



CANADA

# House of Commons Debates

---

VOLUME 145 • NUMBER 038 • 3rd SESSION • 40th PARLIAMENT

---

OFFICIAL REPORT  
(HANSARD)

**Monday, May 3, 2010**

—

**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

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

# HOUSE OF COMMONS

Monday, May 3, 2010

The House met at 11 a.m.

---

*Prayers*

---

## PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

### CANADIAN FORCES SUPERANNUATION ACT

The House resumed from April 21 consideration of Bill C-201, An Act to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act (deletion of deduction from annuity), as reported (with amendment) from the committee, and of the motions in Group No. 1.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-201 and support the reintroduction of its clauses. As with other speakers, I want to commend the member for Sackville—Eastern Shore. His riding is very close to mine, both in proximity and in terms of the people who make it up. We both have largely military ridings. He has certainly honoured the tradition of the military for both veterans and serving members, and he has been tireless in his support of this bill.

In simple terms, this bill seeks to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act. The essence of this problem is that, at age 65, veterans of the Canadian Forces and RCMP see their pensions decreased. This goes back to the 1966 introduction of the Canada pension plan and the integration of the Canada pension plan with existing pension plans.

I want to be clear that it is my view that all members of the House want to do their very best to support our veterans. This is not an issue that should be divided along partisan lines. I do not believe it is a political issue. The question is, how do we best serve former serving members of the Canadian Forces and the RCMP? This is not a bill that is as easy to deal with as some might say, but I also do not think it is as complicated as others might have it either.

In my opinion, the heart of the matter is the question of what is fair. We are at a point in time when Canadians are quite common in their belief that we need more work on pensions. Many Canadians do not have adequate pensions. Others have seen their pensions disappear all of a sudden before their eyes. I have had the chance to

talk to Nortel employees, both pensioners and also people who are on long-term disability, and their stories are quite frightening.

People thought they had secured their pension, secured their future, and secured the time that they would have after working, which in many cases is more and more years. People are living longer, but are they living better or living as well? I think that goes to the heart of this matter as well. I think it is appropriate for the House as well as the government to consider this idea of fairness, and to put it in the context of service offered to country and how country responds to service.

As I mentioned, I come from a military community and I am very proud to do so. From the time I was elected in 2004, I have felt both the responsibility and the privilege of coming from a military community. Shearwater borders my riding and the riding of the member for Sackville—Eastern Shore. We have other bases in Halifax, Dartmouth and others in Nova Scotia. There is a strong military presence.

One of the privileges of being a member of Parliament is to march with veterans and to be with veterans all year, but particularly on those days that are very special. In Dartmouth at the cenotaph and also in Cole Harbour at the cenotaph, we have very serious commemorations of events like Remembrance Day. Every year now, I have the opportunity to go into schools and talk to kids. Like other members in the House, I take great pleasure and pride in the fact that our children understand Remembrance Day in a much more significant way than my generation did.

When I went to school, I can recall the veterans coming in to talk to us, but there was always a bit of a sense back then that war and peace were different things. Everybody wanted to have peace without sometimes recognizing that war was an avenue to peace and that the people who had given up their lives and those who have had their lives altered by the experience of war are the profound heroes of our country.

Remembrance Day, the Battle of Britain, and the Battle of the Atlantic are very significant commemorations on the east coast, the home of Canada's east coast navy. On D-Day, we all gather at the Somme Branch Legion and walk down to the waterfront. It is a very sombre occasion, but it is an occasion that brings people together and allows them to remember the good, the bad, and particularly the sacrifice of people who have gone before.

*Private Members' Business*

Great veterans like Allan Moore still occasionally walk with us. He served in World War II. His brother was killed in World War II and he found out about it by reading a military journal. Allan Moore has gone into classes for many years and explained to children about the horrors of war in a way that they can understand it and by seeing pictures of it. They learn about the horrors of war and the sometimes necessity of war. Doug Shanks is a very special individual. He is one of the many who was involved in the liberation of Holland, which the member for Sackville—Eastern Shore will be commemorating tomorrow.

These are the great heroes living among us, people who have made a huge difference, people who have given us the opportunity to bring bills forward in this very august chamber where things like this should be discussed, debated, and ultimately decided on by the people's representatives.

We have great heroes in this country. Whenever we go to a citizenship swearing-in ceremony, which is another great privilege of being a member of Parliament, we always see a veteran there to welcome people to Canada, in some cases new Canadians and in some cases people who have been here for a while but have decided to become citizens. It never fails to impress when somebody who has served Canada is there, sometimes with a cane, sometimes with a walker, sometimes with an assistant, but there to let people know that one of the rights and privileges of being Canadian is to honour the sacrifice of those who have gone before.

One cannot help but have a very specific understanding of the nature of war if one lives in an east coast community such as the one in which I live.

This year more than ever we have reason to look at Bill C-201 and to ask if we are being fair, are we providing fairness for the service that was provided by both the living and the dead?

A couple of months ago John Babcock, Canada's last World War I veteran, passed away at the age of 109. This is the 100th anniversary of Canada's navy, and Halifax is the east coast home of the navy.

Before I was elected, I was privileged to be a trustee of HMCS *Sackville*, the last of the corvettes. During World War II there were over 260 corvettes, 120 of which were built in Canada. The *Sackville* was built in Saint John. After the war the corvettes served different purposes, whether it was fishing or other purposes. They have all gone except for HMCS *Sackville*.

I recall a few years ago I had the opportunity when we were doing some finance committee travel to bring the members of the committee on to HMCS *Sackville*. Judy Wasylycia-Leis was there. She fit very comfortably inside the corvette. Brian Palliser, who was then the chair of the Conservative finance committee, had a little more trouble on the corvette. One can only imagine how these little ships, these rugged, heroic little vessels went out to patrol the water and open the channels during World War II in the icy north Atlantic and the men who served them in many ways. This is a microcosm of Canada.

During World War II people from the Prairies used to serve on these vessels. They would come to Halifax, never having really seen an ocean. On some occasions they would look across from Halifax to

Dartmouth and think that was Europe because they had not seen that kind of expanse of water before.

They came and they served and they were heroes. We have to do everything we can to ensure that HMCS *Sackville* is preserved, brought ashore, and given the honour and the respect that it deserves. There are over 1,100 trustees of HMCS *Sackville*.

I can only encourage anybody who wants to really get connected to Canada's navy in this the 100th anniversary to google HMCS *Sackville*, and when in Halifax come and visit it.

We have to look at Bill C-201 and ask, is there a specific purpose here? I believe that there is. I want to quote from G.K. Chesterton who said:

Courage is almost a contradiction in terms. It means a strong desire to live taking the form of a readiness to die.

Those who served us in the armed forces and the RCMP have gone above and beyond. I acknowledge the work of the member for Sackville—Eastern Shore and my colleague from Avalon, who has supported this bill all the way through. This is the right thing to do. I encourage members of this House to support Bill C-201.

● (1110)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I am honoured to rise today in support of my colleague from Sackville—Eastern Shore and for Bill C-201, which would bring fairness to pensions for ex-service officers and RCMP officers.

It is no accident that this debate is happening now as we are celebrating the 65th anniversary of the Battle of the Atlantic and the liberation of Holland. I know many veterans in my riding who did the horrible slogging with the Algonquin Regiment through the Leopold Canal, Scheldt and into Holland.

I was talking with Algonquin Regiment reservist Murray Tilson, who was there with the veterans for one of the big commemorations in Holland. Murray is of my generation and a young woman came up during the celebration, kissed him on the cheek and said, "Thank you for liberating us". He said, "I did not liberate you", and she said, "No, but if we needed you, we know that you would". It shows that kind of bond that we have built in terms of the Canadian identity, our relationship to the people of Holland, and the sacrifice that was given.

*Private Members' Business*

I also remember doing a great interview with Johnny LeBlanc, who was a real tough-as-nails union organizer from northern Ontario. Johnny used to walk 26 miles into the bush in the middle of winter, by himself, to organize these bush camps. Shift bosses certainly did not like Johnny coming in. I asked him if there was ever a threat of violence with him walking into the bush camps that were militantly anti-union. He said that there was always a threat. I asked him, what gave him the courage to walk in and start organizing those camps for the workers who were cutting for Abitibi and Kimberly-Clark. He said, "I was with the tanks when we fought our way through Belgium and Holland, and when I came back, after I saw so many people die, nobody was going to deny me the rights that I had fought for".

That message is something we need to think of today because it is not just about Remembrance Day, when we wrap ourselves in the flag. There was a sacrifice not just for Europe but for Canada and for a certain set of ideals and principles.

I think of Johnny LeBlanc who helped organize all those workers who ended up working for the largest pulp and paper company in the world, Abitibi, and I think of the Abitibi workers and pensioners today who are watching their pension savings and their futures being threatened. I see the absolute indifference of the federal Conservative government in terms of the pension crisis facing us.

Make no mistake. We are facing a full-blown pension crisis in this country and we see absolute indifference from the federal government.

Earlier this year, our leader from Toronto—Danforth attempted to work with the Conservatives. He said, "You have been giving one massive tax cut after another. Hold off on this latest round of what you are offering, this \$1.7 billion to the big banks and the oil companies. Put some of that money into the GIS for the seniors who are living in poverty now. You could raise the basic income of every senior and out of poverty with the stroke of a pen".

However, the Conservatives of course are not there to worry about the seniors and poverty. They are more worried about their friends at BP and Exxon, and making sure that they continue to do well.

We see now the HST that is being taken off corporate enterprises and put on senior citizens, people on fixed incomes, people in my riding who are barely scraping by, and who are now having to pay the extra HST on their home heating fuels. Even people who are working to save for the pensions that they do not have are having to pay the HST. We see a massive shift in the tax burden away from the large corporations onto people on fixed incomes, onto senior citizens, and we see nothing but contempt and ridicule from the government because it is not there for the people who need it.

I would argue that our job as parliamentarians is to ensure that there is a fair system for pensions in this country. New Democrats have pushed forward for a number of key changes. A simple change would be changing the bankruptcy protection laws so that the Nortel workers, the CanWest workers, and the Abitibi workers are not going to be at the end of the line if the CCAA protection fails and those companies go into full bankruptcy.

They are looking for action from us and they are not seeing anything from the Conservative government. We need to look at

increasing the GIS, as I had mentioned, so that we can take seniors who are living in poverty out of poverty.

Of course, the other major issue is that the vast majority of Canadians now have no pension plans and they are moving from job to job. We have to start moving toward eventually doubling the CPP so people can actually have proper pension savings.

• (1115)

It is pretty shocking that in Canada in 2010, for all the talk about loving our troops, there are veterans using food banks. I would argue that our veterans having to use food banks is a disgrace and a sign of the failure of the government to look out for the people who are falling between the cracks.

I am very supportive of Bill C-201, which would bring an element of fairness to the people who put their lives on the line for us throughout their careers, former RCMP officers and military personnel who are looking for a fair deal.

The bill has to do with the Canada pension deductions, the clawbacks that happen if members become disabled or collect Canada pension disability and how it relates to their superannuation. We need to ensure that these people are not penalized unfairly for the service they have given this country.

This all goes back to 1966 when the Canada pension plan was first set up and the government split the contributions of the deductions to the superannuation and the Canada pension plan. Nobody told the military out there in the field defending us how it would affect them.

Here is a sad example. Let us say that an officer in the RCMP with 30 years of service becomes disabled. He would receive 64% of his superannuation and then Great West Life would top it up to 75% by adding 11%. Then, after two years, Great West Life would shut it off and he would have to then apply for the Canada pension disability. If he applies for the Canada pension disability, he would receive a lump sum of \$16,000. He then would get a call from the RCMP annuity branch saying that he owes it over \$11,000. That would have been the deduction if he had received CPP from the beginning. Therefore, he would have to pay back all the money he received.

However, Great West Life would tell him that he owes it \$7,000 to \$8,000. If he had received \$16,000 in a lump sum payment, he would end up having to pay back over \$19,000 because it would be clawing back the money that had been paid to him. When he turns 65, his Canada pension disability would be shut off and he would get the reduced CPP. I do not think that is fair, not for people who put their lives on the line for us.

We need to work more collaboratively as a House of Commons and stop using our soldiers as a political shield for the government's mistakes. We should ensure that when they come back from overseas after putting their lives on the line, they and their loved ones will be looked after and their pensions will be fully protected. I do not think that is too much to ask from any member of Parliament of any political party.

**An hon. member:** No more lip service.

*Private Members' Business*

**Mr. Charlie Angus:** We need to move away from the lip service about loving our troops. We should say that after they come home, when they are senior citizens, when they are disabled or if they leave widows, they will be looked after in a fair system in which their money is not clawed back by the government or insurance companies and that they will have what they need. That is the covenant that we must make within the House to veterans, the RCMP and other federal service people who risk their lives for us.

It also reminds us that we need to do better in addressing the pension crisis. Senior citizens are suffering and they are suffering from the indifference of a government that is pushing the HST on them because it wants to shift the tax burden off large corporations and put it on people with fixed incomes. They are suffering because we have a government that has no interest in standing up for the Abitibi or Nortel pensioners because it would rather help the big creditors of the big banks. That is a shame and that is not the great tradition of Canada.

We in the New Democratic Party will continue to fight for pension fairness for veterans, former police officers, firefighters and all senior citizens.

• (1120)

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, it is a privilege to participate in this debate because, like so many members here, I have veterans, active service personnel and members of the RCMP in my riding. A few years ago, as the House may know, O Division of the RCMP moved to London, Ontario. These folks are in our communities doing service and ensuring that federal laws are observed.

Interestingly enough, a few months ago RCMP officers from all over the nation went to Vancouver to ensure that people who were visiting our country for the Olympics were safe and secure in that community and that no one could disrupt those remarkable events. This took time away from their families and their homes but they were there when we needed them to ensure that young women were not being trafficked into Vancouver and made vulnerable by the fact that there were so many people who were visiting the city.

These officers and the veterans who come from the army, navy and air force, and those folks who serve at Wolseley Barracks in London all need to know that their government, their community and this nation will ensure that when their time comes for a pension they will receive the full pension they deserve.

I stand in support of the private member's bill proposed by my colleague because Bill C-201 is an important test of our will as a community, as a Parliament and as a nation. What the bill is saying is that we need to treat veterans and RCMP veterans fairly. The bill simply seeks to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act to eliminate the deduction of Canada plan benefits from the annuity payable under each of these acts.

This goes back to 1966 when many of us were either very young or perhaps, in the case of my colleague, not even born. It goes back quite a long way and compelled the government to split the contributions of deductions to superannuation and to the Canada pension plan. As was previously mentioned, this was never explained to veterans or to those serving in the military. No one

was advised of what would happen to them if they were disabled or when they reached the age of 65. This decision was made without their knowledge or consent and they did not understand it until many years later when they retired and saw that their superannuation was reduced because they were receiving Canada pension or because they were entitled to disability.

This is not how we treat the people who Parliament and the country say that it reveres, honours and wishes to ensure there is not poverty in the future of veterans.

We have talked a great deal about the need for pension reform in this country. My colleague from James Bay mentioned that too many people are falling through the cracks. In fact, I heard a report just recently that 70% of Canadians do not have adequate pension coverage. All they have to look forward to in their old age, after years of working, building their neighbourhoods, contributing to the tax base or, in the case of the RCMP and veterans, providing service and support to our nation, is poverty.

We need to act and we need to act now. We need pension reform. We need to look at those private pensions that are collapsing, like the Nortel pension. We need to look at the Canada pension plan, the OAS and the GIS because they are simply not adequate. Too many seniors are struggling and many of them are people who have served our country with great distinction.

• (1125)

I will now talk a bit about what is going on in my riding with the Parkwood Hospital for veterans which is located right in the middle of my riding. It, unfortunately, serves only those veterans who were in World War II or the Korean War. Anyone who served after 1953 cannot utilize the services of Parkwood Hospital. As we all know, the veterans of World War II and the Korean War are elderly and we are losing many of them because they are passing on.

The problem is that the people at Parkwood Hospital want to close 72 beds. However, once those beds are closed we will never see them re-opened. The truth is that when health care budgets are under stress and beds are closed, they are closed forever. The incredible staff who serve those beds and help those veterans are also lost because they are laid off or perhaps go into other parts of the medical delivery service. We lose important skills that have been accrued over years of working with fragile veterans and elderly people. We simply cannot allow that to happen.

