial and federal ministers to look at.

I am hoping that we make some progress. I hope that the member can take this to committee and somehow harmonize it with this consultation process and bring it into play, because we need it. It is an important tool that we could all use.

● (1740)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak on behalf of the Bloc Québécois about this private member's bill, Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes).

The summary says:

> This enactment amends the DNA Identification Act to provide for the establishment of a human remains index and a missing persons index to help law enforcement agencies search for and identify persons reported missing.

Hon. members know the effort that the Bloc Québécois makes to defend the interests of Quebeckers and, at the same time, defend areas of provincial jurisdiction. Once again, this House is debating this sort of bill. I will read a comment made by an analyst with the Parliament of Canada about Bill C-240, which was introduced during the previous Parliament and covered the same ground as Bill C-279, which is before us today. The analyst told us that the bill introduced by the member in question—who shall remain nameless—was ultra vires Parliament, because it concerned a local area of jurisdiction.

That means simply that this bill does not come under federal jurisdiction.

We can talk and talk in this House, but the government always turns a deaf ear. Before, it was the Liberals; now, it is the Conservatives. The government is always ready to encroach on areas of provincial jurisdiction. It is no wonder so many Quebeckers want to leave Canada and form their own country, Quebec. We are sick and tired of this constant interference. We are tired of investing time, money and energy in areas that do not come under federal jurisdiction. In fact, 23%, 24% or 25% of the money comes from Quebeckers.

The federal government has enough problems with its own areas of jurisdiction, as we can attest. Since the Conservative government was elected, we have watched it invest in the army, in arms, in law and order. The Criminal Code is a federal responsibility. The government has enough problems with its own areas of jurisdiction. It should let the provinces pass their own legislation and their own regulations in their own areas of jurisdiction.

As I said, the Bloc Québécois did not say that, it was a researcher from the Library of Parliament who said that this bill does not come under federal jurisdiction.

Earlier, my Liberal colleague openly admitted that there was a problem with jurisdiction. When there is a problem with jurisdiction, you do not table such a bill. It is simple. That avoids debates and, in the opinion of his colleagues, would avoid giving the Bloc Québécois a reason to argue. Too often, in this Parliament, we are right. In the case of this bill, we find quite simply that this is not a matter falling under federal jurisdiction.

It is not that there are not some good debates. Solving the fiscal imbalance is a good debate. It is a debate that we should have in this Parliament. We would be pleased to have members from the other parties table private members' bills in order to deal with the fiscal imbalance. Some would say that they cannot table such bills because they entail expenditures and therefore require royal recommendation.

However, this small bill, C-279, also requires royal recommendation given that it entails expenditures to create an index. When fellow members table bills requiring royal recommendation,they know that entails expenses and requires additional authorization. That also means that it requires supplementary budgets and that it is not a sure thing that it will be adopted. That is what it means.

Thus, the members should work on solving the problem of Quebeckers, namely the fiscal imbalance. The Bloc Québécois has never hidden the fact that the amount needed to resolve the fiscal imbalance is $3.9 billion. It is that simple. Any colleague from the other parties can table a private member's bill and ask for resolution of the fiscal imbalance, which is $3.9 billion for Quebec and some $12 billion for all of Canada. They would be helping one another out, they would be helping the citizens of their provinces and, at the same time, would perhaps ease some of the tension that exists between Quebec and the rest of Canada.

● (1745)

Members will have gathered from what I said that the Bloc Québécois will oppose Bill C-279. The reason for that is quite simple: the establishment of a registry for DNA identification or the establishment of indexes do not fall under federal jurisdiction; it is an area of provincial jurisdiction.

We are very respectful of the Constitution of Canada. As members know, Quebec has not signed the new Constitution. The ROC, the rest of Canada, gave itself a Constitution and cannot even abide by it. It is no wonder that Quebec did not sign it: that document was unacceptable to the people of Quebec.

I hope that everyone has noted the Bloc Québécois' desire to clarify its position. The Bloc Québecois is finding increasingly intolerable the introduction of bills having to do with areas of provincial jurisdiction. So, this is a nice, friendly warning to our colleagues and friends from other Canadian provinces: they have to respect provincial jurisdictions in the private members' bills they introduce.

I will repeat to make sure that it is clear. I am not the one saying this, because I am repeating what the analyst from the Library of Parliament said about Bill C-240, which was identical to Bill C-279. The analyst said that Bill C-240 was ultra vires the powers of Parliament as it would deal with a matter of local concern. The same is therefore true of Bill C-279, and that is why we have not requested any specific analysis from the Library of Parliament staff. We already had their analysis on Bill C-240.

