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Monday, June 8, 2009

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, June 8, 2009

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)
[English]

INFRASTRUCTURE

The House resumed from April 27 consideration of the motion.

The Speaker: When this matter was last before the House, the hon. member for Newmarket—Aurora had the floor and there were four minutes remaining in the time allotted for her remarks. I therefore call upon the hon. member for Newmarket—Aurora.

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, I thank the House for the opportunity to speak to the motion brought forward by the member for Labrador regarding the importance of investing in core public infrastructure in Canada's north.

During previous debates on this motion, my colleagues highlighted significant investments this government has made and continues to make in Canada's northern communities.

Along with our northern strategy, our government, under the leadership of the Prime Minister, is delivering an economic action plan that will stimulate economic growth in economies from coast to coast by creating jobs and supporting Canadian families.

This government has doubled the gas revenue transfer from \$1 billion to \$2 billion per year, and moved up the first payment from July 1st to April 1st. This money is in bank accounts of municipalities right now so local government can put it to work right away.

Our government continues to work constructively with our counterparts in the provinces and the territories to get shovels in the ground as soon as possible. We are getting the job done for all of our provinces and for the territories. This money is in the hands of our municipalities because we believe that putting the money in their hands is going to create jobs in these places immediately.

We are really glad that we can say that we are getting the job done.
[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is my pleasure to rise on behalf of the Bloc

Québécois to address Motion M-298 put forward by the hon. member for Labrador. I will take a moment to read it because it is important. It states:

That, in the opinion of the House, the government should work co-operatively with the governments of the territories and of the seven provinces which constitute the Provincial North, and with Aboriginal and local governments in these regions, to develop a strategy to improve transportation and other vital public infrastructure.

I will say right off that, immediately following my remarks, I will be moving an amendment to Motion M-298, which I will explain. I realize, of course, that this amendment will require the consent of the mover of the motion, the hon. member for Labrador. I am moving this amendment simply because one has to be very careful in drafting a text and introducing it as a motion.

The text before us states “the government should work co-operatively with the governments of the territories and of the seven provinces which constitute the Provincial North, and with Aboriginal and local governments in these regions”. The problem is with the phrase “with local government in these regions”. Where aboriginal people are concerned, the federal government acts as their trustee, and it would automatically be responsible for whatever share is owed by aboriginal communities, should these communities encounter financial difficulties. However, the wording of the motion is suggesting that local governments would be expected to participate financially, since it talks about developing a strategy cooperatively with local governments. These are municipalities and cities. As a former president of the Union des municipalités du Québec, I cannot support a position that might require local governments to participate financially once all is said and done. I would be much more comfortable if the words “and local governments in these regions” were taken out of the motion. This would prevent local and municipal governments from being put in front of a de facto situation and having to participate financially.

We must not forget that, according to the Constitution, municipalities fall under the jurisdiction of provincial governments. In any discussions that might take place, since we are talking about cooperation among the governments of the territories and the seven provinces, the Government of Quebec would inevitably be called upon. So, the province itself will undertake discussions with the local municipalities. They could very well be opposed to participating financially, and could tell the Quebec government that since it was the one that held talks with the federal government and since it was the one that spoke about a transportation system in the north, the province should be the one to pay, for the benefit of everyone.

Private Members' Business

It is difficult to be against the principle of a strategy to improve transportation and vital public infrastructure in the north. That is why I will table an amendment, if the member for Labrador will agree. I am well aware that the sponsor of a motion must consent to an amendment so that it can be debated or be put to vote. I hope that the member is listening, that he hears me, and that he will agree with this solution. I will obviously try to convince him of the relevance of this amendment.

I will come back to this point. When we say that the government should work cooperatively with the governments of the territories and of the seven provinces to develop a strategy with aboriginal and local governments in these regions, this development could inevitably require financial participation.

As I was saying, the fact that the aboriginal peoples would be involved does not create a problem, since the federal government has a fiduciary responsibility for aboriginal people and their land. If there were financial needs it would automatically be the federal government that would see to meeting them. This is not up to local governments in Quebec, which have their own taxation system. If there were participation, the local governments could be called on to help improve transportation and vital public infrastructure. I believe that this network should be national and should be funded in part by the federal government and the provinces involved in such talks.

•(1105)

Many of the northern territories are resource rich. They also have tourism because they are beautiful and people can go there. I encourage everyone to do so. That being said, they are rich in natural resources that are important for development. Quebec has hydro-electric dams and mining. I think that a public infrastructure and transportation network is critical for the north, but this motion presented in the House of Commons should not indirectly oblige local governments to participate financially.

We may agree with the principle underlying the motion, but we cannot leave the words “with local governments in these regions” in the text.

That bears repeating. Too often, we try to fix problems by presenting motions like this one. Every word in it is important. The way this motion is written suggests that financial participation will be required because it says “with local governments in these regions”. That points to shared costs.

I can tell you that local governments in Quebec are not prepared to talk about financial participation. I want to be perfectly clear about that because, according to the Constitution, municipalities fall under the jurisdiction of provinces and territories. If there were any needs, the fact that the provinces would be at the table to talk, to cooperate, to figure out strategies and funding would automatically enable them to have a conversation with the cities if they wanted to share costs. They will have their debate.

In Quebec, a provincial-municipal round table exists to discuss problems between the Government of Quebec and the municipalities, since the municipalities fall under provincial jurisdiction. Accordingly, I believe that that organization should be the one to decide how the municipalities will participate in any strategy to improve critical public infrastructure, and not a federal round table,

which, in any case, could force the provinces, territories and aboriginal communities to contribute financially.

As I said, the federal government has a fiduciary responsibility for aboriginal communities. Accordingly, if it ever had to ask for money, it would surely find a way to give money to the communities so they could contribute financially. Since the federal government has no legitimate authority over local governments, it is not up to the government to determine any action, especially since the municipalities come under Quebec's jurisdiction.

Once my amendment is accepted by the hon. member for Labrador, I will be pleased to discuss it and support it if our amendment is supported by the majority in this House. At that point, we could then support Motion M-298.

I would like to present my amendment with the time I have left.

I move, seconded by the hon. member for Saint-Bruno—Saint-Hubert, that the motion be amended by deleting all the words “and local governments in these regions”.

•(1110)

The Acting Speaker (Mr. Barry Devolin): It is my duty to inform hon. members that, pursuant to Standing Order 93(3), no amendment may be proposed to a private members' motion or to the motion for second reading of a private members' bill unless the sponsor of the item indicates his or her consent.

[*English*]

Therefore, I ask the hon. member for Labrador if he consents to the amendment being moved?

Mr. Todd Russell (Labrador, Lib.): With respect, no, Mr. Speaker.

The Acting Speaker (Mr. Barry Devolin): There is no consent. Therefore, pursuant to Standing Order 93(3) the amendment cannot be moved at this time.

Resuming debate, the hon. member for Edmonton—Strathcona.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am rising to speak to the motion tabled by the member for Labrador. It is a motion of great interest to me due to my long history of work with first nations and other communities in northern Alberta. The motion perhaps raises more questions than answers, and I think it raises a good point for discussion in the House.

What is the north of Canada? What about the communities that are squeezed between the more highly populated developed areas along the southern edge of Canada and our far north, which is getting a lot of attention of late? I think the motion raises a lot of good issues, particularly about the failure of successive federal governments to give enough attention to the infrastructure needs of our northern communities, including those on the northern edge of Nunavut and other first nations communities within Yukon and the Northwest Territories.

Private Members' Business

There are two issues here. I think the hon. member from the Bloc raised a very good point. What is meant by “cooperatively”? If it means joint funding, that perhaps raises a serious issue. I know that certainly in northern Alberta the municipalities are already extremely stretched financially in trying to deliver their infrastructure needs, particularly the community of Fort McMurray. Certainly the first nations and Métis communities of northern Manitoba, Saskatchewan, Alberta, Ontario and Quebec are stressed with trying to deliver education, health care, road construction, housing, wastewater treatment and water treatment. We need to be giving more attention to those issues.

That raises the issue of whether there is synchronicity between the budget, which talks about allocation of infrastructure dollars, and other legislative initiatives going on in the House. One legislative matter of particular significance is the announced federal initiative for new safe drinking water legislation for aboriginal communities. By coincidence, I have been researching a book on the legal aspects of providing safe drinking water to Métis and first nations peoples. There are a lot of unanswered questions and a lot of big issues about whether or not we are adequately delivering on the constitutional and Supreme Court approved decision that there is a duty to better consult, consider and accommodate the interests and needs of first nations peoples.

I have had the opportunity over the last several years to have discussions with the mayor for the town of Fort McMurray, Melissa Blake. On a recent trip there by the Standing Committee on the Environment and Sustainable Development, we had discussions on the potential impacts of the oil sands on water. The mayor clarified in the meeting that she still has serious concerns about meeting the infrastructure needs of her community. She welcomes the infusion of federal dollars to build the highways for the safety of the workers who go to and from the tar sands operations, but she is still waiting for money to provide the basic services of education, health and so forth.

The motion addresses the issue that we have certain communities that are under particular stress. With regard to the first nations communities and the Métis settlements, the Alberta government, to its credit, has constitutionally recognized the Métis, established settlements in northern Alberta and transferred certain money. However, as the laws improve and we have higher standards for providing safe drinking water and wastewater treatment, those settlements are stressed with meeting these regulatory standards and coming up with the resources to deliver that.

I know that the president of the Métis Settlements General Council was here last week, meeting with the ministers and seeking additional support to have better wastewater treatment in the community. It is noteworthy that constitutionally the federal government does have responsibility for both the Métis as well as the first nations peoples. However, thus far the federal government seems to be balking at that.

I think those matters need to be revisited. I think it would be worthwhile to have a good, thorough all-party discussion about whether or not the needs of those “northern communities”, particularly the first nations government communities and the Métis settlements in Saskatchewan and Manitoba, where they do not yet

have designated settlements, are also getting equal attention and priority.

● (1115)

I commend the member for bringing forward the motion. It raises a lot of very critical issues. We need clarity on whether the suggestion is that these very communities would actually have to cost share. In most cases, these communities' finances are already stretched and that probably would be impossible, unless of course they could get matched funding from the provinces.

It is a very important point. I do not think we should in any way underplay the needs of our far northern communities that are starting to develop and merit a lot of support to build their infrastructure.

I will close by adding one additional point. The House will have noticed last week with the swine flu situation in some of the first nation communities, particularly in the northern provinces, the problem that overcrowding of housing is having with the spreading of the swine flu.

As these issues collide, it becomes all the more important that we recognize that some communities in Canada merit even further attention from us and they should be given careful consideration.

● (1120)

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, I want to thank the hon. member for her support of this private member's motion. I, too, speak in favour of it.

I will begin by talking about my experience in northern Canada, having lived in Yukon for six years and experiencing the challenges one has while living in the north with respect to both public infrastructure and social infrastructure and simply servicing smaller communities as well as the larger cities.

This private member's motion opens up that discussion and allows us to begin to have a comprehensive strategy that involves the stakeholders. This motion is about conversation, about dialogue, and it is about including those people most strongly affected by the lack of infrastructure in the actual debate and discussion about their futures.

The hon. member for Edmonton East and I were recently travelling in the far north on a trip to Greenland. It was exciting to actually see the way a different country has developed some infrastructure and to take time to compare the infrastructure in Greenland with the infrastructure in our Canadian far north.

There is a marked difference between what Denmark has done in Greenland and what Canada has managed to accomplish in the far north. We are sadly lacking in public housing, in the various ways that people are housed and cared for, and the transportation links that keep Greenland together.

They are looking forward, on June 21, to additional self-rule, which will essentially be the autonomy of a province. It will be very similar to what we have in Canada, a little more than our territories have, but probably not as much as our provinces have. This motion begins to look at the way we involve other jurisdictions in the discussion about providing for transportation, housing and medical needs and the social infrastructure that complements that.

Private Members' Business

I would want to challenge my friends in the Bloc Québécois to open up their understanding of this motion. I do not think there is any challenge to provincial jurisdiction by allowing local economies, local communities and local governments to be involved in the discussion. This is exactly what they would be advocating for to ensure that all participants have a fair voice in what is going on in the way public money is spent and the aspirations for individuals and communities.

I want to challenge them to support this motion, to actually engage in our conversations. This improves the jurisdiction of Quebec in discussions around its north and brings us into a partnership discussion with the federal government to ensure that resource dollars are being spent adequately and fairly so that Canadians all across this country are not discriminated against because of geography.

It is important to note that this motion does not define what we mean by north. I think that the previous speaker could also be challenged to say that this motion is actually inclusive and open. It understands the possibility that the north is more about attitude than it is about latitude. It is the way that people live. Each of our provincial jurisdictions can define that in understanding their own provincial north, to understand that dispersed, rural and isolated communities that have a northern atmosphere, a northern understanding and a northern inclination are included in this discussion.

That may change in different parts. It is not simply north of 60. It is about involving people who share a common way of life. It brings our aboriginal communities, our first nations communities, our Inuit communities into this discussion in a fair and equal way, with eye-level discussions to talk about their needs, their aspirations, their hopes and their dreams. This motion commends to the government an open dialogue to say that all people in Canada are of equal importance.

This motion also stretches our imagination as to what the far north is about. We need to understand that Canada's north is not about sovereignty alone. It is about people, not infrastructure. It is about people who live there, who have a traditional way of life or a new way of life and who are learning to cope together with the changes that are happening due to climate change.

• (1125)

We need to be ready and aware and understand what is going on with respect to the changing boundaries of our country because of climate change. Our people need to be ready. We need to understand the economic opportunities as well as the cultural benefits of being in the north.

Right now, no gateways are working to help transportation and the flow of goods through Canada's north. European goods could be transferred to the Far East much faster if we developed trade routes across Canada's north.

If we had deep sea port facilities, and if we had the necessary infrastructure around those facilities, long-term jobs could be created, not simply seasonal jobs, which would complement the traditional way of life.

We can do this in an environmentally sensitive way so that we do not change the way people live unless they choose to make that

change, and unless that change is sensitive to the cultural importance and the cultural determinants in the discussion. This would lead to improved education, improved health and improved economic opportunities for the people of Canada's north.

If we can improve the life of the people of the north, then we can improve our sovereignty stake in the north. We are at risk of losing our sense of who we are in the north as other partners in the global community try to claim it.

Canada's north is not like the Antarctic which has many penguins. The north is filled with people who have made the north their destiny. They seek to live and raise their families in the north because of the economic opportunity and to improve their cultural situation. So far, the government has failed to come up with a comprehensive strategy on an infrastructure program to facilitate that.

I am pleased to support this private member's motion because it does not command the involvement of any province. It invites the provinces to participate in the discussion. It invites the involvement of local communities, first nations governments and Inuit governments in the discussion to further the good for all Canadians.

All of Canada will be better if our far north is better. All Canadians will be better if Inuit Canadians and first nations Canadians are included in determining where they want infrastructure money to be spent.

Infrastructure is about improving the quality of life. Dollars spent on improving our environment will save dollars later in health care. Dollars spent on infrastructure improvement for education will save lives, jobs and money later on in lost employment and loss of understanding of human worth. Money spent on alcohol and drug treatment centres will help to improve the quality of life for people later on.

We must open up Canada's north, protect its culture, protect its people, and involve them in the discussion about the strategy.

I am pleased the member has brought forward this motion. It will take some imagination on the part of the government to support it. I am looking forward to the government's support as well as the support of all opposition members.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am happy to speak to the motion put forward by my colleague from Labrador.

I come from a riding in far northern Alberta. My riding has many people from Newfoundland and Labrador. The estimate is as many as 30,000.

Our government is committed to supporting Canada's northern communities and people.

I took my first trip up to Yellowknife from Fort McMurray by canoe when I was five years old. I had the opportunity at that time see part of the north and to fall in love with it. It is an amazing area with many rivers and lakes, and people who are really proud. Quite frankly, it is a place that needs our concentration on infrastructure.

This government's sovereignty agenda has shown from the very start how important the north is to Canada and to our government.

We have worked closely with our counterparts in other governments, including the provinces and territories, to match and multiply our stimulus for the economy, to get people to work and to establish the north as a very strong area of Canada. That in itself speaks to the sovereignty of our nation and sends a clear message to other countries.

We are committed to these partnerships with the provinces and territories. We believe that the key to bolstering our economy and minimizing the effect of the global recession is partly in the north. Certainly the north is where the future of Canada is located.

In fact, today, I would like to announce that Canada's transport and infrastructure minister is meeting with representatives from communities, big and small, at the Federation of Canadian Municipalities annual general meeting in British Columbia. He is providing them with an update on our actions and is listening to their feedback, which is so important. We work with our partners. We know that working with our partners is the only way to get the agenda that Canadians want through. The minister is listening to them and he is providing information about our government's unprecedented action to stimulate economic growth, to create jobs and to invest in Canada's core public infrastructure.

We are working 10 times faster than any government in modern history to get things going on infrastructure from coast to coast. Budget 2009 is a clear example of this. Canada's economic action plan provides close to \$12 billion in stimulus through spending on infrastructure. This includes \$4 billion for the infrastructure stimulus fund. This will provide funding to provinces, territories, municipalities and communities for construction-ready infrastructure projects in the short term to provide economic growth.

I am happy to say that fund is up and running from coast to coast. The money is getting out to communities. Included in that is \$2 billion for infrastructure development at universities and colleges across this country. Canada's industry minister announced a number of these important projects across the country over the last few weeks. My riding has received some of this money. The people in the universities and colleges in my riding in northern Alberta are ecstatic about this. We are seeing real investment in the future of Canada which, again, is the north and the students, our youth.

There is \$1 billion for the green infrastructure fund to support environmentally sound infrastructure projects in every region of this country. I am very excited about that. The environment is very important to me. It is very important to the Prime Minister and this government.

There is \$500 million to top up the existing communities component of the building Canada fund. This will provide support to communities of under 100,000 people, which are very important to me. Many of us come from communities of under 100,000 people. Previous governments sometimes ignored those communities. This government is simply not doing that. We are investing in communities big and small across this country.

There is also \$500 million for to provide financial assistance to communities to repair and create recreational facilities.

Private Members' Business

Speaking of the green infrastructure fund, I recently had an opportunity to travel to Whitehorse to meet with officials from Yukon Territory, including the premier, to announce the launch of the green infrastructure fund. I was very proud to announce the first project which was \$71 million to upgrade the Mayo B hydro generating facilities and the completion of the Carmacks-Stewart transmission line.

I was advised by officials that that particular project is going to save tens of thousands of GHG emissions per year. It is a very good project for Canada. It is a very good initiative for the health of all Canadians. This project will also help to provide economic opportunities for local residents, employment opportunities and support environmentally sound infrastructure. This is the first of many initiatives nationwide that this fund will support. The green infrastructure fund is very important to me. It is a great example of how this government is working with the provinces, territories and municipalities all across this great nation.

● (1130)

We are delivering on our promises to Canadians as outlined in January's economic action plan. We are getting the job done by working with other governments across the country. That is what is needed. We need other parties in the House to work cooperatively together to get things done and to work with the provinces, the territories and municipalities, not argue and continue to debate things in a negative fashion.

We need support with our budget, as the Liberals did and the NDP and the Bloc should have done, to move aggressively forward with funding and initiatives such as this one for the people of the north. Together we are helping to ensure that Canada emerges from the current global recession sooner than any other country and stronger than ever before.

This Conservative government is getting that job done.

● (1135)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am very pleased to rise today to speak to this motion from the member for Labrador on the need for the federal government to work co-operatively with the governments of the territories and the provinces that constitute the provincial north, and with the aboriginal and local governments of these regions to develop a strategy to improve transportation and other vital public infrastructure.

This issue is front and centre in my region of Timmins—James Bay in terms of the need for development and for dealing with the horrific levels of poverty and lack of opportunities along the vast regions of the James Bay coast.

As lifelong northerners, we always say that sometimes north is a state of mind. It is a state of mind up to a certain point, and then we get down to the realities of what it means to live in a community with no road access, 400 or 500 kilometres from the nearest community that connects us with the urban south.

Private Members' Business

In the James Bay-Mushkegowuk region, I have numerous communities that are suffering from terrible and unforgivable levels of underfunding in terms of basic infrastructure. Two of my communities have no schools for their children: Attawapiskat and Kashechewan. These are the result of years of underfunding by the federal government, but also an attitude of negligence, that these communities are simply out of sight and out of mind.

We are seeing is a loss of phenomenal opportunity, not just for the children who grow up in these communities but for Canada as a whole.

We compare the community of Attawapiskat that has fought for 30 years to have a schoolyard cleaned up from massive amounts of contamination, and 30 years later we see the government with no commitment whatsoever to these children, even though these children are clearly at risk. Yet just down the road we have probably one of the richest diamond mines in the western world, Victor diamond mine, opened by De Beers. In the space of four or five years all the regulatory approvals were found, all the engineering studies were done, and now we have this massive diamond mine that is right beside a community that is living in dire levels of poverty.

It is not a question of pitting development against first nations. It is a question of political will to find a way to move forward with development. In representing one of the largest mining regions in the western world, I can say that we are really seeing how industry is sitting at the table when the federal government is not at the table.

When I worked with the Algonquin Nation in Quebec, we were calling it "treaties on the ground". We were able to sit down with diamond companies and forestry companies and we were working out agreements when the federal government was missing in action.

What is needed in terms of furthering development in the far north? Number one, in a region like James Bay, we need to have a plan for something as simple as a road. If we have a road that connects from Cochrane to Moosonee, up to Fort Albany, Kashechewan and Attawapiskat, then we will see the massive levels of unemployment start to drop. Then we will see that it is possible to start doing long-term infrastructure development. Then we will see communities that are not dependent on diesel generators that put people into poverty, but sustainable energy.

One of the drivers for this could be the development of the mining industry, because we see with De Beers the need to move thousands of trucks up the road to supply this mine, and a narrow window on the winter road. It may be two months where suddenly the ice roads of James Bay look like Highway 401 traffic. It is crazy to do industrial development based on such erratic standards.

What we could see, however, is industry working with first nations, working with the provincial and federal governments to say, if there is to be development, number one, we want resource revenue sharing. Number two, we want a commitment to ongoing development, so that if we are to develop infrastructure such as mines, we have to get roads in and we have to get hydro, and we will connect the communities that are dependent on us, so that at the end of the day, long after the mines are gone, we will actually have some basic infrastructure.

I have met with De Beers many times. I have met with the communities. The idea of a long-term road is something that everyone recognizes is in their best interests.

What we are seeing here, however, at both the provincial and the federal level, is a continual dropping of the ball on this. The provincial government, for example, is rewriting the Mining Act right now, and it seems to be more willing to give Muskoka cottagers rights that it will not give to first nation communities who live north of 50°. The only people who live on the territory are first nations.

We have to look at this in terms of Canada taking responsibility to be a 21st century country.

● (1140)

We have heard a lot of talk about protecting the sovereignty in the far north, but running around with pith helmets and flags will not make sovereignty. Sovereignty will come from making a commitment to the children of this generation so that the children growing up in the far north have opportunities of education, have opportunities to participate and direct the development of their territories. That is the way we are going to establish sovereignty. It is not an either/or situation. It is a matter of political vision.

I truly believe, with the leadership in the first nation communities and talking with the various players that I am dealing with on a daily basis and the junior mining companies that have recognized now that they need to start working in a co-operative manner, we are seeing a movement forward in a way that seemed impossible 10 years ago. Yet the federal government is still dragging its feet, lagging behind the provincial governments, especially in Ontario, and continues to miss the mark. It is a tragedy, because when we look at the riches that are coming out of Victor diamond mine, a phenomenal wealth that is driving the economic renewal in northern Ontario, it has to be said that the diamonds that come out of that mine are nothing compared to the wealth of the children on the James Bay coast who are being left in substandard education facilities and overcrowded houses. The potential of these children to transform the northern economy is something that we as a federal government should recognize as the real way that we are going to move Canada, in the far north, into the 21st century, into something that we can be proud of, not something that we have to explain away at the United Nations for failure after failure in terms of the most basic fiduciary obligations.

Private Members' Business

On behalf of my colleagues in the New Democratic Party, I am very proud to rise and speak on this. I recognize that across the far north there needs to be a plan to ensure proper development. The only way we are going to get that plan is to work co-operatively, to work with our first nations, to work with our provincial counterparts, to work with the municipalities that are the jump-off points of contact for so much of the development in the far north, to recognize that there can be development of resources and that there should be development of resources, that it is not simply shutting off vast areas and saying nobody can explore here, nobody can develop here, but saying that if there is going to be development of forestry, if there is going to be development of mining, if there is going to be development of hydro, that it is to benefit the people who live in that territory and to have their consent and their participation so that when this development does occur we can actually start to employ young people and start to offer hope in communities where there has been no hope. I can tell members that from seeing communities that have been able to participate as partners at the table, the transformation in these communities can be a very positive sign for the development of first nation land.

However, we need a recognition from the federal government that fundamentally it has to move away from erratic, haphazard, press-release-driven announcements and move towards a holistic plan to ensure the sustainable green development that would allow our isolated first nations in the far north of Canada to move out of the horrific levels of poverty and move into something so that they can develop their cultures and that we, as Canadians, whether we live in urban Canada or in far north lands, north of 50 and 60, can be proud that we said we are going to set goals and we are going to finally meet some of those goals.

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, I want to thank all members of the House who have spoken to this motion and who I believe support at its core what the motion stands for.

The heart of this motion is about people. It is about their needs, their wants and their aspirations. It is about bringing northern peoples, whether they be Inuit, Métis or first nations, fully into this Canadian federation.

We have heard comments from some members trying to parse out what the particular motion means or whether it impinges upon particular jurisdictions, but I have to say that this motion is about co-operation. It is about co-operation from all levels of government: aboriginal, municipal or local, provincial, territorial and federal, but it does call on the federal government to raise itself up, to raise its game up and to offer some leadership.

In no way, shape or form is it an imposition on any level of government. It is about inclusion and it is about respect for all levels of government.

There should be no conversation where local governments are left out when we are talking about their infrastructure, where aboriginal governments are left out when we are talking about their communities, or the provinces and territories are left out when we are talking about areas of their jurisdiction.

It is not about imposition or about jurisdiction. It is about co-operation, and at its heart, it is about people. It is about what they

need. It is about roads, where communities need to be connected in the 21st century.

I talk about Labrador where we have thousands of kilometres of gravel road, hardly any type of hard surfacing or pavement. It is about connecting those communities that want to be connected in the 21st century. It is about having modern airports and airport infrastructure.

I want to illustrate something very sad this morning about the type of challenges we have in the north. Just yesterday we had a fatal accident in Labrador where a small twin-engine plane went down trying to get into a small community. The pilot was killed. He was on a medevac, trying to land on a 25,000-foot gravel runway to get a sick person out to take to a hospital.

That is the type of challenge we have in the north. That is the type of infrastructure that we have in the north that speaks for something better. It speaks for something greater. My heart and my prayers go out to the Hudson family in Labrador for their loss. It is sad. It is tragic.

It is about having good wharves and good docks. It is about good water systems so that every child, every family and every community has safe drinking water and proper sewage treatment. It is about housing, schools, recreational facilities, search and rescue, Arctic and northern sovereignty and the social infrastructure that is required.

If we do not have these things, we will not fully, in my view, be part of the Canadian federation in the 21st century. We will not have the basics that are required for proper development, proper economic and social improvement. If we do not have these things, how can northerners say with any confidence that we are equal to other Canadians who live further south, who enjoy many of these things?

The north has long been neglected. It only seems to be important when somebody from somewhere else wants the resources of the people in the north. Whether it is diamonds, nickel or gas, only when somebody from somewhere else wants something that the north has do northerners start to feel that somehow now the conversation is about them, that they are somehow going to be included. That is not good enough.

We have to be more proactive. We have to do it with respect for all the people who live in the north. It is about the quality of life enjoyed by all Canadians and it is about rural Canada.

I want to commend the Leader of the Opposition, our Liberal leader, in his speech in Whistler, B.C., for saying that we cannot have a united Canada until we include all of Canada: east and west, north and south, aboriginal and non-aboriginal, rural and urban, rich and poor. We have to look at policies through our rural lens and we have to have policies that unite, not divide, this country.

This is what this motion does. It holds up the north and includes all people in this great federation.

• (1145)

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

Government Orders

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

• (1150)

The Acting Speaker (Mr. Barry Devolin): Given that we have completed private members' business, is it the pleasure of the House that we suspend until 12 o'clock when government orders will begin?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Barry Devolin): It is my understanding that we essentially have two options. One is to suspend until 12 o'clock and the other is to sit here until 12 o'clock. Government orders will begin at noon and not before then.

Once again I would ask, is it the pleasure of the House that we suspend until 12 o'clock when government orders will begin?

Some hon. members: Agreed.

An hon. member: No.

SUSPENSION OF SITTING

The Acting Speaker (Mr. Barry Devolin): I will try this again. Given that we have completed private members' business and, one way or the other, government orders will begin at 12 o'clock, is it the pleasure of the House that we suspend until noon?

Some hon. members: Agreed.

(The sitting of the House was suspended at 11:53 a.m.)

SITTING RESUMED

(The House resumed at 12 p.m.)

GOVERNMENT ORDERS

• (1200)

[*English*]

TRUTH IN SENTENCING ACT

The House resumed from June 5 consideration of the motion that Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), be read the third time and passed.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, it is a pleasure to speak to Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody). The Liberal Party believes this is very important legislation in fighting crime and we are therefore supporting the bill.

We listened to attorneys general. The driving force for the legislation came from the west, in large part from my province of British Columbia. My colleagues and I met with the attorney general of British Columbia at the time, who articulated very clearly the need

for truth in sentencing and an effort to limit pre-trial pre-sentencing custody time and give greater clarity.

Right now this is known as dead time and the numbers can be quite flexible and are up to a judge. It can be anything from one to one or one to three, commonly known as one to two. However, this did not reflect, in many ways, the wishes and desires of the public and the ability of our police officers and police forces to execute their duty to the citizens of our country to protect us from those who would do harm to us.

I will quote from the Canadian Association of Chiefs of Police on this issue as follows:

Public confidence in the criminal justice system demands that criminals receive just and proportionate sentences fitting their crime...this Bill, if passed, will bring greater clarity, transparency and accountability to the sentencing process...

We fully support this. In fact, the key messages I want to get across on behalf of my party is that we want to ensure our police officers and those who are tasked to execute justice in our country have the appropriate tools with which to catch, convict and sentence criminals. We also want to ensure the bill strikes a reasonable balance between ensuring that criminals serve complete sentences, while also maintaining a degree of judicial discretion to deal with instances where there are conditions that deem changes.

We support the fact that clarity and definition will be brought to the amount of pre-custody sentencing provisions, specifically the credit time spent in pre-sentencing custody will be limited and delineated by the bill. Our rationale for this is we have had consultations with our caucus members and with the attorney general and solicitor general of British Columbia. They explained the instances in which convicted criminals received abbreviated sentences, which eroded the public confidence in the judicial system, especially when convicted gang members were released sooner than their sentences warrant.

In my province of British Columbia gang violence has caused a significant erosion in the faith of the public in the ability of the justice system to protect us. The criminal gang violence that has occurred, particularly in and around the Lower Mainland, has claimed dozens of lives. This is unusual, but the fact that this has not been arrested speaks to the need for Parliament, working with our provincial counterparts, to deal with this cancer. Organized crime is a cancer in our society. I will talk a bit about that later because it has caused incredible frustration among our citizens and our police officers, who try day in and day out to deal with this challenge.

I want to talk about a certain aspect of the bill that deals with what happens when people are convicted and they go into a remand centre before they go to trial. Historically the time before sentencing, if they are convicted, is deemed to be given one for one, two for one or even three for one value for the time that has been spent in the pre-conviction period of time, the time in custody.

Government Orders

We have found that the conditions are quite poor in the remand centres, those that are provincial two years less a day. We have to work with our provincial counterparts to deal with this issue. Most people who commit crimes and are convicted do not go to federal institutions of two years or more. They go into provincial institutions of two years less a day. This is often known as dead time, and the underlying problems of many of the people in these institutions, because of overcrowding or a lack of resources, are not dealt with. What are those problems?

• (1205)

I recently met with people at Correctional Service Canada. I asked about the conditions in the provincial jails and the population of individuals that came to their attention. In fact, when I was in university, I used to work in a provincial jail. The situation in many cases has not changed in terms of the population. Nowadays more than 50% of the people in jail are deemed to have fetal alcohol syndrome/fetal alcohol effects.

For those who do not know this, FAS/FAE is the leading cause of preventable brain damage in children at birth. The consumption of alcohol in certain quantities, particularly in the first trimester, causes irreparable brain damage. The average IQ is 70 to 75. Once people who have FAS/FAE start growing up, people do not understand them. They do not understand their behaviour, which is out of the realm of what is considered "normal". When they go to school, they cannot concentrate, study or learn. The teachers do not know how to handle them. They fall through the cracks.

The tragedy of this is it is entirely preventable. I have been here almost 16 years and there has not been any reasonable, effective legislative solution. I put forward a bill some years ago, which took the line of what we would do when people had a psychiatric problem. When people have psychiatric problems and are psychotic, they come to the emergency department. The emergency room physician can write a note, with another physician, that will put them in hospital, against their wishes, if they are deemed to be a danger to themselves or to other people or cannot take care of themselves. As emergency physicians, we do this when circumstances warrant. There are very narrow definitions for this, but the outcome of it is it prevents people from hurting themselves or somebody else and it enables them to get the care they require.