It would be quite simple for the government to make changes to the mandate of veterans' hospitals. It could allow these hospitals to serve the veterans who came after 1953, those who served our country as peacekeepers or in other deployments. There are all kinds of them. We see them coming back from places like Kandahar. We see RCMP officers who have been wounded and who have risked a great deal in the service of their country. Those beds should be available for them.

*Private Members' Business*

As I mentioned before, we have a significant group of personnel, military and RCMP, in London, Ontario. I want to say a little bit about the legions in London, Ontario. We have some quite remarkable veterans and those who have served since 1953 in London at the Victory Branch Legion, the Duchess of Kent, the Air Force legion on Crumlin Side Road in my riding, and the Navy legion. By the way, this is the 100th anniversary of the navy. I think it would behoove all of us to celebrate that anniversary by showing respect to those veterans who served and who served so loyally.

At any rate, those legions provide remarkable support to the veterans at Parkwood. They bring them out on Remembrance Day and at Christmas. The Duchess of Kent is renowned for its efforts to ensure those vets get out of Parkwood for a few hours to know that they are appreciated.

We can show those people that we appreciate their work on behalf of veterans as we appreciate the veterans of World War II and Korea by extending the mandate of the hospitals, like Parkwood, and allowing those beds to be utilized by both the military personnel and their spouses. We call that the centres of excellence proposal. We would very much like to see that.

I want to end on an important note. We are seeing young men and women come back from Afghanistan with post-traumatic stress syndrome. If we close beds and deny pensions to these people, we will be doing them a tremendous disservice. They need us. They were there when we needed them and they need us now.

I received a letter just last week from Ken Knisely who has a son, Andrew, who lost a leg in Afghanistan. He has to go to Ottawa for treatment because there is no available treatment in London.

We can do better. We can do better than food banks for veterans. We can do better by ensuring this bill is passed in this House.

• (1130)

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, Bill C-201 presented by the hon. member for Sackville—Eastern Shore deals with the deduction of CPP benefits from the superannuation with respect to the military and RCMP. It affects them when they reach 65 years old and their CPP benefits, to which they are entitled as are all Canadians, are deducted from their superannuation, for which they are also eligible.

Interestingly, among those federal employees to whom this clawback does not apply are members of Parliament. MPs, senators and judges are not treated the same way as our RCMP and military.

To make matters worse, for those who are disabled and over 50 years of age, their disability benefits are also deducted from their superannuation. This is obviously unacceptable and must be rectified. When those disabled people turn 65, their disability stops and they are back into the first scenario where their CPP benefits are deducted from their superannuation.

This is an obvious problem that needs correcting. The Conservative Party does not seem at all disposed to correct it. The Liberals seem to be sitting on the fence, as is often the case; they have been back and forth and a little unclear on this subject. Hopefully, they will act with the rest of the opposition to right this wrong.

Speaking of the Liberals, back in 1999, the Chrétien-Martin government took \$56 billion or \$57 billion in EI funds and moved them into general revenues. That government took \$20 billion or more of the surplus in the superannuation fund and moved it into general revenues, as well. It is time for the Liberals to make a step toward righting that grievous wrong and to vote on the right side of this issue.

The veterans are bearing the liabilities of their job, the responsibilities that they shouldered for Canadians in many ways. Today, it is our responsibility to balance their liabilities and protect them from a problem they did not create. They need that help.

What does the NDP want from this bill?

This private member's bill, an act to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act, would eliminate those deductions, clawbacks, from their annuities. This was first introduced back in 2005. The time to rectify this problem is long overdue.

The NDP's veterans first motion passed in the House of Commons in 2006. That motion called for an end to the clawback of service pensions. Repeatedly, the hon. member for Sackville—Eastern Shore has pressed the government and all parliamentarians to act on this issue.

There are many petitions on this subject. On one petition alone over 110,000 individuals from across Canada have signed it to support this initiative. There are signatures of many former colonels and generals on a petition developed by the RCMP and the Canadian Forces.

Wayne Wannamaker, a retired veteran from Whitehorse, encouraged politicians in the Yukon legislature to pass the following motion:

THAT this House urges the Government of Canada to recognize that the unilateral decision in 1966 to integrate the Canadian Forces Superannuation and the Royal Canadian Mounted Police Superannuation with the Canada Pension Plan contributions imposed an injustice and unfairness upon members and the retirees of the Canadian Forces and the Royal Canadian Mounted Police, and therefore should take action to remedy that injustice.

In Nova Scotia Resolution No. 963 was adopted in 2006 urging “the Government of Canada to investigate this matter immediately and end the unfair policy of benefit reduction to our veterans of the military and the RCMP”.

• (1135)

To summarize, the bill would fix a problem where the RCMP and Canadian military veterans' benefits are clawed back unfairly. Under the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act the clawback begins to take effect when a plan member retires and reaches age 65, or when a plan member becomes entitled to draw CPP disability benefits. But this issue is fundamentally about respect: respect for those serving in the line of duty, respect for veterans who have served our country willingly and honourably. The least that we could do is to support them with their needs after they have given so much to our country.

*Private Members' Business*

Veterans in my riding of Thunder Bay—Superior North are watching how the various parties deal with the bill. The disabled veterans are watching especially as Bill C-201 would really help them. Like many ridings, Thunder Bay—Superior North has many veterans from World War II, the Korean war and peacekeeping operations, just to name a few. I have met with many of the veterans in my riding who support the member for Sackville—Eastern Shore's initiative, veterans including those from Branch No. 5 of the Royal Canadian Legion in Port Arthur and Branch No. 219 as well. What do they think of the behaviour of the governing Conservatives in committee who gutted the bill? What do they think of the opposition Liberals who abstained from standing up for veterans in committee when the Conservatives were gutting the bill? They could have stopped this.

Thousands of veterans across the country and their families support Bill C-201 and seek an end to the reduction of pension benefits at age 65, or earlier if disabled. This is an issue of fairness.

Canadian Forces and RCMP members were not consulted as to how they wished to fund their plan contributions when the CPP was introduced. As well, the Canadian Forces and the RCMP have roles and a lifestyle distinct from the general community. They have faced dangerous conditions, extended family separations, hazards to their health and safety, long stretches of overtime, frequent postings and the difficulty for many spouses of members to retain employment and contribute to their own pension plans.

To end, men and women in the Canadian Forces and the RCMP pay the unlimited liability providing service to our country. As parliamentarians, we have the ultimate responsibility to ensure these men and women are taken care of from the moment they sign up until the moment they pass on. Canada's Canadian Forces and RCMP veterans are our greatest heroes and our country's greatest volunteers. With all of their sacrifice they deserve to be treated with fairness, with dignity and with security in their service years and in their retirement years.

• (1140)

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I am very pleased to have an opportunity to speak to Bill C-201, An Act to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act. As we know and as veterans, RCMP members and their families across the country know, this has to do with the CPP clawback for veterans and service people.

**Mr. LaVar Payne:** It is not a clawback.

**Mr. Jack Harris:** Mr. Speaker, someone said it is not a clawback, but a deduction from one's pension by any other name can be considered a clawback by the person whose military pension is being reduced. I understand that the Conservative Party does not support this bill, but the member for Sackville—Eastern Shore, who has been championing this bill for some years now, and I agree that there ought to be special consideration given for veterans and RCMP officers. One might ask why. There are good reasons why and I will get to them shortly.

I want to echo what the member for Dartmouth—Cole Harbour said. We as parliamentarians are in a very special position in this country. Not only do we get to sit in the House of Commons, in

Parliament, but we also get invited on numerous occasions to join with veterans to remember the service they gave and to support their efforts to look after veterans.

The Royal Canadian Legion is one of those organizations. I am sure that many members of the House were at events over the past weekend. I visited and had dinner with Branch 50 at CBS, Conception Bay South, on Saturday night. They are working to rebuild a war memorial in their town. They are moving the one from the old place and building a memorial not only to veterans of the armed forces, but also police and firefighters. It is a combined memorial with a separate place for veterans. They have a private place in the middle of that memorial and there are side memorials for the others. That is a great community effort made by Branch 50 in CBS.

Yesterday afternoon I was on Bell Island celebrating the anniversary of the Battle of the Atlantic with veterans and the community. As some members may know, if they listened to my speech on the occasion of Juno Beach last June, Newfoundland and Labrador was the only place in North America with a direct hit from the German army and navy during the second world war. Four boats were sunk by torpedos from U-boats in September and November 1942 while docked on Bell Island to take on iron ore. The *Caribou* ferry also sank in the Cabot Strait with a significant loss of life. Again, that was enemy action during wartime, which Newfoundland and Labrador alone experienced in North America.

We do have a close connection with the veterans. The member for Sackville—Eastern Shore has brought that to the House and we offer our support of that. I want to explain why. Aside from the great contribution that veterans, people in the armed forces and people in the RCMP have made to keep our communities and our country in keeping our country safe, they also have families that move around constantly during their careers. A member of the Canadian Forces could move from one base to another and over the course of a career move to many different places. It is the same with RCMP officers who are often moved from one community to another with their families.

This creates a particular family dynamic. It is often difficult for a spouse to maintain an employment career that is equal to those who might be in a stationary workforce. This obviously affects their long-term income as a family and clearly would have, as a consequence, a greater need for retirement income. This is one way to recognize that.



*Private Members' Business*

As my colleague from Timmins—James Bay mentioned earlier, we have a government that constantly reminds us and tries to suggest that, among all members of the House, its members are the ones who support our veterans, our troops and the armed forces. However, when we look at something like this, it pales. When there is a real opportunity to make the retirement lives of our veterans and serving RCMP officers better, the government does not support it.

• (1145)

It falls into the category of lip service. It is shameful that the government has taken away the opportunity or is not prepared to grant the opportunity for veterans to continue to receive their full pensions and enjoy their retirement instead of having them clawed back at age 65 when the Canada pension plan kicks in.

The government did not cause this problem. This was a problem that was inherent in the structure of the Canada pension plan when it was introduced in 1966, but it is a problem that it can help us fix. The member for Sackville—Eastern Shore has been working on this for several years. He indicates five years. I have heard him talk about it many times in caucus, in the House and with veterans who are very interested in this issue.

I am sure veterans will be talking to the member from Alberta, whose riding I cannot remember at the moment. They have spoken to me about it. They raise it at events. I am sure when the member speaks, he will give an explanation as to why the government is saying no. Perhaps he will. I hope he is explaining it to the individual veterans who we speak with, who are concerned enough about this issue to sign petitions in massive numbers. More than 100,000 petitioners have signed in support of this.

It is well known in Canadian legions across the country that this action is taking place. I hope people are paying attention to the debate. Not only is it important that we support our troops and recognize they are providing a great service to us, but service to veterans is something that my colleague from Sackville—Eastern Shore has been championing ever since he has been in the House.

This year he is celebrating, along with other nationals of Holland, the liberation of Holland by Canadian troops. My colleague is both a native of Holland and a very proud Canadian citizen. However, also very dear to his heart is the relationship between Holland and not only the Canadian soldiers of today and yesterday but all Canadians. The Canadian people are recognized by the people of the Netherlands for the liberation and the commitment and sacrifice that Canadian soldiers were prepared to make during World War II to liberate them from the Nazi occupation and oppression.

This is one of the things that makes Canadians proud, that other countries respect the sacrifice and willingness that our young men and women were able and willing to undertake for the cause of freedom to fight off Nazi oppression during World War II. It had to be done and our young men and women were prepared to make the sacrifice to do that, in both Canada and Newfoundland and Labrador, which was a separate country at the time. I am sure all members of the House know that. If they do not, they will certainly know it by the time I leave here. It is obviously part of our constitutional history.

It is important to remember that our country is made up of many parts, and we all come together for the greater good and a great cause

in the nation of Canada and our place in the world today. However, how we treat our veterans is also a mark of how well we respect the work they do on our behalf throughout their lives and working careers. The same goes for RCMP officers who put their lives on the line to protect our communities throughout their working careers as well.

I would ask all hon. members to support this bill and those who have been speaking against it to reconsider their vote, if it comes to a vote this morning.

• (1150)

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, first of all let me say I am very pleased to rise in the House today to speak in support of Bill C-201. I want to thank the member for Sackville—Eastern Shore for doing such a brilliant job in staying on this bill and bringing it forward.

We just heard from my colleague that he has been working on this for about five years. I think it is a testament to a member in the House that, when they get a bill and they know the issue is really important, they do not let it go. Certainly the member for Sackville—Eastern Shore is one of those members. He has understood this as an important issue not only in his own community but right across the country.

To support the bill, which amends the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act to eliminate the deduction of the Canada pension plan benefits from the annuity payable under each of these acts, is one of those small things but it is a matter that has a big impact on people's lives and on their financial stability, particularly when they are retired.

Therefore I would like to thank the member for bringing this forward so that we are now having the opportunity to debate the bill at report stage and hopefully see it proceed to third reading.

I have to say that I always find it quite amusing when I hear from Conservative members. Somehow they have this sense of entitlement and ownership, that they are the only ones who speak for veterans or the military in the House and that is their territory.

The reality is that this is an issue that goes across all party lines. It is non-partisan. It is an issue that, as I have said, our member from Sackville—Eastern Shore and other members in the New Democrat caucus and members from other parties are very concerned about. It concerns what happens to our veterans when they return from Afghanistan, what happens to them when they become pensioners and what their quality of life is about.

It is easy to put the rhetoric out there about the military and supporting our troops. However, the bill is about what actually happens to people, whether it is the military families who are still here in Canada and the quality of life they have in terms of benefits on the military bases, access to education and health care, support and counselling or whether it is the members of the military and for sure what happens to the members when they are retired.

*Private Members' Business*

When we look at the overall picture, it is very regrettable that many veterans are actually living in poverty. The same may be true even of members of the RCMP when they retire; I am not so familiar with that. But certainly I can say in my community in east Vancouver we have an unbelievable problem of veterans who are living below the poverty line. They are homeless. They are people who are destitute on the streets.

In fact I was very happy that a couple of months ago the Minister of Veterans Affairs and Minister of State for Agriculture came to east Vancouver, came to the downtown east side, and specifically announced an initiative to set up a storefront operation to actually do outreach to veterans who are in great distress, to make sure they are getting all of the benefits they are entitled to. It is a program that is being partnered with other organizations.

It is just the tip of the iceberg. When a minister has to go into a local community to announce something like that, it gives us a sense of understanding of the problem of what we are facing, that there are so many veterans in this country who are going without and who are facing difficulty.

Again I go back to the member for Sackville—Eastern Shore and the fact that he raised in the House even last week, Friday it was, the unbelievable situation where we have a veteran's food bank in Calgary, visited by the Prime Minister. Maybe it is seen as a photo op or something. However, to us it is a very horrific situation and it is a very graphic example of what is happening to veterans in this country, that veterans are relying on food banks, that they are relying on outreach initiatives, that veterans are homeless, that they do not have even the bare essentials of a quality of life.

How could this be, in a country and with a government that claims to put this at the top of its agenda?

• (1155)

I am very glad that the member for Sackville—Eastern Shore has raised this in the House of Commons, as has our leader, the member for Toronto—Danforth. They have said to the Prime Minister what a political outrage it is that a photo op took place of a visit to a food bank set up for veterans. We are not addressing the systemic issues within the department that are facing veterans across the country.

We recognize that Bill C-201 is just one element of the bigger picture, and it has to do with the pension element. I am very proud as a New Democrat to say that our caucus has raised this issue many times in the House of Commons. Motions have passed in the House for a seniors' charter. We believe strongly that all seniors in this country should live with dignity, with respect, as all people should, but particularly seniors, who have contributed so much to our country, whether through military service, emergency services or many other occupations and fields.

That in this day and age we are facing this critical issue with seniors, particularly women, who are living in impoverished conditions, just shows how much has changed in this country and how big the gap has become between wealth and poverty.

This is not an issue of a lack of wealth and resources. We live in an extremely wealthy country. There is extraordinary wealth in our economy, in our natural resources and in our ability to make decisions that provide a basis of equality.

It is really very concerning that in this day and age we are still dealing with these kinds of issues. If anything, we have lost ground as a result of decades of deregulation, of privatization, of erosion of our social safety net and erosion of social services that help people and ensure there is a measure of equality.