So, it will come as no surprise to the hon. member who introduced Bill C-279 that the Bloc Québécois will be voting against that bill. I realize that this may sound persnickety and that the Bloc Québécois may appear to be fussy about this point. But if we want each level of government, both the federal government and the provinces, to have their jurisdictions respected, the first thing to do is to read the Constitution over. It is all set out very clearly in there. It was very clear to the analyst, and I hope it will be very clear as well to my hon. colleagues, that Bill C-279 does not fall under federal jurisdiction.

This brings me to the issue of the federal government's jurisdiction. As we know, some money was spent and more will be spent in the future. We can also see that this Conservative government, guided by its right-wing republican conservative vision, is investing a lot of money in the military and in defence material. Of course we cannot blame the government for doing that, because this area comes under its jurisdiction. The federal government is responsible for looking after the army. I think the Conservative government has clearly understood that, and this is why Canada is investing increasingly more in this area.

The problem is that we do not have debates in this House on the kind of armed forces that we want. When missions are sent to Afghanistan, there is no debate in the House, and the government does not seek the advice of hon. members. For example, when we go to Kenya to represent the Government of Canada and talk about the environment, as is the case now, there is no debate. Yet, the Bloc Québécois asked for a debate. The leader of our party rose in this House and asked the Prime Minister for a true debate, so that we can at last state our position to the Minister of the Environment, who will arrive in Kenya without the Canadian government's position.

This is not the first time the Government of Canada does not have a position. When the Liberals were in power, they did not have one either. The problem is, some might say we were lucky because at least they showed up. It is true that the current Conservative government has often been absent from major international meetings and during international talks.

I see that I have only one minute remaining, so I will wrap things up.

So Canada will show up in Kenya with empty pockets and empty hands because the Canadian government does not have a position and does not want to respect the Kyoto protocol. Obviously, the Conservative government is on the oil company payroll. This probably comes as no surprise to the people who watch and listen to what goes on in this House—they know the Conservative government is under the oil companies' collective thumb.

I doubt this is news to anyone. However, given the serious global warming problem we are facing, it is time to set aside our personal interests, take into account the common good and stand up for the best interests of all Quebeckers and Canadians who want the federal government to have a real agenda to meet the Kyoto protocol targets, rather than pass bills like C-279.

● (1750)

[*English*]

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, I ask for the consent from all my colleagues in the House, on behalf of the member for Burlington, the sponsor of the bill, for this item to be designated to the Standing Committee on Public Safety and National Security.

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

Some hon. members: Agreed.

An hon. member: No.

Mr. Patrick Brown: Mr. Speaker, I am pleased to speak, in the second hour of debate, to Bill C-279, an act to amend the DNA Identification Act.

I am pleased the Government of Canada is committed to tackling crime and to ensuring its law enforcement officers have the tools and resources needed to do their jobs. I am proud that the government also remains committed to working in collaboration with provincial and territorial partners to develop effective tools to fight crime.

The bill proposed by the hon. member for Burlington suggests that the new index be added to the National DNA Data Bank. The new index would be used to hold the DNA profiles of both missing persons and unidentified human remains.

The bill proposes that these profiles should be cross-checked against each other and against the convicted offender and crime scene indices. The purpose of the cross-check would be to identify human remains. The government fully understands the principles behind this private member's bill. We are also sympathetic to the issues it raises.

DNA is an incredibly valuable tool for law enforcement. It is understandable that it could be seen as a way to aid in the investigation of missing persons. If we were to create a missing person index, we would be aiding a humanitarian aspect to the DNA data bank.

The question we must address, and one of the reasons why I have risen today in the House to be part of this debate, is should the National DNA Data Bank be used not only to help solve serious crimes, but also for compassionate and humanitarian reasons, to help solve often lengthy and emotionally charged missing persons cases?

I will give my hon. members in the House some background about how the Government of Canada already uses DNA to fight crime in our country. Here is some data for context.

There are currently between 500 and 600 sets of unidentified human remains in Canada. Approximately 100,000 missing person reports are made to police each and every year. Most cases are resolved quickly. I was pleased to learn that an estimated 95% of missing persons are located within 30 days. However, there are approximately 6,000 ongoing missing person cases recorded on the Canadian police information centre. Each year about 420 cases of people who have been missing for at least one year are added to this number.

My hon. colleagues may be wondering what the Government of Canada's role is in this issue.

First, officials from various federal departments are working with their counterparts in the provinces and territories to identify areas that can be improved in the National DNA Data Bank. Second, the RCMP operates the National DNA Data Bank on behalf of the Canadian law enforcement organizations.