If a woman is keeping the fetus to term, then one could apply the same rationale. In doing so, we could prevent FAS/FAE from occurring. In fact, there was a case in Winnipeg where a woman had a couple of babies with brain damage because of the consumption of alcohol. However, her third baby, because she was put in hospital to receive care, did not have FAS/FAE or brain damage. She admitted that the only reason her third child did not have FAS/FAE was because she was brought to the hospital, albeit against her will, for a short period of time, which enabled her to get her life back in order.

I know it is a hard and difficult thing, but it at least warrants debate in the House.

The other thing is two-thirds of the people in jail have what we call a dual diagnosis. They have a psychiatric problem and they have a substance abuse problem. In speaking to police officers and those who work in our corrections system, one of the big gaps is the fact that most people who are convicted by the courts go into a provincial

institution, where the kinds of treatment they need for their psychiatric problems, substance abuse issues and skills training simply are not there.

Therefore, we have a revolving door of tossing people out of the institutions. The recidivism rate is high. They commit more serious crimes and eventually wind up in federal institutions, where they have a much greater chance of receiving the type of treatment they require and preventing them from committing the same types of punitive acts against our citizens.

The current situation does not serve the public's right to be protected. It does not serve the ability of our police officers to protect us. It does not serve the ability of an individual who has committed a crime to receive the types of rehabilitation required in order not to recommit often more serious crimes when he or she gets out.

• (1210)

In this way, the current system does not work. I can only impress upon the federal government to work with its provincial counterparts, who have their hands out and are asking for help in dealing with this issue for the sake of the citizens of our country.

The other issue I would like to address is the issue of victim rehabilitation. It is something that we in the Liberal Party have been very supportive of. We want to work with the provinces to make sure that our victims receive the care, support, treatment and rehabilitation that they require when they have been victimized.

In my personal view, they also need to be able to have a greater sense of knowledge of what happens when the person who has victimized them leaves jail. This is particularly important for those who have been subjected to violent crime, assaults and sexual violence. It is also important for the families of those who have been subjected to these very serious offences.

I had a case in my riding where a lady was murdered by an individual. The family members had very little knowledge of the location of this person who had committed the crime, when the person was being released and where the person was being released. It so happens that they found out that the person was going to be released in their community. In fact, this scared them and understandably so.

One of our objectives has to be the protection of innocent civilians, those who have been victimized and the family members of those who have been victimized. They must also be brought into this and treated with respect, and given the care that they deserve. That has to be top of mind in the justice system when we are dealing with these issues.

I also want to talk for a second about some of the other specific areas that police officers have been asking for. I am going to enumerate some of them in a list as solutions that the Conservative government should be embracing.

Government Orders

The first is in the area of disclosure. The current requirements for disclosure provide unrealistic demands upon the police and result in tensions between police and the Crown. There are inconsistent practices over who bears the cost of disclosure, how disclosure is prepared, and how documents are vetted. We also see a great benefit in the clarification, consistency and codification of disclosure standards. Specific recommendations are needed to address many elements of disclosure. Greater clarity is needed in this area.

The second area involves witness protection. Police officers have been proposing the formation of an independent office for witness protection, funded jointly at the federal, provincial and territorial levels. This would recognize the shared responsibility for justice. It would make the program accessible to all Canadian police agencies.

The third area deals with the matter of prolific offenders. Many of us feel the need for a legislative definition of chronic offender status. Penalties that emphasize that incarceration is a means of reducing the possibility of victimization are absolutely and fundamentally important. We also recognize that the number of people who go out and commit offence after offence is very small. It is a huge source of difficulty and an enormous source of uncertainty on the part of the public. It also causes an erosion of the confidence that our police officers have in the justice system. The courts have to deal with repeat offenders in a more effective way.

It is unthinkable for most of our citizens, and to us, to comprehend how people who commit offence after offence either do not have their underlying problem dealt with or are of sound mind and have made a conscious decision to keep on offending and violating their responsibility and duty to the general public to be law-abiding citizens. Individuals who are mentally competent are the individuals who should have a much stiffer series of penalties applied to them in the interest of public safety.

Fourth, there is a capacity deficit that needs to be addressed. A deficit exists throughout the criminal justice system, particularly with respect to the police capacity issue caused by an increasing complexity in criminal law. The complexities have been recognized in the context of the court process, but largely overlooked in the policing context.

• (1215)

What the RCMP does today versus what it did 20 years ago is very different. A much larger amount of work is being placed on the shoulders of RCMP officers. The whole post-911 terrorism challenge has been placed primarily on the shoulders of our RCMP officers, but unfortunately, the resources have not come with those added responsibilities. This is a grave issue.

Not only is there a lack of resources in terms of money but there is also a lack of resources in terms of manpower. The RCMP and other police forces in Canada have to pick and choose what they are able to do because there are only so many of them and so many hours in a day. They have to make some very conscious decisions as to what they can actually pursue and cases fall by the wayside as a result, and are not prosecuted in our courts. As a result, the public loses. Justice is not seen to be done because justice is not being done. The federal government needs to deal with this as well.

When we were in power, we authorized an increase in the number of RCMP officers. The government promised to do that also, but has not backed it up with the resources needed to accomplish this goal. It was, unfortunately, a serious broken promise on the part of the government.

Disclosure issues need to be addressed, as I mentioned before, on the part of the RCMP and other police forces in Canada. Our courts are entangled, and justice is sometimes dragged out for a long period of time. As a result, justice is not happening.

If we want to get down to the root of the issue and talk about true prevention, then one of the most extraordinary things we could do, and I have mentioned this dozens of times in the House, is set up an early headstart program for kids.

In the last year there has been a lot of interesting and dynamic scientific research done with respect to the evolution of the brain, particularly early in a child's life. If a fetus is subjected to alcohol and other toxic substances during the first trimester, then the brain could be damaged and the child could suffer from fetal alcohol syndrome and fetal alcohol effects.

A child really only needs one solid person in his or her life, and that individual does not even have to be the parent of that child. The security provided to the child through that bonding can have a profound positive outcome for the child.

A friend of mine in Toronto, Tamba Dhar, started a group called Sage Youth. She works with immigrant children who speak neither French nor English and whose parents are often refugees. These children were falling through the cracks. She established a mentorship program and by doing so, these children face an incredibly positive outcome.

The easiest thing for the government to do if it wants to address the issue of crime prevention is to work with the provinces to implement an early learning headstart program. My colleague put together such an arrangement with the provinces when we were in government, but unfortunately the Conservative government tore up that agreement.

I did not get into the issue of what is happening in aboriginal communities. A disproportionate number of aboriginal people are in jail. This issue has to be dealt with. This issue goes to the heart of some fairly fundamental issues such as exclusion, a lack of rights, a lack of caring, and a discriminatory Indian Act that in my view should be torn up and thrown away because it separates first nations people from everybody else in a negative way.

I hope the government works with us and pursues the bill. The Liberal Party supports Bill C-25 in the interest of justice for all.

Government Orders

• (1220)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, Bill C-25 specifically eliminates, for most purposes, the ability of the courts to actually give two for one and even three for one credit for time spent in custody before trial and sentencing. I noticed that my colleague spent most of his time talking about issues other than Bill C-25.

One of the issues my colleague raised was a lack of resources at the provincial level in terms of providing services to inmates as well as the space required to house inmates at the provincial level. We are talking about sentences of less than two years at the provincial level.

Would the member for Esquimalt—Juan de Fuca agree with me that it was the provinces, specifically the province of British Columbia and its attorney general and solicitor general, who actually requested that we move forward with this important legislation?

Hon. Keith Martin: Mr. Speaker, my hon. colleague is absolutely right. In the first part of my speech, I mentioned that the Government of British Columbia had taken the leadership role in Canada on this issue.

We met, as I know my hon. friend did, with our provincial counterparts in British Columbia. They made their case very clearly, and that is why we in the Liberal Party support Bill C-25. We listened to our provincial counterparts in British Columbia. We are strongly supportive of this bill. I think we have made that very clear to the government.

However, we would also like to make sure that other issues are dealt with, too, in a wide variety of areas, including gang violence and cross-border organized crime issues, ensuring that our provincial police forces, and particularly the RCMP, have the resources to do the jobs they need to do. I spoke a little bit about that in the course of this bill.

I hope that government members work with us to enable this to happen.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I thank the whip's office for letting me speak. I am pleased to start the week off by joining in the debate on Bill C-25, which the Bloc Québécois supports.

With our sense of balance and our healthy common sense, we are able to separate the good bills from the bad. When a bill is good for Quebec, we support it, and when it is bad, we do not support it. This is because our only loyalty is to Quebeckers.

We support Bill C-25, a measure we have been calling for since 2007. In 2007, I led a working group for the Bloc that also included the member for Abitibi—Témiscamingue, my colleague from Ahuntsic and my colleague from Marc-Aurèle-Fortin. Together, we built a platform of justice measures that was a far cry from the logic of mandatory minimum sentencing, which we now know has very little positive, deterrent impact.

We put together an election platform consisting of a dozen recommended measures. These measures became an integral part of the party's platform. In the recommendations I made to my caucus, it was noted that, in a way, the court system rewards offenders in pre-

sentencing custody by reducing their sentences by two days for every day of custody, once the sentence is known. This makes no sense. It seems to us that this measure is rather implausible and discredits the administration of justice.

The report I submitted to the leader of the Bloc Québécois in 2007 recommended eliminating two-for-one credit, abolishing automatic parole after one-sixth of the sentence is served and making parole contingent on real, conclusive evidence of rehabilitation. We want to tackle organized crime and the fact that our society authorizes the open display of symbols that frighten and intimidate. I am thinking here of the insignia the Hells Angels use to terrorize and intimidate communities.

Those are the measures we have proposed. I will repeat that the Bloc Québécois has never been captivated, enthralled or motivated by the concept of mandatory minimum sentences. I deplore the fact that, in all the bills presented, the government has succumbed to the facile idea that just because mandatory minimum sentences are included in a bill it will make our communities safer.

I wrote a piece for *La Presse*, published on October 22, 2008, in which I demonstrated that judges can be somewhat over-liberal when granting credit for time served before sentencing. The principle exists and is dealt with in sections 719 through 721 of the Criminal Code. The amount of credit was established by the Supreme Court of Canada in a decision signed by Justice Arbour, on behalf of the majority. She later left the Supreme Court, as we know, to take up responsibilities with the United Nations Human Rights Commission.

• (1225)

In a 2000 ruling, *R. v. Wust*, Justice Arbour indicated the ratio to be applied when calculating the credit for time spent in pre-sentencing detention. In paragraph 45 of this Supreme Court ruling, in a text which set precedent and was adopted in all lower courts by way of the rule of *stare decisis*, she wrote:

In the past, many judges have given more or less two months credit for each month spent in pre-sentencing detention. This is entirely appropriate even though a different ratio could also be applied, for example, if the accused has been detained prior to trial in an institution where he or she has had full access to educational, vocational and rehabilitation programs. The often applied ratio of 2:1 reflects not only the harshness of the detention due to the absence of programs, which may be more severe in some cases than in others, but also reflects the fact that none of the remission mechanisms contained in the Corrections and Conditional Release Act apply to that period of detention.

We are talking about conditional release—or parole—and the time counted does not start from pre-trial custody. Justice Arbour added that:

“Dead time” is “real” time. The credit cannot and need not be determined by a rigid formula and is thus best left to the sentencing judge, who remains in the best position to carefully weigh all the factors which go toward the determination of the appropriate sentence, including the decision to credit the offender for any time spent in pre-sentencing custody.

Government Orders

Section 719 would therefore allow a judge to take into account remand custody, and the Supreme Court has validated the time ratio in use in judge-made law. The Supreme Court has created law that was not initially provided for by the legislation voted by Parliament. This is, however, a widespread practice in lower courts. This practice of deducting two days for each day remaining in the sentence might be, on the face of it, excessive.

I wrote an essay that has earned positive reviews. We are living in world where words of praise can be few and far between. This is a time of restraint, when few compliments are paid and showing consideration is something that is falling into disuse. It does wonders for one's self-esteem to be paid compliments. This essay was published in *La Presse* and resulted in several interviews for me in the various media.

It was based on Project Colisée, an investigation that went on for months and cost \$38 million to the taxpayers, which is not an insignificant amount of money. Nowadays, investigations into organized crime can take months, and even years. They involve conducting electronic and in-person surveillance, of course, and often result in mega-trials due to the enormous amount of evidence collected. Project Colisée made it possible to lay charges against six of the most prominent figures of the Italian mafia in Montreal.

● (1230)

We even managed to get the head of the mafia in Montreal, in the person of Nicolo Rizzuto, sentenced. I will explain the perverse logic of pre-sentencing custody in the case of these people who are among society's most criminal element. It is understood that, in the case of the mafia and the higher echelons of organized crime as these people are, we cannot realistically offer them the possibility of rehabilitation.

I would like to tell you something that happened in my childhood. When I was somewhat younger, with my father, mother, brothers and sisters—we were five children—our days were happy, we were a united family and loved each other. In the 1970s, the government of Robert Bourassa set up a televised commission of public inquiry into organized crime—not just the mafia but even the Dubois brothers and the whole issue of tainted meat and other goods. We watched the commission of inquiry on television. At that time, I was not quite 10, but I know how closely Quebecers followed this trial of organized crime and just how deeply organized crime was unfortunately rooted in our society.

And so, with Project Colisée, we managed to arrest and lock up six prominent figures from the mafia who represented a real threat to public safety. Despite the totally reprehensible record of these people in organized crime and because the rule went as far as the Supreme Court, the judge—if memory serves, it was Mr. Justice Bonin of the Quebec Court, criminal division—had no choice but to grant a pre-sentence credit this October.

I have very specific examples for you. Nicolo Rizzuto, the mafia godfather, an old man with health problems, but who still had the audacity to do damage—even behind bars, charged with gangsterism and possession of proceeds of crime—was sentenced in 2008 to four years. However, because he was arrested in 2006 and had thus spent two years behind bars before his trial, he was freed at his trial,

because two years of custody amounted to four years of pre-sentence credit, which was equal to his sentence.

Do members realize that the rules set by the Supreme Court, because in this case they apply sort of automatically, led to the release of the mafia godfather somewhat prematurely?

I have another example. Paolo Renda, charged with gangsterism and possession of proceeds of crime was sentenced to six years in prison. His sentence was reduced by four years. He had two to serve. The same is true in the case of another underworld individual well known to law enforcement officials, Rocco Sollecito, who was charged with gangsterism, possession of proceeds of crime and complicity. He was sentenced to eight years' imprisonment. His sentence was reduced by four years as a pre-sentencing credit. He had four years to serve.

Francesco Del Baso, Francesco Arcadi et Lorenzo Giordano, charged with gangsterism, possession of proceeds of crime and complicity were sentenced to 15 years in prison. Their sentence was reduced by four years, because they were in pre-sentencing custody. So, two years of custody led to a reduction of four years. They now have 11 years to serve.

● (1235)

Is it acceptable that in our justice system, the people who have successfully risen in the ranks—unfortunately—of organized crime get months or years of credit for pre-sentence time served because the Supreme Court came up with a two-for-one scheme?

I have to say that the government took some good advice when it decided to introduce Bill C-25. It finally listened to the Bloc Québécois, my colleagues and I, who have been campaigning for this since 2007. All the same we do not want to eliminate the two-for-one rule. The Bloc Québécois never suggested that it should be abolished. In general, in the administration of justice, the rule is that when people are arrested, they can be released on a promise to appear. The judge can determine the conditions, of course. They may have to surrender their passport, or be forbidden from leaving town or from meeting with certain people, but the general rule is release on a promise to appear.

In some cases, individuals charged with gangsterism under sections 467.11, 467.12 and 467.13 of the Criminal Code, made pursuant to 1997 anti-gang legislation, cannot be released because the charges are very serious. In some exceptional cases, those charged with terrorism or murder, or who are unlikely to comply with the terms of a conditional release, are remanded in custody prior to trial. They lose their freedom because they are in custody and do not have access to time toward parole or, most importantly, to rehabilitation programs. The reality of prison being what it is, pre-trial custody often subjects people to extremely difficult living conditions because prisons are overpopulated.

Government Orders

Does that mean that, as a society, we expect the two-for-one rule to be applied? Of course not. That is why the Bloc Québécois, in its usual wisdom, suggested a review of the equation in 2007 and recommended a one-for-one formula: reduce the sentence by one day for each day of pre-trial custody. That seemed fair to us.

The bill incorporates that proposal and I thank the government for that. This is one area we can actually agree on. Good ideas deserve to be shared. It is not a question of partisanship when an idea is constructive and benefits society. The Bloc Québécois has made a positive contribution in this Parliament on many issues regarding not only justice, but also intergovernmental affairs, employment insurance and foreign policy. We have always tried to act as enlightened spokespersons defending the values of Quebecers.

The bill is balanced because, in some situations, judges can decide to grant not only one for one credit, but also one and a half for one. That is possible, but judges must justify their reasons for doing so and indicate them in the docket.

Once again, the Bloc Québécois will support this bill. We examined it very carefully in committee, and we hope it will be sent to the other place and receive royal assent very quickly. We hope to see it become law in the next few months.

• (1240)

[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to speak in this third reading debate on Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody). The Conservatives have given this bill the nickname of the truth in sentencing act, which can also be used to refer to the act.

I have many problems with this piece of legislation. I do not think that will come as a surprise to anyone. I have often had great difficulty with crime and punishment measures put forward by the Conservative government. This bill certainly fits the kinds of concerns that I have expressed since I was elected in 2004.

This legislation would give people, before they are found guilty or sentenced for a crime, who are held in a pretrial remand centre, extra credit for the time they spend in jail before being convicted. This bill puts a limit on that. We have seen over the years in Canada the process develop where regularly, almost automatically, people are given two for one credit for their time in pretrial custody before they are convicted. This bill would limit that to one day for every day served in pretrial custody, and in certain exceptional cases it would be allowed to go to one and a half days for one day.

I have trouble with that. The key reason goes back to one of the fundamental principles of our justice system: the presumption of innocence. We have to maintain our belief in some of these very fundamental issues that have been developed over many centuries in our justice system. I believe that the presumption of innocence is one of the very key and fundamental principles of our legal system.

This bill is a direct challenge to that. It says that folks held in custody before they are convicted of a crime are not eligible for any consideration for the time spent in jail before they are found guilty or sentenced for the crime they are alleged to have committed. We need to keep in mind the principle of the presumption of innocence. When

people are held before they are given the opportunity to face their accusers and the charges in a court of law, we are delaying justice, and we know that justice delayed is not justice served.

I am also concerned that this is another attempt to limit judicial discretion. We have often heard from Conservatives their disdain, that is the only word to use, for judges having any discretion when it comes to sentencing. I happen to believe that it is needed in the system. We can be armchair judges and react to decisions by judges on sentencing, but when we have not sat through the full trial, followed the case from beginning to end, heard all of the evidence or made the judgments about the accused, it is altogether too easy to decide that some judge has let someone off with a light sentence.

I believe, for the most part, that judges do their jobs well, and judicial discretion is crucial in their ability to do that important work on our behalf. It is important for us to have a measure of judicial discretion built into our system. This bill takes aim at that by trying to put a limit on the ability of judges to recognize time spent in jail and remand centres before someone is convicted of a crime or has gone to court. Those are two very important principles that this legislation challenges.

The practice of allowing two for one credits for pretrial custody arose from concerns about conditions in our justice system, specifically conditions in pretrial centres. The people who have taken a look at our prison system in Canada know that pretrial centres are among the worst in the country. Conditions are often unbelievably horrible. One of the reasons the system of two for one credits has come to be is the problems in the remand system.

• (1245)

My colleague from Windsor—Tecumseh, when he was speaking at second reading on this bill, quoted a story from *The Globe and Mail*. It was an article, an op-ed piece, written by a Toronto lawyer which appeared in the April 1 issue.

That lawyer described the pretrial conditions for one of his clients, a man named Pavel. Here is what he said, and I think it bears repeating:

Pavel slept on the floor next to the toilet. He was smaller than his cell mates, and most nights he didn't dare challenge them for one of the two bunks. He spent 20 hours a day locked with other men in a 12 by 8 cell designed for one. The staff was on strike, so his cell was not cleaned for two months. Because he was too small to fight for space at the table, he ate his meals on the toilet. Living in filth, he developed a skin disease. His hair fell out in patches, but he was lucky, at least he hadn't caught the tuberculosis that was spreading throughout the detention centre.

That is a graphic example, and maybe it is a particular example given the particular circumstances in that detention centre at the time. I believe it was in the Don Jail, but I could be wrong about that.

Government Orders

We know that overcrowding is a regular feature. Certainly in the pretrial centres in British Columbia, double bunking, triple bunking is the usual practice. We know the conditions in the pretrial centres in British Columbia are absolutely unconscionable. They go against everything Canada has committed to under international agreements in terms of its obligations to a standard of one prisoner per cell with full facilities.

I think most of us can appreciate why that would be the best circumstance for someone in custody in our country. We are not making that standard in many jurisdictions in Canada. I think that is why the practice of two for one credit largely has become automatic. It has been tested in the courts. The member for Hochelaga read from the decision from the Supreme Court of Canada on two for one. The judges noted that it came from a concern about conditions. He also noted they were concerned about being too rigid and cutting back on the ability of judges to exercise discretion given the circumstances of the case before them.

I think we need to really pay attention to conditions in the remand centres and in our prison system. We know there are no programs in provincial remand centres. Given the harsh conditions, given the fact that there are no programs for people, this is a very difficult place to be incarcerated. It is not that this should be easy, but this is particularly troubling given our hopes for standards in those areas and given the kinds of conditions that have developed in this country.

The federal correctional investigator, Mr. Howard Sapers, has expressed concerns about the situation in our federal penitentiary system, the system people go to after they have been convicted, after they get out of a pretrial centre if they have been held prior to their sentencing. We know the situation there is not much better. There are many concerns about what is going on in the federal system once people get out.

Mr. Sapers recently told the committee that was looking at this bill:

It bears noting that the pervasive effects of prison crowding reach far beyond the provision of a comfortable living environment for federal inmates. It stretches the system beyond its capacity to move offenders through their correctional plans in a timely fashion. It has negative impacts on the protection of society itself, as offenders are incarcerated for a greater portion of their sentence, only to be released into the community ill-prepared and then supervised for shorter periods of time.

He continued:

As it stands now, offenders have to contend with long waiting lists for programs; cancelled programs because of insufficient funding or lack of trained facilitators; delayed conditional release, because the lack of capacity to provide programs means offenders cannot complete their correctional plans; and more time served behind walls without correctional benefit. This situation is becoming critical. More and more offenders are released later in their sentences too often not having received the necessary programs and treatment to increase their chance of success once in a community.

That is the situation in our federal system after people are sentenced and incarcerated. It bears repeating that much of what Mr. Saper is talking about is not even a consideration in the pretrial system. That gives rise to the very serious concerns that people have had about pretrial incarceration and the conditions people face in those systems.

● (1250)

There were issues raised at the committee when it was looking at this bill about how this legislation would affect particular groups in our society.

Mr. William Trudell, the chair of the Canadian Council of Criminal Defence Lawyers, brought a particular example of how this law might affect women in Yukon and women who are in the criminal justice system. He reported on what a member of the council had reported was happening in Yukon, how this two for one credit was being applied there and why it was important. This is what the Canadian Council of Criminal Defence Lawyers representative said:

Let me just share with you what our Yukon representative said. This kind of puts it in perspective. Men in the Yukon receive 1.5 to one and women receive two to one. This is because they are housed together in one jail. Because the majority are men, the men have access to any programming that is offered—very little, the library, the yard access—whereas women are kept separate and usually get one hour out of their dorm in a day. In addition, there is only one halfway house that provides bail beds, and they do not accept women. Therefore, women have less opportunities for bail than men.

That example makes it quite clear that there is a necessity for taking into account the conditions that women in Yukon face when they are held before trial. The situation is very different from that of men in Yukon. Therefore, the system has developed where there is a different credit for time being served pretrial in Yukon. When there is little or no programming, and the programming in this case was access to a library and an exercise yard and the women did not even really get that, it shows some of the problems that arise when we try to put hard and fast limits on the sentencing provisions, on the two for one credit, and the discretion of judges to respond to the conditions in the system.

We need to consider these particular situations. Aboriginal people are often overrepresented in our criminal justice system and therefore, it is logical to assume that the kind of situations we are discussing in this legislation are more likely to affect aboriginal people in Canada. Certainly we have heard time and time again how the overrepresentation of aboriginal people in our criminal justice system is something that needs to be addressed, it is something that extends from deeply entrenched and systemic racism in this country, and yet this legislation takes no consideration of those factors in looking at the situation of our criminal justice system.

Although we recognize that the application of two for one is often automatic, it is not universal. In the Khawaja case, the judge made a very deliberate statement of not applying any presentencing credit for the time that Mr. Khawaja served in jail and was very clear about why he felt that would be inappropriate. I have to say that the discretion can go the other way, as well. Certainly, Justice Rutherford in that case took it upon himself to make that kind of decision in that case. It is another example about why judicial discretion is an important factor in all of this.

There was an attempt to amend the legislation at second reading but, unfortunately, none of the amendments were accepted by the other parties. I want to thank the member for Windsor—Tecumseh for making a valiant effort to do that.

Government Orders

We could be doing other things to fix the system. We could be trying to ensure a speedy trial for people who are charged with a crime. Prosecutors are overloaded. The provincial government in British Columbia took steps recently to reduce funding for prosecutors, which was absolutely the wrong direction in which to go. If anything, prosecutors need more resources so that they can do their work in a timely fashion and ensure that the system is supported through their able advice and work. Unfortunately, that is not the case in many of our jurisdictions. There is nothing in this bill that would increase the resources available to provinces to ensure appropriate prosecution, to ensure the timelines of that, or even to improve conditions in provincial remand centres.

● (1255)

We have seen the difficulties with legal aid in many jurisdictions. In Ontario legal aid lawyers are taking a very strong stand against the remuneration they are paid. It is another example of a flaw in our system that complicates the system unnecessarily and could be addressed if governments would provide appropriate resources for that. How many people are in pretrial because they are not getting the appropriate legal advice they need and do not have the kind of access they need to a legal aid lawyer who could properly attend to their situation and their case.

Another concern is that the legislation itself may increase backlogs by its very application. The concern is that if we are removing discretion and making the process of getting increased credit for time spent presentence and that a more formal application process for that time is required, that will require more detailed sentencing hearings in the process. Witnesses would need to be called. That process in itself would make certain cases go longer.

This is something that has not been thought through particularly carefully. Also, there is the concern that if we are removing the possibility of this kind of credit, there will be fewer guilty pleas in the system and it will cause the need for more trials and longer and more complicated trials just because of that.

That is another crucial factor we need to take into consideration with the bill before us. It seemed like a good idea until it was fully implemented and some of these problems came to the fore. It does not have the desired effect of making the system fairer or of speeding up the system. Surely one of our goals in terms of the delivery of criminal justice in Canada is to make sure that people have timely access to that, and that the time, if they are being held before their trial, is very limited, that they proceed to trial and have a decision on their case as quickly as possible. I do not think we do enough to ensure that actually happens in our current system.

Maybe if the legislation had said that we might take measures to reduce the credit offered for pretrial sentencing conditionally, if progress was made about how long it takes to go to trial in Canada, if progress was made on conditions regarding overcrowding and programming in pretrial, if there were specific criteria established to judge the circumstances of the criminal justice system and say that the standard that is developed for very good reason has been two for one and because of the conditions, it has almost been automatic, but if certain benchmarks are made in the system, we might consider reducing that.

That might have been a better piece of legislation, to make it conditional on our performance in delivering a fair and just criminal justice system. This bill once again makes an arbitrary decision about what would be appropriate in these circumstances and limits the discretion that is available in these circumstances. I am not sure that is the appropriate direction in which to go.

Across the country there have been stories about people who deliberately delay their trial so that they can take advantage of this two for one sentencing offer. A lot of these stories are anecdotal. There was little hard evidence produced at the committee to support that it was going on. Many lawyers said they would see that as misconduct if they were recommending to a client to do that, or if they themselves were delaying a trial just to take advantage of that sentencing option.

That is the reason for moving on this. We need to see some clear evidence that that is going on. Until then, I cannot accept the fact that it is. I have real problems with this. I have real problems with the conditions in our prison system and in our pretrial facilities. I will not be able to support this legislation.

● (1300)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I would like to ask my hon. colleague if the Canadian Association of Chiefs of Police, the attorney general of British Columbia, and the citizens of the province of British Columbia have asked for this, if this is going to provide some truth in sentencing, to delineate the provisions that are going to be afforded to those who are in custody before sentencing, to provide that level of security, knowledge and awareness on the part of the public and it is going to increase faith in the justice system, is this not a good thing?

I take his points very clearly on the provincial system. We have asked the federal government to work with its provincial counterparts to deal with many of the problems that exist in the provincial system.

The member knows we in the Liberal Party have championed the early learning head start program. We are the ones who put that forward. It has a demonstrable preventive effect on reducing crime.

Does the member not see that Bill C-25 is actually a good thing for the citizens of our country and the citizens of our province of British Columbia?

Mr. Bill Siksay: Mr. Speaker, it would not be the first time I have disagreed with the current government in British Columbia on an issue.

I want to see evidence that this legislation will improve the safety and security of citizens before I vote for it, and I see no evidence. I do not believe any evidence was presented to demonstrate that. It is incumbent on me as a member of Parliament to look for that kind of evidence before I indicate support for a measure that is being brought forward.

Government Orders

I do not doubt that there are many people who believe that this is a great idea, just as there are many people in Canada who believe that capital punishment is a good idea. I would not be able to support that kind of measure. I am glad that the last time that issue came forward the House did not support it, despite massive public opinion in favour of that option. There was no evidence that it makes people safer, that it does anything to improve the security and safety of our communities and our families. I do not see that in this legislation either. I do not see how this is going to improve the system.

Again, if it had done something about actually addressing the problems that gave rise to this two for one credit system, then maybe it would be supportable, but I do not see any evidence that there has been any attention whatsoever paid to that.

I do have real difficulties with this legislation. I do not think it will accomplish the goals that even the government has proclaimed it attempts to address.

• (1305)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened to you very carefully. I was concentrating and I will follow up on the comments of my hon. colleague. Although it rarely happens, the Bloc Québécois will be voting in favour of a justice bill. The Bloc Québécois will vote in favour of Bill C-25, which we are debating here today.

As an experienced criminal lawyer, I can talk about this bill and the mistakes that have been made. What exactly will happen in reality? Consider this example. Someone is arrested and presumed innocent until proven guilty beyond any reasonable doubt. However, the basic principle that has emerged, and has been confirmed and put into practice by the Supreme Court in recent years has been the release of the offender.

When an individual is brought before a justice of the peace to face a charge laid against him, the prevailing principle is that he must be released. As members know, in our judicial system, the general rule that an offender must be released pending trial has evolved over the years. The accused is released, and often the trial is not held for six months, a year or even two years. Because of the complexity of the evidence, such as evidence of fraud or even often in murder cases, it can take one, two or even three years before the accused stands trial. If he is released in the meantime, the damage is lessened and the court will have to take this into account in handing down a sentence if the accused is found guilty.

Section 500 of the Criminal Code, which I will not go over in its entirety, provides for statutory release. However, when the accused is at risk of reoffending or has no fixed address, for example, he may be kept in custody pending trial. There is a whole series of legal provisions and court decisions, right up to the Supreme Court, that cover and provide a framework for this right to release or the obligation to remain in custody pending trial.

I have made a lengthy digression to get to the point at issue. What happens once the decision is made to keep the accused in custody pending his trial? That is when all the principles of Bill C-25 come into play. This is what happens. The accused is held pending his trial. Under the rules that have been established, the accused is not held in

the same wing or the same place as convicted offenders. Why? Because he is presumed innocent until proven guilty. Until his trial takes place, if the court decides to keep the accused in custody, he is kept in preventive custody. In legal jargon, this is known as being in remand. After the preliminary hearing or before the trial, the accused can ask to be released.

I have some specific examples. Let us say the accused was kept in custody because he had no fixed address. He can come before the court a week after being remanded in custody and prove to the court that he now has an address. He will therefore be released because the overriding principle is the right to be released until it is proven beyond a reasonable doubt that the accused is guilty.

What happens when someone is kept in custody? If the trial takes place in one month, two months, three months, six months, one year or even two years and the accused is kept in custody, that time counts double.

• (1310)

That is the legal jargon. The Supreme Court and the appeal courts—confirmed by the Supreme Court—have said that since the accused does not have all of his rights, since he does not have the same rights as someone who is put in custody after being sentenced, he therefore has the right to have time spent in pre-sentencing custody counted. Customarily, that time has counted two for one, or at least it did before Bill C-25.