Although we have made advances under the law and there have been significant court cases about equality issues, the fact is that this goes beyond what is written in the law. It goes to the heart of government policy. It goes to the heart of public policy and what we do here to represent the public interest and the interests of our constituents.

I for one am very glad that those three ex-service personnel, who visited the member for Sackville—Eastern Shore about five years ago, raised this issue and brought it to his attention. That resulted in this private member's bill being put forward.

Here we are today debating this bill with the ability to make sure this clawback is changed. We can ensure members of the military and the RCMP, who are on pension, do not have their super-annuation affected but receive the full benefits they should be entitled to.

I know there is opposition to this bill. We are here today in this debate to say to members that this is an important bill. It is a bill we can adopt. This bill would improve the lives of individual seniors in this country. It would affect about 84,000 veterans and about 12,000 retirees from the RCMP. These are not small numbers. This bill would affect 100,000 people. Each of us, in determining how we are going to vote on this bill, can make a positive decision to ensure these members in our communities actually get their full benefits.

Let us make sure we not only pass this bill but we go beyond it, that we put into reality the seniors' charter, that we make sure seniors are not living below the poverty line, that we increase the guaranteed income supplement, that we improve our Canada pension plan. These things are all related.

Our caucus sees this issue as a priority and we are prepared to address it. We wholeheartedly support the bill that is before us.

• (1200)

**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:** No.

**The Acting Speaker (Mr. Barry Devolin):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Barry Devolin):** All those opposed will please say nay.

**Some hon. members:** Nay.

*Government Orders*

**The Acting Speaker (Mr. Barry Devolin):** In my opinion the nays have it.

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** Pursuant to Standing Order 98, the recorded division stands deferred until Wednesday, May 5, 2010, immediately before the time provided for private members' business. The recorded division will also apply to Motion Nos. 2 through 11.

---

## GOVERNMENT ORDERS

[English]

### SÉBASTIEN'S LAW (PROTECTING THE PUBLIC FROM VIOLENT YOUNG OFFENDERS)

The House resumed from April 23 consideration of the motion that Bill C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts, be read the second time and referred to a committee.

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Burnaby—Douglas has 11 minutes remaining in his speech.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, it is good to have this chance to continue the discussion on C-4, the amendments to the Youth Criminal Justice Act.

Concerns have also been raised about ending the publication ban on the names of young people charged with a crime in the apparent hope that denunciation will be a deterrent. The bill would require the courts to consider lifting the publication ban on the names of young offenders convicted of violent offences when youth sentences would be given.

The publication ban has been important in the past. It helps ensure a situation where young people can truly be rehabilitated and put a serious mistake behind them by avoiding the publicity associated with their crime. It also prevents the shaming that is part of any criminal conviction. The publication ban was also seen as significant in that it interrupted and even subverted the ability of criminal organizations and gangs to recruit young people who were in trouble with the law. These are all crucial considerations for our youth criminal justice system.

It is also very unclear just what the bill proposes with regard to the publication ban. It seems that judges will still have discretion in this area, so the bill may not change the current situation. The government may only be pretending to do something on that issue.

The Conservatives are still chipping away at an important concept in our youth criminal justice system in the way they regularly criticize this aspect of the system. The Conservatives continue to whip up hysteria about crime. They continue to refuse to analyze youth crime statistics. Prior to 2005, violent youth crime was declining in Canada. Yes, there was a spike in 2005-06, but in 2007 it started to decline again.

Understanding these trends, rather than merely offering a knee-jerk reaction to them, would be a more responsible approach.

Looking at what actually works to reduce youth crime would also be helpful.

Quebec provides a great example. Quebec is perhaps the most successful jurisdiction in Canada when it comes to reducing youth crime. It has the lowest youth crime rate. How has Quebec done that? It has stressed rehabilitation and treatment, first and foremost. It also has the lowest number of youth raised to adult court. Ensuring particular programs and process that recognize the needs and realities of youth has worked to lower youth crime. The federal government could learn much from this example.

We know that prevention works. Making education affordable, keeping youth unemployment low, ensuring excellent health care for children and youth, ending child poverty, providing high-quality child care and early childhood education, affordable recreation, putting in place accessible drug education and treatment programs, programs for those living with fetal alcohol spectrum disorder and programs to prevent it, all of these have shown, time and time again, to be more cost effective and a more effective way of dealing with alienation and criminal activity of children and youth.

When one looks at the research, if one bothers, there is no doubt about how effective this approach is. In particular, the situation of aboriginal youth demands more attention from the government. The correctional investigator of Canada pointed out in her recent report:

Aboriginal youth are also overrepresented among criminalized young people. Research shows that Aboriginal young people are criminalized and jailed at earlier ages and for longer periods of time than non-Aboriginal young people...the gap between traditional correctional approaches, and Aboriginal methods of justice and reconciliation [must be addressed]. The ongoing support and involvement of elders, Aboriginal liaison officers, community representatives and Aboriginal organizations is viewed as key to closing the outcome gaps for First Nations, Métis and Inuit offenders. Advocates for Aboriginal inmates have long stressed that Aboriginal people and Aboriginal organizations must be directly involved in developing and providing appropriate programs, and actively involved in the evaluation of current assessment tools used by CSC.

Finally, the correctional investigator points out that the government must "implement a security classification process that ends the overclassification of Aboriginal offenders".

Restorative justice is another approach that must be taken. Restorative justice has been defined as a turn away from the adversarial, punishment-oriented philosophy of criminal justice toward the focus on bringing victims, offenders and the community together to repair harm, build understanding and restore relationships.

Building a justice system that seeks to restore broken relationships, rather than merely punishing those who commit offences, has shown huge promise and often startling and positive results.

• (1205)

In the United States, teen courts, which deal with actual criminal cases and issues, have been shown to sharply reduce recidivism. Youth who commit crimes and are judged by their peers are far less likely to reoffend. What is more, the teen court model is much more cost effective than the regular criminal justice system.

*Government Orders*

Here is how Ritchie Eppink and Scott Peterson described the U.S. experience of teen courts in an article in *LawNow*. They say:

American teen court programs continue to demonstrate phenomenal success, all at a minuscule cost. Peer courts not only appear to reduce repeat crime by youth, they are dynamic programs that promote volunteerism and community service, build a range of interpersonal skills in their participants, and interactively teach youth about law and justice in partnership with adults. Though letting youth co-operatively handle their own problems is a simple concept, it has turned out to be an uncommonly effective one—one that is fast becoming an integral part of youth justice in America.

In my community, the Burnaby youth restorative justice program has proven very successful. Its shoplifting program in particular has had great success in helping young people appreciate the seriousness of the crime, but in a way that ensures that the relationships it damages are restored. Here is how the program was described in a recent article in the *Burnaby NewsLeader*. The reporter says:

The retail theft circle program was created last June in a collaboration between RCMP detachments in Burnaby, North Vancouver and Richmond, and was based on a model used to combat graffiti in Vancouver.

Burnaby has since taken the lead with the unique program and has held four such circles with 38 youth participating, said Stephen Morton, Burnaby RCMP's restorative justice program coordinator.

Youth caught shoplifting, generally aged 13 to 17 and first-time offenders, are referred to the voluntary program by RCMP officers. Morton said the kids involved come from a broad cross-section of society, he noted. He's seen kids from middle-class families to single-parent families, students and dropouts.

The program's name is reminiscent of aboriginal healing circles, and other elements are borrowed from aboriginal traditions. For example, participants sit on chairs in a circle, with no table in between to hide behind, and a "talking piece" is passed around allowing the person holding it to feel empowered to speak.

In addition to the youth, participants include police officers, loss-prevention officers and store managers. The circles are as much about those harmed by shoplifting as it is about those picked up for the crime, Morton said.

Over a two-hour period, they each speak about the impacts of shoplifting. For retailers, the losses add up and lead to increased prices on all goods, and they feel victimized. For police and mall security, such incidents take time away from more pressing emergencies such as people needing medical assistance.

As for the youth, they often speak of how a shoplifting incident has made them feel shame and how it's affected their relationship with their parent

Some kids say they steal because they want something but don't want to or can't pay for it, said Morton.

"Sometimes it's because of a peer influence. There's a perception among their peers that it's a victimless crime."

What's important to Morton is that the youth acknowledge what they've done and that it's affected people.

"Sometimes you kind of see the light go off for some kids. They're able to see how it affects the broader community."

He'll sometimes see the same happen with the adults in the room. "The adults can see these youth are humans, not just thieves, but members of the community."

There are all kinds of good results from this kind of process, better citizenship on the part of the youthful offender, the victim of crime, community members and enforcement personnel all result. It is a success story that cannot be dismissed and an approach that should be expanded. Why does restorative justice remains the very poor cousin of our justice system when its benefits are so very obvious?

Bill C-4 takes our youth criminal justice system in the wrong direction. While it seems apparent that the bill will move to committee for further study and discussion, I hope the process will make its flaws absolutely clear and that it will either be abandoned or significantly changed.

●(1210)

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, because I just travelled a fair distance to take part in this extremely important debate, I did not have the chance to listen to my colleague's whole speech, but I found the last part extremely interesting. I want to thank my colleague for talking about this issue, and I would like him to tell us about restorative justice. He had some very interesting things to say, but if he can, I would like him to talk a bit more about restorative justice in connection with this bill.

[*English*]

**Mr. Bill Siksay:** Mr. Speaker, restorative justice is a concept that has been around for a long time. In fact, it is fundamental to first nation, Inuit and Métis people in Canada. We and the rest of Canadian society have been learning largely from them. However, it is also a concept that has been proven time and time again to be a very effective way of preventing crime and restoring relationships in communities, which also goes a long way to preventing future crime and recidivism.

We know this. It has been proven over and over again, yet, we still do not put this front and centre in our approach to criminal justice issues. It is always on the corner of somebody's desk. People who work in the area of restorative justice have to fight tooth and nail for any kind of acknowledgment of their work, any kind of funding to build these important programs.

That needs to change. Instead of this being something that gets worried about once in a blue moon, we need to ensure that it is front and centre, that it is part of the everyday conversations we have in government and in the Department of Justice about how we better serve Canadians and how we improve our criminal justice system.

There are many ways to do that. Perhaps we need, as I proposed with a number of members in the House, a bill establishing a department of peace, which would have as its mandate ensuring that restorative justice measures were front and centre at the cabinet table, that there was an advocate at the cabinet table to argue for a restorative justice approach, both domestically and internationally. We need to ensure that this was not just an afterthought, that this was not just something where we said, "let's go and check that out if we have time". We need to ensure it there from the get-go in any kind of conversation about criminal justice matters in terms of matters of restoring peace in our communities and around the world.

We need to move to this, quit putting it off and get to it right away.

*Government Orders*

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, part of the member's non-support for the bill was premised on his belief that crime statistics were going in a downward trend. I know we hear from chiefs of police from time to time at the justice committee that put that premise somewhat in doubt. Because there is a difference between crime rates and reported crime rates, especially with respect to property, in which often young offenders are involved. Often there is less reporting of property offences.

Does he have any comment regarding whether he actually believes crime statistics are down or only reported crime.

• (1215)

**Mr. Bill Siksay:** Mr. Speaker, I do not think there is any doubt about the fact that there is a problem with the reporting of crime statistics. However, the reality is violent crime has gone down as have violent crime statistics. That is an important one to know.

I also think, though, if we changed our approach to dealing with criminal justice issues, there would be better reporting. People would have more confidence in the system. If there were a restorative justice option available to people, they would report more property crimes.

In the past I was a victim of a property crime. One morning I got up to walk the dog and someone had spray-painted all down the side of my house in great giant letters, "You've almost been robbed". It was all spelled correctly, punctuated correctly, which maybe is a credit to our educational system. However, it did make rather a big mess of the house.

When I walked the dog, a couple of blocks away the police arrested a young man. I noticed there were a series of spray paint cans lined up on the roof of the car. I suggested to the police officers that they might want to come and check out my house. He was an aboriginal young person.

We were approached to participate in a restorative justice program through the Native Friendship Centre in Vancouver, which we engaged. We were incredibly impressed by that process. We lived in a duplex at the time. The folks at the front of the duplex were corporate lawyers, and they also participated, reluctantly at first. However, they, too, were impressed with the rigour of the process, with the demands that it made on all the participants and with the goal of to ensure that both action was taken by the offender to get his life together and to give up the kind of petty crime in which he was involved. It also went to the extent to ensure that we had a positive relationship as neighbours with this young man.

If other people had that kind of positive experience of the criminal justice system, that kind of confidence that a petty property crime could have this kind of positive outlook, I think more Canadians would engage the process and we would all be better citizens and better neighbours because of it.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I understand that the government conducted some consultations with Canadians but never published a report on it. It made me want to look into it a little further.

One issue that came up in the debate last week was mentioned by the member for Esquimalt—Juan de Fuca who reminded the House that about 40% to 50% of inmates in prisons across Canada suffer

from fetal alcohol spectrum disorder or other alcoholic birth defects. That problem is incurable but 100% preventable.

It would seem to me that when almost half the inmates in our jails suffer from this affliction, which is preventable, that somehow the thinking of our legislation as it relates to young offenders should take into account that the rehabilitation part is not applicable to people who suffer from FASD and that there has to be another course of action to deal with them. I wonder if the member is aware of that and would care to comment.

**Mr. Bill Siksay:** Mr. Speaker, I thank the member for Mississauga South for his work on FASD. He is one of the experts in the House and should probably answer his own question because I am sure he knows more about that particular subject than I do.

However, it is a glaring example that if we are truly serious about dealing with the rate of crime in our society, dealing with fetal alcohol spectrum disorder has to be a top priority. However, it does not seem to have made it on the list in that sense.

We know that a high percentage of folks incarcerated in Canada are living with FASD, which should give us cause to say that something has gone awry. We do not put enough resources into prevention. The whole prospect of getting alcohol labelling in Canada has apparently been so fraught with difficulty that we have not managed to accomplish that even though the House on a number of occasions has spoken very clearly on that issue. That is just one small piece of the prevention issue.

We could be doing a significantly better job. It would be cost effective for us, make us safer and improve people's lives dramatically. There are all kinds of reasons for doing it and yet we see it as some kind of side issue on the corner of somebody's desk. It is time we put it front and centre and ensured that the kinds of programs that are successful will provide a benefit all across society.

• (1220)

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, some weeks ago I was at an event where representatives from the John Howard Society spoke and indicated that crime rates, particularly violent crime rates, were down, except for one group in Ontario, and that was young men aged 25 to 33. Of course, the speaker connected that to the cuts experienced in Ontario through the Mike Harris government, cuts to after-school programs, prevention programs and community supports. I would like him to comment on that, please.

**Mr. Bill Siksay:** Mr. Speaker, anyone who has looked at the timing of the cuts that were engaged in Ontario a few years back and what is currently happening in terms of youth crime in Ontario would see that the parallel is exact. It is very clear that those kinds of preventive programs were cut, such as recreation as a preventive program when it comes to criminal justice issues.

*Government Orders*

This is not rocket science. It has been proven time and time again here in our own country. Quebec understands it very clearly. Other jurisdictions around the world get it and yet somehow we have turned our backs on that and the negative results are showing up. It is time we reversed that and did so definitively and decisively.

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, I thank my colleague who just spoke on behalf of the NDP. I am pleased to speak to Bill C-4. I left very early this morning so that I could take part in this extremely important debate that, for the Bloc Québécois, means many things with regard to youth justice. At a minimum, we feel that this bill sets the youth justice system back several decades.

We are not going to vote against this bill at this stage. We want to study it in committee, because it seems clear to us that the committee will have to work very hard so that this bill reflects the will of Canadians and especially Quebecers who believe, as we do, that young offenders law should focus on rehabilitation.

I cannot support the bill for several reasons. For example, it would make the protection of society the guiding principle behind the law. That would take us back 30 years. Moreover, the bill would add to the situations in which the judge may order pre-trial custody; add deterrence and denunciation as sentencing criteria; allow for custodial sentences for youth with a pattern of extrajudicial sanctions; require prosecutors to justify their decision not to call for an adult sentence for serious violent offences like murder and aggravated sexual assault; allow judges to publish the names of young offenders convicted of violent offences and sentenced as youth; require police to keep records to track extrajudicial measures; and prevent minors from being held in adult detention facilities.

This last provision—preventing minors from being held in adult facilities—is the best one and the only one we feel is acceptable.