Furthermore, there is federal legislation in place under the DNA Identification Act and further related provisions in the Criminal Code of Canada. DNA is used to solve crimes, assist police investigations by matching DNA profiles from individuals contained in two National DNA Data Bank indexes: the crime scene index and the convicted offender index. Related laboratory analysis of samples is done at the RCMP operated laboratories and in the provincial laboratories of Ontario and Quebec.

The addition of the missing persons index has been a work in progress for a number of years now. Let me provide a bit of background on its development.

It was during public consultations that proceeded the passage of the DNA Information Act in 1998 that the possibility of establishing a DNA missing person index was first raised. It was considered that such a national index would allow the DNA profile of a missing person or close biological relative to be compared to the DNA of found, unidentified human remains from jurisdictions across Canada. It was stated that a match could provide family members with confirmation of the death of a missing loved one and could assist with such issues as inheritance and insurance.

In 2003 the federal, provincial and territorial ministers responsible for justice directed officials to further explore the issues involved in the possible creation of a national, principally humanitarian missing persons index.

● (1755)

In mid-2005, a federal, provincial and territorial working group on the missing persons index conducted consultations that revealed broad support among the public for a national missing persons index that would be managed by the RCMP.

During the same year federal, provincial and territorial ministers confirmed their continue commitment to developing options for an effective nationally, principally humanitarian missing persons index that would fit within the existing criminal law regime. They directed officials to complete their work by examining the cost, the privacy and the legal implications of a missing persons index. These officials were tasked to bring forward recommendations.

Federal, provincial and territorial ministers responsible for justice met in October to review the recent progress of the working group. Ministers noted that the work was well advanced and directed the working group to focus on outstanding issues relating to cross-matching, jurisdiction and cost. At the time provincial and territorial ministers indicated their support for the establishment of a missing persons index, but expressed some concern about the proposals in Bill C-279.

Ministers agreed in principle to the concept of a missing persons index and directed the FPT working group to work to resolve key ongoing concerns and report back to FPT deputy ministers at their next meeting in January 2007. Both the Minister of Public Safety and the Minister of Justice agreed to bring forward FPT concerns on a missing persons index and parliamentary discussions of Bill C-279. It seems sensible to encourage any committee hearings to consider hearing from provincial and territorial authorities as witnesses.

Speaking of today's proposal, this brings me to our current examination of this option to help fight crime. As it is proposed, Bill C-279 would amend the DNA Identification Act by creating within the National DNA Data Bank new DNA indices of missing persons and unidentified human remains.

As I noted earlier, the proposed bill also adds to the principles of the act the goal of bringing relief and comfort to relatives of missing persons. It proposes the new indices should be cross-checked both against each other and against the criminal indices maintained by the National DNA Data Bank. This process would help identify found human remains.

The government has identified legal concerns with this use of the DNA data bank. The creation of a missing persons index raises certain jurisdictional, legal and privacy issues as well as jurisdictional and financial questions about which the government would provide the resources to proceed with such an initiative.

The government understands that there may be public support for a national DNA missing persons index program and that there is a chance that it could help law enforcement agencies solve missing persons cases. We also understand this could bring about relief and comfort to the relatives of loved ones of missing persons. However, if this use of the DNA were developed as a tool with which to fight crime, we must consider the implications on the privacy of Canadians.

I would also note that further analysis of Bill C-279 has revealed that other legal concerns would also need to be addressed before the bill was adopted.

This is a worthy initiative. The government is studying ways to ease the emotional burden of Canadian families with loved ones who go missing. We are reviewing the proposal with our colleagues in the provinces and territories. As of this debate, we still need more time to study the matter to see how adding a new index to the DNA data bank can be done effectively in the interest of public safety.

I am thankful for the opportunity to speak to this bill today, and I applaud the member for Burlington for bringing this debate and discussion forward.

● (1800)

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, I am pleased tonight to speak on Bill C-279 to amend the DNA Identification Act. It is certainly a worthy initiative and one which I will say right off the bat should go to committee for further study.

I am somewhat surprised, however, in reading the comments of the Parliamentary Secretary to the Minister of Public Safety that the government has not seen fit to be supportive, particularly in terms of an initiative started by this side of the House prior to the last election.

It is important for Canadians to understand that over 100,000 people go missing every year in this country. Six thousand missing persons cases are currently unresolved. Another 450 come online annually.

There are 15,000 samples of unidentified DNA recovered from crime scenes across this country and currently stored in the RCMP's National DNA Data Bank in Ottawa. As well, there are hundreds of unidentified John Does and Jane Does in morgues across this country.

As members know, I am sure, there are current restrictions in terms of dealing with DNA under the DNA Identification Act. It is impossible to match DNA to those thousands of missing persons in the country currently. Given the need for a missing persons index and a DNA Data Bank and the widespread support of Canadians, law enforcement professionals, the provinces and territorial governments, DNA indices for missing persons should be created.