So what happens? For example, an accused is found guilty on 12 counts of breaking and entering. He was held in remand for one year while he was waiting for the case to be sorted out and to appear before a judge. I speak from experience, since in the past I have represented accused persons who were going to plead guilty in their case. So what did we do? Some individuals had been rather busy and had committed crimes all over the place, in several legal jurisdictions. So, while the authorities were sorting out the case, the accused was held in remand. The judge was then told that since the accused had been in remand for six months, the judge should apply the two for one rule. For example, if the court had decided to sentence the accused to one year in jail, and he had already spent six months in pre-sentencing custody—multiplied by two—he would be released immediately.

That has outraged citizens. Those listening realize that, in some cases, there may be excesses. We cannot prejudge, we cannot force them to say so but there have been fortuitous coincidences. Repeat offenders, criminals, decided that they would remain in prison, that is in remand for six months, a year or two years. It happened just a few months ago in Quebec. An alleged mafia leader was kept in preventive custody for two years for drug trafficking, importing and gangsterism. The court told him that it intended to impose a four year sentence. Since he had been in remand for two years—two years times two equals four—the person in question, even though he was accused of very serious crimes, was released because he had spent two years in preventive detention, thank you very much.

Government Orders

Bill C-25 will set limits—which I believe is a good thing—on this right. It will remain but it will no longer be two for one, that is one day in remand will reduce the sentence by two days, or one month by two months, or one year by two years. This bill sets limits and requires the judge to give reasons. The sentence will be reduced by a maximum of one day for every day spent in detention. That is the principle that will prevail with Bill C-25. What will happen? The accused, and therefore probably his lawyer as well, will want to go to court quickly. When a lawyer knows that his client wants to go to trial he may try to do so quickly. We have one concern about this aspect of the bill, which we discussed in committee. Governments must provide the means for courts to move quickly.

At present, the accused quite often has to wait many months to go to trial. That is a fact.

●(1315)

There are, though, a number of places in Canada where an individual charged has little choice but to let his trial drag on for months. I will provide some examples. The court that travels to all the villages along the shore of James Bay and Ungava Bay—Salluit, Puvirnituq, Inukjuak and Kuujuaq—is called an itinerant court, or a circuit court. Unfortunately for a person charged and in custody there, the court does not travel there every week. And so in the individual's case this can be mentioned, as provided in the bill, and the court can take the conditions into account. It cannot give credit of more than a day and a half for each day of custody.

Let me explain that. If an individual who has been charged has been in custody for three months, the court must take a month and a half into account. If the court wants to impose a six month sentence, for example, it can subtract a month and a half from the punishment of detention and then impose sentence accordingly, explaining it correctly.

There is only one problem with this bill, but we think it is a sizeable one. This bill will pass of course, because the Liberal Party, the Bloc Québécois and the present government support it. It was all very well for the government to want to have this legislation passed, but I have misgivings about the programs that should be put in place and the help that should be provided to the legal system so that cases can go to trial sooner than they do now.

It is no secret that there is currently a huge backlog of trials. Throughout Quebec's court districts and in those I am familiar with in Quebec City, Trois-Rivières, here in Gatineau—or Hull, if you prefer—in Abitibi and in La Tuque, anyone wanting a quick trial has to wait 6 to 12 months.

For instance, a person arrested for impaired driving today, June 8, has very little chance of going to trial before early 2010. It is practically impossible, given the backlog in the courts. This backlog, it must be understood, is not due just to the efforts of lawyers trying to delay cases. It is not due just to the efforts of the accused who want to take their time, are in no hurry and are adding to the number of procedures. It is not that at all.

At the moment, there is a backlog in the courts because there are not enough resources or judges. Judges who have retired or are preparing to retire are not being replaced. There is a real shortage. I am obviously talking about the situation in Quebec, which I know

well. In Quebec, at the moment, there are clearly not enough crown attorneys for charges to be considered and pressed within the time frame.

As this problem is part of my background, I can talk about it. There will be a problem with legal aid. We asked the minister whether there would be additional funding to the provinces. It must be understood—and those watching us must also understand—that the administration of justice is a provincial matter. The provinces administer justice. Obviously, circuit court trials are not held every week. In certain judicial districts, a trial may be held only every two or three years, but that is not what we are talking about. We are talking about trials before the Court of Quebec, criminal division. I say, with all due respect, that the current time frame is 6 to 12 months.

●(1320)

Going to trial quickly would not be possible, even if we wanted to, because of a shortage of judges and crown prosecutors. Often, in the cases we are talking about, the accused get little representation, if any. We do not have enough defence and legal aid lawyers anywhere in Canada. There are too few of them to provide the services to which accused persons are entitled.

I understand, as the Conservatives will no doubt remind us, that they are concerned about the victims. I agree, but at the same time those who are accused must not become the victims of a rigid and cumbersome judicial system that is no longer able to administer justice because it is clogged with too many pending cases. That is what this bill deals with. That is why it includes a provision allowing each day spent in custody to count for up to one and one-half days.

We have to be careful, though. Individuals must not have been held in custody because they have a record or for breach of bail. Conditions do apply for each day spent in custody to count for one and one-half days. The individual must not have a record or be detained because of a breach of conditional release. Let me explain this last point.

The general rule is that the accused is released pending trial. Pending trial, the accused has the right to be released. The individual may be released under conditions like abstaining from consuming alcohol, from frequenting certain bars or from driving a motor vehicle, if charged with impaired driving causing bodily harm or death. The individual will be released, but if the court-imposed release conditions are breached, he or she will be held in custody, and the two-for-one or 1.5-for-one rule will not apply.

It is recognized that, in some specific and exceptional situations, it can be appropriate to subtract the days spent in custody before and during a trial from the sentence. I have some examples. The public must understand that an individual in pre-sentencing custody does not have the same rights as an individual who has been sentenced. I have the Minister of Justice acknowledge that none of the programs in Quebec remand centres apply to prisoners in pre-sentencing custody. While awaiting trial, the accused person watches television and plays cards.

Government Orders

The Department of Justice and the Department of Public Safety must absolutely set aside funds so that we at least provide some services. Someone who is in custody on a sixth charge of impaired driving causing bodily harm may have a problem with alcohol. Now, the person in custody receives absolutely no services. We would like the government to set aside money so that remand centres can at least help these people start some kind of rehabilitation.

In conclusion, the Bloc Québécois will support Bill C-25. However, I must note that the government will have to be aware of the problems it could cause. We could end up with overcrowding in remand centres.

• (1325)

[English]

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I would like to ask a question of my hon. colleague from Quebec.

His province has a very serious problem with organized crime. On the first nations reserve of Akwesasne there is a serious issue in the trafficking and sale of contraband tobacco. It is one of multiple products from which organized crime gangs are deriving their money.

Organized crime on the American side of the border is producing cigarettes that are one-fifth to one-eighth the price of legal, over-the-counter cigarettes. As a result of that, more than 40% of cigarettes in that part of Canada are actually illegal. The impact upon children is huge. It is a huge public health disaster for first nations children and non-first nations children in that area.

Does my friend not think that this is a very serious issue, and that the federal government must work with the Akwesasne First Nation leadership as well as police forces to arrest this cancer that is destroying these societies?

[Translation]

Mr. Marc Lemay: Mr. Speaker, I think that we have strayed from the subject, but I do agree with my friend from Esquimalt—Juan de Fuca.

There is a serious problem. I am the Bloc Québécois critic for aboriginal affairs and northern development, so I am very familiar with aboriginal issues, especially the Akwesasne issue. The Akwesasne issue was not very complicated. We are the ones who made it complicated. We set up the Cornwall border crossing on the Akwesasne reserve without even talking to the first nations. It was established in 1950.

There is only one solution: either the Conservatives or the Liberals who succeed them will have to listen to people. Somebody will have to make a decision. It is not complicated. The government just has to relocate the Akwesasne crossing. The government has to get it off the reserve and put it somewhere else. That will not stop the sale of contraband cigarettes. There is only one way to fight that. The government has to work with Mohawk police forces, the RCMP, the FBI—because the United States is involved—and the OPP. Everyone has to work together to stop the sale of illegal cigarettes.

[English]

The Acting Speaker (Mr. Barry Devolin): Questions and comments, the hon. member for Esquimalt—Juan de Fuca, and may I remind him that his question ought to be relevant to Bill C-25.

Hon. Keith Martin: Mr. Speaker, I think that it actually will be because it relates to truth in sentencing for those who are convicted of very serious offences.

Does my hon. friend not think that the public has a right to know that the amount of sentencing a person receives is actually the time that somebody will spend? One of the issues that is very difficult to understand is that people automatically get a third of their sentences off when they are convicted. Sometimes it could be much more than that, in fact 50%.

Does he not think that time off for so-called good behaviour should actually be based on people's ability to avail themselves of the resources to deal with substance abuse issues or psychiatric problems if they have them, and skills training, and that those should be the requirements and the standards that people should have to meet before they are allowed to have so-called time off for good behaviour?

• (1330)

[Translation]

Mr. Marc Lemay: Mr. Speaker, as I see it, there are two problems. Allow me to explain. First, we have the time before the sentence and the time after the sentence. An individual in custody awaiting trial has no right to any services. Neither innocent people—I have to choose my words carefully—in custody because of strong evidence against them, nor hardened criminals in remand have the right to any services.

That is why the courts have been told that time served must count. These individuals do not do anything while in custody because there are no programs for them.

The second problem arises once the individual has been sentenced. We raised this issue, and I will continue to raise it in the House. The problem is not going to prison, but leaving prison. People get out too soon. They do not serve their full sentences.

How can we put a program in place to help and rehabilitate people who have an alcohol or drug problem if they are sentenced to three years in jail? The moment they go in, they are told that because they are such good guys, they only have to serve one year. We just cannot do that. I think that we will have to take a closer look at the parole service very soon.

[English]

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, my friend raised a very good point. He is suggesting that elimination of the two for one and three for one remand credit is not something that is necessarily desirable because individuals are being placed in custody where there are no services. I suggest to the member that if indeed services are not available at the provincial level, as they are at the federal level, then the solution is not to maintain a two for one or three for one credit, it is to enhance the resources at the provincial level.

Government Orders

My question to my hon. friend is this. Why would he not focus in on improving the resources at the provincial level rather than maintaining a sentencing practice that most Canadians find quite abhorrent?

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, it does not happen often, but I agree with my colleague. It is rare that I agree with someone from the Conservative Party on matters of justice, but in this case I do. I agree because it all makes sense. We cannot practice piecemeal justice. We must consider the fact that people who are sentenced must serve their time. When judges impose sentences, they speak directly to the offenders. We must trust our judges. I believe they are the best people to identify offenders' problems and tell them how much time they have to serve. If a judge sentences someone to three years, it is not normal that he or she should be released after one year. It is absolutely unacceptable. However, we do have a problem with the Conservatives on one other point. They send many people to prison, even before their trials, as well as afterwards. They want to impose minimum prison sentences, but will not provide the money needed. They are not helping to implement the rehabilitation and reintegration programs these inmates need.

[*English*]

Mr. Ed Fast: Mr. Speaker, I will follow up my first question with another one. If in fact my friend is so opposed to custodial sentences, why does he not take note of the fact that it is actually the provinces themselves, the ones that presumably do not have the resources to provide the services to those who are in pretrial custody, like British Columbia, that are demanding that we get rid of the two for one and three for one remand credit? I would like his comment on that.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I realize that many people are calling for the elimination of this two-for-one crediting of time. I know that. The Bloc Québécois will vote in favour of this, but not because the two-for-one credit is being eliminated and judges are being asked to justify their decisions to impose, instead of a two-for-one credit, 1.5-for-one, whereby one day of detention is worth a day and a half. The problem is that once that is established, we must realize that the provinces are calling for the elimination of this two-for-one credit, except that Quebec and the other regions of Canada must be given the means to implement rehabilitation and reintegration programs. That is what is missing. Those programs currently do not exist. My colleague is quite right. All the provinces are asking to eliminate it, but the Conservatives must remember that the provinces have also asked for reintegration and rehabilitation programs in order to begin working with individuals awaiting trial, who might become inmates in the coming months.

• (1335)

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to speak on behalf of my caucus on the final stage of Bill C-25. I want to put on record very clearly that my leader and the New Democratic caucus are in support of Bill C-25. This does not mean there is not a need for debate and discussion. It does not mean there is not and was not a place for amendments.

I want to commend the work of our colleague, the justice critic for the New Democratic Party, the member for Windsor—Tecumseh, for

his steadfast work in this area. My colleague has spent hours and hours dealing with this barrage of crime bills coming forward from the Conservatives, which are often narrow in scope, multitudinous in numbers and not always complete in analysis.

In most cases, the bills brought forward by government have needed some changes. They would not have lived up to a charter challenge. They were not necessarily in line with provincial jurisdictions, or they were completely lacking in terms of the comprehensive approach required with respect to crime in our country today.

We have been very diligent in doing our work on this side of the House, trying to improve the bills that have been brought forward by the government when it comes to crime and safety.

This bill is no exception. My colleague from Windsor—Tecumseh worked very hard to improve the bill at committee, but he was unsuccessful.

However, in the final analysis we have always supported the notion of changing the two for one credit in our remand system. In fact, I want to remind members that long before the Conservatives brought forward this bill, an all party delegation from the province of Manitoba, led by the Premier Gary Doer, accompanied by leaders of both the Conservative and Liberal Parties, as well as the mayor for of the city of Winnipeg, came to Ottawa to meet with all parties to present a number of solutions that dealt with crime and public security.

One of those solutions in fact was the two for one question.

My colleagues from the provincial legislature came to this place asking the government to work and move as expeditiously as possible to change the two for one approach.

That matter has also been raised on two occasions at least of federal-provincial-territorial meetings. Back in October 2006 and then again in November 2007 federal-provincial-territorial ministers of justice dealt with this issue among others and reached a consensus to change, to remove, to eliminate the two for one arrangement. The justice minister in Manitoba, the Hon. Dave Chomiak and before him the Hon. Gord Mackintosh were front and centre in the move to make these changes.

Why, despite the fact we think the bill is not perfect, despite the fact we think the government's approach is less than comprehensive and complete, will we support C-25? It has to do with this whole evaluation, the question of value of pretrial custody. The reason we have had this two for one approach, which for all the listeners involved will know, this means for every year, month or day people spend in custody that two years, that two months, that two days are taken off their final sentence.

Government Orders

●(1340)

Over the years we have moved to a two for one and sometimes a three for one arrangement for a couple of reasons and they cannot be ignored because are important reasons.

One is it took into account, and judges had the discretion to do this, the conditions in the remand centre. It took into account the absence of training and health and support networks at the remand centre level. It did not say that it was simply too bad that we as a society had this horrible penal system and terrible remand conditions under one for one. The judges had some discretion to say that, in those horrible conditions, with the lack of supports and opportunities for rehabilitation, we needed to at least change the one for one to two for one or three for one.

Sometimes, we do things that have other effects, which are not always in the best interests of our society. In this case, we run into some problems with the two for one proposal. There have certainly been inconsistent determinations of the value for pre-trial custody. Now we are in a situation where a two for one credit is often routinely imposed without considering whether it is warranted. On top of that, it is absolutely the case, without doubt, that the conditions in remand facilities today are often the same as those faced by sentenced prisoners.

Furthermore, it has been clear throughout this debate that people have taken advantage of this system. There are indications that accused persons who intend to plead guilty intentionally, choosing to remain in remand as long as they can in order to maximize the total amount of the remand credit they will receive. That, in turn, contributes to the problems of overcrowding in remand facilities.

There is a final reason that has to be talked about in this context, and that is the need to maintain the confidence of the public in our system and for people across the country to know we have penal, justice and corrections systems that are responsive to the goals and aspirations that we all hold for our society. They are goals and values that say the following: We as a society must be forever focused on the need to prevent crime in the first place. That is the first aspiration of Canadians on this issue.

Second, as a government and Parliament, we must do everything in our power to protect citizens from crime and unsafe conditions in their homes, neighbourhoods and communities.

Third, Canadians expect us to put in place punishments that fit the crime.

Although it is impossible to deal with all three of those great values and fundamentals of our justice system, the three-legged stool if I can put it that way, through this bill, we can at least acknowledge what Bill C-25 does in terms of those interests.

We can point to other areas that require government action to compliment and support this approach. On its own in isolation, simply changing and removing the two for one credit and moving it toward 1.5:1 or one for one in some circumstances will not fix the problem of overcrowding in the remand centres. It does not necessarily ensure that the punishments handed out to convicted criminals are consistent with the crimes committed. We have to be vigilant on all fronts.

I recognize some of the concerns raised by my colleagues. My colleague for Burnaby—Douglas raises very legitimate concerns about the conditions found in remand centres and in our penal system in general. He described some very horrific situations.

●(1345)

We have all seen the heritage moment on national TV of Agnes Macphail, the first woman to get elected to the House of Commons, who in 1921 or there about, stood in the House and used a prop, which is not allowed, to demonstrate how people in prisons were being whipped, chained and punished beyond any notion of humanity. That changed things in this place. It made people realize that we all had an obligation to ensure our prisons, although places of punishment, were also not so inhumane that we would fall into what many would describe as a third world country conditions.

My colleague from Burnaby—Douglas said we should not embark on something that would take away all judicial discretion. He said that we should not forget about the important issues that bought the two for one credit in the first place. He wants to see the government and Parliament focus on the whole range of options that have to do with crime and safety in the country. That is what we all want. We support Bill C-25 because it takes a step toward dealing with a serious problem in our system today.

We call on the government today to do more than simply bring forward legislation that would require us to build more jails and lock up more people. We call on the government today to start doing what Canadians expect, which is a three-pronged approach focusing on prevention, protection and punishment.

It is not good enough for a government today to stand in this place and say that if we criticize any of its single faceted bills on specific issues in our justice system, that we are soft on crime, or because we have tried to amend something, we are soft on crime. That is hogwash and absolute rubbish.

The Conservatives have to stop playing those games. We are all trying to work together to make the best system possible. We all have the best interests of Canadians at heart. We all know we are dealing with a very complex issue that requires serious and thoughtful answers, not simplistic and narrow approaches.

I call on the government today to give some thought to what is really required. I want to start by asking it about its broken promises.

Why, since the 2006 election, when the Conservatives promised to increase the police force in the country by 2,500 officers, have they done nothing? If the Conservatives are so concerned about protecting the public, where are those police officers? Why, three years after the fact, have no police officers been added?

Why has the government continued to sit on the motion by Parliament to put labels on alcoholic beverage containers, saying that drinking during pregnancy can cause harm, which results in serious disabilities to people who in turn end up, in many cases, committing crimes and being put in jail where there is no support?

Government Orders

How can the Conservatives expect us all to support bills, without a lot of stats and a lot of evidence, just because on face value they appear to get tough on crime, yet turn around and say they cannot put labels on alcoholic beverages because there is no science to prove that putting on labels would deter someone from drinking? What nonsense.

If the Conservatives are serious about a comprehensive approach, if they really care about the fact that we all are interested in preventing crime, protecting the public and punishing those according to the serious nature of the crime, then surely they would take some basic preventative measures.

The Conservative government has sat on this all the time it has been in government. It has been eight years now since that motion was passed by Parliament, almost unanimously. To this day, no government, either Liberal or Conservative, has had the guts to stand up to the beer and liquor lobby groups and say it is time we put some labels on bottles to show it puts its money where its mouth is.

• (1350)

The government says a lot in terms of getting tough on crime. Does it ever talk about the cutbacks it has made in terms of prevention programs and training programs? Does it not realize that it is more expensive to jail children than to provide positive options?

People in the government seem determined to send more kids to jail rather than putting money in programs in terms of preventing the conditions that get them there in the first place. What about the gang prevention programs? What about the rehabilitation programs? What about training programs? What about mental health programs? What about all those things that will actually prevent kids from committing a crime in the first place? Is that not what we should be all about?

I have never heard the government talk about alternatives. I know the member for Abbotsford today talked about the fact that we cannot fix the overcrowding in remand centres through this bill. We have to get to the source of the problem and support with resources and people our remand centres, prisons and programs that help those in the corrections system. He is right. We have to go beyond simply looking at these very specific single measures and get at the roots of the problem.

Where is the government when it really counts? Where is the money for those programs? In its own jurisdiction, why does it not take some measures where it has absolute authority in terms of the federal Constitution? Why does it never mention alternatives to incarceration that have been proven successful in limiting reoffending?

I want to use the words of someone from Winnipeg who has been working very hard at eliminating unsafe conditions in a neighbourhood, which were reflected in a column by Jeffrey Simpson in *The Globe and Mail*. It is the Point Douglas effort to curtail crime in that neighbourhood.

As Jeffrey Simpson writes:

Two keys unlocked the Point Douglas puzzle. The neighbourhood had to be mobilized to take itself back; and zero tolerance became the order of the day. No criminal behaviour would go unreported; no houses would be left derelict; no windows would remain broken; no guns would be allowed. Community commitment

and law enforcement came together in a polyglot community, with aboriginals making up more than half the population.

He rightfully concludes:

The community must be willing to save itself. It means civic authorities, police, and social agencies working together.

It means government involved in this whole project.

He says:

Success might mean that the criminal elements and slum landlords simply go to other areas of the city. But it sure has worked in Point Douglas.

There is a model that has to be considered each day, and I want to quote as well from Shauna MacKinnon, who wrote in a Winnipeg Free Press editorial on March 15:

Youth participation in gangs is a concern in urban centres across the country. Proposed solutions range from the very conservative knee-jerk reactions that lead to "lock em up" solutions, to solutions that tackle the root causes that draw children into gangs.

The research is clear. Access to skill-building recreational activities that develop self-esteem can help protect kids from the lure of gangs. But we don't really need the research to tell us this. All parents know that keeping their kids busy in sports and recreation keeps them out of trouble.

We could go on and on with those important words. I wish the government would begin to understand that it has to someday come forward with a complete response to the issues we are all concerned about when it comes to crime and safety. It cannot continue to focus only on one of the three components of a complete strategy. It cannot simply focus only on punishment. It must look at prevention and protection.

However, as I wrap this up, I will say that we recognize the importance of the step taken by this particular bill. We know that, as Sel Burrows, from Point Douglas, has told me himself, the really hard-core remands figure out to the day how long to stay in remand relative to the likely sentence, to then plead guilty once their double time count gets them released immediately or at least into provincial jail rather than penitentiary. But he went on to say that we need to remember that the poor are the ones terrorized by gangs. We need more alternative sentences for light offences and more time out for society from the hard core until we find something that works to rehabilitate them.

We look to the government for leadership on all aspects of crime and safety in our communities today. We want a multi-pronged approach. We want a government that focuses on prevention and protection, as well as appropriate punishment.

Statements by Members

● (1355)

Mr. Andrew Kania (Brampton West, Lib.): Mr. Speaker, I wonder if the member would comment on two different points. First, as we all know, there are different rationales for the criminal justice system in terms of punishment, deterrence, prevention, the sorts of different reasons we send somebody to prison or punish them. Is the member aware of any studies the government has to show that the bill would actually do something positive by way of deterrence or prevention as opposed to simply focusing on punishment, and what are her views in terms of how this will impact in those two categories?

As well, are there any studies or information she is aware of in terms of the actual capacity of the system to handle these changes, whether we can afford it, whether enough money is being put in, whether this will require the building of new jails, and whether any of this has been thought about in adequate detail in consideration?

Ms. Judy Wasylycia-Leis: Mr. Speaker, it is an important question. I do not believe the government has provided any serious statistical analysis about the impact of this legislation on reduced pressure on our remand centres and our prisons. We do know from some of the statistics gathered by provincial governments that, in fact, when it comes to remands, the national average remand count has increased by more than 85% since 1990. A review in one province found that only 43% of those on remand for less than 30 days had applied for bail and that only 8% of those on remand longer than 30 days received bail. On any given day, about half of the new remanded prisoners will never even apply for bail and will be on remand status for several months.

That gives an idea of the impact of the present system on remand. It does not give any idea of what will happen in terms of our prisons and how the bill will change that. I will say this, though, finally we have to, as many have said, think outside the box. We have to think of creative release policies. We have to think of community escort orders. We have to think of dedicated gang outreach workers. We have to think of volunteer community supervisors, and most of all, we have to think about alternatives to keep kids out of jail in the first place, because surely if we want to start anywhere, it is crime prevention when it comes to the youngest in our society so that we do not have this repeat cycle through our penal system and continuation in a life of crime. That is the solution in the long run to this very serious issue.

Mr. Andrew Kania: Mr. Speaker, in terms of my friend's comments, obviously the Liberal Party agrees that it is very important that we look at the root causes of crime, not just incarcerating people and making things more difficult. Frankly, once somebody comes out of prison, it is important that they are rehabilitated, that there are a number of programs put in place in prison.

One of the problems right now in terms of capacity is people who suffer from mental health issues who are in prison, and there is a staggering statistic in Ontario alone of 37% to 39%, and people in the general populace who have addiction issues. These people need treatment when they are in prison so that when they come out they can be reintegrated into society. What is happening now is, because there is not enough capacity, we are getting situations where people

are being released, not early with conditions so that they will have treatment.

I wonder what my friend thinks about these continuing problems and what really needs to be done and whether she supports this aspect.

● (1400)

Ms. Judy Wasylycia-Leis: Mr. Speaker, let me first be clear that the New Democrats, along with the Liberals, the Bloc, and the Conservatives support the bill. We support getting rid of the two for one credit and moving toward one and a half to one. However, we also know that this will not take all the pressure off the remand system and off our prison system. We have to have programs that help people once they exit the prison system. We also have to have alternatives for those at the remand level, because to sit for a long period of time in terrible conditions without training, without supports, can only cause one to continue a life of crime. So we have to be serious about rehabilitation.

Finally, it requires a government that moves beyond this very narrow approach in terms of punishment and looks at protection and prevention at the same time.

The Acting Speaker (Mr. Barry Devolin): I interrupt proceedings at this time to proceed with statements by members. When the House returns to this matter, the hon. member for Winnipeg North will have five minutes remaining for questions and comments.

STATEMENTS BY MEMBERS

[English]

JUSTICE

Mr. Devinder Shory (Calgary Northeast, CPC): Mr. Speaker, families in Calgary Northeast want our government to do whatever it takes to pass tough-on-crime legislation.

The Liberals routinely stall Conservative attempts to pass tough-on-crime laws, insulting Canadian victims and their families. Enough is enough. Canadians want action.

Families in Calgary Northeast are fed up with the Liberals and their lack of compassion for victims and their families. I call on the Liberals to wake up and to support Conservative tough-on-crime legislation. This is the very least that families and victims in Calgary Northeast deserve.

I want to thank Police Inspector Kevan Stuart for his past service to Calgary Northeast, and I also want to recognize and welcome his replacement, Inspector David Kotowski. I know that Calgary Northeast will continue to be well served by our brave men and women of the Calgary Police Service.

*Statements by Members***CONCEPTION BAY SOUTH MONUMENT OF HONOUR**

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, we have volunteer groups in all our ridings who volunteer thousands of hours to recognize the contribution of servicemen and servicewomen to defending our rights and freedoms.

At this time I want to congratulate the members of the Conception Bay South Monument of Honour committee for their commitment to improve and restore the original war memorial in Conception Bay South. It is a tremendous undertaking and these volunteers are making great progress, and in particular, Mr. Wayne Miller, who has been spearheading the efforts to date. I thank Mr. Miller.

The memorial has been moved to a new location in town and the committee is now focusing its efforts on beautifying the grounds and providing an atmosphere that truly reflects honour and glory. The Conception Bay South Monument of Honour committee has committed to raising \$750,000 for this wonderful project.

I join the residents of Conception Bay South in saying a big thank you to the Monument of Honour committee. We are proud of their efforts and commend their dedication to this project. I wish them good luck, and I look forward to seeing them at their annual fundraising golf tournament in a couple of weeks' time.

* * *

[Translation]

OPÉRATION ENFANT SOLEIL FUNDRAISER

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, on June 4 and 5, 17 students in secondary 5 at Polyvalente Nicolas-Gatineau—10 girls and 7 boys—participated in the 30-hour cyclathon to raise money for the Opération Enfant Soleil foundation.

The 30-hour cyclathon is restricted to graduating students. In order to participate they had to train hard and maintain an academic average of more than 75% in their secondary 4 and 5 classes. This is a wonderful example of youth commitment and determination.

On behalf of the Bloc Québécois, I congratulate these 17 young athletes, the organizers and trainers, including Joanie Loiseau who was in charge, on the 19th edition of the event.

Bravo to the students of Nicolas-Gatineau school.

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[English]

WORLD OCEANS DAY

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, today is World Oceans Day, a day to recommit to protect our oceans for the very air that sustains us, for the food that we use, and for the resources that drive our economy.

People of northwest British Columbia have lived in harmony with the ocean since time immemorial. Today, the Living Oceans Society is launching the Finding Coral Expedition, a deep-sea adventure of scientists in submarines to the very floor off British Columbia's northwest coast.

Our oceans must be managed sustainably. We should be planning and using science and leadership. We applaud this work and

recognize that to understand the oceans is to come to respect and honour our planet for this generation and for generations to come.

* * *

RODEO BUILDER

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, it is my honour today to pay tribute to Jack Daines, who was honoured May 29 with an induction into the Alberta Sports Hall of Fame as a rodeo builder.

When we think of Alberta and rodeo, we think Jack Daines. He won Canadian saddle bronc titles in 1956 and 1957.

In 1961, Jack started the Daines Rodeo with the cowboy in mind. The 49th edition of the Daines pro rodeo goes this weekend. It is one of the biggest in the world. His contribution to the sport of rodeo in Canada is unsurpassed. This man is a legend.

To be inducted alongside titans in football, hockey, boxing, paralympics and athletics was a joy for Jack, but more important was joining his son Duane as a member of the Alberta Sports Hall of Fame.

It has been said Jack is Alberta's Don Cherry. I like to think Don Cherry is Canada's Jack Daines. He loves his family and his country and promotes Canada every chance he gets.

Mr. Speaker, please join me in congratulating Jack Daines for his induction into the Alberta Sports Hall of Fame.

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● (1405)

WORLD OCEANS DAY

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, climate change, overfishing and pollution are a perfect storm that is killing our oceans.

To arrest this march toward extinction, we must put a price on carbon and develop an international carbon trading system that will reduce our dependence on fossil fuels. This would put a monetary value on carbon sinks, which would help to arrest the destruction of the two lungs of our planet: Amazonia and the Congo Basin.

We must use the Oceans Act to implement a comprehensive oceans management plan that will include establishing an effective network of marine protected areas to help restore marine populations.

We must improve source control and repair storm drainage systems which will reduce pollution.

We must list endangered fish species on SARA and phase out non-biodegradable plastics that kill more than 100,000 marine mammals every year.

Statements by Members

Our oceans are the lifeblood of our planet. Let us now use this the first UN World Oceans Day to build and implement a plan that will protect our oceans and save life on earth.

* * *

FOOD BANKS

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, Christmas may not be coming soon, but for some in Alberta they might be thinking differently with the snow they had this weekend. But seriously, Christmas in July is just around the corner.

The Kelowna Community Food Bank's 18th annual Christmas in July campaign serves to remind our community that the spirit of giving is needed all year round to help our less fortunate friends and neighbours. Already this year alone, the Kelowna Community Food Bank has distributed over \$750,000 worth of food and products.

Through the assistance of monetary and food donations, local business partnerships, as well as the many volunteers who make the food banks run, our community food banks carry out the important work of providing families with the necessities that most of us take for granted.

Their work is even more important during these challenging economic times.

I encourage all my colleagues to bring attention to their community food banks now and throughout the year, so that they may help to dramatically improve the lives of hundreds of families within our communities.

We thank the Kelowna and Lake Country food banks, and community banks across the country, for their hard work, caring and compassion. It means so much.

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[Translation]

WORLD OCEANS DAY

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, June 8, 2009 is World Oceans Day. The theme "one ocean, one climate, one future" focuses on the role of oceans in regulating climate.

Little is known about our oceans. Climate change has resulted in dramatic changes, and will continue to do so, for marine life. The diversity, richness and complexity of these vast expanses of water deserve special attention considering their fragility and role in the earth's ecosystem.

Hopefully, on this day, governments will finally realize the importance of our oceans and dedicate the necessary resources to better understand the impact of global warming and climate change. It is important for this government to show leadership and actively participate in global consultations on ocean issues in order to contribute to the Copenhagen climate change conference.

[English]

WORLD OCEANS DAY

Mr. Andrew Saxton (North Vancouver, CPC): Mr. Speaker, as we just heard, June 8 marks the first United Nations World Oceans Day. The Government of Canada strongly supports sustainable and integrated use of ocean spaces. Today, organizations and individuals around the world celebrate our oceans, our personal connection to the sea, as well as raise awareness about the crucial role the oceans play in our lives.

Coming from North Vancouver, on Canada's Pacific coast, I have spent many happy days on the ocean on board my father's boat, swimming, fishing, catching crab, and enjoying the many splendours the ocean has to offer.

Oceans regulate our climate, transport our goods, and provide us with not only food but also thousands of jobs in diverse fields. That is why it is important that our rich ocean heritage is protected and carefully managed to ensure the continual productivity and health of our ecosystems.

That is why it is important that we take time to think of what we can do to help protect our oceans.

* * *

• (1410)

INCOME TRUSTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the Prime Minister broke his promise never to tax income trusts and imposed a 31.5% punitive tax.