However, the bill is ill-conceived and meant to be tough on crime. The Conservatives think we need to be tough on crime, but we think that we should also be smart on crime. In other words, we have to be smart enough—though I have my doubts about some of the members opposite—to see that rehabilitation is extremely important. Rehabilitation is a fundamental factor and should be the priority when dealing with young offenders and juvenile delinquents.

There is a basic difference between young offenders and adults. We think that people under the age of 18 are not fully equipped to understand what is going on, to know how to react and what to do and, most importantly, to make well-informed decisions.

A 13-, 14-, 15- or 16-year-old who commits a series of break and enters or, worse yet, violent crimes, such as assault and sexual assault, may not be mature enough to understand that what he or she did is very serious. It is highly likely that such offenders need help.

•(1225)

Because I have a lot of experience working with young people, I know that 13-, 14- and 15-year-olds are not as mature as 18-, 19- and 20-year-old adults. Even though some 18-year-olds are not much more mature than 16- or 17-year-olds, I find it surprising that if the government goes ahead with this bill, it will lead to major structural changes. Protecting society will become the basic principle that

informs all legislation. Protecting society is extremely important, and we think this is one of the fundamental principles to consider when it comes to sentencing.

Quebec has always made rehabilitation the priority. Our Conservative friends may not be too keen on the idea, but statistics show that when we focus on rehabilitating juvenile delinquents and young offenders, crime rates drop. The committee responsible for studying this bill can delve into that fact. That is exactly what has been happening in Quebec for the past 30 years. Significantly fewer crimes are being committed by young offenders, by juvenile delinquents.

We think that this bill is not only useless, but a step backward. There is no way we can support putting up posters with a picture of a 13-year-old “Most wanted kid in Abbotsford” on lampposts. That is ridiculous. We have to give rehabilitation a chance.

There are cases in which rehabilitation does not always work. However, in the vast majority of cases, rehabilitation does work. Why does it work? Because in Quebec, we support our youth. We asked ourselves how a young person could commit so many offences. We asked ourselves how a 13-year-old could be on his 10th, 12th or even 15th break and enter. There is likely a problem. So we provided supports for our youth. We took a look at their families, their schools, their circles of friends to see what was going on. Often, the answer was not incarceration, but instead, with close supervision, the situation turned around. In nearly 80% of the cases in Quebec, there are very few, or no cases of recidivism among young offenders.

Yes, we do see repeat offences. Some young people will not understand, but must we introduce a bill as backward-looking as Bill C-4 to punish 1% or 2% of our youth? That makes no sense.

They are saying that this will require the police to keep records of extrajudicial measures. I will give an example. A few minutes ago, my colleague said that he had been the victim of tagging. I will explain. Graffiti is illegal. Obviously, graffiti is destructive and is a crime. It can be harmful to the environment. There is no doubt that young people who do this are committing a crime.

•(1230)

Do they really believe that every time the police stop a youth who is tagging or scribbling graffiti that they will make a record, take the young person to the station and take notes? That is not how it works in real life. Quite often, a warning is enough. Quite often, the youth who are caught do not reoffend. It is rare that these youth reoffend. Generally speaking, these youth have parents who take care of them and who will be a substitute for the police. Obviously, some youth will not stop and will commit more serious crimes.

*Government Orders*

That said, I would like to give an example of the outright—and I have to be careful how I say this, but I will still say it—stupidity of this bill.

I will just give one example. Imagine that a young person is convicted of murder, the most serious crime. A young person who commits murder and takes someone's life has obviously committed the most serious of crimes. This law would require that youth to serve an adult sentence, generally about 15 years for manslaughter.

What happens to a 14-year-old who commits murder and is sentenced to 15 years in prison? He will spend the first four or five years in a reception centre and then he will be transferred to a penitentiary. Would anyone be able to work with this youth, knowing that he would be in a prison at the age of 18? It makes no sense.

We will probably be given explanations, and experts and constitutionalists will be consulted. We think this sentence might well be overturned by the Supreme Court, but that remains to be seen. That is not what the debate is about.

Even more dangerous, we believe, is when a young person stays in a reception centre for four or five years with nothing to do, knowing he is headed for prison, and causes as many problems as possible and thinks only of trying to escape. And of course he will escape. What can workers in reception centres possibly do with this young person? Nothing. He will spend four or five years in a reception centre at the expense of taxpayers and the provinces. Yes, the provinces pay for reception centres. The federal government seems to like bringing forward such stupid legislation, but it is Quebec that pays for it.

What happens while the young man is waiting to be sent to prison when he turns 18? It is not complicated: he will commit crimes, play the tough guy, impose his own rules in reception centres, escape and reoffend. This part of the legislation is completely unacceptable. This bill is unacceptable.

I would like to give another example. In my career, I had to represent a young man who was 15 years old when he killed his father. Under this bill, that young man would be in prison. Instead, this is what happened. We started asking questions. It was not normal. No one here condones anyone killing another person, but it is even more serious when a 15-year-old boy kills his father. It is even more unacceptable. Clearly there was a problem. So we created what I would call a process around this young man to find out what happened. He was subjected to medical, psychiatric and psychological examinations. We had to find out what happened. Why did this young man commit such a crime? Why did he kill his father when he was just 15? I am sure everyone agrees that these are not the questions asked when the offender is an adult.

•(1235)

However, since he was only 15, we asked some serious questions. For this young man's community, in my own backyard, this was unacceptable and incomprehensible. This young man was given structure and support. Obviously, he was sent to a reception centre. He had a problem that absolutely needed to be worked through. It took a year and a half for this young man to realize the seriousness of the crime he committed. It was as though the floodgates had opened.

It took six months, but after that it was easier to work with this young man. Today, he is one of the top orthopedic surgeons in Quebec. If he had not realized the seriousness of his crime, he would be in a penitentiary today.

What is a young person going to do in a penitentiary? This bill would send them to penitentiary for 10, 15, 17 or 18 years. It makes no sense. That is not what our young people need. I admit that some young people have serious behavioural problems. That is clear. At some point we have to put a stop to street gangs. Obviously we have a problem if a young person is going to school with a knife in their pocket. When a 16-year-old is walking around with a loaded 9 mm revolver in their knapsack then there is definitely a problem. There is no doubt about it. This is someone who has the makings of a criminal, as my late father would say. Nonetheless, if a sapling is properly supported it will straighten. A young person should not be sent to a place like a penitentiary or a reception centre without any opportunity for rehabilitation.

What the Conservatives are telling us is not true, because there will be no rehabilitation programs for youth at reception centres. They will not waste their time on this young person when there are 15 more after him. Perhaps something can be done for them, but in his case, in about four or five years he will probably be sent to a penitentiary to serve the rest of his time. It is stupid to believe that this is the way to solve the problem of crime.

This bill applies only to young offenders and that represents perhaps 1% or 2%. I admit that 1% or 2% is significant. I will be criticized for not thinking about the victims. Unfortunately for the Conservatives, rehabilitation in Quebec puts victims first. That goes hand in hand with rehabilitation. I have experienced it. We have worked on it. I can say that making a young person do community work because he has committed 12 break and enters and sending him to all the garages where he committed the theft to wash cars makes an impression on him. There are two possibilities: either he continues a life of crime, with the obvious consequence of increasingly stiff punishment or, like a tree, he straightens up.

I see that I do not have very much time left. That is unfortunate because, if there were unanimous consent, I could talk for another 20 minutes. I know that time is precious; however, I would have liked to have talked longer. The Bloc Québécois believes that rehabilitation must be the priority. Yes, there should also be sanctions. However, we believe and are absolutely convinced that the more opportunities we have for rehabilitation, the more we can work with youth early in their criminal careers, the lower the risk of recidivism. Quebec statistics prove that we are right. We will come back to that when the bill is studied in committee.

•(1240)

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I wish to thank the member for his input. Many people will argue that Bill C-4 does not get it right, but that is just their slogan. Talking about slogans, getting tough on crime seems to be not so much a strategy as it is a slogan. I believe that what the member has been arguing is that we should be smart on crime and we have to understand that all people cannot be dealt with the same way.

*Government Orders*

We understand there are violent persons in society but young people are not born bad. They are functions of their environment. They are functions of their society.

We have responsibilities and there are certain circumstances which are mitigating in their nature. But the strategy of the government to basically put as many people away in jail for as long as possible without any modicum of relief or rehabilitation to help them to eventually reintegrate into the community means that we are letting these kids down.

I wonder if the member would care to comment on whether or not he believes it is good enough to say that we are tough on crime rather than being smart on crime.

[*Translation*]

**Mr. Marc Lemay:** Mr. Speaker, clearly, I could not agree more with my colleague, and I hope all of his Liberal Party colleagues will follow suit. We have always believed that for the 1% or 2% of society who go astray, there are things we can do. We can remove them from society for short or extended periods, but the Bloc Québécois believes that rehabilitation works with young offenders and that it has been proven. If it did not work, we would be the first to be calling for harsher punishments. It is not true that harsher punishments are better. I have not seen any examples to support this, and I would like to see some.

Yes, there are some failures. There will be young people who do not understand or who take more time to understand. Back home, I saw a former client who did not understand. He recently beat someone up at home. He called me up. I told him the good news and the bad news. The good news was that I had become his member of Parliament. The bad news was that he was out of luck, since he had not understood when he was younger.

So yes, there are exceptions, but in the vast majority of cases, rehabilitation works with young offenders, especially in Quebec.

[*English*]

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great interest to my hon. colleague. I think he would agree with me that among the more distasteful exhibitions that we have seen in the House are the five solid years of a government that has no vision for dealing with the economy, no vision for dealing with the laid off workers, and no vision for standing up on global warming except when it comes to one crime bill after another. We have had a relentless stream of dumbed down attack crime bills to try to turn individuals in society against one another.

The Conservatives wrap themselves continually in supposedly representing victims. I lived for many years with people coming out of prison and I listened with great interest to my hon. colleague speak about the issues of recidivism and rehabilitation. It is of vital importance for society to find ways of balancing the need to protect, the need to put people away but the need to ensure that we have a way to reintegrate people back into society.

Of the five years of dumbed down bills that we have seen from the government, we now see that it wants to put children into prison with hardened criminals. I think it is an astounding suggestion.

Does my hon. colleague think there is any possible social good that can come from exposing children, whether they have committed a crime or not, to prison as the Tories believe?

• (1245)

[*Translation*]

**Mr. Marc Lemay:** Mr. Speaker, I will say one thing. It is obvious that as long as they believe that being tough on crime means mandatory minimum sentencing, nothing will be solved. Nothing will be solved as long as they cannot understand that we have to be both tough on crime and smart on crime.

There are crimes and there are youths and children in that environment, and for us, the priority has always been the young people. Yes, the type of crime is important. There is no question about that. When a young person goes on a weekend spree and commits 12 break and enter offences, he obviously has a problem. That is clear. However, is the solution to send him to prison and throw away the key? I would say no and we on this side say no. We will see how the Conservatives react when this bill is studied in committee, but we believe that rehabilitation is the answer.

[*English*]

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, in the answer to the question by the hon. member for Timmins—James Bay, there was a suggestion that young people would be serving time among hardened adult criminals.

Obviously, the member opposite has read the bill. I would like him to confirm for the member and for the House that nothing in this bill would allow any individual under the age of 18 to serve his or her sentence in an adult facility. They would serve their sentence in a youth detention facility.

[*Translation*]

**Mr. Marc Lemay:** Mr. Speaker, that is what is so ironic. Both my colleagues are right.

Clearly, someone who is under 18 will not be sent to prison with adults, at least not until he is 18. That is the subtlety and the irony of this bill. Will an 18-year-old be smarter once he has spent three or four years in a reception centre and then finished serving his sentence in an adult prison? I do not think so. The government would have us believe things that are completely unrealistic and unacceptable.

We believe that young people should be treated like young people, in other words, like people who are not too bright and who have committed crimes. Society knows that they need much longer time-outs, but before we send them to an adult prison, we need to do everything we can to get them back on the straight and narrow.

But that is not what the government is going to do if this bill is passed as is. If it is passed, young offenders will be handed a heavy four-year sentence. A 17-year-old offender will spend a year in a reception centre and serve the rest of his time in an adult prison. What the members opposite are forgetting is that there is no parole for young offenders, and this bill does not provide for any. What is even more ironic is that young people could get heavier sentences than adults for the same sort of crime. That is unacceptable.



*Government Orders*

The more I look at the bill, the more I realize that it must be studied, chopped up, amended and transformed in committee to meet the needs of our young people, not tailored to get political support as the other side is trying to do.

It is very strange that when the Conservatives are low in the polls, they come back with the old tough on crime mantra and introduce more crime bills. They are planning to introduce another bill on suspended sentences. That is not the way to deal with crime in Canada. In Quebec, we believe that youth justice should focus on rehabilitation.

• (1250)

[English]

**The Acting Speaker (Mr. Barry Devolin):** Resuming debate. The hon. member for Mississauga South has 10 minutes.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I had planned to make a 20-minute speech, but we just crossed over the line. I have been very impressed by the debate so far. In particular, I would refer people to the speeches of the member for Windsor—Tecumseh and the member for Marc-Aurèle-Fortin, both of whom are lawyers and have extensive background and experience in the legal field. They certainly had some very sound words of wisdom for the House with regard to young offenders and the related legislation.

There has been a rash of bills before Parliament over the last four years. Many of them continue to be recycled. When there is prorogation or an election, we have to start the process all over again. That is exactly the situation the government wants. It does not want a lot of these bills to pass. One of the big reasons is that if most of these bills passed, the legal plan would cause more people to be in jail for longer times and parole, house arrest and faint hope would be things of the past.

The Minister of Public Safety updated his numbers. If all this were to be implemented, it would cost Canadians about \$10 billion to build the jails and incarcerate the number of people it is estimated would be put in jails pursuant to much of this legislation. Some of the opportunities for parole or house arrest would be closed down. It is an extraordinary number and it is not necessary. Some of the speeches that have been given have indicated why Bill C-4 may not be the right approach. It may need to be reconsidered.

I received a letter from Defence for Children International-Canada which would certainly like to see a more balanced approach. That group disclosed something that I was not aware of. The group stated in its letter of April 26, 2010:

How can a government, with all its resources for research, get its proposal for changes to the Youth Criminal Justice Act so wrong? They [the government] held a series of Round Table discussions but didn't publish the findings.

It is extraordinary that a public consultation would take place but the public's views would never be disclosed. It raises some interesting questions. The minister spoke on Friday, March 19. I highlighted a couple of his statements in his speech. He stated:

The law must be adequate to hold them [young offenders] appropriately accountable for the offences committed, consistent with their degree of responsibility in a manner that protects the public.

He went on to say:

Canadians look to their government to ensure that the justice system is working effectively and that the country's citizens are safe... Our approach is balanced. It includes: prevention, enforcement and rehabilitation.

Those are good words, but what are the facts? Consistency with the degree of responsibility is the principle point I want to raise in debate. If we are talking about public safety, is this public safety before or after a crime is committed? Most of the legislation is to get tough on crime after a crime has been committed, after someone has committed an offence and after the person is in the prison system.

We are going to protect citizens' safety not from the crime but from recidivism. That is an important point. We are dealing with public safety after the public has already been hurt once. We really have to tighten the screws and keep these violent young offenders from ever hurting the public again. It is interesting to use the words "to protect public safety", but it is a matter of when. We hear a lot about protecting victims' rights. We should not have to be worried about protecting victims' rights because we should be reducing the number of victims in the first place. This is the whole aspect of prevention.

• (1255)

The minister suggests that the government's approach is balanced and includes prevention, enforcement and rehabilitation. With regard to fetal alcohol spectrum disorders, formerly called fetal alcohol syndrome, I asked the health minister a question in the House as to whether or not the funding was going to continue for those support programs for fetal alcohol syndrome. Ultimately, the answer came out that the funding for FASD was cut. It was cut in each of the last two years.

Why is fetal alcohol syndrome, now called fetal alcohol spectrum of disorders, relevant to this debate? It is relevant because the evidence by the federal and provincial governments, as well as in expert testimony and the speech by the member for Esquimalt—Juan de Fuca indicate that 40% to 50% of the people in Canada's jails suffer from fetal alcohol syndrome or other alcohol-related birth defects. Almost half of the people in Canada's jails have a mental illness.