This is obviously an inter-jurisdictional issue. There often will be local law enforcement people at a crime scene and there often will be a provincial coroner involved in these cases, obviously, and therefore those are the kinds of issues that I believe are worthy of examination at the committee level. I think this is important. I think it is something that we should be moving forward on. Clearly there are some issues, which some members have already identified, with regard to this proposal, but I do not think that they should block the movement of this bill to committee.

One of the purposes of a committee is obviously to do more in depth work. I congratulate the mover, the member for Burlington, for the fact that this needs to have a hearing. We need to get in the experts and the witnesses and look at it. I would hope that members of the government, particularly the minister, also will look favourably on this proposal.

Amendments from the committee clearly would need to identify, for example, federal-provincial jurisdictions. The federal government of course has jurisdiction in terms of the Criminal Code, but in terms of cooperation with the provinces and the territories we established a National DNA Data Bank that is used for criminal investigations, as we have just heard from some hon. members.

The creation of this national DNA MPI, or missing persons index, would reassure families of missing persons that current and future unidentified individuals will be checked on a voluntary basis across the country. Missing persons investigations, as I have said, are led by local police forces and of course we have provincial coroners who have jurisdiction over unidentified human remains. Barring an interprovincial or international element in the disappearance of the person who has been found, the matter would be one of local concern and therefore would be within provincial jurisdiction.

I believe that this is certainly a commendable and worthy idea to move forward. We need to deal with the fact that there are many families in this country who clearly are agonizing over whether or not a loved one is in fact deceased. A way to help that clearly is to have this type of legislation in place. I think it would be helpful.

Again, I urge all members to support this bill going to committee, where a good examination of the legislation can be done.

● (1805)

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, I think that if you were to seek you would find unanimous consent from my colleagues in the House for the following: I ask on behalf of the member for Burlington, the sponsor of this bill, for this item to be designated to the Standing Committee on Public Safety and National Security.

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

Some hon. members: Agreed.

Mr. Dave Van Kesteren: Mr. Speaker, I welcome the opportunity to speak before the House and my hon. colleagues about this issue brought forward by the hon. member for Burlington.

Let me begin by telling the House that the addition of a missing persons index to the National DNA Data Bank would be beneficial on two fronts. On the one hand, it would help law enforcement agencies solve missing persons cases with solid scientific proof. On the other, it would enable officials to make positive matches with missing persons, thereby providing the families of missing loved ones with closure and relief.

In the time that has been allotted to me today, I will address the motion of the hon. member. I would first like to note that this government fully understands the principles of the motion. The government recognizes the valuable and expanding role of DNA as a tool for law enforcement.

DNA analysis is a powerful tool. It is unparalleled in terms of its ability to identify an individual. As members probably know, with the exception of identical twins, each person's DNA is unique to them.

We believe that it is a worthwhile endeavour to further investigate how to use DNA technology more effectively to assist in the identification of found human remains and to bring relief to the families of missing persons.

In fact, the Department of Public Safety and Emergency Preparedness is leading the significant work to establish a DNA missing persons index. Federal officials are working with their counterparts in each of the provinces and territories.

It is important that we understand first how DNA is now used in the criminal system before we can contemplate adding the humanitarian aspect of a missing persons index to that system, as proposed in this bill. The use of forensic DNA analysis to solve crime has shown itself to be of enormous benefit to public safety in Canada. The use of DNA is one of the most valid and reliable investigative tools known in law enforcement today.

Since the National DNA Data Bank came into existence in June 2000, thousands of DNA profiles from convicted offenders have been processed and added to it. Also added are the profiles received from crime scenes across the country. Police from across Canada have been trained on how to properly collect DNA samples from a crime scene. It is from these samples that profiles are obtained.

As I have said, the DNA Data Bank is an extremely valuable tool and its value can be seen very clearly in these statistics. In its first year of use, 2000, the data bank scored 25 hits. It linked DNA evidence found at crime scenes to other investigations or to DNA profiles of convicted offenders. However, from April 2005 to April 2006, that number had increased to 2,323 hits in a year.

During its six years of operation, over 130,000 DNA profiles have been entered into the data bank. What is the final result? As of this past summer, the data bank has assisted in over 5,800 criminal cases in Canada.

Clearly it is undeniable that DNA technology is an important part of law enforcement in Canada and is being used quite successfully by our law enforcement agencies across the country.

The government continues to consult on the principles behind the proposed legislation and must investigate the matter further. What needs to be determined is whether the resources of the National DNA Data Bank should be used not only to help protect the safety of Canadians by solving serious crimes, but also for compassionate and humanitarian reasons.