He wiped out over \$25 billion of retirement savings of over 2 million Canadians, particularly seniors.

He argued that pension income splitting would offset the loss, but the facts show otherwise.

In 2007, the benefit to seniors was only \$163 million. As well, only 30% of seniors have qualifying pensions. If we eliminate those who have no partners or who are at the lowest tax bracket or whose partner is in the same tax bracket, then only 12% of seniors actually benefit.

The Conservatives took money from seniors with no pensions and gave a fraction of that money to high income earning seniors who have a partner with little income.

It is time for the government to be honest with seniors. It should admit its devastating mistake, apologize for misleading seniors, and repeal the punitive 31.5% tax on income trusts.

Statements by Members

[Translation]

QUEBEC

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, last week, we saw how the Leader of the Opposition embodies the worst centralist tradition of the Liberal Party. He said so himself: he has nothing to give Quebec. Today, the headline in *Le Devoir* said that the real leader of the Bloc, Pauline Marois, had Ottawa in her sights and would go on the warpath. Ms. Marois said she wanted to hold not one, but two referenda as soon as the Parti Québécois regains power.

The stage is set. The PQ-Bloc and the Liberals are choosing confrontation instead of working to boost the economy. The dreamers and the centralists can keep on squabbling. All they are doing is proving that they are completely out of touch. Quebecers are not stupid. Fortunately, since 2006, our government has respected Quebec's jurisdictions, because we acknowledge the aspirations of the Quebec nation. We want a strong Quebec within a united Canada.

* * *

[English]

HOCKEY

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, Sault Ste. Marie is ecstatic about being chosen to host the Canadian Adult Recreational Hockey Association World Cup in 2012. Sault Ste. Marie, a hockey-mad community in a hockey-rich region of northern Ontario, will be a fabulous site for this world class tournament.

Sault Ste. Marie has had great success in hosting national events, such as the brier and tournament of hearts national curling championships, the memorial cup junior hockey tournament, the Canadian special Olympics and the Ontario winter games.

Enhancing the city and area as host, Sault Ste. Marie is smack dab in the middle of the country and the Great Lakes. It is a border city to Michigan, its American neighbour, with many other sports and entertainment facilities for its visitors.

To deliver an event as large as this, it has a large corps of both professionals and volunteers. Some of the friendliest people anyone is ever going to find will be on hand to greet visitors.

Congratulations to Tourism Sault Ste. Marie, the Sault Ste. Marie Economic Development Corporation, and the local committee that made the successful bid. I was happy to lend my support.

I encourage everyone to come to Sault Ste. Marie—

The Speaker: The hon. member for Newmarket—Aurora.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, the Liberal leader has some strong opinions about a country he was away from for 34 years.

He said Canada has become the laughingstock of the world. How dare he.

He has come back to Canada after three and a half decades in the U.K. and the United States after calling our flag a pale imitation of a beer label, and after calling himself an American.

The country that is defending its Arctic sovereignty, rebuilding its military, and asserting itself on the world stage deserves better.

This is one of the most peaceful and prosperous nations the world has ever known. Last year, we welcomed thousands of new Canadians who chose to come here for the opportunity Canada offers.

If he was not just visiting, the Liberal leader would know Canada is no laughingstock.

Canada is strong, proud, independent and free. Maybe he will learn that during his visit to this great country.

* * *

[Translation]

QUEBEC NATION

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, by voting against the Bloc Québécois bill designed to require federally regulated companies to comply with Bill 101, the Liberals and the Conservatives showed that, in fact, they do not recognize the Quebec nation. It is insulting, but it is clear. In the case of the NDP, it is a bit more complicated.

We learned from the member for Outremont that the NDP never supported the provisions of our bill that were designed to amend the Official Languages Act. We wanted to avoid any ambiguity by stating that French is the only official language in Quebec. The NDP is not willing to recognize that French is the common language of the Quebec nation, which comes down to the same position as the other two federalist parties. It is more complicated and more mean-spirited, but just as insulting.

The Liberals, the Conservatives and the NDP may talk a good game about the Quebec nation, but they do not actually recognize it. Only the Bloc Québécois members stand up in this House to defend the Quebec nation and its language, French.

* * *

●(1415)

[English]

ABORIGINAL AFFAIRS

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, the hallmark of the Conservative government is its increasingly heavy hand. It prorogues Parliament and runs to courts looking for injunctions.

Last week we even had the Minister of Indian Affairs outline his new carrot and stick approach to relations with aboriginal peoples.

As if the hand was not heavy enough, now the public safety minister, rather than engage the Akwesasne Mohawk First Nation, goes for the blunt approach. Rather than engage in dialogue, the minister prefers to sabre rattle. He now threatens to close the Cornwall Island border crossing permanently.

Oral Questions

It seems he does not understand the economic and social impact on Akwesasne, the city of Cornwall or eastern Ontario. He has a blunt stick and he is going to use it.

Our trade and transportation relations with the United States do not need the blunt stick and our relations between government and aboriginal peoples certainly do not need the blunt stick.

When will the minister put down his stick, pick up the phone, and start talking to the Mohawks of Akwesasne?

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, Canadians have asked for strong leadership on the economy to help them through these tough times. In response, the leader of the Liberal Party has promised to raise taxes. He wants to increase the GST, impose a harmful, job-killing carbon tax, and eliminate the universal child care benefits.

He even said, "We will have to raise taxes".

He said that Canada had become a laughingstock of the world and now he wants to become the prime minister.

He called himself an American and now he wants to lead Canada. He called our Canadian flag a pale imitation of a beer label and now he pretends to be a patriotic Canadian.

How dare he call Canada a laughingstock. We Conservatives are here because we love Canada.

ORAL QUESTIONS

[*Translation*]

MEDICAL ISOTOPES

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, across the country, thousands of Canadians are unable to get diagnostic tests for cancer. This government has known for 18 months that this would happen. It let a problem at Chalk River become a crisis in our healthcare system.

Instead of blaming 26-year-olds and arguing amongst themselves, who in this government will take responsibility for this national crisis?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, as far as the current medical isotope shortage is concerned, I have engaged the provincial and territorial ministers and the medical experts in this field. In fact, this morning I had another conference call with medical experts to deal with the situation.

Canada is dealing with the situation by identifying alternatives to medical isotopes. We will continue to monitor the situation as we deal with it.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the government keeps pretending that there is an alternative supply of isotopes, but the Dutch reactor will be shut down for maintenance next month and for six months in January. South Africa

is already shut down for maintenance this week. The Australians will not come on line for at least six months.

When will the minister stop trying to cover up a national health care crisis? When will she start telling Canadians the truth?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I would like to correct the record on statements made by the Leader of the Opposition.

In fact, Petten in the Netherlands has increased by 50% its production of medical isotopes. It will be going into a maintenance shutdown. However, the Belgian reactor will then come on to production on July 21.

Moreover, it is completely false that the Australian reactor will not be coming on line for six months. As the Australians themselves indicated in the *Canberra Times*, it is just a matter of weeks.

● (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, Petten informs us that there is no guarantee those isotopes will reach Canada.

It is clear we are in a national health care crisis with a minister who is badly distracted. The minister is trying to recover lost binders and trying to explain incriminating tapes, and thousands of Canadians are desperately waiting for medical treatments.

This is a fiasco. When will it stop? When will the minister cease to be distracted and begin doing her job?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, again the fact remains that this government has actually acted on the matter.

When it became apparent that the MAPLEs reactors would not produce one single medical isotope after 12 years and hundreds of millions of dollars, a decision was made to shut it down and indeed we accepted that. Furthermore, we took on the extra steps of finding alternative measures working with the medical community.

Of course, I would not expect that five Liberal cabinet ministers in that period of time would have actually done anything on it. I assume that the Leader of the Opposition does not know because he was not in the country at the time.

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[*Translation*]

MINISTER OF NATURAL RESOURCES

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, we have learned that the Minister of Natural Resources was caught on tape making derogatory comments about her colleague, the Minister of Health, whom she described as not very competent. The minister now has a chance to explain herself.

Can she tell the House, loud and clear, and unequivocally, whether her comments about the Minister of Health as reported by the media are true?

*Oral Questions**[English]*

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the minister is not a party to that proceeding and the Government of Canada is not involved.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, there is a darkening cloud hanging over the minister and Prime Minister. Unless these allegations prove to be false, it is clear that the minister has absolutely no confidence in her colleague's ability to handle what is now a full-fledged health care crisis.

Thousands of Canadians are failing to get the cancer, heart, bone and organ tests they need. Will the Prime Minister now intervene, take the file away from his distracted minister and see that this crisis gets the urgent attention it deserves and Canadians get the procedures they desperately need?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, again, I think it is important to correct the facts. Yesterday, the member for Ottawa South himself made some statements in the media with respect to reactors. He said that the OPAL reactor is 12 months away from operation. Indeed, that is false. He said that Australia would not be able to export a single medical isotope. Again, that is false. Finally, he confused the countries of Belgium and the Netherlands, indicating that the Petten reactor was in Belgium when, in fact, it is in the Netherlands.

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*[Translation]***THE ENVIRONMENT**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, according to documents obtained as a result of an access to information request, the government, despite public statements to the contrary, felt that the greenhouse gas reduction targets set at the 2007 Bali climate change conference were unrealistic.

How could the Prime Minister brag at every international forum that he was a climate change leader when Canada never had any intention of achieving the GHG reduction targets that the industrialized nations at Bali had set for themselves?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, that is not true. I was present at all the negotiating tables in Washington, at the G8 and in Copenhagen, and I never saw the document in question before hearing about it today. This document in no way reflects the position of the Government of Canada on climate change or the subsequent negotiations.

• (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if the minister did not see the document, he should ask his press secretary. Maybe he saw it.

At the Poznan conference, one year after the Bali conference, the federal government did everything it could to divide the European countries and sabotage the common stand they had taken on climate change.

Given that this government seems to have a talent for secrecy, does the minister promise to table in committee and have the House

vote on the position he plans to take at the conference in Copenhagen?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, our position is very clear. Our government will attain the target of reducing greenhouse gas emissions by 20% by 2020. Canada is still a leader in developing post-Kyoto plans on climate change. That is quite clear. We want a plan that is as inclusive as possible and that will include targets for all major emitters. The Bloc should stop playing politics and work with the government.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Minister of the Environment is finally facing the facts and admitting that carbon capture and storage is not a cure-all for greenhouse gas reduction. Nevertheless, since 2006, the government has spent \$500 million to help develop the technology, and most of the \$1 billion over five years announced in the 2009 budget will be spent on carbon capture and storage projects.

Now that he has recognized that the technique is of limited use, will the minister stop funding his oil buddies' carbon capture and storage projects?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, that is not true. We believe that the technology has a lot of potential. Right now, in 2009, the world's major economies are all involved in international negotiations to determine their policies. It is very clear that Canada is now a leader in reducing emissions from, for example, road vehicles. Canada will also be a leader in other technologies, such as reducing emissions from coal-fired power plants. The Bloc should talk to us and work with us.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the truth is that the government is a leader in failing to take action in the fight against climate change. That is the truth.

Funding for carbon capture and storage programs benefits only big oil companies and diverts money that would be better spent on researching and developing clean, renewable energy, which is one of the most promising options for reducing greenhouse gases.

Will the minister shift his focus and put a real greenhouse gas emissions strategy in place right now?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we will be investing in all kinds of green energy technology. That is a fact. Our targets are now very clear. We will reduce greenhouse gas emissions by 20% by 2020. We will be announcing all policies applicable to all emitters public, sector by sector, before Copenhagen. We have made progress.

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INFRASTRUCTURE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Conservatives are breaking all kinds of records for economic mediocrity: we have seen the worst drop in GDP in 18 years, the first trade deficit in 33 years, the largest deficit in the history of Canada, and now, the worst unemployment rate in over 10 years. Some 400,000 full-time jobs have been lost.

Oral Questions

Mayors are telling us that they have not received any of the money to stimulate the economy.

Does the government realize that the municipalities are going to miss the summer construction season, which would create the jobs people need right now?

[English]

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, that was a very interesting question coming from that party which voted against an economic action plan that actually put in place the stimulus money that is flowing out to communities right now. We will be tabling a report very soon detailing how much money has flowed. I wish the hon. member would be patient, but a little support would also help.

He must forget that we put in place tax reductions for Canadians. If the member had been here last Friday, he would have heard that we have moved tax freedom day forward 19 days from where it was under the former Liberal government.

• (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, that will be great news for the people who cannot pay taxes any more because they have been thrown out of work because of the Conservative government's policies.

The finance minister misled Canadians this morning. Contrary to what he said, the economic action plan is not in place. The money is not flowing.

The mayor of Kitchener said, "Our shovels are ready and we're simply waiting for the money". The mayor of Regina said, "Unless that money flows through, unless we get the go ahead, we could lose a full construction season".

Four hundred thousand full-time jobs have been lost since the election. The government has to get the lead out, put people back to work, get rid of the—

The Speaker: The hon. Parliamentary Secretary to the Minister of Finance.

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, in working with municipalities across this country, we have doubled the gas tax to those communities so they can get their money spent quickly.

The transport minister has been working diligently with all three levels of government, which is required to make sure that the stimulus money flows.

We have created jobs. We have provided money for those people who cannot get jobs. It is always difficult when people lose their jobs. We have an economic action plan to help retrain those who have lost their jobs.

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[Translation]

OFFICIAL LANGUAGES

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Quebecers have proudly defended the French language, which is

now spoken widely throughout North America. However, more work needs to be done to protect that language.

The people of Quebec must have the right to work in French, whether in a bank or credit union. The Conservatives and the Liberals just voted against that.

Can they explain to Quebecers why they do not have the right to work in French, in Quebec, regardless of the industry?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we respect the provinces' jurisdictions, but we also respect the fact that our Canada has two official languages.

* * *

[English]

MEDICAL ISOTOPES

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, three weeks later and still the message from the Minister of Health to the provinces and territories is that they are on their own and they will have to figure out how to get along without isotopes.

All across Canada patients are waiting. Do they have cancer? Has the cancer spread? Is their chest pain really heart disease?

Marilyn Williams, the director of diagnostic imaging at Bluewater Health Foundation in Sarnia, said that her hospital is only able to perform about half the diagnostic tests it would normally do, with a total daily supply down to 10%.

Where is the government's plan to get worried patients the tests they need?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, in 2007 our government and health care providers developed contingency measures to minimize the impact on patients. This includes using alternative isotopes, such as thallium-201, for cardiac scanning.

We are working closely with the experts on medical isotopes who are assessing and assisting in identifying alternatives for provinces and territories. Health Canada is taking every possible step to ensure access to alternative isotopes where possible.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the minister is asking these people to practice 20th century medicine in the 21st century.

She knows that the patients are being turned away from hospitals. Tomorrow, the Ottawa Hospital will be out of isotopes. Its corporate manager of nuclear medicine, Alan Thibeau, said that after that, it is anybody's guess because there is nobody out there who can really answer those questions.

Hospitals are looking at a 30% increase in costs because of having to use alternatives. Will the Minister of Health commit to the provinces and territories that she will reimburse every single dollar

The Speaker: The hon. Minister of Health.

Oral Questions

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, Health Canada has taken measures, providing advance warning to update the provinces as well. Working with isotope medical experts, we are looking at alternatives. Many tests can be completed using other options. What this means for Canadians is that we are making alternatives available so medical isotopes can be used where most needed.

While Health Canada does not regulate the price of pharmaceutical products, including isotopes, we will continue to work with the provinces and territories in addressing the issue.

• (1435)

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the Conservatives claim that the Dutch, the Australians and now the Belgians will make up for the isotope shortage. We know the Dutch reactor is leaking and it will be down next month for four weeks. The Australian processing plant will not be commissioned for at least 6 to 12 months, meaning no isotopes.

When will the Conservatives be honest with Canadians and admit that for at least the next several months there will be a continuing isotope shortage in and for Canada that is already adversely affecting the health care needs of at least 5,000 Canadians?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, again, as we have indicated, this is a global issue and we are dealing with our global partners on the matter.

Petten in the Netherlands has indicated it will be increasing production supply by 50%. The Belgian reactor is coming back on line in July. As well, the Australian reactor is accelerating, by five months, opening up its ability to produce medical isotopes. Those are all successes on the basis that Canada is the leader with respect to bringing together this group of world owners of reactors.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the minister states that the Dutch or the Australians or the Belgians will make up the isotope shortage across the world.

Is there any guarantee that any of those isotopes will end up in Canada? Can the government offer a guarantee to this House that any isotopes from any of those three countries will ever be guaranteed to come into Canada?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as the member points out, there is a difference between the medical isotopes being produced at a reactor and those at the end of line with respect to the medical establishment.

Indeed, we are working not only with the reactor groups, we are working with companies in the United States. We had a very important and very successful meeting in the United States on Friday. We are collaborating, and we are working together to deal with this on a continental basis.

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[Translation]

PRODUCT LABELLING

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, the Minister of Agriculture and Agri-Food and his Minister of State (Agriculture) claim that their consultations justify the 98% standard for labelling goods as a product of Canada. It is quite the

opposite. Everyone finds this standard unrealistic. We have just learned that, five weeks before announcing the changes with great fanfare, the minister was informed by his officials that very few products could be considered products of Canada.

Can the minister explain why he moved forward after being warned by his officials?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Once again, I would like to remind members why the government wants to clarify this situation and establish what is a product of Canada and what is processed in Canada. The purpose is to let consumers know what they are getting.

We moved in this direction after conducting consultations, which does not mean that we ignored the comments of processing associations and others.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, it is evident that the Minister of State (Agriculture) was not briefed.

It is unthinkable and unacceptable that the government is responsible for such serious financial repercussions on the agri-food sector. The minister should set aside his false pride, admit his mistake and correct it immediately.

He should listen to producers, processors, consumers, the Standing Committee on Agriculture and Agri-Food and even his own officials and make 85% the rule.

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, once again, we have to take into consideration the entire agri-food processing sector. At present, we have this 98% rule for Canadian content. Consumers know what to expect. I repeat that we will continue to listen and that there will soon be a meeting with representatives of the processing industry. We will delve further into the matter if necessary.

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CBC/RADIO-CANADA

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, inflation, rising production costs, shrinking advertising revenues and insufficient funding by Liberal and Conservative governments have led to a \$171 million shortfall for CBC/Radio-Canada this year. The icing on the cake is the potential loss of another 5% of its government funding through a strategic review of programs.

What will it take for the Minister of Canadian Heritage and Official Languages to realize that insufficient funding of CBC/Radio-Canada is threatening its ability to fulfill its mandate?

Oral Questions

•(1440)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have said a number of times, our government, our political party, has promised in each of our election campaigns to maintain or increase CBC/Radio-Canada budgets. In each of our four budgets, we have increased the corporation's budget. I have in my hands two plans from the Bloc Québécois, the November 2008 plan for reviving the economy and "Agir maintenant", their aid plan of April 2009. Neither contains a single word on CBC/Radio-Canada—not a word. The Bloc says nothing and has no plan on this matter.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I suggest two readings for the minister. First, his own budgets, where he will see that CBC/Radio-Canada is losing and, second, the Bloc's first plan, where he will find measures for cultural affairs.

If the minister truly believes in the future of CBC/Radio-Canada, will he commit now to make permanent the additional \$60 million granted annually at the eleventh hour, to give it \$40 per capita and predictable annual and long term funding?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we will keep the promise we made in the election campaign of maintaining or increasing the budget of CBC/Radio-Canada. That is what we have done. The \$60 million for programming for CBC/Radio-Canada is in the budget. We will honour that commitment.

Let us be clear. There is a big difference between us and the Liberal Party. When it formed the government, it cut \$414 million from CBC/Radio-Canada, or one third, causing the loss of over 4,000 jobs. We, on the other hand, have honoured our promise and invested in CBC/Radio-Canada.

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HEALTH

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, why is the minister so inflexible? Does she not understand the anguish and distress of patients awaiting testing to obtain an accurate diagnosis concerning the growth of their cancer? Last week the Quebec City and Sherbrooke university medical centres had no choice but to postpone the appointments of anxious patients.

Will the government finally realize that, by stubbornly refusing to act, it is responsible for the delay in providing the appropriate vital treatments?

[English]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, again, we are working with the medical isotopes experts and they have advised that in terms of alternatives, Thallium-201 can be used. What does that mean for treatment? This can be used as an alternative for most heart tests, which accounts for approximately half of all the Tc-99 procedures in Canada. Iodine-123 can be used to image kidney and thyroid glands. Gallium-67 is used for the detection of Hodgkin's disease and lymphoma, among other things.

That list of alternatives and options was provided by the medical experts on medical isotopes to provinces and territories.

[Translation]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, Dr. Pierre Gfeller, of the Lanaudière regional hospital centre, confirms that they are already experiencing supply problems. At the Sherbrooke university medical centre, Dr. Jean Verreault is already receiving much smaller amounts of isotopes, and the number of appointments having to be postponed will likely grow. At the Quebec City university medical centre and at the one affiliated with Laval University, supplies have dropped below 20%.

Does the government realize that, because of its inaction and incompetence, it has created a major health crisis?

[English]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, again, let me repeat that the medical experts community has advised of alternatives that are available to provinces and territories. That means other isotopes can be used to assist provinces and territories in managing their supplies. The alternatives, such as thallium, iodine or gallium, can be used in the provinces and territories to deal with the shortage.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, for three and a half years the Conservative government has shown contempt for scientific opinion, but when it puts stubborn ideology ahead of patient health and safety, it has gone too far. The president-elect of the Society of Nuclear Medicine said, "It's going to be a disaster".

Doctors are not alarmists, but they are worried that their patients will not get the critical nuclear medical imaging tests they need.

Does the Conservative government not realize that its strategy of deny, deny, deny is putting Canadians at risk?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, since 2007, government and health care providers have developed contingency measures to minimize the impact on patients. That includes using alternative isotopes such as thallium for cardiac scanning.

This morning I again had a conference call with the medical experts community in how we are managing this situation. In terms of how to move forward, we are meeting with them this weekend to again discuss how we can provide assistance and alternatives to the provinces and territories.

•(1445)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, this rhetoric is getting to be unacceptable. The government's inaction is jeopardizing critical patient care in B.C. In Victoria, Dr. Kevin Forkheim said the shortage of medical isotopes will affect already stressed diagnostic services on Vancouver Island.

At Northern Health, which services 300,000 people, the director of diagnostics said they could be forced to cancel nuclear imaging tests before the end of June.

Will the Conservatives finally admit we are facing a crisis in patient care? Will they act to protect Canadians?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, I have been in regular contact with my provincial and territorial counterparts in managing this situation. The medical expert community has provided alternatives for procedures in the provinces and territories. I continue to meet with the medical experts in managing this situation.

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JUSTICE

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, Canadians expect that when a serious crime is committed in this country the individual responsible for the crime will face an appropriate sentence, but for far too long in this country, individuals convicted of murder have been eligible to apply for parole.

Why are the rights of criminals being placed ahead of the rights of law-abiding citizens, and what message does this send to the families of murder victims and their communities?

Could the minister explain how the government's faint hope legislation will help victims of crime in this country?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this government believes that the crime of murder deserves serious time, and this is why we are getting rid of the loophole for lifers. Criminals who commit first or second degree murder will no longer be able to apply for early parole. We are going to support those families who do not want to be victimized over and over again at parole hearings. We stand by those victims.

The Liberals and the NDP have not made up their minds on this legislation, but Canadians have, and they say to pass this legislation.

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MINISTER OF NATURAL RESOURCES

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the government is going to extreme lengths today, once again, to protect the Minister of Natural Resources.

Last week, the Prime Minister threw out his own rules on ministerial responsibility. Today, there is an attempt in court to muzzle the press and keep a taped conversation from being heard. The Minister of Justice says the government is not a party and would have us believe that this injunction is the work of the same, now unemployed, 26-year-old former staffer it used as a scapegoat last week.

Will the Minister of Justice tell the House who is bankrolling the injunction in Halifax to muzzle the press?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, that is a bunch of nonsense. I guess the hon. member did not hear my answer earlier today. The minister is not a party to the action, and the Government of Canada is not involved.

Oral Questions

JUSTICE

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, it is now four days since the Federal Court ordered the government to facilitate the immediate return to Canada of Mr. Abdelrazik. He is required to appear before the court at 2 p.m. on July 7, 2009, whether the government launches an appeal or not. He has in his possession a fully paid ticket for June 12.

Can the Minister of Foreign Affairs finally get to his feet in this House and tell us what arrangements he has made to provide the necessary travel for Mr. Abdelrazik to return on June 12?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I would be glad to tell the House that we are reviewing that decision very carefully and we will be making a decision in due course.

* * *

[Translation]

CIDA

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the Minister of International Cooperation contends that they are generalists at CIDA and that, if they need expertise, they need to go outside. According to her own officials, however, there are five health experts within CIDA, including two medical doctors.

How does the minister reconcile her statement with her officials' comments to the contrary?

• (1450)

[English]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, I recognize the capacity and the expertise of the CIDA staff. However, together we have discussed the level of expertise that we will require as we go forward to ensure that our aid will be maximized in its effectiveness and efficiency.

We always want to benefit from Canadian expertise in all the work we do.

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the minister went as far as to state that CIDA and its personnel were much more focused on measuring the amount of money going into a project than on the results.

Does the minister think that such rude remarks are helping to improve morale among her staff as she prepares to undertake reforms within CIDA?

[English]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, I know everyone at CIDA and everyone in this government as well as in the House wants to respond to the many studies that have been done about CIDA.

There is a Senate report to which we are responding. All parties in the House had members on that committee, which made recommendations, and we are responding to those recommendations. We are eager to find a renewed CIDA that will be effective in this century and in these decades going forward.

Oral Questions

[Translation]

INTERNATIONAL TRADE

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, our towns and municipalities feel that they have been abandoned by the Conservatives. It seems as though the infrastructure money will never come, and it is already June 8. Furthermore, the protectionist measures passed by Congress are threatening the Canadian companies that rely on the American market. No one in the United States seems to be listening to the Conservatives.

What is their plan to combat American protectionism and to avoid a trade war?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): We are concerned about the Buy American situation in the United States. That is why we developed a strategy to present our concerns to the Americans a few weeks ago. I will give another example. I was at the municipal conference three days ago to get the support of municipalities from across the country, to present our message, and tomorrow, there will be another campaign, in Washington, with all of our trade advisors.

[English]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, since the minister was there, he will have heard Canadian municipalities express their frustration with growing U.S. protectionism by threatening to retaliate in kind.

While we all know that protectionism is the worst possible reaction to a global recession, the government's absence from the bargaining table in Washington has forced the hand of Canadian cities and communities. Canadian manufacturers and steel producers are being locked out of U.S. contracts because of buy America provisions.

Since the American Congress has yet to listen to the Conservatives, what is their plan now?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, it sounds like my hon. friend was not in attendance at the convention of municipalities and mayors. I was there over this weekend. I was pleased to not only be there, but also to read the reports when it ended. Clearly the municipalities are backing the strategy we have been taking at every level.

On Friday, I spoke again with the chairman of the ways and means committee in the United States and also the secretary of commerce. Tomorrow, there will be trade commissioners and people from our embassy having a full day of campaign on this on the Hill. It will continue.

* * *

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, for years now the Conservative government has justified its own failure to fight climate change by blaming other countries like China and India. However, a new UN report shows that both countries are leaving Canada far behind when it comes to renewable

energy. China alone is spending \$15 billion, and still the government keeps its head buried in the tar sands.

China gets it. India gets it, as does the rest of the world. Surely the government will finally drop its dead ideology and understand that fighting climate change will create the green economy that Canadians so desperately need.

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, the question is really preposterous. Canada has among the cleanest electricity systems in the world and 73% of Canada's electricity system is non-emitting. The government has set an objective to achieve 90% by 2020. That is an indication of the natural endowments that we are blessed with in terms of hydro potential. It is also an indication of the capacity and potential of our nuclear industry.

This government will continue to work on renewable energies and get the job done.

● (1455)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the government just does not get it.

The budget killed the eco-energy renewable power program at a loss of thousands of jobs in Alberta alone. By this September, zero federal funds will be available to a sector that was attracting billion dollar investments.

Why has the government abandoned Canada's renewable energy sector, when even the International Energy Agency says investing in green power is the path to economic recovery?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, the hon. member's question gives me a great opportunity to tell the House about the great things this government has done with respect to renewable energy and facilitating bringing renewable power on the grid.

As we have heard already in the House, it is the objective of this government to reach 90% non-emitting electricity by 2020. We are fully committed to that and working toward it.

More important, we have committed \$3.7 billion already to renewable energy and the \$1 billion clean energy fund will also be put forth in that manner.

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THE ECONOMY

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, since tabling our economic action plan in January, our Conservative government has been at work to implement its measures.

Among the most important in our plan were those to help free up financing for Canadian businesses, entrepreneurs, small businesses and families. This financing will help fuel the innovations and growth that will help drive Canada's recovery and create the jobs for tomorrow.

Could the parliamentary secretary update the House on the progress our government has made on implementing our plan to help Canadians access financing?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, today the finance minister announced that all measures laid out in our economic action plan to improve access to financing are in place and fully operational. That is \$115 billion to improve credit availability for families and businesses on a commercial basis to protect taxpayer money. We are providing access to credit for small lenders for financing vehicles and equipment.

Canadians asked for that. That is what this finance minister delivered.

* * *

[Translation]

INFRASTRUCTURE

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, clearly, the Conservatives are still in hibernation, because they have yet to notice the beautiful season that has arrived. Our municipalities are begging us to send them infrastructure money so that they can get projects up and running. To date, all they have received are excuses and press releases.

When will the government understand that we cannot build roads or buildings with press releases?

[English]

Hon. Rob Merrifield (Minister of State (Transport), CPC): Mr. Speaker, my hon. colleague's question gives me an opportunity to highlight just what has happened in the last seven days. There were \$3.4 billion in funds announced and 1,400 projects with the municipalities and the provinces, the largest combined infrastructure investment in the history of the country, and there is more to come.

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[Translation]

JUSTICE

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, for two years, Jatinder Sandhu, a woman from Saint-Hubert, has been trying to have her husband, Gulvinder Singh Sandhu, transferred to a Canadian prison from the United States. The correctional services in the United States have agreed, but Canada is refusing. This situation has made Mrs. Sandhu serious ill, and she can no longer care for her three children.

Why does the government refuse to let this Canadian citizen, who is incarcerated in another country, be transferred to Canada so that he can be closer to his young family?

[English]

Hon. Peter Van Loan (Minister of Public Safety, CPC): Mr. Speaker, decisions on prisoner transfers are made in accordance with the statutory provisions. We do that carefully, exercising good judgment and with the best interests of Canada in mind.

Oral Questions

POVERTY

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, under the current government, Canada is becoming an international disgrace. Our human rights record is nothing to be proud of, our environment record is a shame and now we are turning our back on a UN request for the implementation of a national anti-poverty strategy, despite the fact that in Canada four million people live in poverty.

The House passed a unanimous recommendation to make fighting poverty a priority. Four provinces are asking for a federal plan. Why will the government not comply and develop a national strategy to eliminate poverty?

• (1500)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, in fact, we have taken several measures since we formed government to do just that. We worked by establishing the working income tax benefit to encourage people and help them get over the welfare wall. We provided the universal child care benefit, which has taken some 55,000 families off the tax rolls. We have also enhanced EI benefits to help people that way. We continue to work to help those who are less fortunate achieve a healthy lifestyle.

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INFRASTRUCTURE

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, last Friday, our government announced the largest ever combined infrastructure announcement in Canadian history, including many announcements in my riding of Leeds—Grenville. Combined with additional infrastructure allocations announced in the 2009 federal and provincial budgets, the total joint commitment for public infrastructure in Ontario, under the building Canada plan, now represents more than \$7.7 billion.

Would the Parliamentary Secretary to the Prime Minister please tell us if the Strandherd-Armstrong bridge was included in this stimulus and will it finally be built?

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, the Conservative economic action plan rolled out a massive job creating construction list Friday, including the Strandherd-Armstrong bridge. It will connect Riverside south and Barrhaven and take traffic out of historic Manotick.

I worked with the province, the city, the federal transport minister and my MPP, Lisa MacLeod, to get the job done. Together, we are creating jobs and building a bridge to economic recovery.

*Routine Proceedings***THE ENVIRONMENT**

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, last week, North Dakota's water commission endorsed a proposal to more than double the water output from Devils Lake into the Manitoba watershed. This would further threaten the province's freshwater supply and ecosystems.

In 2005 the Liberal government concluded an agreement with the Americans to construct a high level filter out of Devils Lake. This agreement has not been honoured.

Will the federal government raise this matter with the new U.S. administration? Will it pressure the Americans to live up to this agreement?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, the government is well aware of the situation with respect to Devils Lake. It has been the subject of numerous discussions between our country and the United States.

I can assure the member that in terms of my upcoming dialogue with Lisa Jackson, who is the head of the Environmental Protection Agency of the United States, that issue will be addressed, in addition to other issues.

* * *

[Translation]

MEDICAL ISOTOPES

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, it is obvious that the Minister of Natural Resources has no solution to the shortage of medical isotopes. The only solution she has come up with is to set up an expert panel.