When I was first elected in 1993, I was involved with a hospital, I was very involved in the community, and I wanted to see what the health community was doing. I had spent nine years on the hospital board. I saw that in 1992, the year before I got elected, the health committee did a study on fetal alcohol syndrome, called "Fetal Alcohol Syndrome: A Preventable Tragedy". I did not know what it was. I did not know what caused it. I did not even know where it was coming from.

I am an educated person, experienced in the community and have done a lot of community service, and I had never heard of it before. That is where the level of involvement of the Government of Canada changed. I took it on as a project. I have been working on it for at least 10 years. I want to raise the level of information and education of Canadians and governments to be able to address the issues.

*Government Orders*

The point here is that there is an inextricable link between the social conditions in which people grow up and their experience with the law. As a matter of fact, just through looking at the budgets, the last time we had a full-blown recession, the relationship between property and violent crime and the unemployment rate actually tracked very well. We can understand that when people are under pressure for money, those things happen.

I wanted to raise this because the government has a slogan that says it is going to be tough on crime, but there is no plan that deals with crime in reality, such as with fetal alcohol syndrome. Almost half of the people who are in the jails of our country are not culpable. The minister said in the opening of his speech, “consistent with their degree of responsibility”. It is incurable but it is preventable.

People with mental illness do not know the difference between right and wrong. In all of the presentations on these criminal justice bills and particularly now with regard to the young offenders legislation, the government members still have not talked about dealing with those for whom rehabilitation is not applicable and where recidivism is high because of mental illness. These are realities in terms of our criminal justice system.

My plea to the House and to the government is to make an effort to inform Canadians and to support programs that will help to address this problem in our criminal justice system. It is not going to be solved by throwing away the key. These people need help. Their parents have to take care of them, many for the rest of their lives probably, because they are incapable of working or living independently.

This is a serious issue. Fetal alcohol syndrome is part of the discussion of criminal justice matters. I urge the government to start supporting that work.

• (1300)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, when we look at the evidence before us in terms of crime, recidivism and crime rates, there is a huge gap between what works, what the Conservatives are suggesting, what the reality is and what the Conservatives are attempting to insinuate with the general public.

I was very interested to hear my colleague talk about the fact that the government had a consultation process and yet did not release any of the information. It is highly problematic, when we are talking about creating public policy with regard to crime and youth and taking away some of the tools that already exist for dealing with youth who have done some terrible things or are in very bad situations, that the government would suppress that information.

It seems to be a general pattern of the government to regularly suppress information that does not fit with what its little war room comes out with, what fits in 140 characters or less or what fits in a BlackBerry message it can send to its members to respond to local media. The need for public policy must be based on evidence, not just ideology.

I would like to ask my hon. colleague what he thinks about this situation.

**Mr. Paul Szabo:** Mr. Speaker, that was precisely what I was thinking when I got this letter from the Defence for Children

International-Canada dated April 26, 2010. What the member describes is plausible but there is other evidence.

The government seems to rely more heavily on slogans than it does on delivery of solutions to some of the problems. It is why so many of the justice bills have not gone through the full cycle of the legislative process. They have died on the order paper for a variety of reasons, are reintroduced, sometimes in omnibus bills, sometimes not, and sometimes not even reintroduced, just like Bill C-25 in the last Parliament on young offenders. We are two years into this Parliament and now the bill finally comes up. Does that reflect the priority of the government with regard to the youth criminal justice system?

There is a very good possibility that this bill will not be dealt with at all stages simply because the summer is coming and it seems like it is a good time to call an election.

**Mr. Charlie Angus:** Mr. Speaker, I want to follow up with my colleague on the fact that there has probably never been a government that has had such a pitiful record in terms of output as the present government.

We talk about the Auditor General looking at value for dollar. Perhaps we should look at how many bills the government has brought forward and how many times it has beaten the drum, waved the flag and said that it would do something but then let the bill die and then started the whole process over again.

My colleague has been sitting on a number of committees. In terms of its record, the government has done nothing for the environment except support big oil, it has done nothing to deal with pensions and it has done nothing to deal with the unemployed. It is now five years into its term in office and it cannot even get its own dumped-down crime bills through the House because it is not interested in getting them through the House. It is only interested in running up the flag and sending out the attack ten percenters.

If he could look back on the last four or five years, has the government amounted to very much?

• (1305)

**Mr. Paul Szabo:** Mr. Speaker, I am very serious about Bill C-4 and the need to take into account that there are other social factors related to the incidence of crime and public safety. I am interested in prevention. With regard to fetal alcohol syndrome and other alcohol-related birth defects, it means that the government needs to start investing in programs to deal with those who have a tendency to commit crime in Canada as young offenders.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I am pleased to rise today on behalf of my party to speak to Bill C-4. Amending the Youth Criminal Justice Act has consequences for all Canadians and it is, without a doubt, a bill of great interest to many.

*Government Orders*

The bill would amend not only the current sentencing under the Youth Criminal Justice Act, or the YCJA, but the fundamental principles of the system in Canada. Much of the debate in recent days has involved the merits of possible amendments to the current act and this ought to be done with an understanding of the basic guiding principles and the purpose of the Youth Criminal Justice Act.

The YCJA is so important it is appended to the Criminal Code and any compilation of it. It is a separate act from the Criminal Code, it should be noted, because things dealing with youth are not meant to be dealt with all within the Criminal Code. That is fundamental to the comments that I will make today.

[*Translation*]

Since the foundation of Canada's criminal system for young offenders, amendments have been consistently made in an evolutionary manner. The current act strikes a necessary and proven balance between the interests of the young individual and those of society, and notably endeavours to have young offenders recognize the consequences of their actions.

The Young Offenders Act came into force in 1984 and marked the commencement of a progressive and effectual criminal justice system for Canada's youth.

Today the fundamental principles of the Youth Criminal Justice Act can be seen as a balance between addressing circumstances that lead to offending behaviour and reintegrating young offenders into society through rehabilitation.

• (1310)

[*English*]

Public protection would supercede prevention under this bill as proposed by the government, something utterly inexcusable. While we prohibit criminal acts in Canadian society, certainly some will offend regardless of age. This does not, however, mean we should abandon any and all efforts to prevent criminal offences in Canada. The proactive approach facilitated under the current Youth Criminal Justice Act should never be deserted for a reactionary system bent on increasing the number of incarcerated youth offenders.

I will quote from the declaration of principle in the act. It reads:

the youth criminal justice system is intended to: (i) prevent crime by addressing the circumstances underlying a young person's offending behaviour, (ii) rehabilitate young persons who commit offences and reintegrate them into society, and (iii) ensure that a young person is subject to meaningful consequences for his or her offence....

Reading that, how could we disagree with the fundamental principles underlying the existing act? What the government has failed to recognize is that public safety is inherent in the act itself as it exists. As seen in the second principle as I just quoted, the long-term protection of the public is already in the act. The criminal justice system for young persons must be separate from that of adults and the act emphasizes the following: rehabilitation and integration; fair and proportionate accountability that is consistent with the greater dependency of young persons; and their reduced level of maturity.

Also, there is enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including the right of

privacy, are protected. There is also indication that there would be timely intervention to reinforce the link between the offending behaviour and its consequences.

Finally, there is an element that promptness and speed with which persons responsible for enforcing this act must be done in a manner to give the young person's perception of time a reality.

[*Translation*]

Needless to say, preventive, accountable justice is central to the criminal system for young offenders, where public safety is above all understood to be the final aim.

As this House knows very well and reinforced after initial debate on this bill on protecting the public from violent young offenders, the fundamental pillars of the existing act are accountability, rehabilitation, reintegration, and respect for societal values. It is important to highlight the existing laws because they meet the needs of young people and also meet the need for public safety.

[*English*]

This brings me to another point. Bill C-4 would overhaul the sentencing principles for youth criminal justice to include deterrence and denunciation. So, there are a number of elements to this bill, and some of them have been canvassed widely by previous speakers.

Anything that inserts the recommendations of Justice Merlin Nunn in the Nova Scotia report consequent to the McEvoy incident, those are good recommendations. There is no question that this bill will be sent to committee and those recommendations, which have been widely accepted, will be adopted by parties at the committee and sent back here.

I started my speech talking about the need or not for a preamble. I think it is a bit of a red herring. The Youth Criminal Justice Act has a preamble that covers issues of public safety and public security. If the Youth Criminal Justice Act were not needed and not mandated by international convention and not mandated by our sense of how youth are different from adult criminal offenders, then it would not need to exist. However, it clearly needs to exist because it is in the preamble.

We might think that the Criminal Code of Canada, the larger part of the book, would have a preamble saying that the purpose of this act is to make the public secure. However, it does not have a preamble. It just has a title saying that this is a law respecting the criminal laws of Canada. The substance of the Criminal Code of Canada is within the Criminal Code of Canada. I would submit that the criminal code for dummies version that I might author some day would concentrate on section 718, the sentencing principles of the Criminal Code, that takes into account all offences and says that when a court or a judge is imposing a sentence, it should take into consideration the pillars of what we want in society.

This brings me to my next point with respect to criminal behaviour among the youth.

I find it troubling that the insertion of deterrence and denunciation is being attempted here. Why have a separate act? Why not just put it all into the Criminal Code?

*Government Orders*

My friends across the way will know that in certain presumptive offences, youth who are convicted of certain heinous crimes can be sentenced as adults. We ought to have a separate system because the United Nations Convention on the Rights of Children demands that we do. Not only that, we are a progressive, enlightened republic and we understand that children are different. When youth are involved in criminal activity, if there is class of criminal offenders who we ought to have hope for it is our youth, the young men and women who are covered by the act that exists.

I fear that, and we will have this debate at committee, the introduction of a preamble, the insertion of grown-up principles of deterrence and denunciation into the act, will leave judges more and more to treat all youth offenders like adult offenders. It will blur the line between youth criminal acts and adult criminal acts. It will say to judges and to the public in general, why do we need a Youth Criminal Justice act? Why not just have a Criminal Code? I think we would then be on the way to throwing away generations of youth offenders who might be reintegrated into society and who are clearly rehabilitatable because of their age and their lack of maturity. As the act says, they do not understand the consequences of their act.

This bill will go to committee where we will study it. There are some meritorious changes in the act but there are some overwhelming philosophical consequences that will spur on great debate at committee.

• (1315)

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I would certainly like to thank my friend, a member of the justice committee, for his thoughtful comments regarding this bill. I am glad to hear that he will support this bill at second reading so we can study it in more detail at committee.

However, as a precursor to those debates that he has indicated will occur, given that young persons are very media savvy with respect to new forms of media and certainly when an individual is subject to the youth criminal process the word of the disposition filters out through the electronic media very quickly, does he not see some role for the concepts of deterrence and denunciation in the youth court sentencing process?

**Mr. Brian Murphy:** Mr. Speaker, the answer, in reading the Youth Criminal Justice Act as it exists, is that it is already there. The preamble, the founding principles of the YCJA, make it clearly different from the Criminal Code.

The Criminal Code lists all the crimes and at the very end of the code, section 718 out of about 800 sections, it says how we are going to deal them, and that is the pith and substance of the Criminal Code. It says that we are going to take into account rehabilitation, et cetera.

The Youth Criminal Justice Act says that we are dealing with children, that they must be saved, and we are going to respect society's desire to have public security and to make young people understand the consequences of their actions.

It is inferred in the Criminal Code that adults have to intend the consequences of their actions and by law, subjectively or objectively, are taken to know the consequences of their actions. The implication in the Youth Criminal Justice Act is that many youth do not understand the consequences of their actions, and through

reintegration and the extrajudicial measures that are in the YCJA, they can be made contributing members of society without introducing the adult concepts, word for word, from the Criminal Code.

Again, it raises the debate of having two separate laws, jurisdictions or codes, and it does not sound like my friend wants to have a YCJA.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great interest to my colleague's speech on this because one of the problems we are finding with the Tories' dumb on crime approach is that they create this chimera, that provisions do not exist so they are going to somehow solve it, that there is no way that the police had any powers to deal with crystal meth, when they obviously did have the tools.

We know that they have gone out now and said that there is no way we can stop these young gangbangers and hooligans, when the Youth Criminal Justice Act has all these powers.

I would ask my hon. colleague if he thinks it is maybe a dangerous, continual undermining of Canadians' confidence in a well thought out judicial system that, as he says, can hold very dangerous youth and treat them as adults, but it also treats youth as being a separate and needed category because it is not just a national priority. It also fits with the rules of international law.

Why does he think that bill after bill that the government has been bringing forward seem to be undermining confidence in the justice system by claiming to fix problems that do not exist because they have already been dealt with in the Criminal Code?

**Mr. Brian Murphy:** Mr. Speaker, I agree with the hon. member. There have been allegations that the system is not working, that all acts are bad, that judges are soft, and it does not do a lot to strengthen the confidence in the system.

All members of our committee and all members of the House should know that we have very hard-working prosecutors, police forces and judges who work to make the system survive and responsive to crimes.

We are not exactly against the tinkering with the YCJA and the idea that Justice Nunn's recommendations for interim release be instituted. That is not a problem. It is fine to do some tweaking with violent offenders who are pawns in gang activity and who many know the status of their actions, but this carte blanche denunciation and deterrence, this carte blanche change of the preamble is not necessary. It is done to be divisive. It is done for politics and it is really a disservice to the sense of public safety that all of us in this House should be working toward.

• (1320)

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, I am pleased today to speak to Bill C-4, which would make certain changes to the Youth Criminal Justice Act.

*Government Orders*

My colleague from Windsor—Tecumseh spoke about this bill last week. He noted that as a society we have been struggling since about 1960 with this idea of what to do with young people when they are engaged with the criminal justice system. Do we treat them as youth, which is different than adult criminals? Yes, we should, but at the same time we have to recognize that they are not adults even though they commit similar offences as adults. We have been struggling with this for a few decades.

In 2002 the House of Commons passed Bill C-7, which replaced the old YOA, the Young Offenders Act. The Youth Criminal Justice Act built on the strengths of the YOA. It introduced significant reforms to address the weaknesses. The key concept of the YCJA is that it provides a legislative framework for a more fairer and effective youth justice system.

When I was a law student at Dalhousie, I did a clinical law semester where I was expected to work with lawyers on youth criminal cases. One of the very first things that we did in our training was we reviewed the preamble and the declaration of principle to the YCJA. Our instructors thought that reviewing the preamble was the most important thing that we could do. We would always have it in the back of our minds when we were dealing with youth, when we were giving them advice, when we were negotiating with the Crown, and when we were representing them in court.

The preamble contains significant statements from Parliament about the values on which the legislation is based. It is noteworthy that the YCJA came about after extensive research and consultation. Three key reports were released leading up to the YCJA coming into effect.

These statements in the preamble can be used to help interpret the legislation. I think it is useful for us to review them. They include the following:

Society has a responsibility to address the developmental challenges and needs of young persons.

Communities and families should work in partnership with others to prevent youth crime by addressing its underlying causes, responding to the needs of young persons and providing guidance and support.

Accurate information about youth crime, the youth justice system and effective measures should be publicly available.

Young persons have rights and freedoms, including those set out in the United Nations Convention on the Rights of the Child.

The youth justice system should take account of the interests of victims and ensure accountability through meaningful consequences and rehabilitation and reintegration.

The youth justice system should reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration.

These points are important to remember when dealing with youth who are engaged in the criminal justice system. They are also really important for us to consider any time we try to make changes to the YCJA. We have changes before us in Bill C-4, changes that really come from a push for amendments, a push for reform after the Nunn commission of inquiry which took place in Nova Scotia.

Pretty much every Nova Scotian could tell us the story of Theresa McEvoy and how it resulted in a provincial inquiry led by Justice Merlin Nunn. It was widely reported and it really struck to the heart of Nova Scotians.

After an extensive inquiry upon the death of Theresa McEvoy, Justice Nunn handed down a report in 2006 called “Spiralling Out of Control: Lessons Learned from a Boy in Trouble”. It was about constructive ways to improve the Youth Criminal Justice Act but also to improve the youth criminal justice system. I believe there were six specific recommendations about changing the YCJA.

Justice Nunn, both in the report and in any media interview he did, would always say that the act is a good piece of legislation. It is strong and it is workable. The term he used constantly was that it needed to be tweaked. My colleague from Moncton—Riverview—Dieppe used the word “tinker”. Justice Nunn always said that if we were going to make changes it just needs to be tweaked.