The hon. member proposes that a new index be added to the data bank that would hold DNA samples of missing persons and unidentified human remains. He also proposes that the new samples should be cross-checked both against each other and also against the existing criminal samples maintained by the data bank in an effort to identify human remains.

Using the National DNA Data Bank in this way might offer the potential to bring comfort to Canadian families whose loved ones have disappeared and who have waited for years for news of a missing person. It is understandable how using the data bank in this way could be seen to offer the potential to comfort those families whose loved ones have disappeared. The thought that we might have a tool that could bring a sense of closure to these families compels us to consider this idea.

● (1810)

However, concerns have been raised with the way this bill is currently drafted. For instance, jurisdictional issues are raised because both the identification of found remains and the police response to missing persons reports are provincial responsibilities. Therefore, the federal government's right to legislate in this area is not entirely agreed upon by all parties.

It is a fact that the federal government and the RCMP commissioner have no jurisdiction to impose duties upon the provincial laboratories, police and coroners.

Also, Canadian charter rights would be infringed upon if the uploading of the DNA profile to the National DNA Data Bank was made without the consent of the person in question. This government is committed to ensuring that the privacy of Canadians will always be respected.

This proposal as it now stands could constitute an unreasonable search and seizure. Therefore, it could be argued that any evidence derived from the match between the crime scene index of the National DNA Data Bank and the missing persons index could be inadmissible in court.

Moreover, there is concern that relatives who are asked to provide their own bodily substances for DNA analysis may be reluctant to do so if it exposes them to the potential of a criminal investigation.

Finally, as with all new government incentives, there would be added costs to running the National DNA Data Bank. Until decisions are made about the design and exact parameters of this project, it is not possible to accurately estimate costs and precisely profile expenditures.

The existing National DNA Data Bank and forensic laboratories operate as efficient public safety programs. It is important that the inclusion of a missing persons index add to its value and not draw on the data bank's or the forensic laboratories' existing resources used for current criminal investigations.

For all these reasons, the government must take the time it needs to further its study of this issue before going forward. The work that remains now continues to be dealt with by the already established federal, provincial and territorial missing persons index working group.

In conclusion, the detailed issues that need to be considered before moving forward with this bill may seem minor compared to the enormous suffering of a family whose loved one is missing. But we cannot move forward before ensuring that the method proposed will be effective and workable for all jurisdictions, will not infringe on the privacy rights of Canadians and will withstand possible future charter challenges.

If we put something in place that will simply not work, then we are not looking after the best interests of Canadians. No one is denying that the proposed bill has merit, but amendments to the bill must be made before we can adopt a firm position.

As it stands, I believe that it is important for federal, provincial and territorial officials to continue their work on this matter and to find an acceptable solution to possibly allow the National DNA Data Bank to serve a humanitarian purpose as well as a criminal investigative purpose.

Until it can move ahead on this process, the government needs to reserve any further judgment on the bill presented by the hon. member.

● (1815)

The Acting Speaker (Mr. Royal Galipeau): I want to give the House fair warning that I am about to recognize the hon. member for Burlington who is the mover of this motion for the right of reply. Once he has spoken for five minutes, that ends the debate on this issue.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I appreciate the opportunity and I want to thank everybody on all sides of the House who have spoken to my private member's bill. I do not necessarily agree with everybody, but I do appreciate the effort everyone has put into it.

It has been said that there are nearly 100,000 missing persons in Canada, 6,000 missing person cases currently unresolved and about 450 added every year. The data bank will help resolve the issues for many families.

I have heard tonight, and in our previous debate, discussions about jurisdiction, privacy and the definition of a missing person. I assure the House that is why we need to get the bill to committee. We have a number of things we would like to bring forward and discuss. By sending it to committee, that action can take place. I appreciate the words I have heard from all sides of the House in terms of support to get bill to committee so we can properly debate this item.

Since the first hour of debate, a few things have gone on which I want to share with the House about a meeting of the FPT justice ministers in October, although my friend from Etobicoke North mentioned November. This bill and the missing persons piece was part of that conversation. They worked on a number of issues, including the privacy issue and jurisdictional issue as has been presented by the Bloc. More work still needs to be done and that can be done at committee. I look forward to presenting that and making it happen.

All parties basically have said that they are in favour of moving this forward, other than the Bloc. It is not on its merit as a bill, but on its merit on jurisdiction. I just want to quote from Bloc member who spoke in the first hour, the member for Marc-Aurèle-Fortin, who said, "I think this is an excellent idea and it should be implemented". The idea is good.

I have heard from the Liberals who also believe it is a great idea. They admit that they were working on it before, and I appreciate all the work they have done on this. It is helping me make it happen at this point.