Unfortunately, we still have no details about this panel, and we do not even know whether the members have been named, which is terrible.

Is this government so lacking in leadership? Is it unable to deal with the current situation?

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, in December last year, we set out a five-point plan in terms of dealing with the potential of having an isotope shortage. Indeed, one of them was seeking out a longer-term medical isotope supply.

Since announcing that in December, we have received a number of specific proposals from various institutions as well as from universities. We are striking an expert review panel to assess these proposals against a set list of criteria to ensure we are making the right decision. At least we are making a decision and taking action, as opposed to five Liberal cabinet ministers in a span of 12 years who did nothing.

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PRESENCE IN GALLERY

The Speaker: Canadian Forces Day is an opportunity for Canadians across the country to recognize the sacrifices that our men and women in uniform make on our behalf.

[Translation]

It is with great pleasure that I draw to the attention of hon. members the presence in the gallery of 12 members of the Canadian Forces who are taking part in Canadian Forces Day today.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

● (1505)

[English]

JAMES BAY AND NORTHERN QUEBEC AGREEMENT AND THE NORTHEASTERN QUEBEC AGREEMENT

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the 2005-06 and 2006-07 annual report of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement.

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FIRST NATIONS WATER AND WASTEWATER ACTION PLAN

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the First Nations Water and Wastewater Action Plan progress report, January 2008 to March 2009.

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INDIAN CLAIMS COMMISSION

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the 2007-08 annual report of the Indian Claims Commission.

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GOVERNMENT RESPONSE TO PETITIONS

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

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

HEALTH

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Health in relation to Bill C-6, An Act respecting the safety of consumer products. Your committee has examined the bill, decided to report it with amendments, and ordered its reprint. I wish to thank all members of the committee for their hard work and cooperation.

* * *

EMPLOYMENT INSURANCE ACT

Mr. Gord Brown (Leeds—Grenville, CPC) moved for leave to introduce Bill C-542, An Act to amend the Employment Insurance Act (illness of child) and another Act in consequence.

He said: Mr. Speaker, I am pleased to rise today to introduce my private member's bill, seconded by the hon. member for Wellington—Halton Hills.

The bill would enhance employment insurance payments for parents with children who have serious illness, such as cancer, that forces them to take time off of work. As an extension of compassionate care, this bill would provide more time off without endangering the financial well-being of parents.

I would also like to seek unanimous consent of the House to number this bill the same as it was in the 39th Parliament, which was Bill C-542.

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

• (1510)

The Speaker: Does the hon. member have the unanimous consent of the House to have the bill numbered Bill C-542?

Some hon. members: Agreed.

* * *

NATIONAL INFANT AND CHILD LOSS AWARENESS DAY

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP) moved for leave to introduce Bill C-410, An Act to establish a National Infant and Child Loss Awareness Day.

She said: Mr. Speaker, I am pleased to rise in order to introduce this bill with the support of my colleague, Niki Ashton from Churchill. There is nothing more difficult for a parent to accept than the loss of a child. It is a sting that never goes away.

That is why I am introducing a bill to make every October 15 a national day of awareness for the families that have suffered the loss of an infant or child. It seems appropriate for us to set aside a day to recognize the grief that too many Canadians are living with. It is a day to let these people know that they are not alone and that the nation feels their loss and joins with them in remembering their child.

I would like to thank Shannon Barnard from Elliot Lake, who encouraged me to develop this bill. I hope that all members will agree that this is an idea that deserves our support.

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

The Speaker: I would like to remind the hon. member that referring to other members by name is not in order. She must try to restrain herself in the future from that error and refer to the member by the constituency name. I can get away with it, but the hon. member cannot.

* * *

[Translation]

PETITIONS

PROSTITUTION

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, pursuant to Standing Order 36, I want to present a petition signed by many students at Collège Gérard-Godin in my riding. These young people, who are very aware of the problems associated with the exploitation of human beings, are rightly concerned about sexual trafficking around the world, in Canada, and even in Montreal.

They are calling on the Parliament of Canada to use every means possible to prevent prostitution from being legalized during the 2010 Olympic and Paralympic Games in Vancouver, because it seems to be a growing problem, and to legalize it would violate the legitimate rights of the people being exploited.

[English]

LIBRARY MATERIALS

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I continue to rise daily to present petitions on behalf of all Canadians, today from Ontario and Alberta, in support of my bill, the library book act bill. It is an act to amend the Canada Post Corporation Act in regard to library materials which would protect and support the library book rate and extend it to include audio-visual material.

[Translation]

ANIMAL PROTECTION

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, pursuant to Standing Order 36, I want to present a petition signed by hundreds of people in my riding. Given that Bill S-203 lacked content and has not brought about much change, Canada continues to lag behind other countries when it comes to animal protection legislation.

With this petition, we are calling on Parliament to pass new legislation proposed in former Bill C-273, which is now Bill C-229, in order to bring Canada's animal welfare legislation up to date.

Government Orders

• (1515)

[English]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, my next petition also deals with the protection of animals. The petitioners call upon Parliament to introduce legislation with stronger penalties imposed on those found guilty, making Canada a just and compassionate country. There are proven links between animal and human abuse. The petitioners suggest the inclusion of psychological counselling for convicted animal abusers be considered as one of the legislative modifications.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

TRUTH IN SENTENCING ACT

The House resumed consideration of the motion that Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), be read the third time and passed.

The Speaker: When this matter was last before the House, the hon. member for Winnipeg North had the floor for questions and comments consequent upon her speech. There are five minutes remaining in the time allotted for questions and comments. I therefore call for questions or comments.

Seeing none, resuming debate.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, today I rise to speak about an issue that is of tremendous concern to my Etobicoke North riding, namely crime and reducing crime.

My riding is next door to Pearson International Airport and it is where many newcomers come to settle and work long hours for minimum wage, even if they were physicians or professionals back home. It is also home to a high number of single mothers, many holding down multiple jobs just to put food on the table for their children.

Consequently, over 19% of households in Etobicoke North's ward 1 and 16% in ward 2 have income under \$20,000. Sadly, Etobicoke North has one of the highest crime rates in the greater Toronto area, including attempted murders, homicide, sexual assaults and other assaults. Our community also has neighbourhoods under siege, where gangs and guns are a cold hard fact of life. It has therefore been identified as 1 of 13 at-risk neighbourhoods by the city of Toronto and United Way.

In 2006 Pastor Andrew King of the Seventh-day Adventists Church described a funeral service of yet another shooting victim this way:

I'm looking at young people mourning the tragic death of this young man, surrounding a casket. And then, amidst the outpouring of tears and sorrow, the unthinkable happened. I hear pop-pop-pop. And it was outside the building. Someone then came in and said, someone's been shot.

More recently in 2008, shots tore through the window of a Rexdale coffee shop, sending four men to hospital.

My constituents, like those of other communities want the violence to stop. Therefore, I will be supporting Bill C-25, better known as the truth in sentencing act.

A judge may allow credit for time spent in pre-sentencing custody in order to reduce the later sentence, largely because holding centres are overcrowded and prisoners wait too long for trials.

Clayton Ruby, one of Canada's leading defence lawyers, described detention centres as a humiliation and explained that credit was developed by courts to ease the hardship of those awaiting trial.

Canadians largely support the credit system. A national justice survey in 2007 showed that more than 75% of respondents thought that credit should be allowed in cases of non-violent offences; however, almost 60% believed that credit should not be allowed for persons convicted of serious violent offences.

Currently, for every one day served in pre-sentencing custody, a two day credit is generally given toward regular detention. Some argue that the two to one day ratio is too generous because, instinctively, it does not make common sense when convicted criminals walk out of court largely free on the day of their sentencing or have their lengthy sentences significantly reduced. For example, kidnappers recently had their sentences reduced by six years due to a two for one credit. And the formula may be applied without verifying that conditions are really harsher in pre-sentencing custody than in regular detention.

Bill C-25 would amend the Criminal Code to limit credit for time served. Under the new legislation, a judge may allow a maximum credit of one day for each day spent in pre-sentencing custody; however, if the circumstances justify it, a judge may extend the credit to 1.5 days.

The bill is the result of an agreement reached at the federal-provincial-territorial meetings of ministers of justice held in 2006 and 2007 at which the ministers decided to limit the credit for pre-sentencing custody and had proposed rules similar to the ones set out in the bill. There is strong support for this bill.

Government Orders

• (1520)

For example, Chris Bentley, the Attorney General of Ontario, welcomes the move to end the practice of giving convicted criminals double time credit, and said that it would speed up the criminal justice system. The Canadian Association of Chiefs of Police, which has been urging the government to eliminate the two for one pretrial credit since 2000 and to bring greater accountability and consistency to the sentencing process, also welcomes the introduction of the legislation and urges all parliamentarians to pass the bill quickly.

Despite the positive feedback, the Criminal Lawyers Association calls the proposal “a step backward” that would “promote harsher sentences, produce fewer guilty pleas and give Parliament's approval to inhumane detention facilities”.

Our American neighbours have undertaken a 25 year experiment with mandatory minimum sentences for the so-called war on drugs. We need to carefully look at the evidence of what has and has not worked in the United States as well as other jurisdictions. We must ask ourselves whether we want to turn Canadian correctional institutions and penitentiaries into U.S.-style inmate warehouses.

We all know there are no quick simple fixes to reducing crime, nor are there one-size-fits-all solutions. What other solutions must we employ?

We need a comprehensive plan to attack all forms of public violence with both short-term and long-term initiatives that address immediate concerns, such as the recent increase in gun violence.

We must build on the strengths in our neighbourhoods. We must engage agencies, parents and youth in determining the future of their communities.

A visionary principal, Michael Rossetti, from Father Henry Carr Catholic Secondary School, wants to build a field of dreams for Etobicoke North, a first-class track and field centre and basketball courts for the school as well as for the whole community. Etobicoke North needs that investment as there is no athletic centre in the district.

Investment in Etobicoke North would mean more students would stay in school, less youth would be looking for belonging in gangs, and more young men and women would be eager to improve their lives, if only they were given a chance.

The field of dreams project is receiving strong support from Pat Flatley, a former alumnus of the school and New York Islander captain, who has already met with Toronto's mayor, as well as Michael "Pinball" Clemons. The principal also received letters of support from Bill Blair, chief of the Toronto Police Service, and Ron Taverner of 23 Division.

We are very fortunate in Etobicoke North to have Superintendent Ron Taverner, who believes in community development and policing. He regularly holds community handshakes, faith-based walks, and supports Breaking the Cycle, an organization aimed at getting youth out of gangs.

We must also significantly increase economic opportunities for young people. At a recent public meeting in Toronto, a youth was quoted as saying that it is easier to get a gun than a job.

We must ensure humane pretrial custody. Defence lawyer Heather Pringle described a potential situation as being locked down for 18 hours at a time, no access to rehabilitative programs coupled with nights spent sharing a cramped cell with two other guys, a shared toilet and some vermin.

We must ensure timely trials. To do this we need more courts, more facilities, and more judges.

Finally, Bill C-25 targets punishment. When might we see legislation targeted at prevention?

• (1525)

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, not only was I impressed but I was very moved by the comments made by the member for Etobicoke North in her presentation on Bill C-25.

The Liberals are going to support this good piece of legislation.

My colleague took us into a different area and talked about preventing crime, the future and about how to address the crime that unfortunately is taking place in her riding.

She said that Etobicoke North needs investment. I am hopeful that the Conservative government now realizes that we are not just talking about infrastructure as bricks and mortar but that there is human life attached to it as well. I wonder if she would comment on that so the government perhaps could be persuaded to get the money out faster.

She referred to a young person who said that if only they were given a chance. That is a powerful, moving statement. Young people need a chance. I do not think legislation is going to do it. Other things are going to be required as well. I would like her to elaborate on this as well. She also quoted a young person who said that it is easier to get a gun than to get a job. What a powerful statement. That says it all.

Does she believe that the Conservative Party would be doing the right thing if it abolished the gun registry?

Ms. Kirsty Duncan: Mr. Speaker, violence is of tremendous concern in my riding. Almost 21% of constituents in my riding are single moms and 75% called somewhere else home five years ago. Many of these constituents are working two and three jobs just to put food on the table for their families. This community needs real investment and investment has not been there for decades. In many ways this is a forgotten community.

Principal Mike Rossetti has a field of dreams project, a \$4 million facility that would include a track. There are students who are winning track award after track award. Unfortunately, they did not have shoes. They had been running in slippers, but people have now donated shoes. These kids deserve a chance.

An application for funding has been made under the RInC program and we are very hopeful the funding will be provided. The land has been donated by the school board and the construction is being donated. Now we need federal and provincial funding.

Government Orders

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am sure the member would like to know that it was the NDP premier of Manitoba, Gary Doer, and Attorney General Dave Chomiak who came to Ottawa on a mission on September 20, 2007 to push for the very same things that in fact spawned this bill, the elimination of two for one remand credits. She mentioned that Bill C-25 targets punishment and she wanted to know when we were going to be targeting prevention programs. That is exactly the approach the Manitoba NDP has taken over the last number of years.

For example, we have focused on prevention with programs such as lighthouses, friendship centres and education pilot projects, as well as initiatives such as the vehicle immobilizer program, the highly successful turnabout program, and intense supervision for repeat offenders.

With regard to suppression, we have produced targeted funding for police officers, corrections and crown attorneys dealing specifically with auto theft. We have certainly beefed up consequences with the lifetime suspension of driver's licences for repeat offenders. There are provincial initiatives dealing with drinking and driving which helped reduce fatalities and injuries by 25% between 1999 and 2003.

The Manitoba government certainly has been a leader in this whole area. Some of the changes it asks for in addition to the current ones dealing with this bill were to provide stronger penalties for youth involved in serious crimes, especially those involved with auto theft, allowing first degree murder charges for gang-related homicides, classifying auto theft as an indictable violent offence, and making shootings at buildings and drive-by shootings indictable offences.

That initiative from way back on September 20, 2007 has spawned a lot of the initiatives that we see here. This comes from a forward-thinking and acting NDP government in Manitoba.

• (1530)

Ms. Kirsty Duncan: Mr. Speaker, the hon. member is right to point out that punishment is one part of the piece. We need a broad array of programs that will target crime. It is important to point out that some proponents hope that the enactment of Bill C-25 will unclog the courts as lawyers will be less likely to deliberately delay proceedings so their clients can be given two for one credit and think there may be shorter terms of imprisonment automatically.

Again, I would like to talk about the prevention side. This means keeping our youth and children in schools and making sure they are able to get jobs afterward.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, the Liberal Party put forward an early learning head start program for children. The evidence shows that this type of program goes a long way to preventing a whole host of social problems. That type of program has proven to reduce youth crime by 60%. Imagine a program that reduces youth crime by 60% and has a \$7 saving for every \$1 invested. There is ample evidence from New Brunswick to Hawaii, to Ypsilanti, Michigan, to show without a shadow of a doubt the quantifiable evidentiary support for this program.

Does my colleague not think that the federal government is missing a huge opportunity and that it made a grave error for the

security and safety of the public when it tore up the agreement with the provinces?

Ms. Kirsty Duncan: Mr. Speaker, early childhood education is very important. For every dollar invested, there is a three dollar to four dollar return, particularly in vulnerable areas. When it comes to crime, the return on investment can be eight times the dollar invested, an eight dollar return for every dollar invested.

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

(Motion agreed to, bill read the third time and passed)

* * *

PROTECTING VICTIMS FROM SEX OFFENDERS ACT

The House resumed from June 3 consideration of the motion that Bill C-34, An Act to amend the Criminal Code and other Acts, be read the second time and referred to a committee.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, when we think about the sex offender registry and sex crimes in general, all our minds turn to our own children or to children in our families. It is hard to think of crimes that are more reprehensible than those that are of a sexual nature, particularly those of a sexual nature against children.

I think every member of the House would agree that every effective tool we can put at the disposal of law enforcement officials to ensure we can stop the crimes from happening or when a crime happens, we can get to the victims as quickly as possible to pull them away from harm is action we must take.

We the know of the Stephensons, who lost their son, and all the work they did in developing Christopher's law. It has led in Ontario to some very effective legislation, legislation that is used many hundreds of times a day and searched far more than the national registry. The success of that registry underscores the failure of the national registry. When we look at the statistics, and it is hard to believe, the Ontario registry is used four times more in a day than the national registry is used in a year.

I do not think there is any disagreement from anyone in the House that the sex offender registry is in need of modernization and amendment, and I welcome that debate.

Government Orders

I am greatly disappointed by the approach the government has taken. We had a bipartisan co-operative approach that was adopted by committee. All committee members had agreed that this was an item of importance, that we had a mandatory review to undertake, that we needed to update the legislation and we needed to do it in a careful, thoughtful way. We brought in witnesses from all different corners and had the opportunity to hear from them at committee about the types of changes that needed to be made. There was an expectation that we would then present a report and that report would be presented this week.

Imagine our shock when the government threw this legislation down on the table, put it on the order paper, short-circuiting all the work the committee had done, all the work in a collaborative, non-partisan way to find a solution. We can imagine how the witnesses who came before committee and made presentations on those changes felt.

The result, quite frankly, is legislation that is less than perfect. It really would have benefited from the input of committee and would have benefited from taking the time to ensure it was incorporated. It begs this question. Why would the government halt a process that was under way in committee, that was on its final stages of being completed to the point where we were to go through clause by clause tomorrow? Why would the government have short-circuited that process?

The only reason anybody could come up with was because the government desperately wanted to change the channel. It was mismanaging the economy. It had a deficit and a debt that was growing wildly out of control. It was desperately mismanaging the crisis with isotopes, making error after error, and it needed a channel change. What did it rely upon? Dumping everything it possibly could on the order paper that had to do with crime and justice to make itself look "tough on crime".

In so doing, instead of having the House consider legislation that had the benefit of witnesses and of a mandatory review and having come with bipartisan, unanimous support from committee, it has rushed something to the table that is absent in a number of areas, and that is most unfortunate.

I want to talk about a number of points in the bill and some areas where we will have to redo the work of committee to get the bill into a form where it can take the proper action that a bill of this nature deserves.

First, we have to recognize that no matter what improvements are made to the sex offender registry, it is not a panacea. We should not hold this out as the solution to crimes dealing with sexual offences. Much more work needs to be done outside of the registry to reduce the amount of victimization we see. A lot of that work has to do with both rehabilitative programs and preventive programs to ensure the crimes do not happen in the first place.

We never hear about working on prevention from the government side, working on stopping crimes happening in the first place, working on ensuring that people who are to be reintegrated into society are going to be given the skills, tools and help they need to be productive members of society and that they will not re-offend, that we bring down that rate of recidivism. However, that has not

been the priority of the government, which is a real shame because it is extremely important.

• (1535)

Second, we need to ensure we work with all levels of government, in every possible way, to share information and best practices, to ensure we not only integrate our enforcement efforts but also that we work together to break the cycle of violence and abuse that so often is symptomatic of these types of crimes.

In the bill itself, one of the key provisions is automatic inclusion. The argument made here is that right now, because of judicial discretion, there are a great number of individuals who are not put on the sex offender registry because judges make the decision not to put them on it. In fact, the numbers are quite high. We philosophically do not have a problem with the idea of automatic inclusion. We want to have an effective registry, but this is an area to which we have to pay great attention. If we do not, we could end up filling the sex offender registry with a huge list of people, some of whom are not really dangerous offenders. When a crime occurs and police officers turn to that sex offender registry, they could have people on the list where there would almost no likelihood they would have committed that crime. That will slow down the investigation and weaken the effectiveness of the sex offender registry.

Let me give an example with one of the terms that has been included in the bill, the term of voyeurism. One could envision a situation where voyeurism is something that warrants being put on a sex offender registry, such as an individual outside a child's window, looking inside. We would say that individual should be on the sex offender registry. That is the type of activity we would want to encapsulate in this. What about individuals who are looking from one apartment window into another? Clearly they should not have done it. Clearly it is inappropriate. However, are they dangerous offenders? Are these the types of people we want to mix on this list, thus slowing down the process and the police's ability to respond?

When I asked the question of law enforcement officers in committee as to what they would do in this situation, where it was a more minor offence of voyeurism and they did not feel that the person really should be automatically included on the sex offender registry, they said they would not charge that person. I think this is going to be a real problem. If we do not word this properly and do not deal with it with the right balance, minor offences will not be prosecuted because there will be a feeling by those officers or by the crown that if they prosecute these individuals, they will to be unjustly placed on the sex offender registry.

I certainly know no one in the House would want to see that happen, to see people committing more minor offences of a sexual nature receiving no punishment, such as indiscretions in the office place, or people at a party doing something they should not have done. We would not want to be turning the other cheek because of the fact that they did not want to put these individuals on the registry. In that regard, we have to ensure the list of offences is such that we really capture those dangerous individuals who would be the most likely to commit crimes when the sex offender registry is looked at.

Government Orders

Third, and this was discussed at committee, we need to ensure there is room for judicial expression in extraordinary cases. In other words, the threshold has to be very high. A judge would have to explain the rationale and have to be held to a very high standard. However, if there were individuals for whom placing them on the sex offender registry would be a gross miscarriage of justice, where it would be grossly unfair and disproportionate to the crime committed, we would expect and hope the judge would have some room to move.

If we completely remove judicial discretion, we do not get rid of discretion. I again point to the fact that we are just displacing the discretion from the judge onto those who are responsible for convictions, being the crown and the police.

The bill is important and it takes in a number of the things we were talking about at committee. It allows the tool of the sex offender registry to be used in a preventative way. One of the flaws with the system as it currently stands is law enforcement officers cannot use the sex offender registry proactively. If they something happens that looks suspicious, a crime has not been committed yet but somebody is where they really should not be and is acting in a very strange way, right now they cannot turn to the sex offender registry to see if that person may represent a risk. Clearly we would want the sex offender registry to be used in a proactive fashion, to ensure that in this kind of situation, police could deploy this to stop a crime happening in the first place.

● (1540)

The next important point is it expands and allows accredited law enforcement agencies to share and use information. Something like the sex offender registry should not be proprietary with law enforcement officials. The RCMP should not hold onto its information, police departments should not hold onto their information and not share and not communicate. That is going to lead to all kinds of things falling through the cracks into a system that frankly is not effective.

In this case, it expands and allows the information to be shared and utilized. Where we have to be careful and where we are going to want to ensure it is crystal clear at committee, is while sharing of information takes place, it has to happen inside police departments. We do not want this information to be circulated to the public or to go into hands of someone who might want to take some vigilante type action or some sort of action independently of the police force. In examples where sex offender registry information has got into the public's hands, it has led to very bad outcomes and does not increase public safety, so we have to watch that.

Another area that is important and has been long called for is the need to ensure that if someone commits a sexual offence abroad and then comes back to Canada, that the information is recorded and is a part of the sex offender registry. We do not want someone going to a foreign jurisdiction and committing crimes, being able to return to Canada and that information not showing up on our sex offender registry. It was a big hole before. This legislation addresses that.

The issue of automatic inclusion in the DNA databank is something we support in principle, but again, it is something we will have to look at in committee to ensure there is a proper balance

in effect and that the information will be used in an intelligent, balanced fashion.

If anyone had listened to what transpired at committee, they would have heard there were some really key areas that were missed by the legislation. Perhaps it was because of its haste, just being dropped to change the channel, that this information was missed. However, police and victims rights groups have told us how important it is to ensure the vehicle information is included in the sex offender registry, such as the licence plate number, make, model, year and other identifying factors. Oftentimes it is a vehicle that would be identified first. That information should be updated regularly so if people change their vehicle, they are mandated to update that information with police departments. That was completely absent in the legislation. It was not there and I was surprised that it was missing.

There are many areas, but I will not cover them all. However, another area that is surprising is there is not really any discussion and coordination with the introduction of the bill in making the investments in things like software and technology. Data is only as good as its ability to be cross-referenced and analyzed and to show law enforcement officers exactly where they need to be and when they need to be there.

For example, to match past offences against the current situation, against the *modus operandi*, we need a software system that is able to take all the information and graphically represent it such that police officers can act instantaneously. We know that with crimes of this nature time is of the essence. Every second that goes by means there is more and more likelihood that someone who is abducted, for example, will not be found, or that a perpetrator will get away and never get convicted.

It is fair to say that it is right to take this legislation and move it to the next process to committee. However, it really is unfortunate, and I cannot stress this in a strong enough sense, that the government decided to short-circuit all the work of committee and to present it in the House. It would have greatly benefited from that process. Committee passed a resolution essentially saying that this undercut the ability of parliamentary committees to function, that it really showed enormous disrespect for Parliament. I cannot say that in strong enough terms.

When this happens and the next time we are asked to review a bill, I know that both witnesses and committee members will be a little hesitant to move a government item to the top. If this is the way committees are going to be respected and treated by having of our input tossed out, it is very disappointing. In fact, it is worse than being tossed out. Sometimes we are used to being ignored, but in this case it is worse than being ignored. We did not even get a chance to present something in order for it to be ignored, and that was a grave disappointment.

Government Orders

• (1545)

Certainly we are going to support sending the bill to committee. There are a number of improvements that have to be made. We are going to have to redo that work and recall all those witnesses. We will undertake that because this work is important. It is something that I know every member of the House cares deeply about and we on this side care a lot about.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am certainly disappointed to hear about the problems the members have had in the committee with ample opportunity not being provided for both the members and affected, concerned members of the public to comment on the bill. It goes against the promise of the government for openness and transparency.

I have a couple of questions for comment by the member. I understand that one of the measures this bill proposed was that the registry be expanded to include sexual offences committed outside Canada.

There can be occasions where, in some countries, simply holding hands in public is considered a sexual offence. I wonder if the member could comment on some of the inherent dangers in having a mandatory reporting of sexual offences committed outside the country.

As well, has there been attention to including consultation with sexual assault centres in Canada, who probably have a lot to contribute to the deliberations of the committee?

• (1550)

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I go back to the point that I made. The hon. member is quite right that there has to be some element of judicial discretion for cases where placing someone on the sex offender registry would represent a gross miscarriage of justice.

I would also point out the fact that we have to be very careful with the list of offences so that the list of things that can place someone on the sex offender registry is well enumerated and articulated and will not allow the types of offences that the hon. member is speaking about to result in someone being wrongly placed on the sex offender registry.

Certainly members should be able to ask questions like this, raise concerns like this, without the government trying to play games and saying that somehow to ask questions like that is being soft on crime.

What we absolutely do not want to have is a sex offender registry that is rendered useless because it is overpopulated with people who do not belong on it. We do not want to see people who do not belong on it, who have committed lesser offences, being put on a list that is meant for serious, dangerous offenders.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I want to thank my hon. colleague for his excellent speech and also for his hard work on committee.

I think it is very disappointing that the committee was not allowed to publish its results. The government could have taken those results and crafted a bill that was in the best interest of the public.

My hon. friend obviously listened to a lot of testimony and the members had fantastic and interesting debates in the committee trying to hammer out constructive solutions to deal with this, which is arguably one of the most frightening crimes that anyone can endure as a victim.

What solutions did the member hear in committee that perhaps the public would like to listen to and the government could use in crafting a bill? What solutions did he listen to in terms of identifying and protecting the public from this, one of the most heinous crimes that we have?

Mr. Mark Holland: Mr. Speaker, one of the things we heard is that the registry needs to be able to be used on a proactive basis. I think the legislation does address that point. We heard that loud and clear.

The whole issue of ensuring that the vehicle make and model was present was incredibly critical, as was the ability of law enforcement agencies to work collaboratively to be able to share information and to not exist in silos, so that they can move with great haste on information that is obtained and that it is not caught up in bureaucratic red tape.

The part that the government has completely ignored is investing in breaking the cycle of violence and abuse and ensuring that money has been put into rehabilitation and programs once people are incarcerated, because they do come out. We want to make sure that when they are out they are ready to be reintegrated into society.

Secondly, there are many areas that can be invested in to stop the crime happening in the first place. I think that has to be one of our greatest focuses, alongside enforcement, asking the question, how do we stop crimes from ever occurring? How do we reduce the rate of victimization?

If we really care about crime, we should be caring about stopping crime. That should be our first priority. We heard from a lot of different individuals that it is an area being missed and ignored.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to ask the member for Ajax—Pickering if he was told why the minister did not answer our questions? I was here last week when the minister came to give his presentation at the end of a meeting, but then he left and we did not see him again. I did not hear him explain why he prepared a bill without taking any of the committee's work into account. Was the member given an explanation in that regard?

Government Orders

● (1555)

[English]

Mr. Mark Holland: Mr. Speaker, to the hon. member, no, and it is a surprise. The committee passed a resolution asking for any kind of explanation as to why the minister circumvented the committee's process. Really, it was a slap in the face to the witnesses who appeared at committee, to all the members at committee who had worked so hard on trying to advance that agenda, to all the co-operation that was in committee to move other items off our agenda so that we could ensure that we dealt with this as quickly as possible. Really, we are left with only one possible conclusion: that the Conservatives were having a terrible week, that they were getting pounded on issues, from the economy to isotopes to missing files, and decided that they needed something to change the channel, so they used this issue and tossed it into the agenda for political reasons. That is reprehensible, in my opinion.

Here we have an opportunity to fix legislation, to work on something that every member of this House cares about and wants to see dealt with. To throw aside all the good work that has been done just because they want to use it as a channel-changer politically, I think, is wrong.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I do agree with the member that it is a channel-changing exercise. I know the government is obviously concerned that it might be going to the polls fairly soon and it wants to put all its ducks in a row. That is probably why there is this accelerated effort here on the part of the government.

However, I did notice that the member talked about expanding police ability to access the registry for crime prevention purposes. I would like him to expand on that particular aspect of the bill.

Mr. Mark Holland: Mr. Speaker, as I said in my speech and I will expand upon it, the notion here is, if we can envision a situation where the police receive a call because somebody is acting very suspiciously and the caller is concerned because the person is around children and is acting in a very peculiar way, the police would have the opportunity to access the registry to see whether the person is in fact on the registry. Perhaps there is a radius restriction that the person is violating because he or she should not be within a certain distance of a schoolyard or a child. This would allow them to go up to somebody who is acting suspiciously and just check to see whether that person is on the registry and ensure that if there is an order in effect, that can be enforced.

We heard again and again that this was so important, because handcuffing police and law enforcement officials to not be able to use this information in an intelligent, proactive way is a mistake. However, I would point out the caveat to that, that the information be restricted, as I said before, to law enforcement officials and that we ensure that it is being used in a judicious and appropriate way so that it does not become something that is vindictive or that the information is being used proactively in ways not to stop crime but to get back at somebody. We absolutely do not want to see that.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, the bill we are debating here is a very important one. It is important on two counts. The sex offender registry has been in place for some

time now. The legislation provided a deadline for a committee to review it before Parliament would decide whether or not to make additions or amendments. The Standing Committee on Public Safety and National Security was tasked with conducting that study, which it had undertaken and was about to conclude. But then came the minister with his bill, and it is clear that he did not pay any attention to the committee's suggestions, since the committee was still in the process of preparing its report.

The committee made haste, but the minister obviously has no intention of taking into account any suggestions that might be made, any of the hearings held or any of the witnesses heard by the committee. That is insulting to the committee, but it is not the end of world because, in politics, one has to be prepared to endure some very unfair insults from time to time. We have to develop thicker skins over time, while remaining sensitive to our constituents' opinions. I think that, above all, this is a discredit to the work of Parliament. The way this government works, it is as if there were no Parliament to which it had to account.

This is also an insult to voters who, when there is a matter important to them—and I believe there are many in Quebec and Canada who feel strongly about this issue—express their opinion to their MPs so that it can be taken into account. That has happened. Our members talk to us about it because they know that we sit on the committee. It allows us to make suggestions but they are to no avail because the minister has decided that he will ignore them and present his bill.

Although this is a serious matter, it does remind me of an amusing story from my career. When I was a lawyer, a judge once invited both sides to provide sentencing submissions. When we had finished making our submissions, without leaving the hearing, the judge pulled out a written decision. Fortunately, there was a court of appeal to correct the errors he had made by not taking into account my very pertinent remarks, which were taken into consideration by the court of appeal.

It is also interesting to see the minister running away. He comes here to defend his bill. At the end of the day, when there is not enough time to listen to his speech and ask him some questions, he runs away at the end, because the House is scheduled to talk about another subject at that time, but he never comes back. I understand he might be ashamed of his behaviour, although I doubt it. Maybe he is not ashamed of himself. In any case, he will never face the music.

However, it is an overly complex bill on a subject that could have been set out much more simply. It introduces some improvements, which we could probably elaborate on, but I do not want to let any secrets slip until we have finished our report. There are, still, some improvements here, such as that of adding to the list of offences for which a judge should order the offender be on a list of dangerous offenders the offence of compelling the commission of bestiality. It is a rare crime. In 27 years of practice, I am aware of only one such case and it was not one I represented. It was a case I watched being argued. It was ordered to be in camera. The room had never been so full. All the lawyers in the region had come to attend this bizarre case. It was bestiality involving a cow. The farm worker had been surprised by a girl who reported the strange tale. The individual could be heard denying it.