Bill C-4 is an attempt at that tweaking. The NDP will be supporting this bill because there are some good tweaks. There are some good attempts at trying to fix this legislation, which I will describe in a moment.

• (1325)

We very much want the bill to get to committee because Bill C-4 does have its weaknesses. It is important that we make attempts to improve the bill at committee.

Justice Nunn pointed out in his report:

—that for youths adolescence is a time of testing limits and taking risks, of making mistakes and errors in judgment, of a lack of foresight and planning, and of feelings of invulnerability. These factors do not mean that a youth who commits a criminal offence should be excused or should not suffer consequences. Rather, they are factors to be taken into account when dealing with a youth.

I think that the spirit of these words were taken into account when it comes to one provision in Bill C-4, in that it makes certain and absolutely clear that no youth, no matter what crime they are accused of or convicted of and sentenced for will spend time in an adult institution.

Some provinces have already been following this principle but it is not universal across Canada. Sometimes it is because a province has a particular ideological approach to punishment of youth but more often it is simply because it does not have the resources or the facilities to incarcerate youth in a contained setting, especially when we consider rural areas of Canada.

The government has not done anything to assist provinces in actually meeting this goal. So it is my hope that the witnesses at committee will be able to shed a bit of light on what it is that the federal government must do to ensure that the provinces can meet this requirement.

However, there is no specific date concerning this provision. Therefore, there is nothing there to instruct us on when it is going to come into effect. Hopefully, we can fix this so that we do not have a bill that will actually not take effect.

*Government Orders*

A change to the YCJA, about which I am very concerned, is the provision to allow courts to lift the ban on any publication of the accused's name. There are good reasons why we have that publication ban. Admittedly, I think this could be a very dangerous change to the YCJA, but I am looking forward to hearing from witnesses to see what experts who study youth justice have to say about this provision and if they think this change is a wise idea.

My colleague and the NDP critic for justice, the member for Windsor—Tecumseh, has already pointed out some problem areas where it looks like the government is trying to get in stronger language for general deterrence and denunciation, which we know does not work. However, when one looks at the amendments to the act overall, there are a few places where it seems like it is trying to get this language in through the backdoor, trying to get general deterrence in through the back door. There are six recommendations in the Nunn report that deal directly with changes to the YCJA. Deterrence and denunciation are not among them.

I am quite concerned about these sections and once again, I look forward to the bill coming to committee so we can talk to youth criminal justice experts to see if this is actually effective and perhaps flesh out exactly what the Conservatives are doing with this sort of backdoor language.

In all, we are cautiously supporting Bill C-4 at second reading, so we can get the bill to committee to hear from witnesses about these proposed changes to the YCJA and to make constructive suggestions for improvement.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-  
sor, Lib.):** Mr. Speaker, I share the views of my hon. colleague on the cautious optimism about this particular bill as it enters committee.

One of the issues the member brought forward, which is dear to my heart, is the idea of how to handle rehabilitation of young offenders in rural areas, and the facilities and programs that are available for that rehabilitation process.

I would like the member to discuss that further. I know she did not have a lot of time and she has a wealth of experience in this sort of thing. She did mention the rural areas. I am particularly concerned about the lack of rehabilitation. Depending on where the resources are, certainly where I am, in an area that is sparsely populated, it is of major concern.

Therefore, I ask the member to bring that up and perhaps bring more details to the House.

• (1330)

**Ms. Megan Leslie:** Mr. Speaker, I am not sure about my wealth of knowledge, but it is a really serious issue.

In Nova Scotia there is really one facility for young people to go to if they need to spend time in a youth detention facility. It is pretty much in the centre of the province, but it really ends up taking many of these young people away from their homes and from their communities.

In Nova Scotia we have a restorative justice program that is contingent and relies on the community to hold young people accountable. It relies on the community to be there when the youth is

released and to match their progress in the community. That can have a really detrimental effect.

We see the situation in other rural areas of Canada where youth can be put into adult facilities, which is entirely inappropriate. They are young people and they need to be treated like young people, not in adult facilities where they will learn how to be better criminals. We need them to be where they will learn how to be better citizens.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, one of her concerns with the bill is that a publication ban on the name of the offender might be lifted. I certainly agree with her that a blanket lifting of publication bans is not appropriate under the circumstances. However, I can envision certain circumstances where the name of the young person ought to be released.

I think specifically of a particularly violent offender, perhaps a sexual predator who is about to be released into the community and who perhaps attends a high school. I am curious to hear her comments as to whether she believes that in this situation the public has a right to know about the individual and his or her imminent release into the community.

**Ms. Megan Leslie:** Mr. Speaker, honestly, at first blush, this piece in Bill C-4 raises my hackles and makes me very worried. Right now, I do not see opportunities where this is a good idea. I am open to hearing evidence at committee that this may be an effective tool in some cases. The Youth Criminal Justice Act is also about protecting communities, so I have room for being convinced.

However, on its face, it seems very problematic to me. If it is ever used, it should be used so sparingly that we could hardly count on one hand how many times it is used. I do not see how this would be in keeping with many other principles of the Youth Criminal Justice Act, in particular rehabilitation and reintegration into community. However, again, I look forward to hearing witnesses at committee.

[*Translation*]

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, I am pleased to rise here today to speak to Bill C-4.

I would like to begin with a side comment about crime. Crime dominates the media. The trials of violent offenders and notorious fraud artists get extensive media coverage. We sometimes get the wrong impression and think that crime is on the rise, when quite the opposite is true. Statistics Canada's facts are rather clear and no one is accusing of it partisanship.

Youth courts are seeing fewer and fewer cases. In 2005-06, 56,271 cases were heard, a decrease of 2% from the previous year. While it is true that the youth crime rate increased by 3% in 2006, I must point out that that was the first increase since 2003 and for that reason, we cannot conclude that there is a strong upward trend.

*Government Orders*

Furthermore, with the exception of Quebec, where the rate dropped by 4% in 2006, all the provinces saw increases in the youth crime rate. Quebec focuses on rehabilitation. Some people will say that it is quite a coincidence, but it is no coincidence. When it comes to justice, the Bloc Québécois firmly believes that the most effective approach is always prevention. We must go after the underlying causes of crime.

Tackling the causes of crime and violence, rather than waiting for things to break down and then trying to fix them, is the wisest, and more importantly, the most profitable approach, in both social and economic terms. Clearly, we must first tackle poverty, inequality and exclusion, all of which provide fertile ground for frustration and its manifestations: violence and crime.

Speaking of fertile ground, I remember when I was young, during the most critical years of childhood and pre-adolescence. I lived in a poor neighbourhood where everyone was poor. People were either the poorest, less poor or just poor. There were some rich people, but they did not live in my area. In that environment there were some people my colleague from Abitibi—Témiscamingue described as “having the makings of a criminal”. It was a social setting where that was likely. The funny thing is that there was a real divide between two streets: one street where people committed lesser crimes and the other street where people committed more serious crimes. This comes to mind because I saw people change under these circumstances. The difference came mainly from the influence, or lack of influence, of their absent parents. We also saw how the context affected the most vulnerable young people in these environments.

A few weeks ago, I was invited to a party hosted by a family that had lived in that neighbourhood. It was a rather big party and many of the young people who had lived in that neighbourhood were invited. I saw that for some people, things had turned around and changed. Some people who were not there were probably still in prison or dead. Other people there had had rather turbulent lives. In talking about it, we realized that social structure and support had been missing in some places. However, other people had been more privileged and things worked out for them.

Prevention is the dominant theme when we talk about potential crimes by young offenders.

•(1335)

Prevention can take a number of forms at the family level. These days some significant tools are available. Let us take, for example, early childhood education centres in Quebec, the CPEs, where children receive intellectual stimulation and physical activity. Young people can make progress more easily than in the past.

With respect to prevention, members will recall that the member for Rosemont—La Petite-Patrie already introduced a bill regarding violence on television. I strongly believe that violence on television influences the actions of our children today. Crimes are often broadcast during prime time and are seen by young people. They get a message. Often, these crimes are excessively gratuitous and seemingly have no consequences. We can see someone committing robbery, acts of violence and even shooting another person.

The people committing these crimes seem to have no emotions, or perhaps just smiles on their faces. We never see the consequences. We do not see the police showing up. We do not see the people supporting the victim. We do not see the effects that these actions have on society and on the loved ones of the victims. We do not see any consequences. It is gratuitous and the scenes of violence do not show any sign of a punishment at the end of the day.

My colleague from Rosemont—La Petite-Patrie did some fantastic work on this issue. He held consultations all over Quebec. Many groups that work with young offenders and at-risk youth have helped kids avoid getting involved in criminal activity.

Television violence also has a major impact on crime rates among young offenders. We should consider taking a closer look at this important factor because, if I am not mistaken, television networks can choose not to broadcast programs or to broadcast them at times when young viewers are much less likely to see them. That is an important aspect of prevention.

As I said earlier, peer groups, poverty, follow-up and support are important factors for at-risk youth. If young people lose interest, cannot keep up at school and feel alienated, and if authority figures do not help them develop a sense of belonging and to their peer group and to society, they may look elsewhere, start getting in trouble and eventually get involved in criminal activity.

Prevention is essential, but unfortunately, there are always going to be some people committing some crimes, whether major or minor. Once that happens, we have to work with those people to identify the root causes. We cannot deter young people just by sticking offenders in jail for as long as possible. They need structure, support and help to identify the problems and fix them.

Some kids really do seem headed for a life of crime. That is when we have to take a different approach. We should adopt Quebec's approach, which focuses on prevention and rehabilitation.

•(1340)

[English]

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, could the member to continue with the issue of rehabilitation and other items that are necessary in youth justice? It shows the wrong direction of the government.

The reason the government's crime agenda has been failure is it has not dealt with the fact that when convicts are released into society, rather than put them in what is called the university of the jails, there have to be other treatments such as rehabilitation, anger management and education so people are released less dangerous rather than more dangerous. As he said, if prevention programs are implemented to begin with, a lot of people will not end up in jail in the first place.

*Government Orders*

[*Translation*]

**Mr. Serge Cardin:** Mr. Speaker, prevention means that fewer people go to prison. However, some will still go and if they are looking at four or five years in youth reception centres before going to prison, the important thing is that there is structure. There needs to be active intervention. We cannot just shove them into a corner, as my colleague from Abitibi—Témiscamingue said. He is our party's critic on this file. He said that if these people do not get help from within the system, the first thing they will want to do is escape. However, getting them help is important, but it is something that is also very taxing on the system. It is a fact. There are constant follow-ups.

He gave the example of a young man who, at 15, I believe, killed his father. It took a year and a half for him to figure out why—a year and a half before this young man truly realized what he had done. When the crime was committed, was this young man really in a position to not commit the crime? I cannot say, but at least there was a follow-up and now, the member told us, he is an eminent surgeon.

The potential was there. If he had been shoved into a corner and then transferred to a prison, a school for crime, where people who would teach him about crime, he would not have gone to the university that he did, and he would not be an asset to society as he is today.

• (1345)

[*English*]

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I guess the question we are talking about is priorities.

The government is going to spend billions to build prisons, to demonize youth, to take away the protections they have so that they can be thrown into prisons, and yet we see underspending of \$180 million every year in first nations schools.

In the James Bay region that I represent, in the last two years we have had 11 suicides and 80 attempts among children and youth who feel their lives are so hopeless. In my region I have two communities without grade schools.

I would like to ask my hon. colleague, why is it that the government is spending billions to build jails, to throw young people away, to treat them as a discarded generation, when the children in communities on the James Bay coast and northern Canada are being left without the most basic supports, so that we have such outrageous levels of suicide attempts and such outrageous levels of dropout because the schools are substandard?

[*Translation*]

**Mr. Serge Cardin:** Mr. Speaker, as an aside, we may need money to build prisons if there are too many real criminals—as I will refer to them—who must pay their debt to society. However, we should never lose sight of the fact that, at the same time, we must deal with the root of the problem. We must work with youth in all areas, whether it is education or development, to truly prevent all kinds of inappropriate social behaviour.

We have work to do and investments to make in all areas. Prevention is one of those areas. The framework for this bill clearly establishes that prevention is an essential component. Granted, that

could cost more than the \$180 million mentioned by the member. Naturally, we have to make a commitment if we truly wish to succeed.

[*English*]

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, we are debating another, another, amendment to the Youth Criminal Justice Act. I say that knowing that the act used to be referred to, at one point, as the Young Offenders Act. This is probably the fifth set of changes this Parliament has dealt with since the time when Parliament accepted that the old Juvenile Delinquents Act did not really suit where we were headed as a society.

It is quite fair to accept that, from time to time, it is necessary to fine-tune our legislation. That is essentially what we do here all the time for all of our laws and our public policy. Approximately five years ago, there was an inquiry in the province of Nova Scotia dealing with young offenders. That particular inquiry produced a very credible report that suggested that components of our Youth Criminal Justice Act were not up to par and that portions of it could use some minor amendments in the public interest.

Those areas dealt with the way we handled youth who, with 20/20 hindsight, were potentially violent and seriously violent offenders and were not really controllable by the kinds of routine orders and judicial intervention available under the act. I sat on the justice committee at the time and I recall pretty much around-the-table acceptance of those suggestions. Those suggestions for reform have now found their way into this bill.

In fairness, I should say that there have been a couple of other bills before Parliament that attempted to implement the same changes. We are finally getting around to it now. For those changes dealing with the really hard-to-handle procedural problems involving young offenders, I could not imagine there would be too much dissent.

Even the judge who led the inquiry in Nova Scotia said that these should be seen as minor amendments. There is no need to make a radical overhaul of the statute, but these amendments would suit the public interest in the sense that they would protect both the public and the young offender from potential serious harms in the period that follows the police intervention until the time when the youth is sentenced. That would be the interim period while the youth is being processed, while charges are being laid and during the trial.

I do not think he pointed out any problems with the act regarding the period after conviction and sentence. But he did request that these amendments look very clearly and honestly at the problem of youth who have adopted a potentially violent modus operandi and society needs protection from that.



*Statements by Members*

In this particular bill, there is a whole lot more than just those recommended changes. Members should go to the title; this is not the first time I have spoken about this. On the front page, it says, “An Act to amend the Youth Criminal Justice Act”. There is nothing the matter with that, but then clause 1 says that this act may be cited as somebody’s law, protecting the public from violent young offenders.

That is a commercial. That is an Orwellian mantra. It is a distortion. It is an adulteration of what should be there in the first section. This is a bill that is there to make a minor but important amendment, not a very complex set of amendments, to the Youth Criminal Justice Act. I object to that type of title. When that kind of a title is in there, it actually ought to tell us something. The bill just might be torqued to do a little bit more than just a minor amendment to the Youth Criminal Justice Act. Anyway, we read through the bill and find it does attempt to make some significant changes.

• (1350)

I note that this is one of about half a dozen criminal law amendment bills, and I also ask the question: Why did the Conservatives not put all these criminal justice bills into one bill? We have done that lots of times before. We make several amendments to the Criminal Code, we put them in a bill, call it an omnibus Criminal Code amendment bill and the House deals with it. But no, the government has to do a separate bill for every category of change it can think of. That has to tell us something also.

So utterly telling is the contrast between this bill and the budget implementation bill, Bill C-9. Do members know how many bills that bill changes, how many statutes that bill amends? It seeks to amend 29 statutes in one bill, and yet when it came to making amendments to the Criminal Code, the government had to introduce a half dozen separate bills. I do not quite understand that. Maybe I am naive and maybe there is something going on here I do not see, but I will leave it to the voters to figure that one out.

When it comes to youth criminal justice, a term we should be dealing with is the concept of intervention. I have not heard that term a lot here, but it is so important, and in my view it is the most important concept. When a youth goes offside, breaks the law, and I am talking of a person who is between the low threshold and 17 years old, I prefer to regard our obligation as that of intervention. Now some Canadians would just like to treat that like a normal criminal act; we charge, we convict, we sentence, we deal with it. But we have learned in society that it is the absolute worst way to deal with young offenders. For a person in the sometimes turbulent, confused youth years, a lot of things happen.