Staff, the Privacy Commissioner's office, the data bank advisory committee, justice and the public safety department have also worked on it. I have to give credit where credit is due. The member for Saanich—Gulf Islands, the Minister of Natural Resources, really worked on this project with Ms. Judy Peterson. She has done a fabulous job to ensure that we are aware of the issues and understand them and can we move ahead to try to rectify those as quickly as possible.

In the end, if we can make it happen, which I know we can, the bill will help bring closure to families with missing persons. It will help law enforcement professionals to do a better job of catching criminals. It will reflect Canada's commitment to be a leader in DNA. We are a leader in the use of DNA now. There is no reason why we cannot continue to create an example for other communities, other countries, as a leader in this area.

I want to thank my hon. colleagues for all their words. I look forward to the debate at committee. I look forward to providing the information and the feedback on all the concerns that they had with the bill. I look forward to support from the departments that have the information and can supply that for me. I look forward to seeing the bill become law some day.

● (1820)

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 93 the recorded division is deferred until Wednesday, November 22 just prior to the period provided for private members' business.

Mr. Tom Lukiwski: Mr. Speaker, I rise on a point of order. I think if you were to seek it you would find unanimous consent to see the clock at 6:30 p.m.

The Acting Speaker (Mr. Royal Galipeau): Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

HEALTH

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, on June 9, I asked the Minister of Health why he refused to allow people to get AIDS drugs under the special access program, yet he allowed thousands of silicone breast implants under the same type of program.

Since then, the Minister of Health has approved licences for two companies, Mentor Medical Systems and Inamed Corporation, to manufacture silicone breast implants, which had been banned since 1992, and to put them back on the market, when we know full well that no long-term study has been done beforehand to ensure that these breast implants are not harmful to women's health.

We have been told that the minister had assessed 65,000 pages of studies and research that had been reviewed by Health Canada. However, most of these documents were provided by companies seeking the approvals.

We truly wonder how we can trust two companies that faced a criminal investigation in 2002 for hiding data from the FDA. Mentor Medical Systems is currently facing new allegations that it provided fraudulent data, according to a scientist it formerly employed. This investigation began just two weeks ago. Furthermore, neither the minister nor Health Canada are able to name a single independent researcher among the studies consulted.

Ms. Bell, head of the musculoskeletal section at Health Canada, gave us the name of Dr. Harold Brandon. The problem is that the doctor is one of the four scientists on the expert advisory panel who was in conflict of interest.

Many women today are still having problems with their implants. I receive emails, letters and phone calls every day. A young woman from Quebec named Michelle, who is only 24, suffers from acute pain. She turned to a surgeon for implants because her breasts were not the same size. The surgeon did not warn her of the problems she could encounter. He did not tell her that he had to ask for special permission from Health Canada. But he did tell her that silicone gel implants would give her the best results. She later suffered capsular contracture and must now undergo further surgery to have the implants removed. She must pay for this herself, and it is expensive. It costs $5,000.

Lise, from Laval, who had her implants removed, has chronic health problems. Rose-Hélène, from Laval, suffers from Raynaud's disease and fibromyalgia. Lucienne, from Laval, has pain in her arms and back, even after having her implants removed because they were stuck to her rib cage. They cracked and got stuck.

There are currently two class action suits: one in Quebec and one in Ontario. We want to know how the Minister of Health can spend taxpayer dollars to defend his view of things in class actions suits, when he will not pay for women to have an MRI or to have emergency removal of their implants.

We find this is a shameful use of public money, of money that comes from every citizen who pays taxes. We would like to know whether the minister intends at least to impose strict conditions on the companies who have received authorization to produce breast implants again, or—

● (1825)

The Acting Speaker (Mr. Royal Galipeau): The hon. Parliamentary Secretary to the Minister of Health.

[*English*]

Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I thank the member for Laval for raising awareness of this important issue. In the original question in June, the member asked why one product was allowed under the special access program and why one was not. I will take a moment to discuss this.

Health Canada has two special access programs, one for drugs and one for medical devices, and both are governed by different regulations and administered differently. Both programs are administered with the aim of providing Canadian health care professionals with access to therapeutic products to meet the treatment needs of their patients.

Neither of the two special access programs were intended as a means of marketing a product without appropriate regulatory oversight. The drug special access program allows physicians to access drugs for the emergency treatment of serious or life-threatening conditions of their patients. Health Canada must be assured that sufficient evidence exists to support the safe use of the drug.

The drug special access program is not intended to replace clinical trials. A drug clinical trial is most often the best option for manufacturers, patients and physicians to ensure both continued access and protection of patient safety. It is a means for manufacturers to collect the necessary safety and effectiveness data for the marketing applications.