Government Orders

•(1600)

In any case, I think that bestiality is more a matter of mental illness than a criminal matter. It is a crime committed usually by people of lower intellect who are on the edge of mental illness. Obviously, if they go so far as forcing the commission of it, this is the offence provided for bestiality. It is indicative of depravity that should be on the offender registry. As for murder, it could be added, but murderers, as far as I know, are sentenced to heavy prison terms and are in prison for a considerable time as it is.

There is another improvement. It is typical of Conservative behaviour. The law provided it already for the most dangerous offences, but, in fact, it covers just about the whole gamut of sexual offences, especially all those involving children. That is totally understandable and also desirable in this legislation.

However, for all these offences, the judge should automatically order the individual be placed on the list of dangerous sexual offenders. This unfortunately does not happen in all cases. The judge essentially had no discretion, except in one instance, which I will explain shortly. It was found that the crown prosecutors did not use this power often enough. And so, rather than correct the problem with the crown prosecutors—and this is typical of the provisions of the Conservatives, who take no chances and settle the matter—it will now be automatic.

What will happen if the crown prosecutors—who failed to indicate, through inadvertence or some other reason, that the individual should not be included in the registry—do not so advise the judge or if the judge does not think of it? Will it be an administrative decision? We will likely get our answer on this a little later on.

I am surprised that this opportunity is not seized to ask ourselves serious questions. The funding for Crown prosecutors across Canada, and Quebec also, has been insufficient for quite some time. That is certainly an area where there is still a fiscal imbalance and where the provinces do not have enough money to fulfill their constitutional responsibilities. As we know, while criminal law falls under federal jurisdiction, the provinces are responsible for the administration of justice. The complexity of criminal law is increasing and that makes Crown prosecutors work very hard. It is therefore not surprising that some of them refrain from requesting enforcement under such circumstances.

As part of the public hearings that were held and that can be discussed here, we heard an extremely interesting presentation on the enforcement of the Ontario law. The hon. member for Ajax—Pickering quite rightly indicated that it was enforced four times more often in a single day than the federal one is in an entire year. These public hearings made it clear that it is important to know that this list is for the exclusive use of law enforcement personnel and must remain confidential.

•(1605)

This registry is created for preventive purposes, and must not be construed as punishing and stigmatizing individuals, which would have a discouraging effect on those who make genuine efforts to get treated for their sexual perversions while serving their sentences and after. Some sexual perversions are very hard to treat. I am told that

the attraction to children is all but impossible to get rid of. What can be brought under control, however, is the urge to act on that attraction. If these individuals are too stigmatized or harassed by police, they risk becoming discouraged, which in turn will compromise their efforts to benefit from the treatments received.

In Ontario, the police are made aware of that. They act on it and, when they have to deal with registered individuals who could be suspected when a child has been abducted, simply because they live nearby, they do so with a professional attitude. They are not suspected on any other grounds. If they are not the perpetrators, they are to be approached in a professional fashion.

This registry can be used to prevent crimes. It is widely used by the police when a child has been kidnapped. This helps narrow down the areas to search. I do not recall the exact statistics, but the murder of a kidnapped child who has been sexually abused happens usually within the first few hours after kidnapping. The registry is a useful tool for the police. Once a child has been kidnapped, the police can quickly consult the registry to see whether it indicates that there are sex offenders in the surrounding area. The registry is also important for certain types of crimes, for example with kidnapping, when it is not yet known whether it was for sexual or other motivations. It is perfectly normal for this information to be given.

This brings us to the practical operation of such a system, and to some reflection. Is it really important to increase the number of sexual offences required in order to be placed on the registry? When police officers check the registry after a child has been kidnapped, instead of getting 15 potential suspects, they get 400 or 500. The time they spend looking into those 500 people is time that will not be spent on perhaps more relevant searches. There are also some drawbacks to the registry being overused. We must take this into account, and clearly the Conservatives are not in the habit of doing so. It is always the hardest way, and not the most efficient.

By the way, there is only one reason to not even wait for the committee report. They are trying to make it look as though they are doing something, without truly caring whether it is effective. One of the additions is the obligation to provide DNA samples. This is very important. This is another registry we have examined. Our report is not yet released, and we have not yet seen a bill. But we know from the Auditor General that the DNA registry is not getting the funding it needs.

•(1610)

Of course results can be obtained in very little time in urgent cases, but in 99% of the other cases, the ones deemed not urgent, it can take over a year to get an answer back from the DNA databank. The databank gets some \$2 million or \$3 million in funding per year but it is so backlogged with Parliament passing two bills last year allowing the collection of DNA samples that existing labs have not yet started recording data in the bank; they cannot start because they do not have enough funding.

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We were told that it takes between 18 months and two years to train a scientist well enough to testify in court about DNA evidence. It is clear that the government must put up enough money to make the databank more functional. This is yet another case of the government demanding more from expert witnesses without providing enough funding to make it happen.

There are other improvements that this 35-page bill fails to make. This issue could have been dealt with in a much shorter bill. It is confusing and incomprehensible to most ordinary people, even to those used to reading legislation. For years, I have been telling the federal government that poorly written legislation is poorly understood and then poorly applied, but it persists in its ways. Here, crown prosecutors are once again not applying the law, but in this case, it seems to me that what they are being asked to do is relatively simple.

The databanks are being overloaded. There comes a point when we have to wonder, seriously, whether it is less useful to the police as a result.

In any case, there was a need to improve this act after three years. There is no requirement to do so, as with other acts, such as the Anti-Terrorism Act. We suggested improvements, but none of them were made. In this case, it is nice to think that if we had suggested a few amendments, they might have been implemented. For example, we would like to see an improvement whereby dangerous sexual offenders' vehicle registration numbers would be added to the registry. If a child is kidnapped and the kidnapper is seen getting into a vehicle, it is important to be able to consult the bank, and with a registration number, it is possible to see whether this person is on the list of dangerous sexual offenders.

We agree with the changes in principle. The problem is that we were willing to cooperate and we did cooperate, but the minister did not take any of our suggestions into consideration. Nevertheless, we are going to make ourselves useful by making the necessary changes to the bill he introduced at the wrong time.

•(1615)

The Acting Speaker (Mr. Barry Devolin): 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 Random—Burin—St. George's, Employment Insurance; the hon. member for St. John's South—Mount Pearl, Fishing Industry.

Questions and comments, the hon. member for Kitchener Centre.

[*English*]

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I enjoyed my friend's comments, and I thought he was balanced in his remarks. In particular, I enjoyed some of the descriptions of the events he experienced over his years before the courts.

I practised almost 30 years before the courts in Ontario, and I can appreciate his disappointment with the judge who, after the full submissions, took out a judgment that had been previously written. I have had that experience myself before the courts. In fact, I was somewhat disappointed to have had the same experience in the House last January. After the government spent several months and many hearings and submissions putting together a budget, members

of the New Democratic Party refused to vote for it without even having read it.

I am grateful to the minister for having introduced the bill. It seems to have produced a spirit of multi-party cooperation in the House, and that is exactly what Canadians have been asking for.

Despite whatever criticisms the hon. member has been able to find, is the bill sufficiently without flaws that he and his party are going to vote for it?

•(1620)

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I already answered that question. We would agree in principle, because we would like the minister to accept the changes we are going to suggest, even though he has not taken into account the suggestions we have made to him so far. I am certain that my colleague will find some of these measures quite good. For example, there is the suggestion that the registry include the registration number of the offender's vehicle. There are some good measures.

The member obviously has a good sense of humour. The Conservatives are always saying that people did not read the budget before taking a stand on it. I do not know whether the hon. member read it, but can he tell us how many hours it takes to read a budget? When a budget is tabled, certain people in a party are given the job of reading it. Then, we meet and talk about it and form an opinion together on various issues. I do not see what we could do differently. All the parties did the same thing, likely including the Conservatives. They had someone explain the budget to them.

I have sat in this House for two parliaments—I do not know what things are like in Ontario—and I can say that there is a huge difference between the budget of Quebec and the federal budget. The budget of Quebec is presented logically, and it is easy to understand. The federal budget is extremely confusing, and only experts can understand it.

[*English*]

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the member's excellent comments were very well made, and I look forward to working with him to fix a lot of deficiencies in this bill that was so hastily tossed together.

The member rightfully talked about the problem of funding. One of the things I am concerned about, and I wonder if the member has the same concern, is that even if we address those problems within the specific legislation and the things they missed because of not waiting for committee's input, I am concerned that people will get a false sense of security. As the member rightfully pointed out, if there is no funding for the crown prosecutors, the DNA data bank, no money behind this legislation to give the resources to law enforcement officials and those dealing with the DNA data bank to do their work, then it really is not going to have the impact it needs. We are not going to be making our streets as safe as they need to be and passing this law will give people a false sense of security. I wonder if the member shares that concern.

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[Translation]

Mr. Serge Ménard: Mr. Speaker, I could not agree more with the hon. member for Ajax—Pickering. It seems to me that the Conservatives are constantly bringing forward measures that look good in order to gain votes, but do not go on to actually finish the job, and do not provide the funds needed to implement those measures. In the case of certain topics that require some serious reflection, like the use of minimum sentences, for example, no one stopped to ask whether they work, or if they have worked in other countries, before imposing them here. We have before us some new bills that are meant to look tough on crime, but the Conservatives are not investing the money needed to enforce them.

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I enjoyed the member's presentation. I know he has a long history in the justice system and he understands the system very well. Once again, it was one of many well-presented speeches that I have heard him make.

In terms of the bill, we talk about the ability to access the registry for crime prevention purposes. That is an area that probably needs a lot of thought and development. It was mentioned that suspicion may perhaps be part of the grounds we would use there. I wonder if the member has any thoughts on how expanding the ability of the police to access the registry for crime prevention purposes would in fact play out over time.

• (1625)

[Translation]

Mr. Serge Ménard: Mr. Speaker, in terms of prevention, I think it can play out in two ways. There is the first way, for instance, when a child is kidnapped. If there are dangerous sex offenders registered in the area, the police must be able to get there quickly before the child is abused or, even worse, killed. That is often the case, sadly.

I think the second way is important. I do not think that offenders should be publicly stigmatized. I definitely believe that reporting regularly to the police—who, I hope, will have a professional attitude, that is, they will do their job, taking the necessary information and so on, without expressing the understandable horror they feel at the thought of sex crimes—can help offenders restrain themselves more often. It does work. Many people in society have controlled their sexual urges for years, and this can include people in religious orders and so on. Thus, it is possible to control one's sexual urges. People are more likely to control them when they think they are being monitored. However, I would not want those people to be stigmatized, since the outcome of that could be even worse.

[English]

The Acting Speaker (Mr. Barry Devolin): The hon. member for Yorkton—Melville. A short question, please.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I suspect there are a lot of people watching the debate on television. This is a topic of great interest to many of them. The member made mention of funding being an issue and he tied in the funding of crown attorneys.

Would he please clarify whose responsibility it is to fund crown attorneys? Who is paying for them at this point?

[Translation]

Mr. Serge Ménard: Mr. Speaker, I would like to thank my colleague for his question. As I have said before, crown prosecutors fall under provincial jurisdiction. It is relatively easy to make laws. Enforcing them and administering justice is very costly.

Over the past few years, federal lawmakers have given the provinces a lot of very expensive responsibilities. That is just one of the many things that produced the fiscal imbalance. The Government of Canada was collecting too much money for its responsibilities while the provinces were not collecting enough.

That applies to crown prosecutors as well as to health and education matters.

[English]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is my pleasure to speak on behalf of the New Democratic Party on the merits, and not, of Bill C-34, An Act to amend the Criminal Code and other Acts.

As has been previously mentioned by other speakers, this bill amends a number of pieces of legislation, most notably the Sex Offender Information Registration Act, as well as the DNA data bank. I will touch on those two important pieces of legislation and speak a bit about how this bill both improves those pieces of legislation and where we believe there are some deficiencies that can be cured by all-party co-operation at the committee level.

I am going to start first with the Sex Offender Information Registration Act, which came into force on December 15, 2004. It established a national sex offender database, which contains information on convicted sex offenders. SOIRA, as it is known, works in combination with sections 490.011 to 490.032 of the Criminal Code of Canada.

The purpose and principle of this act, as stated in subsection 2(1), “is to help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders”. Information, such as addresses and telephone numbers, offences, the aliases they may have used, identifying marks, places of employment, tattoos and when they leave their place of residence, is included in the national database. The registry works to enhance public protection by helping police identify possible suspects known to be near the offence site.

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The above-noted purpose of SOIRA is to be achieved in accordance with the following principles. First, in the interest of protecting society through the effective investigation of crimes of a sexual nature, police services must have rapid access to certain information relating to sex offenders. Second, the collection and registration of accurate information on an ongoing basis is the most effective way of ensuring that such information is current and reliable. Third, the privacy interests of sex offenders and the public interest in their rehabilitation and reintegration into the community as law-abiding citizens requires that this information be collected only to investigate crimes that there are reasonable grounds to suspect are of a sexual nature and where access to the information and use and disclosure of the information is restricted.

I was struck during our study of this bill, and I will speak about that in a few minutes, by the following statistics. Police officers appearing before the committee during this review explained that time is of the essence when investigating crimes of all types, but no more so than in crimes of a sexual nature, particularly in the case where a child has been kidnapped.

During her appearance, Chief Superintendent Lines presented statistics that illustrate this importance. She pointed out that in cases where children are kidnapped and murdered, 44% were dead within an hour of the kidnapping, 74% were dead within 3 hours, and 91% were dead within 24 hours.

We can see that the need to have an extremely quick ability for our police forces to access a databank of known sexual offenders is critical, particularly in the cases, as I said, where children are involved.

The national sex offender registry, which I will call “the registry”, is administered and maintained by the RCMP on a national basis. Upon conviction of a designated sexual offence that is enumerated by the act, which is a long list of offences of a sexual nature in one category, the Crown may make an application for an order. There is another category of offences under the Criminal Code that are not sexual in nature per se but that may have a sexual component, for example, break and enter. Break and enter is normally not a crime of a sexual nature, but if a person is breaking and entering for the purpose of committing a sexual assault then that second group provides a type of offence for which registration may be applied for.

●(1630)

Currently, the Crown may make an application upon conviction for an order requiring the sexual offender to register within the database. Such an order is to be made as soon as possible after sentence is imposed for a designated offence, or after the court renders a verdict of not criminally responsible for such an offence on account of a mental disorder. For certain designated offences, the court shall make the order when the Crown has proved beyond a reasonable doubt that the act was committed with the intent to commit one of the designated sexual offences.

That said, there is an exception. When the court is presented with such an application, it is not required to make an order under this section if it is satisfied that the offender has established that if the order were made, the impact on him or her, including on his or her privacy or liberty, would be grossly disproportionate to the public interest in protecting society through the effective investigation of

crimes of a sexual nature. This section of the Criminal Code also requires the court to give reasons for making or refusing an order to register.

I am going to pause there to point out a couple of important principles of the current legislation that this bill before the House would seek to change.

Currently, there is no automatic registration of offenders upon conviction. Rather, it is left to the discretion of the prosecution and the court to grant such an order.

Second, there is a reverse onus on the accused, so lest anyone think that such an order is hotly contested or difficult to achieve, when the prosecutor makes such an application, it will be automatically granted unless the accused satisfies the court, the burden of which is upon him or her, that the granting of the order would create what is called a grossly disproportionate effect on that person.

In law, and we know that we have a fair number of lawyers in this chamber, it is an unusual thing where a burden is on an accused, and it is also a very hard test to meet when the test is one of gross disproportionality.

To summarize, the way that the act works now, a prosecutor has the discretion to make an application. If such an application is made, it is routinely granted unless an accused meets a very high test of showing why that order ought not to be granted.

In terms of the duration of the orders, we will see why this is such an onerous obligation upon anybody convicted of such. The duration of a registration order is set out in section 490 of the Criminal Code. Depending on the offence for which an offender is convicted, he or she must remain registered for one of the following three periods: a minimum of 10 years for summary conviction offences; 20 years for offences where the maximum term is 10 to 14 years; and life, for offences for which the maximum term is life itself.

In terms of the reporting obligations, if sexual offenders are in fact the subject of an order, they have to register with the police, within 15 days after such an order, a wide variety of information, such as, their address, place of work, if they are leaving their domicile for more than 15 days, identifying marks and tattoos, or aliases, and if any of those factors are changed, those must be indicated to the local police force very quickly. These orders, quite properly, are very serious. They impose serious incursions on a person's liberty for a long period of time, as they properly should.

Currently as well, it is important to note that the preamble and the purpose of the statute, as it is presently written, make it abundantly clear that the purpose of this act is to help police investigate crimes of a sexual nature. That means that prior to searching the database, police must have reasonable grounds to believe that a crime has been committed and that it is of a sexual nature.

We heard testimony at the committee before police officers who said that this is too rigid of a test. Particularly in the case of an abducted child, where a child has been reported missing, they may have reasonable grounds to believe a crime has been committed, but they may not have the basis to suspect that it is of a sexual nature.

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•(1635)

From the New Democratic point of view, we think it is reasonable to expand that purpose, so that police can have quicker access, so that they do not have to satisfy these rigid tests and get access to the registry quickly.

In addition, the police officers said they required information on a subject's vehicle information, which is another current deficiency in the act. Presently, an offender under such an order does not have to indicate vehicle registration. We think that is an important amendment to make to the act as well because very often a sex offender in a car is spotted near a school or other areas where there might be vulnerable citizens and it is important that police know who that vehicle is registered to in order to have rapid response.

I am going to pause to talk a bit about principles. New Democrats understand and support the rights of all Canadians to be safe and secure in every aspect of Canadian society, in their homes, workplaces and communities. In particular, we want women to be free from all forms of violence and harassment. We want seniors to be free to walk our streets in safety and respect, and for our children to be safe and sound wherever they are.

We have heard Canadians speak. They want to feel and be safe, and they are absolutely right to feel this way. New Democrats have long championed the right of all to live in security. In fact, my party has always stood strongest on this issue because it has always championed the right of every citizen to be secure in every respect, not only physically but economically, socially and culturally.

We have also heard Canadians speak out on their expectation of crime policy. They want a criminal justice system that is effective, efficient and fair because our criminal justice system is an important component in the overall security package. We need laws that are well thought out and clearly drafted. We need a properly resourced police force, a judicial system that can process breaches against those laws effectively and in a timely fashion. We need policies that are based on sound principles of justice that provide justice for victims of crime and effective punishment and protection of society.

Also, and this is what sets my party apart, I would say, from every other party in the chamber, we in the NDP believe in prevention strategies. We believe in the rehabilitation of individuals to become law abiding and productive contributors to society. We believe in fairness, compassion and a belief that almost every individual who commits a breach of social rules is worthy of an attempt at redemption and the opportunity to get assistance with the issues that so often are the underlying reason for the deviant behaviour.

More importantly, we believe that all of society has a stake in these principles unless we are going to lock people up for the rest of their natural life in every case because 99.9% of convicted offenders return to society. We all have an interest in making sure that we do everything possible to keep criminals from committing more offences.

The issues before us in this bill engage these principles. In some cases, the bill satisfies them. In other ways, the bill before us diminishes these principles. That is why New Democrats are offering cautious and critical support for this bill at second reading. We will agree that there is merit in some of the goals and methods of this

legislation, but we will also be looking very carefully at the details and seeking some important clarifications and possible amendments to ensure this legislation meets the principles outlined above.

I sit on the public safety and national security committee, which had been studying this bill for the previous two months. Witnesses came before the committee and testified, including police officers, the Office of the Privacy Commissioner, victims groups, and criminal defence lawyers. They took their time and testified before the committee as we reviewed this bill.

I am not yet cynical enough to think that the work that a committee does in Parliament, and the respect for committee members including members opposite, is not valuable and that the testimony of the witnesses who appeared is not valuable.

•(1640)

While we were putting the final touches on our draft report, yet to be issued to the minister, the minister came down with this piece of legislation that amends the very legislation that we were studying. The minister did not wait or have the courtesy or respect for the work of our committee to wait for us to issue our report and give him the benefit of our recommendations. I find that disrespectful and appalling. It is disrespectful to the skilled analysts who helped us. It is disrespectful to the witnesses who appeared before our committee. It is disrespectful to every member of that committee. I have to point that out.

There was no urgency to this legislation. There was no issue of national import that required the government to act immediately on this. The review that the committee was conducting was a statutory one. The bill itself required a committee to review the statute within two years to see how the registry was working. The minister did not wait for that.

I do think there is a reason for it. The Conservatives routinely put politics before good policy making. They have a huge deficit. Over the last six months they went from saying there is no recession to saying there was a technical recession to a big recession. Six months ago there was a surplus. Then there was a \$34 billion deficit. Now there is a \$50 billion deficit. We have Chalk River mismanagement. Obviously, when the government gets in trouble on the national stage, it goes back to its crime agenda and introduces some hastily put together legislation to get people off the real issues facing it.

This legislation with respect to the sex offender registry does do some good things. It loosens the definition of when it could be accessed. It widens some of the information, like the vehicle registration I mentioned. It also allows police officers to notify authorities in other jurisdictions, foreign or Canadian, when an offender travels to their area, and those are laudable goals that the New Democrats will support.

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However, there are issues with this legislation. First, this legislation proposes automatic registration of every offender who commits one of the enumerated offences. That takes away prosecutorial and judicial discretion because the list of offences under the Criminal Code of Canada that are captured by this legislation, most of which would have no difficulty with automatic registration, but there are a couple of offences, for instance sexual assault, that are hybrid offences. They can be proceeded with summarily or by indictment. There may be an occasion where it is not appropriate to make an order against someone convicted of that offence, and it should be up to a prosecutor and a judge to determine when that exception may apply.

This legislation makes registration automatic for all these offences. This is part of the side opposite's approach to crime, which is to remove any kind of discretion from the judicial system, not to trust prosecutors and not to trust judges to actually hear the case before them.

This legislation also introduces the concept of allowing police access to this registry for prevention purposes. I sat on the committee and heard from all the witness, and we never heard any real testimony or details about what that would look like. Currently, the legislation has an avowed purpose of helping police solve crimes. That is the purpose of it. It is not to have police prevent crimes. What does that mean? Does that mean police can search the database and go out into the community and just talk to people? There are serious privacy interests at stake, as well as the need to protect the public.

There are concerns about the bill's provisions that allow police to automatically register people convicted in foreign jurisdictions who come to Canada. The gay and lesbian and transgender community is concerned about that because there are crimes in foreign jurisdictions that are not recognized by us concerning homosexual acts that may be caught by this legislation, so we have to be careful.

I will conclude my remarks by talking quickly about the DNA registry, which is an excellent registry to which the bill also seeks to make amendments. The New Democrats support an expansion of the good work that this registry does, which works to not only help secure convictions but secure exonerations.

● (1645)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I listened intently to the member's speech. I noticed that he talked about disrespect. He said that there was no urgency for this law. Well, he needs to talk to some of the victims' families because the crimes we are talking about are some of the most heinous crimes we could imagine.

He expressed concerns that the Crown and the judges had discretion as to whether a convicted sex offender not be registered in the registry. I remind the member opposite that the victim is never given any discretion at the hands of the perpetrator.

I want to know if the member opposite supports the automatic inclusion in the registry of those convicted of sex offences, and if not, could he then answer why the NDP wants to give criminals, convicted sex offenders, more rights than the victims of the crime, people whose lives are often destroyed at the hands of these heinous criminals?

Mr. Don Davies: Mr. Speaker, once again, the New Democrats support, and have always supported, this legislation. This legislation would give important tools to police to help protect the public in cases of, as my friend properly said, the heinous crimes of a sexual nature committed against people.

However, my friend misses the point on the disrespect argument. The statute, as I will repeat again for him, has a statutory review built into it. That means when Parliament passed this legislation in 2004 it put in a provision that said this House should review this legislation two years later. Because of the minority government situation, that got delayed somewhat, I am told, but in February our committee started reviewing this legislation. The reason we reviewed it is Parliament said we should review it. While we were doing this important work and hearing from witnesses, the government jumped the gun and did not wait until the valuable testimony of this committee was completed so that we could give the minister the benefit of what we heard, and that is disrespectful.

● (1650)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I just want to follow up on that same topic. I think it is, unfortunately, the Conservative member who just spoke and the Conservative Party that are denying the victims good treatment and better treatment and a better registry.

As the member said, it is absolutely absurd that, when a committee is in the middle of a study with the experts and members of Parliament to come up with the best solutions to help the victims, it is short-circuited with this hastily drafted legislation. I want to assure the member that he did not have to go outside the justice department like he did to see bad policy. This has been the history of this whole Parliament, bill after bill, poorly drafted justice bills that had to be amended or turned down. The reason the legislation has been so bad is that the Conservatives did not listen to the experts. They did not even listen to the justice department.

Hopefully the committee is continuing with the report. I am not on that committee, so I want to ask the member, did he get any assurances from the minister that he would take the wisdom of the committee and be open to amendments to the bill so that we could help victims even more? Are there suggestions in the committee deliberations that were not included in the bill and would help victims, as everyone in this House wants to do?

Mr. Don Davies: Mr. Speaker, I would like to thank the hon. member for his astute comments and good questions.

The New Democrats, and in fact, all the members of the committee, I would hope, were working to make this registry even better.

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As an example, some of the police testified that if we were to have automatic registration of every person convicted of an offence, that could decrease the efficacy of the registry because they would be registering people who are not appropriately the subject of an order. Let us say an offence is committed and we have only 12 hours. We do not want to waste police time tracking down and talking to people who are actually not proper subjects of such orders. That was not the New Democrats saying that, that was police officers saying it.

A member of the party opposite agreed with me in committee, when we talked about the sexual assault charge, that perhaps we should look at not having registration automatic for summary conviction offences but making it automatic for the more important indictable offences.

These are the kinds of things that all committee members were working on in a co-operative, all-party fashion as we wrestled to make the database better, when the minister came forward again with this legislation that did not wait for any of this well thought-out commentary.

To answer my hon. colleague's last question, no, the minister has given no indication to the committee that he will listen to anything. However, judging by the way he dropped this legislation on us, I would not hold my breath.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the member for Yukon and our member are absolutely correct. When they tried to even suggest that we would study the bill and make improvements, we had members of the Conservative Party chirping from their seats, saying that we were soft on crime. That just points to the political nature of the whole process, where the Conservatives short-circuit the process in committee and bring out the bill. The Conservatives are just dying to get this stuff out in the public so they can run around saying, "We're strong on crime and you are not". We know that is a bunch of nonsense, and we are going to get our points out there as well.

I want to ask the member a question regarding the DNA database. There must be, at this point, volumes of statistics that relate to how efficient this database is. I would like to ask the member whether he is aware of what types of studies are available and how one goes about gaining access to these studies.

•(1655)

Mr. Don Davies: Mr. Speaker, this highlights another problem with the approach of the minister, because one of the issues that the committee was working on was the fact that there are no statistics relating to the efficacy of the DNA data bank.

We asked questions such as how often the data bank has been used to exonerate someone and prove someone's innocence. They do not know. We asked how often the data bank was used to secure a conviction. They do not know. We asked how often the data bank may have been accessed and used to secure a confession by presenting DNA data, thereby saving our judicial system resources and time. They do not know.

One thing that we were looking to do, at least on the New Democrats' side, was to see if we could build in some mechanism of gathering statistical data so that we could show Canadians how this data bank actually works in practice, how it saves them time and

money and how it helps make our judicial system more streamlined and fair. However, this legislation was brought forward in quick fashion and Canadians are deprived of that information because of it.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would first like to congratulate the member for Vancouver Kingsway on his speech, which was well researched and very well prepared. He is a new member who works with all the enthusiasm of newcomers, believing that his work will be useful and will receive some consideration. With the current government, he is likely to be disappointed.

In time, he will likely discover something that is typical not only of the Conservatives, but also of many legislators in the United States when it comes to criminal law. If you mention an exception, a situation that warrants greater leniency or some sort of accommodation, they will come right back with the worst case scenario. When they draft laws, they do so with the worst case scenario in mind. They do not draft them as they should be drafted, for the whole range of offenders, including the worst ones, but also the ones who are not as bad.

[*English*]

Mr. Don Davies: Mr. Speaker, I would like to congratulate the hon. member for the fine work he does on the committee. As an ex-justice minister in Quebec, he brings an enormous amount of skill and knowledge to our committee.

He is quite right. Unique examples do not make good policy. Often they elicit great emotion, and that has to be given its due respect. However, if we are making sound laws, we have to think about those laws and be intelligent and measured in our response. That is why I was so disappointed that the government came down with this legislation prior to having three months of effort.

Again, members on the committee from the government side cannot say it, so I will: They must be disappointed. I wonder what they would say if they were on this side of the House and another government pulled that kind of stunt on them, where they had a committee work for three months and was just poised to issue a report when a government came down with legislation that rendered the result of their work utterly meaningless and academic.

New Democrats want to stand up for Canadians. We want to make this registry work, both the DNA data bank and the sex offender registry, to protect Canadians and make sure that we make people in their societies and communities safe, while also respecting rights at the same time. That is the Canadian way.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am pleased to have this opportunity to rise in support of Bill C-34, an act to amend the Sex Offender Information Registration Act, the Criminal Code, the National Defence Act, and the International Transfer of Offenders Act.

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The legislation before us today would strengthen the national sex offender registry in order to give police the tools they need to both investigate and prevent such crimes from occurring.

Hon. members will know that victims' rights groups, local police forces from across Canada, the Canadian Association of Chiefs of Police, as well as ordinary Canadians have been calling for the changes before us today for several years. Some of them had noted that the present national sex offender information registry is akin to an emperor with no clothes.

Some might say that it looks very nice on the surface, but the reality is there is little there. The registry fails to adequately protect Canadians from becoming victims or from being re-victimized by offenders released back into the community.

More precisely, we have learned over the past number of years that the registry fails in several ways.

First, it simply does not register the necessary information on all convicted sex offenders.

Second, it does not allow police to use the information from the registry to notify other police services in Canada and abroad when a registered sex offender is travelling to their jurisdictions.

Third, it does not apply to Canadians returning to this country after having been convicted abroad of a sexual offence. What this means is that the police are not able to identify these individuals as they are simply not part of the registry despite having been convicted of serious sexual offences.

Fourth, it does not allow police to use the registry to help prevent sex crimes in the first place. Currently, the registry can only be used to investigate crimes after they have taken place. It is purely a reactive tool. There is no opportunity for this law enforcement tool to prevent what amounts to some of the most serious and devastating crimes imaginable.

As we have heard from the minister, Bill C-34 also proposes to eliminate a loophole in the current legislation that allowed some convicted sex offenders to avoid having their information added to the national sex offender registry.

Today, the police have no access to information on some convicted sex offenders during the investigation of a crime, either because a crown attorney has not sought an order for them to register or the presiding judge has declined to grant one.

Bill C-34 proposes to make registration of all convicted sex offenders in the future automatic, while upholding existing safeguards around access to and the use of this information.

Offenders convicted of a serious designated offence under the sex offender information registry act would also be subject to DNA sampling, further strengthening the ability of the police to investigate effectively.

It should be noted that offences such as manslaughter, which today can be registered if there is sufficient evidence that they were committed with an underlying sexual intent, would not be automatically included in the registry under the proposed changes but would remain subject to registration if the sentencing court was

satisfied that there was an intent to commit a designated sexual offence.

Another way that Bill C-34 would strengthen the ability of police to investigate and prevent sex crimes is by enhancing the ability of police to share information. The legislation before us today would allow police to use information in the registry to notify other police services about a registered sex offender travelling to their area who is considered at a high risk to reoffend.

As well, Bill C-34 would allow federal and provincial correctional agencies to advise registry officials when a registered sex offender is either released or readmitted into custody.

There are Canadians who have been convicted of sex offences in other countries, and when they return to Canada they are not required to register with the national sex offender registry, leaving another serious gap in the information that police have at their disposal to investigate future sex crimes. Bill C-34 proposes to address this in two ways.

First, if an offenders are returned to Canada under the International Transfer of Offenders Act, they would be required to register in Canada as if the offence had been committed here.

Second, if someone is convicted of a sexual offence outside of Canada and returns at the end of their sentence, they would be required to notify police in the province or territory where they reside of that fact and register if they are ordered to do so. In this case, offenders would have the right to apply to the courts to determine whether the foreign conviction was a proper basis for the requirement to register.

● (1700)

I said at the beginning of these remarks that one of the most significant aspects of Bill C-34 is that it will allow police to use the registry in a proactive way as well as in a reactive way. In other words, the police will be able to use it to help prevent crimes as well as investigate them.

One of the top priorities of any government of course is to protect the safety and security of its citizens. I have heard time and time again that the government must tackle crime to make Canadian streets and communities safer. That is what this government is doing. We are following through with the commitment we made to Canadians in the last election to continue to get tough on crime, especially serious gun crimes and crimes against the more vulnerable members of our society.

In the last Parliament our government passed important laws cracking down on crime, including imposing mandatory prison sentences for gun crime. Recently our government introduced legislation to automatically make murders connected to organized crime first degree murder and to tackle drive-by shootings and other intentional shootings that involve the reckless disregard for the life or safety of others while further protecting police and peace officers.

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It is our government's belief that crime prevention is a critical component to our efforts in getting tough on crime. It is one that our government is committed to strengthening. Strong crime prevention initiatives help to make sure that people can walk the streets without fear. They help to build safer streets and communities for everyone. They keep Canadians safe in their homes.