I will admit that, when I was under 10 years old, I broke into a house, I as a little kid with some other kids. As great irony would have it, Mr. Speaker, you will not believe it, but the house I and the others broke into was the house of a Juvenile Delinquents Act judge. Is that not unbelievable? And I was the son of a policeman, to boot. At the time I really did not think I was breaking any laws. I actually did not know a lot about what I was doing. But the point is: What if they had taken all those youths who were all different ages and just put us all in jail? How would our lives have turned out? That would have been a bad story.

I refer colleagues to the Perry preschool project and the whole history of that project, which began about 1960 and went on for 25

years in the Chicago area. It measured outcomes between one group with which there was a huge intervention, in school and otherwise, and another group for which there was no intervention. The outcomes were like night and day. We have proven that intervention works and jailing does not. Even though it can be very expensive, the dollars we spend on intervention are infinitely better spent than any money we are going to have to spend later, after the fact, jailing and punishing. In addition, the youth who get through these turbulent years and make better choices rather than bad choices end up costing us zero and are productive citizens.

I am getting close to the end of my time for debate. I will pause here in the hope of being able to speak further at a later date.

• (1355)

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I want to thank the member for his speech and his éminence grise character with respect to justice issues. I want to ask a point-blank question though. Does he think the additions to a preamble of a bill to take away from its concentration on children and move it to a concentration on public security, when those factors are already covered, are necessary? Why is it, then, that the Criminal Code does not have any preamble at all?

**Mr. Derek Lee:** Mr. Speaker, everyone knows what the Criminal Code is. It is straight, charter-based criminal justice.

Our Young Offenders Act and Youth Criminal Justice Act were designed to shape the hand of the societal intervention. The preamble we put in there is intended to show us why we are doing this, to shape the hand of the intervention so the outcome can be better than it would have been. We are looking for outcome. It is not the societal response. It is not the punishment. It is the outcome in relation to the life of the youth in question.

**The Speaker:** I will proceed with statements by members at this point. When the debate is resumed, there will be three and a half minutes left for questions and comments on the speech by the hon. member for Rouge River.

---

## STATEMENTS BY MEMBERS

[English]

### BATTLE OF THE ATLANTIC

**Mr. Greg Kerr (West Nova, CPC):** Mr. Speaker, one of the most important struggles in the second world war was the Battle of the Atlantic. It was a military engagement that lasted six long years.

The campaign was fought on the vast battleground of the north Atlantic, where many Canadian sailors and civilians sailed under constant threat of German U-boats. It was a struggle to sustain the vital lifelines of supplies from Canada's east coast to Great Britain and the European front.

*Statements by Members*

In the end, we were victorious, but a terrible price was paid for that victory. More than 4,600 courageous men and women lost their lives at sea. These Canadians who joined the navy, the air force, the infantry, the women's reserve and the merchant marine to help in the fight against oppression and tyranny must never be forgotten. They helped create freedom for all Canadians.

We honour the sacrifices of those who died in the frigid waters of the north Atlantic and of those who lived to tell the tale. We owe these brave Canadians an enormous debt of gratitude for their valour and sacrifice.

We must never forget these brave men and women.

Canada remembers the Battle of the Atlantic.

\* \* \*

● (1400)

**WORLD PRESS FREEDOM DAY**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, last week, you ruled that it is not the government, not the Prime Minister, but Parliament that ultimately would decide what information could be withheld from the Canadian public.

However, today, on World Press Freedom Day, the organization Canadian Journalists for Free Expression is giving the Conservative government yet another failing grade. More than 40% of access to information requests are not met on time.

Conservative staffers have tried to “unrelease” information. One even forced officials to say that they did not know how much they were spending on wasteful partisan advertising when he had the price tag in his hand.

We still do not know why the Prime Minister forced one of his ministers to resign in the dead of night.

Withholding information from the public for no good reason is unacceptable. It is time to end the Conservative culture of deceit.

\* \* \*

[Translation]

**BROADBAND CANADA PROGRAM**

**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Mr. Speaker, ever since the Minister of Industry announced the creation of the broadband Canada program, hundreds of people across Quebec have mobilized to rally for high-speed Internet access for their regions. Just as the minister asked, these working groups have done their homework and developed projects that meet the program criteria.

Where I am from, the Conférence régionale des élus developed a program that has unanimous support in the region. It would offer high-speed Internet access to almost all constituents in my region.

By working on these hundreds of projects, people from rural areas could finally look forward to having the tools they need to do business in the 21st century and adopting the means to keep young people in the regions.

Unfortunately, while these fine individuals, most of them volunteers, were doing their homework, the minister did not do his

and the current delays are still compromising high-speed Internet access in the regions.

\* \* \*

[English]

**THE ENVIRONMENT**

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, just this weekend I returned from an excellent meeting of progressive minds in Terrace, British Columbia. Renewal Northwest draws together business leaders, environment groups, first nations and local governments, building a plan for sustainable economic development in our region that creates jobs, while protecting the environment. It is looking for the federal government to be a partner and not an obstacle in this effort.

Instead of investing in good green jobs, the government continues to be intent on boosting the oil and gas industry with subsidies and cutting efforts in the wind, solar and other green energy projects around the country. Canadians know where that path leads: increased environmental destruction and holding back green future that we all need.

It is time for new ideas in our regional economy, championed by the people of the northwest. They want a government that listens to them and respects them and does not burden small businesses and low-income families with taxes like the HST.

Government needs to come to the table and support people in building the sustainable future they so desperately want.

\* \* \*

**AMNESTY INTERNATIONAL**

**Mr. Terence Young (Oakville, CPC):** Mr. Speaker, I rise today to recognize the efforts of the members of the Oakville/Milton branch of Amnesty International who work quietly and diligently in the service of people worldwide who do not benefit from the rights and freedoms that Canadians do.

Currently, they are working to support Canadian citizen and prisoner of conscience Huseyin Celil, who is imprisoned in China, with letters of support for him and his family. Their track record is outstanding as they have conducted similar campaigns for others who are now free.

Today, I recognize Wendy Belcher, Moni Kuechmeister, Brenda Buchanan, Rita McPherson and Maria Ferguson, and thank them for their advocacy and success in promoting Canadian values and human rights worldwide.

*Statements by Members*

●(1405)

**WORLD PRESS FREEDOM DAY**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, on this World Press Freedom Day, we are reminded of, and reaffirm, freedom of the press as the lifeblood of democracy, the cornerstone of the search for truth, the precondition of the people's right to know, and the basis for government transparency, accountability and adherence to the rule of law, a right consecrated both in the Charter of Rights and international human rights law.

[Translation]

Unfortunately, this right and the safety of those who exercise it are increasingly at risk in many countries where journalists are attacked, kidnapped, tortured and even murdered with impunity.

[English]

Let us join in marking World Press Freedom Day in the hope that freedom of expression will be secured, that journalists who exercise it and are imprisoned will be released and that those predators who assault it will be held accountable.

\* \* \*

**DEMOCRATIC REFORM**

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, I want to speak today about parliamentary reform.

A growing number of Canadians are disengaging from the political process. When citizens disengage, the very legitimacy of this institution is at risk.

Canadians across the country may not be able to put their finger on exactly what ails our institutions, but they know that something is wrong. That is why I want to commend the Minister of State for Democratic Reform for introducing a number of bills, including Bill C-12, which demonstrates the government's commitment to institutional renewal.

The heart of our democracy is Parliament and the heart of Parliament is question period. Through the national media, millions of Canadians follow question period each and every day. I am optimistic that parliamentary reform can reconnect Canadians who feel disengaged by political behaviour that would not be tolerated around the kitchen table.

That is why I will be introducing Motion No. 517, a proposal that asks the Standing Committee on Procedure and House Affairs to examine specific changes to reform question period. I ask members of the House to consider this motion and to lend it their support.

\* \* \*

[Translation]

**DORIS THOMAS**

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Mr. Speaker, I would like to acknowledge today the determination and commitment of a person from my riding, Doris Thomas.

Ms. Thomas is 50 and will be taking part in the second annual Ride to Conquer Cancer, a 280 kilometre bike ride between Montreal and Quebec City that will take place on July 10 and 11.

The challenge Ms. Thomas is preparing to face is quite remarkable. After a brush with death in a bicycle accident in 2006, she got back in the saddle as a personal challenge to herself, and also in tribute to her father, Fred Thomas, who died of cancer in 2007.

Eight other participants from Saint Lambert will join Ms. Thomas: Élisabeth Masson, Lydie Querin, Nicola DiCiocco, Denis Beauchemin, Renée Boisvert, Nicole Fortier, Martine Riopelle and David Wood

I encourage everyone in my riding to support those taking part in this challenge by going to [www.conquercancer.ca](http://www.conquercancer.ca).

\* \* \*

**LEADER OF THE LIBERAL PARTY OF CANADA**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, the Liberal leader officially took the reins of the party a year ago, and what a year it has been: political flip-flops, election threats, promises to increase taxes, staffing changes, and division within his own caucus on more than one occasion. We have seen almost everything, except a display of real leadership.

While the Liberal leader still dreams of dividing Canadians and increasing taxes, our Conservative government has implemented measures to help our economy make it through these tough times. That is the type of leadership Canadians expect from a government.

Once again, the Liberal leader has shown that he is not truly interested in Canadians and Quebeckers, but that he thinks only of himself.

\* \* \*

[English]

**POLISH CONSTITUTION DAY**

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, today is Polish Constitution Day, a day Polish people around the world celebrate with great parades and patriotic festivities. This year I feel it will also be a day of healing. It has not been a month since the death of Poland's late president, Lech Kaczynski, the first lady and 94 others killed in that tragic plane crash over Katyn.

It has not been uncommon through history to celebrate this day against aversion and hardship. The Polish Constitution, signed May 3, 1791, only lasted a year, when the Russo-Polish War of 1792 saw Poland partitioned by invading forces. And thus started the long, tumultuous history of Polish Constitution Day. Banned several times throughout history, Polish Constitution Day was restored as an official holiday in April 1990.

Poles have celebrated this day through centuries. It has served as a day of unity and healing across centuries, and it does so again today. I join with my fellow Polish Canadians in celebration, commemoration and remembrance. Today we proudly celebrate our strong heritage and commemorate and remember the many great men and women before us—

*Statements by Members*

**The Speaker:** The hon. member for Stormont—Dundas—South Glengarry.

\* \* \*

• (1410)

**CANADIAN NAVY**

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, this week we commence the celebration of the centennial of the Canadian navy when we will recognize the vibrant heritage of the navy and its long tradition of serving Canada and Canadians.

Yesterday the Minister of National Defence announced that the executive curl would be reintroduced to the naval officer uniform. This initiative is a result of the unanimous passage by the House of a motion that I introduced some weeks ago.

The curl was part of the Canadian naval officer's uniform from the founding of the Canadian Navy until unification. The curl will play an important role in distinguishing the more than 5,000 naval officers in the regular and reserve forces. We look forward to seeing the executive curl at the west coast International Fleet Review in June.

Today we salute the men and women of our navy and thank them for the 100 years of service to Canada. On a personal note, I would like to acknowledge the service of my deceased brother, André Lauzon, good friend Kendall Dolliver and each and every member present who served in the Canadian Navy during its proud 100-year history.

\* \* \*

**THE NETHERLANDS**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, tomorrow, May 4, marks the 65th anniversary of the commemoration of the liberation of the Netherlands.

As a person born in Holland and all those of Dutch ancestry in the House of Commons and Senate, we personally want to thank the Canadian government and the Canadian people in the past for supporting our country in our hour of need.

There are 5,715 Canadians buried on Dutch soil who paid the ultimate sacrifice and tomorrow we will recognize that sacrifice in Halifax, Europe and around the world. Once again, we thank all of them for their sacrifice.

Also, tomorrow is the 100th anniversary of our Canadian Navy. In the town of Halifax, as my colleague from Halifax knows full well, over 1,000 sailors will be marching through the streets. We say to Admiral Madison of the MARLANT fleet, members and all of their families in the past, present and those who will serve our great navy in the future, Bravo Zulu to each and every one.

\* \* \*

**FIREARMS REGISTRY**

**Mr. Greg Rickford (Kenora, CPC):** Mr. Speaker, the Liberal member for Nipissing—Timiskaming has a big decision to make when it comes to the wasteful and ineffective long gun registry. He was once clear with his constituents when he called the long gun

registry “disgusting”. At the second reading vote on Bill C-391, he declared, “I decided quite a while ago that I was going to support this bill”. Now he is being forced by the Liberal leader to vote for the long gun registry.

The member for Nipissing—Timiskaming says that he wants more changes to his own party's position. He has only two choices: he can vote to keep the long gun registry or he can do the right thing and scrap it. It is that simple.

The *North Bay Nugget* said in an editorial last week that “huge numbers of folk regard the registry as a multi-million dollar boondoggle”.

The member for Nipissing—Timiskaming should do the right thing and actually listen to his constituents and vote to scrap the Liberal long gun registry.

\* \* \*

[*Translation*]

**CONSERVATIVE GOVERNMENT**

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Mr. Speaker, Quebec's dark ages are back. Never keen on letting any more information out than necessary, this Conservative government prefers to keep the public in the dark and feed it scientific and environmental mistruths instead of the straight facts.

This desire to control scientific and environmental information takes many forms. They have cancelled funding for ambitious research projects, such as the Canadian Foundation for Climate and Atmospheric Sciences. Environment Canada scientists are not allowed to answer media questions without approval from their boss. Climate change skeptics are being appointed to boards of directors of organizations that fund university research, such as the Natural Sciences and Engineering Research Council of Canada. Numerous federal infrastructure projects are exempt from the Canadian Environmental Assessment Act. They argue that global warming is due to solar magnetic cycles or other unexplained natural phenomena. I cannot believe the ignorance.

It is shameful that this government is trying to control the message to the point that it is deliberately distorting reality.

\* \* \*

**YOUTH BOWLING CANADA**

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, I am proud to salute the young people involved in Youth Bowling Canada, their coaches and parents and all of the volunteers who are participating in the 46th national fivepin championship in Ottawa-Gatineau. I would also like to thank everyone who came out to support these young Canadians and cheer them on.

[*English*]

This Youth Bowling Canada championship brings together young participants from Canada's 10 provinces, Yukon and the Northwest Territories. These 318 young competitors have the opportunity to demonstrate their talent, learn about fair play and, for some, to taste victory.

[Translation]

Congratulations to the organizers, particularly the host coordinators, Monique and Paul Godmaire. During the three-day competition, young Canadian bowlers will collect experiences and memories to look back on fondly for years to come.

•(1415)

[English]

I wish all an excellent stay in Gatineau and Ottawa and a memorable tournament.

\* \* \*

#### LEADER OF THE LIBERAL PARTY OF CANADA

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, today is the anniversary of the Liberal leader's coronation. Yes, it has been one year since the Liberal leader blew kisses to a few Liberal faithful as he took his new title.

What a difference a year makes.

Over the past year, Canadians have seen the Liberal leader flip-flop, fumble and flip again. First he wanted an election and then he did not. He talked about helping Canadians but voted against our jobs budget. He allowed a free vote on the gun registry and now he is whipping his caucus.

Now the Liberal leader wants to wage a culture war. In order to gain power, the Liberal leader is willing to pit the west versus the east and rural versus urban.

On almost every issue, the Liberal leader has flip-flopped, except when it comes to raising taxes. More than a year ago, the Liberal leader said, "We will have to raise taxes", and he has stayed true to his job-killing tax policy ever since.

Yes, what a year it has been. It has left Canadians wondering: Is the Liberal leader in it for Canadians or is he just in it for himself?

---

## ORAL QUESTIONS

[English]

### ETHICS

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Mr. Speaker, the Conflict of Interest Act specifically states that a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further the private interests of his or her friends.

Will the Prime Minister admit that his ministers contravened this act when they granted privileged access to their friend, Rahim Jaffer, allowing him to waltz from one ministry to the next where they expedited his applications and they simply called him Rahim?

**Right Hon. Stephen Harper (Prime Minister, CPC):** On the contrary, Mr. Speaker. The Liberal Party gets more and more ridiculous in the reaches it makes on this question. The fact is that Mr. Jaffer received no contracts from the government. The fact is that it has been ministers and the government who have revealed

### Oral Questions

virtually all of the information available here because it has been turned over to the Lobbying Commissioner.

This government has acted absolutely correctly and, quite frankly, the Liberal Party could take some lessons.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Mr. Speaker, providing opportunities for buddies to further their private interests and giving preferential treatment to people based on the buddies who represent them, is illegal regardless of whether or not money changed hands.