The medical device special program allows physicians access to medical devices for emergency use or conventional therapies that are not available or unsuitable. The medical device special access program, which is the program dealing with breast implants, was not intended to replace general marketing authorizations. Health Canada must be assured, through the review of safety and effectiveness data for the device, that the device will provide a benefit for the patient without causing undue harm.

In the case of the drug special access program request for the access to combination treatment for HIV-AIDS, the physician that was referred to in the original question in June was unable to supply the necessary data to support the authorization of access to the drug combination.

In August 2005, Health Canada offered to consider early access to the same combination through a clinical trial. Had this offer been taken, the patients would have had the medications they were seeking at the time and been protected by inherent checks and balances in the clinical trial settings.

A clinical trial application was not received from the physician until December 2005 and once received it was subsequently reviewed and approved within 24 hours by Health Canada. Each medical device special access request for a silicone gel breast implant was supported by the safety and effectiveness data contained in the licence application.

In addition, the specific benefits and conditions to be treated are provided for each individual patient by their surgeon in support of their special access authorization application. As we made that decision on silicone gel breast implants, the special access program is no longer relevant in this case. The fact remains that there have been many trials that have taken place within the margin of reasonable risk and they have been approved.

● (1830)

[*Translation*]

Ms. Nicole Demers: Mr. Speaker, I wish the minister had had the courage to answer himself. It is his choice to answer through his parliamentary secretary, but I will carry on just the same.

An American patient was fitted with Mentor silicone gel implants during a breast augmentation surgery in 2000. We are not talking about the 1960s, the 1970s or the 1980s; we are talking about the year 2000. Sometime during the year, the patient developed a Staphylococcus aureus infection. The same year, the implants had to be removed, and a few weeks later, the patient died from septic shock and multiple organ failure.

How can the minister have allowed the reintroduction of breast implants instead of making the regulations governing the special access program stricter and waiting until sufficient data had—

The Acting Speaker (Mr. Royal Galipeau): The hon. Parliamentary Secretary to the Minister of Health.

[*English*]

Mr. Steven Fletcher: Mr. Speaker, Canada remains only one of two major industrial countries where silicon gel implants have not been available. Now they are and that puts us in accord with international standards.

It is interesting to note that Health Canada has taken four years to review over 65,000 pages of manufacturers' information and test results submitted to meet the safety and effectiveness requirements of the medical device regulations.

Health Canada has convened an expert advisory panel to consider the information and questions raised during the review process. This panel has also heard from members of the public, health care professionals and other scientists on the issue of silicon filled breast implants. Health Canada has received and considered the advice of the panel in its review.

Canadians can rest assured that Health Canada is doing everything in its power to ensure the safety, health and well-being of Canadians. I would also like to stress that Health Canada has taken strong measures to ensure Canadians are protected through every step of the process.

It is evident from the hon. member's question that she does not believe that the safety and effectiveness of silicon gel breast implants have been established. However, in the past 15 years silicon breast implants have become the most intensely studied medical device in the world. There have been a number of strong, well controlled studies undertaken by independent researchers. There have been more than 2,500 scientific articles published in the scientific literature. More than 100 million patients in 78 countries have received breast implants over the—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Nanaimo—Cowichan.

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am rising today on a question that I raised with the Minister of Public Safety on October 17. In that question I talked about the fact that while aboriginal peoples form only 3% of the population in Canada, they are 18% of the prison population. I also talked about the poverty that contributes to higher incarceration rates.

In his response, the Minister of Public Safety indicated that it was not a matter of discrimination in the prison system but a matter of personal responsibility being taken. The Office of the Correctional Investigator's annual report was a damning document outlining the problems with the corrections system in Canada and how it discriminates against aboriginal peoples. The problems are with the system, not the people.

There are a number of areas where discrimination occurs. For example, more native people than non-native people fail to get parole. There is discrimination before they even get into the system. First nations, Métis and Inuit peoples are more likely to plead guilty and to not receive legal advice. They are more likely to receive longer sentences. The statistics are incontrovertible.

The 2001 Speech from the Throne stated:

> Canada must take the measures needed to significantly reduce the percentage of Aboriginal people entering the criminal justice system, so that within a generation it is no higher than the Canadian average.

We have seen the Liberals and the Conservatives back away from that promise.

The prisons are full of aboriginal people, not because they are crime prone but because they are much younger and much poorer than Canadians in general. Statistics show that poverty and youth very often lead to problems with the law.

There is also discrimination because many of the people who make the decisions, the guards, parole officers and wardens, use standards and approaches that are culturally inappropriate. This leads to misunderstandings and a breakdown in communication.