I believe all of us want to make sure that crime prevention extends to preventing crimes of a sexual nature that can sometimes result in irreparable trauma, pain and suffering. This is one of many things the bill before us will do. The bill strengthens Canada's national sex offender registry. It implements reforms to further protect Canadians from offenders who commit heinous sex crimes by ensuring that the police have the tools they need to do their jobs effectively.

It implements changes which have the support of victims groups, police forces, provincial and territorial governments and thousands of Canadians right across the country.

I therefore urge all hon. members to work with the government to quickly pass this legislation and send a message to all Canadians that their safety and security is of prime importance.

● (1705)

Mr. Andrew Kania (Brampton West, Lib.): Mr. Speaker, the hon. parliamentary secretary and I serve on committee together and when it comes to this particular issue, we have much in common. I firmly believe that amendments were needed in terms of this legislation. The problem is the method used and the exact substance of what has been put before Parliament.

I want to start with some history. This is the second attempt by the Conservatives to get this right. They attempted to fix the legislation by way of Bill S-3 which received royal assent on March 29, 2007 and was proclaimed on September 12, 2008. They have tried this before and they did not get it right or the legislation would not be back before Parliament in such a short period of time.

One would think that because they had to come before Parliament in such a short period of time, they would take all reasonable steps to ensure that the amendments would be proper and helpful. That would include a study by the relevant parliamentary committee, which is what took place. We studied this legislation for a number of days over the last couple of months. We have a draft report and were in the process of reviewing it so that we could table it, probably within a couple of weeks, for the benefit of the minister before the providing of any legislation.

People can say whatever they want and call it disrespectful, contemptuous or use whatever phraseology, but the short of it is it is just not smart. The Conservatives have put forward legislation without the benefit of a study, the draft report of which was almost complete, without the benefit of expert testimony and all the information disclosure that came forward in that process. This just is not smart. They have done it for political points. I would like to go through what they have suggested. I would like to go through what is good about the legislation, because there are some good points, what is weak about it, and what I think needs to be improved.

The committee determined that the Ontario system is much better. There is an Ontario statute passed in 2000 which is called "Christopher's Law" and we know the history of that. In Ontario

the registry is accessed over 400 times a day, where the federal regime was accessed 150 times per year. That comparison shows there is a huge difference. The federal system has truly failed in its use because of the ineffectual amendments that were put through by the Conservatives by way of Bill S-3 in 2008. And here we are again, which is fine. The legislation needs to be fixed and I support that, but let us do it in a smart manner, which is not what is occurring here.

We identified a number of problems which remained after the amendments the Conservatives passed in 2008. There was an issue in terms of mandatory inclusion. There was not an automatic inclusion in the registry of the various offenders after they were convicted. The Crown had to apply for this to take place. One of the problems with that is that a lot of Crowns, as part of a plea bargain, would negotiate to not include the name of an individual in the registry, or the Crowns would simply forget to make the request, or judges would not grant the request to include the offender in the registry. These are all problematic. I very strongly support the mandatory inclusion of these various offenders in the registry.

Let us look at what is really happening. The Conservatives like to say that the Conservative Party is the party of law and order, that the opposition parties and the Liberals do not support such an agenda.

● (1710)

Although the Conservatives have mandatory inclusion, they have put in all kinds of loopholes. One can seek to be exempted from the mandatory inclusion. One can appeal the mandatory inclusion. One can seek to be removed from the mandatory inclusion after a period of time. The mandatory inclusion expires automatically after various periods of time. All kinds of loopholes and exceptions are enumerated in this proposed legislation. In essence, they water down the mandatory inclusion.

That was probably the second most serious problem. Although the Conservatives will go out and eventually knock on doors and say they put mandatory inclusion into the legislation, they will not be able to legitimately say that because they put various exceptions into the legislation as well. Frankly, I do not understand why they did that. I think it is wrong.

I want to digress for a moment and talk about why this legislation needs to be as strong as possible while protecting the charter rights of people.

I did not know these statistics before the committee held its hearings, but I found them shocking and I think Canadians need to know them in order to know why we need to support a very strong system. This relates to the abduction of children. First, of all children abducted, 44% are dead within an hour of a kidnapping. Second, 74% of all children are dead within three hours of a kidnapping. Third, 91% of all children are dead within 24 hours of their being kidnapped. Those are horrible statistics.

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We have a duty as parliamentarians, regardless of the party we belong to, to do everything possible to prevent those deaths. To me, that means there needs to be an effective system in place, whatever it may be, to ensure that when anybody is abducted, and in this example it is children, the police have whatever is necessary to find those children. This legislation, as proposed, does not do that.

What the Conservatives have done in terms of this legislation is address one of the glaring errors, and I think it was the number one error. The registry could only be used for the investigation of crimes that had been committed. It is a worthy goal and is absolutely necessary, but it is not good enough. The federal registry could not be used to help in crime prevention, which is what the Ontario system allows the police to do.

In terms of prevention, if somebody is kidnapped or there are any suspicious circumstances, in Ontario the registry can be used to investigate and attempt to prevent crimes. If there are stalkers or suspicious people around schools, if somebody has been abducted, the system can be used. That does not apply in the federal model. This particular change is very worthy, and we should support that 100%.

Other problems were identified. The first one was the mandatory inclusion. The second was prevention as opposed to just investigation. There are others. The automatic expiry of the orders was identified as a problem. If somebody has been convicted of a serious offence, I do not know why there would be an automatic expiry. These particular amendments continue that, and in fact provide additional ways in which someone could get out of the system. I think that is incorrect.

There are other problems. Unbelievably, the offenders are not required to provide information such as a car licence plate number. If somebody is abducted, the police do not have the ability under the federal model to ascertain the licence plate number of the car the offender is driving. This is unbelievable, but that problem was left in the system when the Conservatives put through the amendments in 2008. It has not been fixed. That is a serious error. There is nothing in this proposed legislation that changes that.

• (1715)

I find that shocking and that is one reason why the government should have waited for the report from the committee. That should have been in there. It needs to be changed and I believe my colleagues on the committee, regardless of the party they are from, would support that.

Another problem identified was foreign convictions and Canadians coming back to Canada. The government has sought to fix it, but not in a strong enough manner. I will go through that in a moment when I look at the various proposed changes in the legislation.

To summarize so far, the legislation is needed in a very strong manner. It needs to be amended to fix the problems left by the Conservatives in 2008. Those problems were identified in committee. The Conservative minister would have had the opportunity to read the report if he had only waited a couple of weeks. I find it shocking that Parliament and the committee, in particular, was disrespected.

Taxpayers need to know this. The committee spent a lot of time, called witnesses, paid for witnesses, asked them questions and none of that work was considered by the minister before the bill was introduced. Canadians have to understand that is wrong and it shows a tendency to dictate down and not respect the work of Parliament, which is dangerous.

In terms of this legislation, I have already indicated that prevention was a glaring omission, which is a very worthy change.

In terms of foreign criminals, there is a problem in that although they will be required to register, it specifically says that this only applies to persons who come to Canada after the legislation is passed. If serious sex offenders are already in Canada or they come here after the legislation passed, either way they are a risk to society and our obligation is to protect Canadians. Those people should be required to register and it truly has nothing to do with when they arrive in Canada.

In terms of automatic registration, when people are reviewing this statute and deciding whether it should be supported, they need to look at all the exceptions, and there are a number of them, which are all shocking. For example, in clause 9 there is termination order. There is an exemption order under clause 12. There are appeal provisions. There are many different loopholes. There is a litany of what offenders can do to get out of the system, which is not what the committee discovered we needed to do.

The committee found one of the problems was the automatic expiry of the registrations. Nothing has changed. If we look at paragraph 490.02904(3), we will see that all these automatic expiries are there. There could be exemption orders under the paragraph 490.02905(2). In essence, there is exception and loophole upon exception and loophole for these offenders to try to get out of the registration system. This is not what the committee would support in its report, which is almost done.

There is form 52, "Order to Comply with Sex Offender Information Registration Act". Even in that form it says under section 7, "You have the right to apply to a court to terminate this order, and the right to appeal any decision of that court". It advises people, as soon as they are told to register, that they can try to get out of it immediately. There are also mandatory provisions for the court.

Under 490.02905(2) the court "shall" make an exemption order. It is not even discretionary. It requires a court to take somebody out of the system based on those various criteria.

• (1720)

The Conservatives say that they have fixed this problem and now there is automatic inclusion, but that is just not true.

The first thing I did when I read Bill C-34 was look to see whether there were any licence plate requirements in it or that type of detailed information. I read it twice because I thought I could not have missed it, that it was sure to be in there somewhere. This was one of the most glaring errors identified by the committee.

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This is such a serious error on the part of the minister that it has to be spoken of and we have to fix it. We cannot let this second round of amendments go through without changing this. There can be no exception to that. This must be changed. One of the key findings of why the Ontario system, Christopher's law, worked so well was because it had that ability.

Another large problem is funding. Perhaps I missed it, but I have not heard the minister say anything about the funding of this system. We can change whatever we want by way of legislation, but if we do not have the money to do it, what is the point?

The Ontario system funds its registry. It provides \$4 million a year to ensure it is effective, which is why it gets so many daily hits. The federal system, which is operated by the RCMP, gets \$400,000 to \$600,000 per year for all of Canada. Think about that discrepancy: \$4 million in Ontario, but \$400,000 to \$600,000 for the entire system. That needs to be changed and we need some commitment from the minister on how this will be adequately funded to ensure it works.

One of the other problems is faulty technology. The Ontario system has software that is highly developed. The information can be put in, such as the *modus operandi* of the offender, so the police can use the system very effectively and quickly for the best possible law enforcement mechanisms. There is nothing in this legislation about upgrading to better software or doing anything to fix the problem, which is one of the major concerns of the federal system.

In terms of warrants, there was evidence at the committee of what happened in Ontario if sex offenders failed to comply. If they do not register, if they do not advise of a change of address or licence plate, if they go on vacation or move and they do not provide the information, Ontario does something about it. I would like to see changes to the legislation to specifically authorize police officers to issue warrants if there is any breach of the information requirements, so we keep track of these offenders for the benefit and the protection of our citizens and for the investigation part of it as well.

There are two other problems.

First, there is no method under the current federal system of registration for people who are incarcerated or if they are deceased. In essence, this hurts the efforts of police officers because they simply do not know if somebody should be still questioned or if there is still somebody who could possibly be a suspect. This needs to be changed as well.

Finally, I have spoken a lot about what needs to be done to protect Canadians, but I also want to speak, on a final point, about what we need to do to protect the persons who have been convicted.

Hopefully most of these people will receive the proper rehabilitation. They will come back into society and hopefully lead good lives and do not repeat their mistakes. That is the goal of our criminal justice system. For those people, we have to offer protections to them as well. Section 17 of the current legislation provides penalties for the unauthorized use of this information. We need to strengthen those so anybody who uses this information for any improper purpose and not for the protection of Canadians is punished severely. That is my attempt to protect these people as well.

● (1725)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the member made an excellent presentation. He detailed how Bill S-3 was passed back in 2007 and how the government did not get it right at that time. Then there was the recent exposé. The parliamentary committee reviewed and had a draft report within two weeks of being available and then the government introduced legislation.

The member does have a lot of concerns about the bill, but by the sounds of it, he and members of his party will support the legislation at the end of the day, at least as far as getting it into committee. At that point, hopefully some of his good ideas will find their way into the bill.

He pointed out the strong points of the Ontario statute. I was not aware of the fact that people use the Ontario statute roughly 400 times a day, while the federal system is only used 150 times a year. Clearly, there are some advantages to the Ontario system that merit adoption.

He also mentioned the very important point that 77% of children who had been abducted were dead within three hours. That is astounding. I was not aware of that statistic.

I thank him for that information.

However, I want to ask him a question regarding the expansion of the registry to include those convicted of sexual offences outside Canada. I am assuming that would include places like Thailand and other countries that have sex tourism. How are we to know how these people are going to be included? Are we going to have the Thailand government giving us a list of people who have been convicted? Is there some sort of international registry for us to determine who should be coming to us from that list?

Mr. Andrew Kania: Mr. Speaker, I am not aware of any international registry, but I would assume that Interpol or the RCMP has co-operation with other law enforcement agencies in other countries. What I do know from the legislation, and it is a very good point, is there is a glaring omission in it because nowhere does it speak of that. In fact, there is a discretion given to the minister saying that there has to be the equivalency of what would be included under our legislation.

There is no specific, hard information or guarantees of what would be included. Whether it is in the legislation or through regulations, the Conservatives are going to have to get a lot more detailed and they are going to have to think very seriously about how they are going to get this information. Perhaps there will be an information requirement for people returning to Canada in terms of advising whether they have been convicted of these offences. It is a good point and something the committee will have to study if the legislation gets through, which I assume it will.

● (1730)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, it is a pleasure today to speak on Bill C-34, An Act to amend the Criminal Code and other Acts, protecting victims from sex offenders.

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We all know that one of the most grievous, heinous, most despicable and appalling crimes that can be inflicted on another is to commit sexual violence against them.

Too often, many of these victims are children. Everyone in the public and all of us here in the House have to wonder about some of the penalties meted out to individuals who have been convicted of sexually assaulting a child. Particularly in cases where there are repeat offences, where the offence is obviously grievous and exceptionally harmful to children, one stands in utter dismay at some of the extremely slight penalties that the offender often gets.

Often it is not the first offence for many of these people who are convicted of assaulting a child. In fact, there is often a long history of repeat offences before that person is actually convicted.

For the victim, for the child, it can leave long-lasting, indelible, profound and harmful effects on the individual. We often see it in adults. With those who have been sexually abused, we often find an array of internal trauma that has not been dealt with, that has been buried because of the shame the person feels.

When we look at the statistics, we know the culprits, those who are actually committing the offences, are often people who are close to home or in the home. If we look at the individuals, particularly children, who have been victimized, we find they often know the person who has assaulted them. That makes it an even more complex and horrific situation for the family members who are also affected by this most grievous of issues.

We support the bill. We support it because it goes to proving the purpose of a registry that was put forth some years ago by the then Liberal government in an effort to assist the police in dealing with sex offenders. The bill was put forth in 2004 by the Liberal government and proclaimed into law. It was the Sex Offender Information Registration Act. It was established to be able to create the national data base of convicted sex offenders.

In fairness, the government of the day tried its best to put together a registry that would meet the needs of the public and the police. We found over time, with the very earnest and professional expertise of our police officers across the country, that the registry did not work to the extent we had hoped.

There were a number of errors that prevented justice from being done and particular crimes from being prevented.

I will go through a few of the key points on the bill. The bill amends the Criminal Code, the Sex Offender Information Registration Act, which I mentioned was put out in 2004, and the National Defence Act, which is separate but deals with the same issues, to enhance police investigation of crimes of a sexual nature and to allow police services to use the national data base proactively to prevent crimes of a sexual nature.

This is a key point, to use it proactively. The current data base only enables police officers to access the data base after the fact. It does not enable them to look at the data base and rule out or rule in people of interest to prevent a crime from happening. This is an important and positive change in this bill.

The legislation also provides that sex offenders who are subject to a mandatory requirement to comply with the Sex Offender

Information Registration Act are also subject to a mandatory requirement to provide a sample for forensic DNA analysis.

• (1735)

We are also a little perplexed that the government has a parliamentary committee looking at this issue right now. The committee has almost completed its study and will recommend constructive solutions. The government could have crafted a bill around those solutions, but chose not to. That is an unfortunate omission on its part. I am sure that the committee's findings, through this House, will be brought up by my colleagues. We will offer solutions to strengthen this act in the service of our citizens and to prevent these heinous crimes being committed.

The national sex offender registry is a national registration system for sex offenders. It has a number of parameters for what is put into the database: name, date of birth, address, identifying marks, et cetera, and nothing will change with respect to that.

We have about 20,000 sex offenders in Canada. Unfortunately, in the current situation, many of them fall through the cracks. Some sex offenders are not in the database. Quebec has the largest number of sex offenders who are not on the registry. The members from the Bloc Québécois, MPs from Quebec and other political parties will find that of interest. It binds us together to try to deal with it.

Other provinces have hundreds of individuals who are not on the current registry. It creates a huge and gaping hole, which needs to be filled, to ensure that these people are all on the same list.

There are 20 Criminal Code offences in the bill. There are some concerns that offences of a lesser nature should not be in this, but I am sure that debate will take place in the coming weeks.

With regard to the number of offenders and their rate of recidivism, a group did a study of 4,700 offenders, and it found that less than 25% actually reoffend. Of that, a smaller percentage who reoffended received treatment.

I have to add a caveat to that, because we know a lot of offenders are difficult to find. Convictions often happen after a series of offences have taken place. We have to look at the data, because clearly it behooves us to make sure we are not misled.

We have also spoken about a few gaps in terms of dealing with sexual predators who travel abroad. This is a very serious problem. There have been cases in Thailand, which is the centre for the sex trade in the world, and an area to which pedophiles gravitate.

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Right now, Canadian police officers are forbidden to tell the Thai authorities when a sex offender travels to their country. This issue has to be dealt with, and maybe one of the venues would be through Interpol. We could work with Interpol more closely to share information about sex offenders. We could connect with other countries around the world so that sex offenders can be monitored when they leave our borders to travel to other countries. Then the countries they travel to would be aware when a sex offender comes into their midst. Similarly, we need to know when sex offenders travel to our country. This is very important information in terms of public knowledge.

There are a number of individuals who commit sexual offences abroad but spend no time in prison. In fact, they do not come to the attention of authorities at all. Sexual predators have gone into various countries in the world, countries with weaker judicial systems than ours, and prey on children. That is going on today. It is not a small problem. It is a huge problem, and it occurs in many countries in the world, but particularly in Southeast Asia. However, it is also occurring in other areas, for example, in West Africa, in Central America and South America.

It is known that sexual predators go to the northern part of Colombia because they will not be found or convicted for the offences they commit against the most vulnerable individuals in society: children.

The other issue is caring for victims. We would like to see a much better system for caring for victims who have been subject to sexual abuse.

● (1740)

I have an indelible image in my mind of a time when I was doing a clinic in a juvenile jail where there were two young teenage girls who had been picked up for prostitution. When I asked them how they got involved, they told me they had been pimped by their mother. I happen to know the mother as well, because I had seen her in the emergency department on a number of occasions and in a jail when I was running an adult clinic.

Those teenage girls had been pimped by their mother to pay for her drug addiction. They were too young to make any effective decision on their own and no one was there to prevent a horrific situation.

One of those girls wound up murdered, and because her mother introduced her to IV drugs, the other one had a massive stroke, which left half her body paralyzed. I saw her one day when I was doing rounds in the hospital on the pediatric ward. That was their fate, and it is not uncommon.

If we listen to the tragic and horrific stories of many who live on the street, we will hear too often that many of them had been sexually abused as children. While being abused as a child does not exonerate someone from any charges as a result of a crime they may commit, many of those people were also sexually assaulted as children.

Being sexually assaulted as a child begets sexual assault later on in too many cases. It is not an excuse; it is an observation, but it is an important observation. If we are trying to prevent some of the most horrific crimes we can imagine, does it not behoove us to do what we

can to prevent somebody from being sexually abused in the first place?

Bill C-34 deals with the ability of police officers to get information on people of interest, thereby hopefully preventing something from happening down the road.

We also need to look at something a bit simpler. Hawaii's healthy start program deals with families at risk. Middle-aged women who have had their children are used as mentors to guide moms and dads and families at risk. The results were truly extraordinary. There was a 99% drop in child abuse in the families who were privy to the mentorship program. Imagine that.

We know that if child abuse can be reduced, the incidence of adult abusers will be lowered as well. That is something we need to embrace. Some of us have been speaking about this for a very long time in the House, more than 15 years in fact.

While this is a provincial responsibility, it would be a stroke of leadership on the part of the federal government to work with willing provinces to adopt such a program. My colleague from Toronto worked with the provinces to develop an early learning national daycare program for kids. It could be very useful to introduce this other aspect where needed.

I also want to talk about first nations communities. The trauma that is taking place right now on first nations communities is a national blight. Some reserves are extraordinary. They have wonderful leadership and great social outcomes. The reality is that the incidence of child abuse, sexual abuse, and violence is much higher in aboriginal communities than in non-aboriginal communities.

● (1745)

This goes for first nations on and off reserve, the off-reserve community being one that is often ignored. If we look at the jail population, those who are incarcerated, we find that the population of first nations individuals in that environment is actually disproportionate to their numbers in Canada.

While the Department of Indian Affairs has chronically used a lot of money to try to address these issues, we have not seen the outcomes that we should have. The reason for that in large part is the fact that the Indian Act in many ways acts as a rock around the neck of first nations communities. In fact, while we are going to have a change in the leadership of the Assembly of First Nations, many of those individuals who are running to be the national chief of the AFN are speaking very publicly about the need for a new relationship between the people of Canada and first nations communities across our land.

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What we cannot do is stick with the status quo, because it creates a milieu that in many ways breeds a dysfunctional environment. Whether someone is aboriginal or non-aboriginal, in that environment, I think anybody would actually be suffering from many of the same maladies we see today. The fact that we somehow treat first nations people as people apart and treat them differently is in some ways respectful of the place that they are in, in the history of our country, but also the negative side of that is that they have been treated as second-class citizens, in my view, because they have to do things that we as non-aboriginal people do not have to do. Those obstacles significantly impede their ability to be masters of their destiny.

I have worked in first nations communities, in some of the worst and toughest in our country. I have flown up into the northern parts of British Columbia. I have done house calls in rooms that 10 people are in, to treat grandmothers and grandfathers who are sleeping on urine-stained mattresses in hermetically sealed homes that we would never live in, where it is boiling hot in the summer and freezing cold in the winter, where children are sleeping on a pillowcase with a tiny threadbare blanket around them.

When I saw that, that is one of the reasons I entered politics, because it is fundamentally, completely unacceptable that these circumstances are allowed to exist in our country today. Who speaks for them? Who is going to go and enable that child to have a future that any individual in this country deserves to have? That is the quintessential question. There are solutions out there and many dynamic first nations leaders who are willing and able to provide those solutions, but we have to listen and work with them to implement the solutions to give those children a chance.

In my riding on Vancouver Island, in Esquimalt—Juan de Fuca, I have the Pacheedaht First Nation, and on that reserve there are horrific conditions. There have been suicides, children committing suicide, suicide pacts, sexual abuse, violence and substance abuse. As hard as one tries to break through that, the community is never quite able to get the resources or the relationship that is required by the Department of Indian Affairs to deal with their plight.

In closing, I would impress that it is absolutely crucial, a matter of fundamental humanitarianism, that we work with these communities and embrace the solutions that will give these children, this generation, more hope and a better future than their parents had.

• (1750)

Hon. Vic Toews (President of the Treasury Board, CPC): Madam Speaker, I have a few comments to make. I want to emphasize how important this bill is in terms of removing the discretion to register, both in respect of the sex registry and DNA, to take DNA samples. It is absolutely essential and has nothing to do with, as some have suggested, not respecting the judiciary.

If one understands the administrative complications of actually obtaining a conviction and then having to bring those people back to court at a later date, one understands the complications that the police face. This is why hundreds of these people have in fact fallen between the cracks. Much like there is automatic fingerprinting in certain cases, such as when a person has been charged with an indictable offence, this would deal with mandatory registration upon conviction and it would eliminate a number of administrative steps

that have only intervened to cause serious delays and therefore allowed these individuals to not be registered. From a practical prosecutorial point of view and from a police point of view, this measure is absolutely essential.

The second point I want to make, very briefly, is with respect to this distinction that we make between those offenders who are so-called violent offenders and those who are property offenders.

If one goes back to the record when this bill on DNA was first brought forward by the former Liberal government, there was a British expert who said, to suggest that these two groups of people are distinguishable is simply wrong. To get all the indictable offences under DNA where there has been a conviction—in Britain, in fact, it is when a person is charged—would allow police to cross-reference. Many times, people who are guilty of house burglary will also be found to be sexual assaulters, or guilty, indeed, of crimes like murder.

That is something that this bill would not do, but I think we need to examine that entire issue. That has not yet been addressed.

Hon. Keith Martin: Madam Speaker, there are three parts I want to discuss.

The first is the mandatory registration, which the member spoke very well about and which is something that we are supportive of. Of the 20 offences that are there, I think where we have some concern is that, as my colleague the critic said, we want to ensure that the registry is going to actually do the job for those people who are committing the serious offences. We want to take a look at those 20 offences and ensure that all of them are serious, that all of them deserve to be on there. We want to listen to the police officers to ensure that we are not actually going to create a registry that is going to be watered down and is going to negatively impact their ability to work nimbly and effectively to arrest those who are committing these offences.

The second is the access issue, which I think is very important. I know the minister would agree that the issue of enabling the police now to access the database proactively is a very important change with respect to this bill.

Lastly, on the issue of collaboration, I would ask the minister, with the power he has with his colleagues, to improve collaboration between provinces and also internationally through INTERPOL.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, I want to thank the member for Esquimalt—Juan de Fuca for his very thoughtful comments.

Similar to his background, although I do not have his extensive medical background, I was one of the founders of the Sexual Assault Centre of Edmonton. I am fully aware that with sexual assaults it is not really the bogeyman in the bush, but in many cases, it is actually within the family or among neighbours. So there is a lot of sensitivity in the issue and we need the sensitivity of the police when they are investigating and following up.

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I wonder, though, if the member could speak to a couple of issues. I raised a similar question to one of the member's colleagues. While I think it is laudable that we are trying to beef up the ability to follow up police activity, particularly to intervene in terms of prevention, that raises the question, when it comes to committee, does the member think it would be important to look at resourcing?

We know our police officers are already stretched to the limit. They are now dealing with major gang incidents. We are dealing with Internet pornography and the molestation of children on the Internet. We have extremely complex cases to deal with now and the police are already pressed.

There is also the issue of intelligence sharing. I have worked in the area of international environmental law enforcement and I know how critical it is to get co-operation not just between countries but between the police forces within our country, so between the RCMP and the provincial police officers.

I wonder if the member could comment about the resourcing and whether that would be an important matter to look at when we are approving this bill, or are we simply loading more onto the police without providing the adequate resources? Should there be a commitment by the government at the same time?

Also there is the issue of where it is going to be necessary to report sexual offences occurring outside Canada. As I mentioned previously, in some countries, simply holding hands in public is considered a sexual offence. What kind of system are we putting forward for the intelligence sharing and to validate?

In some cases, new Canadians come here who may have been charged with an offence. Where are we going to draw the line on what has to be reported?

• (1755)

Hon. Keith Martin: Madam Speaker, I thank my hon. colleague for her excellent series of questions. We could talk about this for 20 minutes, but I know I am not going to have 20 minutes.

I will start from the last point on information sharing. I think INTERPOL is a very important tool that we do not use enough. I know that the head of INTERPOL has spoken very clearly of the lack of co-operation he has found between countries, the lack of information sharing. That is something that needs to be improved.

The member is absolutely correct. What has happened is that the range of offences has changed in the 21st century, but we are using 20th century resources for 21st century crimes. There has been a change in the number and type of crimes that our police forces have.

The RCMP is chronically undermanned. They have a huge deficit, and that deficit is only going to get worse for many reasons. It is an urgent situation for them. They are now dealing with issues of terrorism, gang warfare and the Internet.

I think the police need four basic things. There are disclosure issues that have to change. The manpower resources have to be there. IT and Internet legislation has to be modified to ensure that our police are able to follow those who are committing crimes and are able to monitor the new IT tools that they have. The legislation has not caught up to the new IT tools like the BlackBerry that we have

today. Those, in a nutshell, are some of the solutions that will address the member's concerns.

Mr. Robert Oliphant (Don Valley West, Lib.): Madam Speaker, I am pleased to rise to speak on this proposed legislation.

I will state at the outset that I am in support of it going to committee for consideration and hopefully improvement. While this legislation has some of the bones that we need to improve the sex offender information registry, it is sadly lacking in some other areas.

The first thing I want to comment on is the process by which the minister and the government brought this piece of legislation into the House today. As a member of the Standing Committee on Public Safety and National Security, I must express my outrage at the fact that the committee is undergoing a statutory review of the legislation. It began that review after a decision was made in February to do so.

It has spent a considerable amount of time listening to witnesses and deliberating. It is in the final stages of creating its report and even as it is being written, the minister presents legislation in the House for consideration. This is an affront to all parliamentarians because it is incumbent upon us as parliamentarians to ensure that due process is always followed.

This is a hefty revision to the act. This has obviously been in the works for several weeks, if not months, and the committee was in the final stages of coming up with important suggestions on how we can change the legislation. Much of it is being done by the government's amendments but much of it is not being done.

The first thing I want to say is that it is unfair to committee members on the government side and on the opposition side to not have taken into account the legislative review that is being undertaken right now.

In that review, the committee has heard that the current sex offender information registry is sadly lacking and that it is not helping police. In fact, police officers have told us on a number of occasions that it has not helped them at this point solve any crime. Not a victim has been helped and no offence has been stopped by the sex offender registry as it is now in place.

A decision has already been reached in committee that this bill needs to be changed. We need to address several things severely lacking in the bill. At the same time, I want to put on the table that this bill is not, as it is being presented today, going to solve all those problems. Hopefully, our work in committee can begin to address that.

I look forward to the motion from the committee that will be brought forward to the House for its consideration on the fact that the government is not paying attention to parliamentary committees and, in effect, not listening to people through their elected representatives. That question aside, I want to bring up some issues that I hope will be addressed in committee that will make this legislation more effective.

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I will begin by saying that, absolutely, when offenders are found guilty, they do surrender some of their rights. It is also important to say they do not surrender all of their rights. Even though offenders have committed tremendously horrible crimes, they still deserve to be protected by our Charter of Rights and Freedoms.

I will be watching very closely to ensure that certain rights are still guaranteed even for the worst offenders among us. We speak up for them even though they make up the most unpopular group in our country. People need to stand up for human rights at all times.

The legislation seems, in my mind, to be lacking in several ways. First, police officers have called for a fuller understanding of what should be in the actual registry. There is technical information, but in the registry we need more information that will help both profiling and understanding for police officers to go after a potential criminal and to solve a crime when time is of the essence.

With many of the crimes that are happening, minutes and hours are at stake between the life and death of a victim. That means we have to give police officers every opportunity to find and apprehend a person who is potentially committing a crime at that moment. They need to be given every opportunity. That means that vehicle information, licence plate numbers and descriptions of vehicles need to be part of this registry.

That is something the committee is already in the stages of recommending. It is already beginning to look at that. There are a number of recommendations from witnesses who say it is critical for police officers to have vehicle information. They need to know what cars, trucks or vans these people are driving so they will not be hindered in their investigations.

• (1800)

It is also important to have information about the modus operandi, the way a previous criminal has actually committed an offence, so that police officers can look at patterns. They can look at how someone has done something in the past to predict whether or not someone will do this in the future. If police officers are seeing a certain pattern invoked, they will be able to look at the sex offender registry and draw up the information to help them in their own investigation. This is absolutely critical because we are talking about minutes and hours that could save a person's life. The registry still does not seem to have a fullness in its quality of information that will actually help police officers.

I think what also has to be clear is that, in this process, we still do not have a full national registry that is effective. As the member for Edmonton—Strathcona was pointing out, there is no commitment from the government to put the kinds of resources into the police activity, investigative activity and ongoing activity, that will ensure that police officers have the resources to do that. For instance, in this legislation, there is an automatic taking of DNA samples. This will not be left up to the discretion of any judge. That means that the DNA database, which is also under statutory review, will be further burdened by more work with no promise of resources.

The most critical tool in many of these crimes is having a DNA match that can help the police and then later help in the criminal proceedings to ensure that we actually get a conviction. That DNA is being used more and more, but our DNA database, the registry and

the RCMP offices that do that do not have adequate resources to undertake the work that they are currently doing. This will impose more work on them, so there needs to be a commitment from the government that goes hand in hand with this legislation to provide resources to the DNA database.

We have also been discovering from witnesses at committee that the work that has gone on to keep the registry up to date across the country is very uneven. The number of visits that police officers would pay to a house to check whether or not the person is still residing there, whether or not that person's physical appearance has changed and whether or not that person has been involved in a non-sexual crime are the kinds of things that are not being adequately followed up by police officers because they do not have the resources to do it.

Some jurisdictions maintain their annual or more-than-annual visits to ensure that the sex offender registry is up to date. Other jurisdictions have not seen people for months or years. They have lost contact with the people, so the sex offender registry information is no longer helpful. It is simply not going to work. Again, that is part of the resourcing that needs to go hand in hand with this legislation.

The police have also been asking for us to have the facility for geomapping and the ability to pinpoint where criminals are living in a way that allows police to move quickly in a situation. I am aware that the hon. member for Edmonton—Strathcona was talking about the fact that many of these crimes are actually committed by family members. That is a different set of circumstances. However, for crimes that involve abduction, kidnapping or predatory activities, police officers have to have the ability to ensure that they have every possible tool to get to the crime scene quickly when there is a missing person.

Our children are our most precious resource. We have to do everything we can do to ensure that they have the police in their hands, with the ability to find them, protect them and take care of them. It is where time is of the essence.

I want to close with where I started on this topic: the rights of offenders. I know it is an uncomfortable subject for most people in the House because we have to ensure that even though we are possibly taking discretion away from judges in these cases, we must still protect privacy. I am glad that the legislation seems to imagine that this is still not a publicly accessible registry but for the use of police officers only.

It is incumbent upon police officers to maintain that privacy, secure the information that they are carrying around with them, and take every possible chance to ensure that even those who have committed the most heinous of crimes have their human rights protected. It is uncomfortable for us to talk about it, but we must surely be part of that discussion.

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•(1805)

The reason we need to be part of that is not only for their rights, but because we know that offenders tend to reoffend when they are under stress, when they are feeling further victimized. If we want to actually prevent this kind of crime from happening, we have to ensure that we are approaching it with fairness, with a preservation of human rights and civil rights, and that offenders are part of our community as well.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I listened to the member's speech and again it is pretty typical of what I would expect from the other side.

We do appreciate the support for the bill, but a number of issues were raised, challenges with the current sex offender registry. It may be for the information of the member, but what police have told us over and over is that the problems with the current registry, and the lack of completeness in the registry that has been so detrimental, is the way it was drafted initially. It has left too many loopholes and that is why this bill will require mandatory inclusion in the sex offender registry and in the DNA data bank for someone who has committed one of these crimes.

He mentioned resources. Again, it was under the previous Liberal government that resources for police were cut to the bone.

He also mentioned the discomfort in talking about the rights of criminals. We have no discomfort on this side. We have been talking about the rights of law-abiding citizens, the rights of Canadians not to be victimized. That is why this piece of legislation has to be improved. We respect the human rights of all Canadians and the right of all Canadians to live in a country where they feel safe.

I have two questions for the member. Has anyone on his side explained why there were so many glaring holes left in the original registry that this bill is attempting to plug? Also, through the nineties, why was funding for the police and the RCMP slashed to the bone?

•(1810)

Mr. Robert Oliphant: Madam Speaker, the government and its members always seem to have the ability to forget that this is now. It is not then. The government has been in place for three years and it had the opportunity, repeatedly, to bring its agenda about.

The Conservatives seem to forget that they are the government and we have respected that they are the government. But they are simply not acting as the government.

I was not here when the previous legislation was enacted. I am not going to defend it, nor do I feel the need to. The electors of my riding have sent me here to try to improve the legislation and to actually make a positive contribution about today and the future, and not to be turning the clock back.

They may want to change the channel—

Hon. James Moore: When Brian Mulroney was Prime Minister, I was seven and I don't come back to that.

The Acting Speaker (Ms. Denise Savoie): Order, please. I would ask the minister to restrain himself.

The hon. member for Don Valley West.

Mr. Robert Oliphant: Madam Speaker, I have been elected here to make a positive contribution in this discussion, to attempt to look into the future, and to try to correct the problems which might have happened in any government.

I am not going to defend it. I am not going to try to do that, but I am simply going to say that we are going to be looking at this legislation. We are not going to deny parliamentary procedure and process. We are not going to undervalue parliamentary committees which are doing their work, heartedly.

We are not going to try to turn the channel from the economic crisis which the Conservatives have created from the various crises that they have ignored, from the various irresponsible acts that they have taken. We are not going to turn the channel on that. We are going to steadily do our work as members of Parliament, trying to make the best legislation possible.

We will improve this legislation. We will send it to committee. Again our committee will examine it. We will try to do our best to ensure that the weaknesses in the legislation, which are apparent to us, and we have not denied that there are weaknesses in the legislation, are improved. We will look at the Ontario model. We will follow what the chiefs of police have said and we will do our best to improve it. We will not play games with this legislation.

Hon. Vic Toews (President of the Treasury Board, CPC): Madam Speaker, I listened with interest. The member spoke about wanting to create a positive atmosphere or make positive suggestions, yet he put facts on the record that were simply wrong and misleading.

For example, he suggested that somehow the worldwide economic recession was created here in Canada by this government, yet he well knows that it was something which originated primarily in the United States with the banking system, and that of course our government has been trying to work through this very difficult time, wanting to make sure that the Americans also get their house in order.

I take him at his word that he is not going to simply move this bill to committee where it will be stalled and die, but rather that he was sincere in bringing this legislation forward, perhaps even stronger than it is today. However, knowing Liberals as I do, this is simply a ploy for them to get this outside of public view to a place where they can kill this legislation.

Mr. Robert Oliphant: Madam Speaker, nothing could be further from the truth. In fact, we want to take time with the legislation in committee. Stakeholder groups have approached us. They have provided absolutely essential information to us and we want to do the best things for Canada.

The minister in his statement responded to the changing of the channels and I find that quite interesting. The government wants to change the channel quite frequently. We are not trying to change the channel on this. We are taking this seriously. We are attempting to find a way to improve the situation for both victims of crime and potential victims of crime to ensure we have a safe society.

Government Orders

We are not simply being tough on crime for the sake of being tough on crime. This side of the House wants to be smart on crime. We want to listen to experts. We want to find out what are the causes and root determinates of crime and behind crime.

We want to listen to criminologists. We want to listen to the best. We will take their advice. We will listen to the facts. We will not have knee-jerk reactions. We will try to do work with diligence, intelligence, compassion and dignity.

• (1815)

Hon. Larry Bagnell (Yukon, Lib.): Could the member follow up on his first perceptions, with his experience in policy, of the terrible policy making of the Conservatives in justice? So many bills have not gone to the experts and they have not even listened to the department. Therefore, they have to cancel their bills or amend them because they do not make any sense and they do not help to protect people. In fact, they are making society more dangerous.

Mr. Robert Oliphant: Madam Speaker, we may have to take some lessons in learning how to stall on committee work because we do not have the 200 page manual on how to keep committee work from not happening.

Our job is to make committees work, to fix the legislation that the government presents, to try to improve it, to try to make something positive in the government. That is what we are doing in Parliament. That is what we are trying to do and we are going to continue to do it.

We have a haphazard set of pieces of legislation that fly in. We are doing our best to make sense out of them, to try to get some order in them and to understand the agenda of the Conservatives. They do not give us notice. We will do our best to understand it and we will do our best to make Canada a safer, more prosperous and more intelligent country.

The Acting Speaker (Ms. Denise Savoie): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie) Accordingly the bill stands referred to the Standing Committee on Public Safety and National Security.

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

* * *

CRIMINAL CODE

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), be read the second time and referred to a committee.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I am pleased to speak today to Bill C-19. The bill seeks to re-enact in the Criminal Code the

investigative hearing and recognizance with conditions provisions. Many hon. members will be aware of this subject matter as it has been before Parliament on our agenda from time to time in recent years, most recently as Bill S-3 in the previous Parliament, which was passed by the Senate and debated at second reading in the House.

I am pleased the government has reintroduced this bill. It further demonstrates the unwavering commitment of the government, and I should add, our Minister of Justice, to give law enforcement agencies the tools needed to safeguard our national security, while respecting human rights. It also offers Parliament the opportunity to re-enact those important provisions. I sincerely hope Parliament will seize this opportunity.

In the time available to me today, I would like to discuss the nature of the investigative hearing and recognizance with conditions. In addition, I would like to revisit very briefly previous parliamentary debates on these matters to emphasize that the provisions contained in the bill, while substantially similar to those that were debated in the sunset debates, are also somewhat different.

The bill responds to many parliamentary recommendations that have been made previously. The bill proposes to re-enact the investigative hearing provisions, which will allow the courts, on an application by a peace officer, to compel someone with information about a past or future terrorism offence to appear before a judge to answer questions and when requested bring anything in the person's possession or control to the judge. The investigative hearing would be an information gathering tool in respect of terrorism offences. Its purpose would not be to charge or convict an individual with an criminal offence. The focus would be on questioning witnesses, not on cross-examining accused persons.

The bill would also seek to re-enact the recognizance with conditions as a measure that would be intended to assist peace officers to prevent imminent terrorist attacks. If a peace officer would have reasonable grounds to believe that a terrorist activity would be carried out and would have reasonable grounds to suspect that the imposition of a recognizance on a particular person would be necessary to prevent such an activity from being carried out, then the peace officer could apply to a judge to have the person compelled to appear before a judge.

The judge would then consider whether it would be desirable to release the person or to impose reasonable conditions on the person. The government would bear the onus of showing why conditions should be imposed. The recognizance with conditions would be designed to aid the disruption of the preparatory phase of a terrorist activity. The recognizance with conditions has previously been referred to as preventative arrest, however, this is not a particularly apt characterization of the provision since it would only be used under exceptional circumstances that a person could be arrested without a warrant. However, even in this instance, the attorney general's consent would have to be obtained before the officer could lay the information before the judge.

Government Orders

The maximum period of detention when seeking a recognizance with conditions would generally be no more than 72 hours. If the judge were to determine that there would be no need for recognizance, the person would be released. However, if the court were to determine that a recognizance would be necessary but the person refused to enter into a recognizance, the person could be detained for up to 12 months.

I wish to touch briefly on the legislative history of these provisions and to remark upon them.

Members will no doubt be aware that the investigative hearing and recognizance with conditions were initially part of the Anti-terrorism Act. These provisions were to expire, absent an extension agreement by both Houses of Parliament, at the end of the 15th sitting day of Parliament following December 31, 2006, which was March 1, 2007. The Anti-terrorism Act anticipated that the mandatory reviews of the act would be completed well in advance of the parliamentary debate on the extension of these sunset provisions. As it turned out, this was not the case.

In October 2006, the House of Commons subcommittee tabled an interim report recommending that the investigative hearing power be limited to the investigation of imminent and not past terrorism offences. It also proposed some technical amendments to the provisions, but otherwise approved of these powers and recommended extending them for five years subject to further review.

•(1820)

The government, however, had yet to hear from the special Senate committee, which was conducting its own review of the legislation. Indeed, the Senate committee report was not issued until February 22, 2007, just days before the vote on the extension of the powers. The special Senate committee recommended a three year renewal period for both powers.

On February 27, 2007, when the time came to vote on the motion to extend the provisions, the final report of the House of Commons subcommittee on the Anti-terrorism Act was still unavailable. Consequently, it was not practically possible for the government to respond to recommended changes before the vote.

Since that time, there was an opportunity for reflection and the government was able to respond by introducing Bill S-3 on October 23, 2007. Bill S-3 sought to re-enact the investigative hearing and recognizance with conditions with additional safeguards and some technical changes that were responsive to many of the recommendations made by the two parliamentary committees that reviewed the Anti-terrorism Act.

Further, the Senate made three amendments to former Bill S-3, including making mandatory a parliamentary review of these provisions.

Bill C-19 reintroduces former Bill S-3, as amended by the Senate. In addition, one further proposed amendment has been included in the new bill. This new change would clarify that the judicial power to order things into police custody at an investigative hearing would be discretionary rather than mandatory. This change would align the provision with the decision of the Supreme Court of Canada in application under section 83.28 of the Criminal Code, where the

Supreme Court concluded that the investigative hearing provision conferred upon the judge considerable flexibility and discretion.

Thus, the investigative hearing and recognizance with conditions proposals contained in this bill are not the same as those provisions that were debated during the sunset debate. While they are substantially similar, important changes have nevertheless been made to respond to parliamentary recommendations.

When the resolution to extend the life of these provisions was last debated, three arguments were made in support of sunseting these provisions: one, that they had not yet been amended in accordance with the recommendations of the parliamentary committees; two, that the provisions were not necessary, given that they had rarely been used; and three, concerns were expressed regarding the protection of human rights. I would like to address these arguments.

In the time since the original provisions sunsetted, the amendments suggested by the parliamentary committees have been carefully considered. The large majority of these recommendations have been addressed in the bill, including with respect to a mandatory review, annual reporting requirements and various technical amendments.

Moreover, as I have indicated, the bill also includes the Senate amendments that were made during its consideration of former Bill S-3, as well as the additional amendment that I have highlighted.

The government has not taken up a particular recommendation made by the House subcommittee in its interim report. In that report it recommended that the investigative hearing not deal with information gathered in respect of past terrorism offences, but should be limited to the collection of information only in relation to imminent terrorist offences. In this regard, it should be noted that the special Senate committee did not take a similar position.

Perhaps when people speak of past terrorism offences, they may think in terms of years. For example, as we know, the tragedy of Air India happened in 1985. Bill C-19 recognizes the significant value of being able to acquire historical information as well as information that may prevent the commission of future terrorist acts. Accordingly it does not propose to limit the application of the information gathered in the investigative hearing to imminent terrorist offences.

As for the argument that the provisions are unnecessary, we need to be reminded of the increasing number of terrorist attacks all over the world and the gravity of the threat of terrorism. Unfortunately, it is folly to believe that Canada and Canadians are immune from the threat of terrorism. If we look at this issue realistically, we know that this is not the case.

Terrorism trials are taking place in our country as we speak. Clearly the threat of a terrorist attack, which these provisions are designed to prevent, continues. We need to be ready to respond to terrorist threats and it is important that our law enforcement authorities are properly equipped to do so.

Government Orders

Both the investigative hearing and the recognizance with conditions, as provided for in the bill, would be replete with human rights safeguards. With respect to the investigative hearing, these safeguards would include the following. There could be no investigative hearing without the consent of the relevant attorney general. Only a judge of the provincial court or of a superior court of criminal jurisdiction could hear a peace officer's application for an information gathering order and could preside over an information gathering proceeding.

• (1825)

There would have to be reasonable grounds to believe that a terrorism offence has been or will be committed. The judge would have to be satisfied that reasonable attempts had been made to obtain the information by other means. The judge could include any terms and conditions in the order that the judge considered to be desirable to protect the interests of the witness or third parties. The witness would have the right to retain and instruct counsel at any stage of the proceeding.

The bill also incorporates protections against self-incrimination, including in relation to the derivative use of the evidence in further criminal proceedings against the person testifying, except for perjury or giving contradictory evidence.

Members should also be reminded that the Supreme Court of Canada upheld the investigative hearing in 2004 in application under section 83.28 of the Criminal Code. I would note in this regard that the Supreme Court of Canada stated that the protection against self-incrimination found in the investigative hearing was greater than that afforded to witnesses compelled to testify in other proceedings, such as in a criminal trial.

The Acting Speaker (Ms. Denise Savoie): Order. I regret to interrupt the hon. member, but when debate resumes on Bill C-19, he will have 10 minutes to pursue his comments.

* * *

CONTROLLED DRUGS AND SUBSTANCES ACT

The House resumed from June 5 consideration of the motion that Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, be read the third time and passed, and of the motion that this question be now put.

The Acting Speaker (Ms. Denise Savoie): It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the previous question at third reading of Bill C-15.

• (1830)

[*Translation*]

Call in the members.

• (1855)

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

(*Division No. 81*)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Allen (Tobique—Mactaquac)
Ambrose	Anderson
Andrews	Ashfield
Bagnell	Bains
Bennett	Benoit
Bernier	Bevilacqua
Bezan	Blackburn
Blaney	Block
Boucher	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Byrne	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Coady	Coderre
Crombie	Cummins
Cuzner	D'Amours
Davidson	Day
Dechert	Del Mastro
Devolin	Dhalival
Dhalla	Dion
Dosanjh	Dreeshen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fast
Finley	Flaherty
Fletcher	Folco
Footo	Galipeau
Gallant	Gameau
Glover	Goldring
Goodale	Goodyear
Gourde	Grewal
Guarnieri	Guergis
Hall Findlay	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holland	Ignatieff
Jean	Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kania
Karygiannis	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	LeBlanc
Lee	Lemieux
Lobb	Lukiwski
Lunn	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	Malhi
Mayes	McCallum
McColeman	McGuinty
McKay (Scarborough—Guildwood)	McLeod
McTeague	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Neville
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Oliphant	Paradis
Patry	Payne
Pearson	Petit
Poilievre	Prentice
Preston	Proulx
Raït	Rajotte
Ratansi	Rathgeber
Richards	Rickford
Ritz	Rodriguez
Russell	Savage

Government Orders

The Speaker: Is there agreement to proceed in this way?

Some hon. members: Agreed.

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

(Division No. 82)

YEAS

Members

Abbott	Abnocyzy
Aglukkaq	Allen (Tobique—Mactaquac)
Ambrose	Anderson
Andrews	Ashfield
Bagnell	Bains
Bennett	Benoit
Bernier	Bevilacqua
Bezan	Blackburn
Blaney	Block
Boucher	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Byrne	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Coady	Coderre
Crombie	Cummins
Cuzner	D'Amours
Davidson	Day
Dechert	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Dosanjh	Dreeshen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fast
Finley	Flaherty
Fletcher	Folco
Foote	Galipeau
Gallant	Garneau
Glover	Goldring
Goodale	Goodyear
Gourde	Grewal
Guarnieri	Guergis
Hall Findlay	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holland	Ignatieff
Jean	Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kania
Karygiannis	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	LeBlanc
Lee	Lemieux
Lobb	Lukiwski
Lunn	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	Malhi
Mayes	McCallum
McColeman	McGuinity
McKay (Scarborough—Guildwood)	McLeod
McTeague	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Neville
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Oliphant	Paradis
Patry	Payne

Saxton	Scarpaleggia
Scheer	Schellenberger
Shea	Shipley
Shory	Simms
Simson	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Tilson	Toews
Tonks	Trost
Trudeau	Tweed
Uppal	Valeriote
Van Kesteren	Van Loan
Vellacott	Verner
Volpe	Wallace
Warawa	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskyj
Yelich	Young
Zarac— 195	

NAYS

Members

Allen (Welland)	Angus
Ashton	Bachand
Bellavance	Bevington
Bigras	Blais
Bouchard	Bourgeois
Cardin	Carrier
Charlton	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Deschamps
Dorion	Duceppe
Duncan (Edmonton—Strathcona)	Gaudet
Godin	Guay
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Harris (St. John's East)	
Hughes	Laforest
Laframboise	Lavallée
Layton	Lemay
Lessard	Lévesque
Malo	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathysen
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Mulcair	Paillé
Paquette	Plamondon
Pomerleau	Savoie
Siksay	Thi Lac
Vincent	Wasylycia-Leis— 54

PAIRED

Members

Albrecht	Allison
André	Baird
DeBellefeuille	Faillie
Gagnon	Guimond (Rimouski-Neigette—Témiscouata—Les
Basques)	
Holder	Keddy (South Shore—St. Margaret's)
Lalonde	Mark
Nadeau	Ouellet
Paradis	Richardson
Roy	St-Cyr
Thompson	Warkentin— 20

The Speaker: I declare the motion carried.

[English]

The next question is on the motion that the bill be read a third time and passed.

Hon. Gordon O'Connor: Mr. Speaker, I think if you seek it, you would find agreement to apply the vote from the previous motion to the current motion.

Adjournment Proceedings

Pearson	Petit
Poilievre	Prentice
Preston	Proulx
Raitt	Rajotte
Ratansi	Rathgeber
Richards	Rickford
Ritz	Rodriguez
Russell	Savage
Saxton	Scarpaleggia
Scheer	Schellenberger
Shea	Shiplay
Shory	Simms
Simson	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Tilson	Toews
Tonks	Trost
Trudeau	Tweed
Uppal	Valeriote
Van Kesteren	Van Loan
Vellacott	Verner
Volpe	Wallace
Warawa	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskyj
Yelich	Young
Zarac— 195	

NAYS

Members

Allen (Welland)	Angus
Ashton	Bachand
Bellavance	Bevington
Bigras	Blais
Bouchard	Bourgeois
Cardin	Carrier
Charlton	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Deschamps
Dorion	Duceppe
Duncan (Edmonton—Strathcona)	Gaudet
Godin	Guay
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Harris (St. John's East)	
Hughes	Laforest
Laframboise	Lavallée
Layton	Lemay
Lessard	Lévesque
Malo	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathysen
Ménard (Hochelaga)	Ménard (Mare-Aurèle-Fortin)
Mulcair	Paillé
Paquette	Plamondon
Pomerleau	Savoie
Siksay	Thi Lac
Vincent	Wasylycia-Leis— 54

PAIRED

Members

Albrecht	Allison
André	Baird
DeBellefeuille	Faille
Gagnon	Guimond (Rimouski-Neigette—Témiscouata—Les
Basques)	
Holder	Keddy (South Shore—St. Margaret's)
Lalonde	Mark
Nadeau	Ouellet
Paradis	Richardson
Roy	St-Cyr
Thompson	Warkentin— 20

The Speaker: I declare the motion carried.
(Bill read the third time and passed)

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

EMPLOYMENT INSURANCE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, being able to access EI in a timely fashion has become a serious issue in this country.

It does not matter how often we raise the issue with the government. Twenty-eight days is the timeline in which the government is supposed to respond to inquiries in terms of accessing EI, but that is no longer applicable and is causing a very serious problem throughout the country. In my riding of Random—Burin—St. George's there are constituents who wait as long as 70 days just to get a response to their inquiry.

A lot of people lose their jobs through no fault of their own. It would appear that in having to wait such a long time they are being victimized yet again. Losing a job is hard enough for those who have to provide for a family, buy medication and keep a household going, but people are having to wait for an extended period of time to get money from a fund they have paid into. The EI fund is not something the government has put in place. It is a fund that has been paid into by people throughout this country.

People want to be able to avail themselves of those funds on an emergency basis. When people lose their jobs, it is indeed an emergency. We are trying to get the government to recognize that it needs to take this issue seriously. It needs to adhere to its timeframe of 28 days.

We have talked about trying to reform the EI system. We have talked about doing away with the two-week waiting period. A lot of people think that people only wait 28 days when in reality they have to wait a month and a half. That two-week waiting period is just to determine whether or not they are eligible for EI and how much they will get. Then they have to wait a month and a half for a cheque. For those who think that the two-week waiting period or the 28 days is it, they are wrong.

We are trying to make the government realize how important it is that it holds to the 28-day period in terms of responding to people who are eligible for EI, who need those funds to provide for their families, who need to pay for medication, and who need to live a life that is comfortable, one where they are able to put food on the table.

That has not been the case for a lot of constituents in Random—Burin—St. George's. I have no reason to believe that it is any different for people throughout the country, people who are without employment, who really need to be able to access these resources. The minister has said from time to time that the government has hired additional people to deal with this issue because such an incredible number of people have now lost their jobs in this country. There are so many people who are unemployed, so many people who do not know where to turn, and they must resort to the EI system to provide for their families.

Adjournment Proceedings

We are calling on the government to please acknowledge this and to do whatever it can to make sure that people can access the fund that they paid into instead of having to wait such an inordinate length of time.

● (1900)

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, let me review what we have done on several points, including timely delivery of benefits. We do take the issue very seriously. Our government is taking real action to help vulnerable and unemployed Canadians through these tough economic times and we will continue to do so.

I would remind my hon. colleague that our government is making unprecedented investments to help those who, through no fault of their own, have suffered from unexpected job loss during this time of global recession. Among other things, we have extended EI benefits by five weeks. That is more than double the two weeks advocated by the opposition and members of her party. Those weeks will help when the help is needed the most.

We have extended the EI work sharing program. Thankfully, through our efforts, more than 120,000 Canadian jobs are being protected. That number continues to grow as we continue to work with Canadian employers to share costs and keep Canadians working as various organizations take steps to adapt to the changing economy.

We have also invested \$1 billion for further skills training through the EI program. This includes \$500 million in skills training and upgrading for long-tenured workers and \$500 million for training for those who do not qualify for EI. With respect to managing the substantial increases in EI claims, we have invested more than \$60 million to help manage and process claims quicker while cutting red tape for employers.

We have hired additional staff and added more resources to ensure that the system can cope with the demand that is being made on the system. We are monitoring the effectiveness of these measures to ensure that they are effectively helping Canadians.

That being said, I would like to take this opportunity to comment on the Liberal 360 hour, 45 day work year scheme. The opposition members can say what they want about this scheme, but the fact is that this is an irresponsible proposal that would result in a massive increase in job-killing payroll taxes that would hurt workers and businesses at a time when they can least afford it.

Do not take it from me. The Liberal member for Kings—Hants said that payroll taxes and EI taxes in particular prevent businesses from hiring people. He also said, “Payroll taxes, especially EI taxes, are a tax on jobs”. He said that on October 16, 1997 in the finance committee, and that is so true.

How the Liberals can claim that this 45 day work year is a good idea now is hard to understand. This irresponsible proposal will certainly not help any Canadians find new jobs or get new skills and that is what is needed. It will not help Canadians who have already suffered a job loss. No, it will simply add billions to the tax burden of hard-working Canadians and employers at the worst possible time.

Let us see what others are saying about this proposal. In the Vancouver *Sun* on May 26, Harvey Enchin said:

The Liberal option not only seems illogical but it would raise the federal deficit — and probably taxes — while doing nothing to address the fact that many of the jobs that have been lost are not coming back.

That is the issue. He went on to say:

The Conservative government is right to reject it.... The federal government is on the right track with investments in skills training and transition programs.

That is what we are doing. In spite of the irresponsible ideas coming from the opposition, our government will continue to help Canadians get through this tough time. We are doing it in a responsible manner. We are going to be sure that benefits are delivered when they ought to be delivered. We are going to ensure that we are using the funding to maximize the returns on those benefits and ensure that people have jobs not only for today but for tomorrow, when they become available and this economy turns.

● (1905)

Ms. Judy Foote: Madam Speaker, that is a case in point of a government that has lost touch with the people. Clearly, we have a colleague across the way who will go on ad nauseam about investments the government has made without recognizing that the issue here is not about whether the government has put money into this or that program. The issue here is that there are people out there who are entitled to receive EI and it is not happening. They are having to wait as long as 70 days and that is a serious issue.

The member stands and talks about the money the government puts in and plays politics with this very important issue and takes exception to something the Liberal Party is proposing, but I want to talk about the individual Canadian. I want to talk about the people who cannot make ends meet. I am here to talk about the fact that there are Canadians out there who are going hungry, who cannot buy medication and who really need the government to acknowledge that this is a serious issue.

Mr. Ed Komarnicki: Madam Speaker, obviously we take this issue very seriously. That is why we have invested such significant sums of money to provide extended benefits for longer periods of time. That is why we have invested heavily into skills training and upgrading. That is why we have invested significantly to ensure that those who do not even qualify for EI are able to get assistance. That is why we have invested \$60 million to ensure that we can enhance processing and processing times. That is why we have invested the money into resources and people to be sure that we can process those claims quicker, notwithstanding the large volumes of claims and notwithstanding the state of the economy.

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We have done some very responsible, constructive things. However, what we will not do is what the opposition proposes, which is to have a 45 day work year that would add dollars to payroll taxes and increase payroll taxes. It is something that businesses and people do not need at this particular time in the economy.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Madam Speaker, today in Atlantic Canada, thousands upon thousands of fishers and plant workers are worried about their jobs, worried they will not have money for their families.

The lobster fishery has all but closed, with prices the lowest they have been in 25 years. The cost of harvesting is greater than the prices the fishers can command for their catches. The cost to these fishers' families when boats remain tied to wharves for lack of commercial viability is greater still. Brokers and buyers have either halted or drastically reduced the buying of lobster.

This means that fishers and their crews are without income in what could be their busiest time of the year. The lobster fishery is in crisis. Unfortunately, it is not alone. The crab and shrimp fishery are in crisis as well.

Tom Best, in Petty Harbour, told me recently that crab fishers are not making enough money to make boat payments, let alone make a living. Just last week, processors stated they would not buy any shrimp this summer. Plants will not be able to open. Fishers have nowhere to sell their catch.

Earning enough to qualify for employment insurance is unlikely with the possible amount of catch impacted by ice delays, dwindling plant operations and rock bottom prices.

The government has all but ignored the fishery. This multi-billion industry is under direct federal jurisdiction. Yet, the minister has not addressed what she is going to do to help. Instead of heeding calls to make meaningful changes to provide immediate relief to fishers, such as ending the collection of licence and monitoring fees, the government seems to be hoping that the problem will go away.

Instead of taking a proactive approach, investing in product research and development and industry infrastructure, such as lobster holding bins, for example, the minister refuses to take action on these serious issues. Instead of investing in the fishing industry through rationalization and restructuring projects, such as what the United States is doing, the government is squandering opportunities to impact competitiveness.

In response to a question I asked the minister last month, the minister tried to pass off a marketing announcement, which consists of funding that is worth less than 1% of the industry's multi-billion dollar annual value, as some sort of plan.

While it is true that this marketing initiative will stand to positively impact the sector down the road, it does nothing to help the lobster fishers or crews today. The fact is that fishers of the lobster, crab and shrimp industry cannot break even in this economic climate with the prices so depressed, and their families are without any meaningful help from the Conservative government. The pressure on these families is mounting daily. Fishers and fishing communities have waited long enough for their concerns to be addressed by the government. They need real action now.

This is not a failed or unviable industry; it is an industry in the midst of temporary downturn. Now would be the perfect time to act by implementing government supported capacity reduction in warranted areas. Now would be the perfect time to reduce restrictive regulatory burdens and ensure cost savings to the fishery. Now would be the time to act in securing credit for the hard hit industry.

I ask the minister to recognize the serious problems in the industry and to start to address them.

• (1910)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Madam Speaker, I thank the member for her interest in this issue. We agree with her that the current economic downturn has had a big impact on the Atlantic lobster fishery, like many industries across the country. However, the current challenges facing the lobster industry are multi-faceted.

What we are confronting is a difficult marketplace as a result of the state of the world economy. The issue is not with the fishery. Rather, the problem is with weakened demand, which contributed to a significant drop in prices. Foreign demand for lobster has nosedived. As a result, the prices paid to harvesters have also fallen, and as a result, the industry is hurting. Our government understands that. That is why our government is working hard to help the lobster industry deal with the current decline in market demand.

On May 22, the government announced we would be directing \$10 million from the community adjustment fund to the Atlantic provinces and Quebec for activities to improve marketing, assist in innovation, and develop new products and technologies in the lobster industry. This funding will be provided through ACOA and Canada Economic Development for Quebec Regions.

Federal and provincial governments and industry are currently collaborating to create a lobster development council that would be aimed at increasing domestic and international market access, as well as addressing market access issues, including obtaining eco-certification.

On February 27 of this year, the Atlantic lobster industry received a significant marketing boost of over \$455,000, largely provided under the Canadian agriculture and food international program and with contributions from Nova Scotia, New Brunswick and Prince Edward Island. This funding has resulted in world-class market promotion of Atlantic lobster in international markets.

The current economic situation is also creating difficulties for the industry to access capital. To help alleviate this challenge, budget 2009 provided many measures that improved access to credit. For example, the Business Development Bank of Canada received \$250 million in capital to increase the market's lending capacity. Budget 2009 also invested a further \$100 million in the bank to create a time-limited working capital guarantee.

To support greater collaboration between the Business Development Bank of Canada, the Export Development Bank and private sector financial institutions, this government established the business credit availability program and allotted up to \$5 billion in new financing.

Canada's economic action plan also established a new Canadian secured credit facility to support financing vehicles and equipment.

Budget 2009 increased the Business Development Bank's paid-in capital limit to \$3 billion so that it can benefit from future injections of capital.

The consensus among stakeholders is that conservation cannot be assured unless the issue of excess harvesting capacity is addressed in a meaningful way. The solution must necessarily involve self-rationalization. Fisheries and Oceans Canada has made licensing flexibilities available to harvesters in order to promote reductions in catch capacity and to support economic viability. These flexibilities are lobster partnering, where two licence-holders can work the same boat; and licence stacking, which is investment by a single licence-holder in a second licence.

This government also continues to work with lobster harvesters on market access issues. This includes increased calls for fishery eco-certification and product traceability, among other things.

The lobster industry is a cornerstone of the regional economy. This government will continue to work with other federal departments, provinces, harvesters, processors, distributors and others to collectively improve sustainability, competitiveness and long-term viability of the lobster industry.

• (1915)

Ms. Siobhan Coady: Madam Speaker, there is an expression in Newfoundland and Labrador about who knows the mind of a squid,

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and I think it applies to the comings and goings when the Conservatives are looking at what they are going to do to help a very serious problem within the industry, and not just lobster.

We have right now in the province of Newfoundland and Labrador a shrimp industry worth millions of dollars that has not yet opened. We have a crab industry in peril with very low prices, with the possibility that the catch the fishers are bringing ashore will not even be able to be processed. We have inshore workers, inshore fishers, offshore fishers, plant workers, and processors united in calling for the government to do something to assist the industry.

I appreciate what my colleague is talking about with some investments in marketing dollars. I support the investments in marketing dollars. However, that is for next year. When we do not have catch to market, it is not going to put food on the table of fishers or plant workers today.

Mr. Randy Kamp: Madam Speaker, I appreciate the member's comments, but she is ignoring all the things that we are doing, many of which I have outlined in my previous comments. Under the community adjustment fund, we are supporting communities impacted by the current economic downturn. She needs to see how that is going to play in the industry and help real people.

We are working with provinces and industry to develop a lobster development council to address the key issues here that are causing the lower prices, facilitate access to capital, develop a marketing campaign with the provinces, and reduce lobster harvesting capacity and costs through self-rationalization and other ways.

The Government of Canada recognizes the importance of the lobster industry and is determined to work with all stakeholders to help them both weather the current economic storm and improve the foundation for a sustainable future.

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:18 p.m.)

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