Canada cannot afford to neglect this problem. It will fester and worsen for generations to come. The jails and remand centres will become the residential schools of this generation and we know what they cost the aboriginal peoples and Canada.

The minister refused to commit to any program to end this discrimination. Will the parliamentary secretary tell us what plans the minister has to honour the promise made to reduce the number of aboriginal people in prisons to the Canadian average?

● (1835)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Canada's new government is committed to ensuring an effective and fair federal corrections system that protects Canadians as the overarching priority.

Correctional Service Canada is committed to partnering with communities in the development of innovative community based approaches for offender healing and reintegration. There are many factors that may have contributed to the overrepresentation of aboriginals in the prison system and our government acknowledges the challenges many aboriginals have in addressing poverty, education and substance abuse.

CSC is dealing with changing inmate populations. This includes an increasing percentage of aboriginal offenders which research has shown to be younger, more likely to commit violent crimes, have lower levels of education, and are less likely than the general population to be employed when admitted to custody. This leads them to be classified as higher risk and higher need inmates.

Higher risk and higher need inmates are placed in high security levels, are kept in jails longer, and are less likely to be released on some form of conditional release. It is for this reason that Canada's new government is committed to preventing crime from taking place. The 2006 budget allocated $20 million over two years for communities to prevent youth crimes with a focus on guns, gangs and drugs. By supporting our citizens, and youth in particular, we will hopefully prevent incarceration from taking place.

At the same time, the issue of aboriginal overrepresentation is a concern of CSC and the Department of Public Safety and Emergency Preparedness.

That is why in 2006 CSC launched its five year strategic plan for aboriginal corrections with commitment to action in three key areas. First, there would be program and service delivery through further development of the continuum of care model in consultation with aboriginal leaders and communities. Second, there would be enhanced collaboration with other stakeholders, and third, systematic barriers would be addressed through an enhanced organizational capacity to work effectively with aboriginal offenders and their communities.

Aboriginal offenders attend programs under the guidance of elders, aboriginal liaison officers and elders helpers. These programs are a means to promote and encourage traditional, cultural and spiritual healing that increases positive reintegration into the community recognizing the hurdles that have prevented aboriginal people from full participation in Canadian society and making commitments toward healing and renewal.

CSC is also working in areas such as aboriginal liaison services in spiritual services. An aboriginal specific substance abuse treatment program and sex offender treatment initiatives are under development. Healing lodges developed in collaboration with aboriginal communities provide supportive healing and reintegration environments. As well, the National Parole Board utilizes elder and other forms of assisted hearings in all regions of Canada. These hearings allow the Parole Board to make more thorough assessments about an inmate's likelihood of successful release.

The Government of Canada has a major role in ensuring strong and safe aboriginal communities. That commitment is taken very seriously.

The department's first nations policing program, with agreements in some 300 first nation communities, helps foster better relationships with first nations by providing culturally appropriate professional police services. These services meet local needs and are leaders in crime prevention.

The aboriginal community corrections initiative has proven to be a successful program. It is designed to treat offenders, victims and their families, and has produced other community wide benefits.

● (1840)

Ms. Jean Crowder: Mr. Speaker, the Correctional Investigator laid out a series of recommendations to deal with the situation. For example, we should build capacity for and increase the use of section 84 and section 81 agreements with aboriginal communities; implement a security classification process that ends the over-classification of aboriginal offenders; significantly increase the number of aboriginal offenders housed at minimum security institutions, and significantly increase the number of aboriginal offenders appearing before the National Parole Board at their earliest eligibility dates.

I would like to add one of my own. Correctional Service Canada should set up a senior management committee to meet with first nations, Métis and Inuit leadership intensively for a six month period with a mandate to develop an implementation plan for the recommendations of the Correctional Investigator.

Which one of these recommendations is the minister going to act on, and when?

Mr. Tom Lukiwski: Mr. Speaker, CSC and the Department of Public Safety and Emergency Preparedness will continue to enhance its aboriginal continuum of care for aboriginal offenders that strives to provide aboriginal responses and alternatives at every critical step along the correctional path to ensure that they have every opportunity to address the issues that brought them into conflict with the law.

CSC will continue to expand involvement in aboriginal corrections by recruiting, retaining, and developing aboriginal and non-aboriginal correctional staff at all levels.

To improve the safety of aboriginal communities and for all Canadians, the department and CSC are working with other government departments, provinces and territories, as well as aboriginal people to address the larger social, cultural and economic problems facing aboriginal people.

Let me conclude by saying that Canada's new government is committed to ensuring an effective and fair correction system that protects Canadians as the overarching priority.

The Acting Speaker (Mr. Royal Galipeau): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:42 p.m.)

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