The Minister of Transport, the Minister of Public Works, the Minister of the Environment and others shepherded government funding applications through privileged channels all for their buddy, Rahim Jaffer.

The question is simple. Why can the Prime Minister not admit that this is illegal?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Let me be very clear, Mr. Speaker. The Lobbyist Registration Act is an important piece of legislation. The Lobbyist Registration Act is a lot stronger and tougher because of the actions of this government and this Prime Minister. One of the first actions we took upon taking office was to strengthen that office. Everyone, all Canadians, is expected to follow the act.

If the member opposite has any allegations to make, he should follow the example of the Prime Minister and make those allegations to the office of the independent Ethics Commissioner that this government established.

[Translation]

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Mr. Speaker, Rahim Jaffer was friends with ministers and parliamentary secretaries who intervened to expedite funding applications, thereby clearly violating the Conflict of Interest Act.

Can the Prime Minister tell us what the consequences will be for the individuals who violated the act and why he is refusing to comment on the illegal activities of those parliamentary secretaries and ministers?

[English]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let us contrast the actions of this government with the previous Liberal government.

Mr. Jaffer got no government grants, no money, as a result of any of the meetings in question.

Let us compare that to the Liberals when literally millions of dollars went missing in the sponsorship scandal. We have only got \$1 million back. Canadians want the extra \$39 million that is still missing.

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, in addition to the Conflict of Interest Act, the Prime Minister's own 2008 guide for ministers gives the rules by which members of cabinet must adhere, including ensuring the integrity of those with whom they are dealing. Ministers' offices clearly flouted those rules when they conducted business with Mr. Jaffer.

*Oral Questions*

Given that compliance with the guidelines are a condition of appointment, will the Prime Minister explain the consequences for the members of cabinet, up to seven and counting, who were in violation of those rules?

• (1420)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let me be very clear for the member opposite.

All lobbyists, all Canadians who lobby, are expected to follow the Lobbyist Registration Act.

This government, as a matter of its first point of business when the House reconvened after the 2006 election, brought in an independent commissioner of lobbying, someone who does not report to a minister, someone who does not report to government, but rather reports to the House.

If the member opposite has any allegations or any evidence, she should follow the example of the Prime Minister and forward it on to the relevant authority. That is what she should do.

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, he should know the criteria as well as the guide for ministers.

The guidelines stress the seriousness of ministers interacting with a person of questionable integrity. The director of security operations in the Privy Council office is to be contacted.

Did anyone question the use of a cabinet minister's resources for Mr. Jaffer's private business or question whether it was right to prioritize his projects?

Over the last 12 months was there not one Conservative cabinet member of the known seven who consulted with the director of security operations at PCO? Or, in the Conservative culture of deceit, is being accountable not important?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the member opposite does stretch it to its limits.

Let me be very clear. This government established a tough Lobbying Act. We established a tough regime for lobbying. We did so because of the sorry and poor ethics that lobbyists exercised under the previous Liberal government.

We have an independent commissioner of lobbying. If the member opposite has any evidence or any allegations, she should follow the high ethical standard personally demonstrated by the Prime Minister and forward those on to the independent authority.

\* \* \*

[Translation]

**ACCESS TO INFORMATION**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, on this World Press Freedom Day, it is important to remember just how secretive the Conservative government is. It was elected on a promise of greater transparency, but the fact is that that was just smoke and mirrors. The Conservative government puts more energy

into blocking access to information requests from the media than answering them.

Will the Prime Minister admit that in an attempt to control everything, he has made opaqueness, not transparency, his hallmark?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, on the contrary, the fact is that more agencies have access to information than ever before and more documents are available. In a recent report, we noted that responses to access to information requests sometimes took too long, and we are prepared to improve that situation.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, that is why the government just got an "F" in this subject.

For example, the affair involving the former status of women minister and her husband, Rahim Jaffer, is a prime example of lack of transparency. It has been weeks since the former minister was fired and kicked out of the Conservative caucus, yet we still do not know what was behind the Prime Minister's decision. If the Prime Minister is serious about wanting to silence rumours about this affair, why does he not make the reasons for his decision public?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the fact is that this has nothing to do with government business. All the information has been passed on to the authorities. That was the transparent thing to do, the right thing to do, and that is what the government did.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, the Conservative government's determination to circumvent the Access to Information Act has earned it an "F" from the Canadian Journalists for Free Expression. There is a general lack of transparency in the Conservative government. Throughout the Jaffer affair, ministers have waited for their names to appear in the papers before making public the documents reporting their contacts with this unregistered Conservative lobbyist.

Once and for all, can we have the names of all ministers and parliamentary secretaries who were lobbied by Rahim Jaffer?

• (1425)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the reason we are having this debate in the House of Commons is that this government has handed over all information to the lobbying commissioner and the parliamentary committee. That is true transparency.

We received allegations about the former minister and the Prime Minister did his part by providing the information to independent authorities. If the Bloc member has information, she should follow the government's good example.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, the Prime Minister promised to be more honest and transparent than the Liberal government. He has failed. He promised to give teeth to the Access to Information Act. He has not done so. He promised to require ministers to disclose their contacts with lobbyists. He has not done this either.

Why is the government acting as though it were under siege? What does it have to hide?

*Oral Questions*

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, according to the report on access to information, it is clear that we respond to most requests within 30 days. However, in almost 12% of cases, it takes more than 120 days. In our opinion, this is not acceptable and we will improve that.

\* \* \*

**THE ENVIRONMENT**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, we look on with horror as the oil spill slowly but surely makes its way towards the Louisiana coast, and Canadians are wondering whether this catastrophe could happen here, in Canada. Millions of litres of oil are pouring into the ocean, killing animals, ravaging plant life, destroying the fishing industry and devastating entire communities.

What assurances can the Prime Minister give us that this cannot happen here, in Canada?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I agree; it truly is horrific, an environmental nightmare. The behaviour of the companies involved was completely unacceptable. Fortunately, we have much stricter rules in Canada to prevent such a disaster.

*[English]*

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the impact of this environmental catastrophe in the gulf is going to have an impact for decades to come. People all around the world are very concerned.

The Prime Minister should call a meeting of the environment ministers of the G8 prior to the June meetings of the G8 and put this issue on the agenda.

In addition, in the wake of this disaster, Nunavut Tunngavik, Nunavut's land claim organization, has quite naturally asked for a conference on marine safety issues, including the whole question of oil spill response capacity off our Arctic communities.

Will the Prime Minister show some leadership and call these two conferences?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as I said before, the situation truly is horrific. It is an environmental catastrophe unlike anything we have seen in quite a long time. The behaviour of the companies in question is completely unacceptable and would be completely unacceptable in this country.

There are strong rules in Canada. There are rules for relief wells. The National Energy Board does not allow drilling unless it is convinced that the safety of the environment and the safety of workers can be assured. Let me assure all members of the House that we will continue to enforce stronger environmental standards in this country.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, British Petroleum operates the oil rig that is causing this catastrophe. BP also recently acquired three licences in the Beaufort Sea for more than 6,000 square kilometres of drilling rights. At the same time, it is applying right now to weaken the environmental standards regarding drilling.

BP failed to prevent the worst ecological disaster we have seen since the *Exxon Valdez* and now it wants to have its way with our Arctic.

Will the Prime Minister state clearly here today that there will be no weakening of the environmental standards as requested by BP?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, since coming to office, this government has toughened environmental enforcement in our Arctic. We will do no such thing in terms of weakening environmental standards.

As we have said before, the National Energy Board is clear. There is no drilling unless the environment is protected and unless workers are protected. That is the bottom line, and this government will not tolerate the kind of situation we see in the Gulf of Mexico.

\* \* \*

● (1430)

*[Translation]***ETHICS**

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, the Prime Minister's guide for ministers is very clear. It says that ministers may delegate policy development initiatives to a parliamentary secretary, but that only a minister, and I quote, "has authority to initiate departmental actions". However, the Minister of Transport, Infrastructure and Communities does not think these rules apply to him.

Can he confirm that the person who wrote "From Rahim – submit to dept." on the Dragon Power proposal from GPG was none other than his parliamentary secretary's assistant, Kimberley Michelutti?

*[English]*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, my parliamentary secretary is the member for Fort McMurray—Athabasca. I think everyone knows that. I think the member opposite knows that.

Let me be very clear. The ministers in our system of government are ultimately accountable at the beginning of the day and at the end of the day. That is certainly the case with respect to infrastructure projects in my department.

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, the minister tried to protect himself by setting up his parliamentary secretary as the gatekeeper for a \$1 billion fund. He did so in full knowledge that parliamentary secretaries are not bound by the same lobbying and post-employment rules as ministers and their staff.

Even with only a partial release of documents, we learned that the parliamentary secretary's office had extensive discussions with GPG and used an independent environmental consultant to review all green infrastructure fund proposals. Who is this consultant, who authorized their hiring and who paid for it?

*Oral Questions*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, there has been a lot of talk about the Lobbyists Registration Act. This government, as a matter of its first course of business, strengthened that act.

The government is receiving all kinds of advice. Some are suggesting we include all members of Parliament and senators in that act. Some people are even suggesting that we include the office of the Leader of the Opposition in that act.

Let me assure the House that we will be sure to keep all of those ideas in mind as we reflect on this.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, at the centre of the former Conservative caucus chair's unregistered lobbying for cash was the green fund and the Ministry of National Resources.

While the government has been finally forced to show its dealings with Mr. Jaffer and seven departments, we still have nothing but silence from the department and ministers most responsible.

Would the Minister of Natural Resources and his predecessor appear before committee as requested for two weeks to reveal their involvement in this affair, yes or no?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let me be clear for the member opposite.

Canadians can see the difference between this Conservative government and the unethical conduct of the previous Liberal government. When emails and the like came to the attention of this government, what did it do? It immediately forwarded them to the relevant independent authority.

When lobbyists contacted the previous Liberal government what did they get? Bags of cash.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, here are the facts.

The Prime Minister shields a minister that should have been fired for seven months. He hides serious, credible allegations that removed the minister from caucus. He said he referred the matter to the Ethics Commissioner. He did not. He claims Jaffer had no access. We now find that Jaffer had the run of seven departments, mingling with ministers whose offices helped push his schemes for government cash. This is what the Conservatives call doing the right thing, saying that we should be proud that Jaffer did not get his cash before scandal shut the whole thing down.

Will the ministers appear before committee, or do they have too much to hide?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we are only having this type of detailed discussion on the floor of the House of Commons with respect to these types of contacts because this government did the honest, ethical and transparent thing and made all these documents public.

Let me tell the House something else we did. We also referred this matter to an independent authority. We have a lot of confidence that that authority will do its business and will ensure that the strong laws

on lobbying that were adopted by this Parliament are fully implemented and that anyone who broke the law is held fully accountable.

\* \* \*

[*Translation*]

**AFGHANISTAN**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the practice of constantly using “national security” as a pretext for keeping documents hidden from the public, particularly as we have seen in the case of torture of Afghan detainees, is being condemned by Canadian journalists.

Will the government admit that it has too often used the pretext of security to avoid accountability and avoid producing the documents demanded by the public?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, on the contrary, it is clear that there is plenty of information on the public record.

• (1435)

[*English*]

In fact, we heard last week from an important witness, arguably the most important witness from the Department of Foreign Affairs closest to the actual issue of detainees. He said on the issue of documents, “None of them contained specific information about facilities to which Canada was transferring detainees, and most importantly, in none of the messages did the embassy recommend substantive changes to the detainee policy”.

We act on the advice of individuals such as Mr. Gavin Buchan. Clearly, he had no such recommendation.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, a federal lawyer came before the Military Police Complaints Commission and stated that the Government of Canada is ultimately responsible for document retention concerning the torture of Afghan detainees. Barely 680 of the 4,000 pages of the requested document have been made public so far.

Instead of hiding behind false pretexts and putting the blame on civil servants, will the government recognize its responsibility to shed some light on this subject by producing all of the documents requested by the board of inquiry?

**Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I can assure the member who just asked the question as well as all other members that the government's lawyers are continuing to work with the Military Police Complaints Commission in order to provide all the necessary documents that are relevant to its mandate.



### OIL INDUSTRY

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, while 38 million litres of oil have already spilled into the Gulf of Mexico, and while several coastal species and the way of life of local residents are threatened because of the negligence of the oil giant BP, we have learned that here in Canada, oil companies are asking the National Energy Board for more lenient regulations regarding Arctic development.

Is it not time, rather, to impose stricter regulations on oil companies?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let me be very clear. Our government, our country, has strict laws and regulations to protect the environment. What is happening in the United States is completely unacceptable. We will maintain strict laws to protect Canada's north. Our government has done a great deal in that region and will continue to do so.

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, although the National Energy Board is an arm's-length organization, nothing is stopping the government from imposing stricter regulations on oil and gas activities.

If the National Energy Board should exempt BP and Imperial Oil from drilling relief wells in the Arctic, would the government commit to taking every possible means to reverse such an irresponsible decision?

[English]

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Mr. Speaker, drilling is not going to occur until and unless the National Energy Board is clear and satisfied that the drilling plans are safe and that they do protect the environment. The review is currently under way. We will put a safety regime in place that is going to protect Canadians and the Canadian environment. We will work with industry and Canadians across the country to do that.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, we have all been following the environmental horror unfolding in the Gulf of Mexico. This is a tragic reminder that no technology and no regulation can make offshore drilling or oil tankers 100% safe. Since 1972 a strong Liberal ban on inland oil tanker traffic respected by previous prime ministers of all parties has helped keep B.C.'s coasts safe.

Will the government also respect the long-standing moratorium banning tanker traffic from the Pacific north coast, yes or no?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, this government has tough environmental laws to protect our air, our soil and our water. We have a special responsibility to protect those pristine ecologically sensitive parts of our country.

Let me be very clear. This government will make no effort that would compromise our environment. We will take every reasonable measure to ensure the environment is protected in this great country.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, that is a great example of the Conservative culture of deceit because actions speak louder than words. A number of Conservative ministers are publicly pushing initiatives to have hundreds of crude

### Oral Questions

oil supertankers crowding B.C.'s north coast inland waters. These are some of the most turbulent and dangerous waters on the entire North American coastline.

Why is the Conservative government willing to put Canada's vulnerable coastal ecosystems at risk?

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Mr. Speaker, I do not think the Liberals should be talking about deceit. The member has never raised a question on that issue in the House before. Clearly, the drilling is being done in a difficult and sensitive environment. That is why it is important that there is a strong safety regime. That is one of the reasons why the NEB is currently reviewing its policies.

\* \* \*

● (1440)

[Translation]

### FORESTRY INDUSTRY

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Mr. Speaker, last week, the government announced its decision to bury Quebec's forestry industry, thereby abandoning thousands of workers. It may take years for regions like Mauricie to recover.

For generations, forestry has been a key component of Quebec's economy, and we must help it to recover for the good of all Quebecers. Will the Prime Minister reconsider his decision to abandon Quebec's forestry workers?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, as we stated last week, previous governments ignored the forestry industry for years, but we signed a trade agreement with our major softwood lumber industry partners. Fifty per cent of Quebec's softwood lumber is exported, and 96% of that goes to the United States. That is why we had to do it. We invested money in our programs in accordance with the agreement. We will continue to support the forestry industry.

\* \* \*

### SCIENCE AND TECHNOLOGY

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Mr. Speaker, when it comes to the knowledge industry, history is repeating itself.

Conservative policies will lead to a brain drain that may bring down the economic structure of the Montreal region and Canada as a whole. Conservatives are giving the boot to scientists whose discoveries do not reflect their Reform ideology.

Does this government not recognize that creativity in science, art and industry is the most reliable engine of economic growth we have? Why does it place ideology ahead of the economy?

*Oral Questions**[English]*

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Mr. Speaker, the member is absolutely incorrect. No government in the history of this country has supported science, scientists and technology more than this Conservative government. We have recently surpassed \$10.7 billion in the funding of science, basic science, applied research, and our universities and colleges. I do not know why the member is against that kind of funding. We on this side of the House are not.

\* \* \*

**FIREARMS REGISTRY**

**Mr. Randy Hoback (Prince Albert, CPC):** Mr. Speaker, the Liberal leader continues to show Canadians that he is only in it for himself by politicizing everything he touches, including the long gun registry.

The Liberal leader is whipping his members to ignore their constituents and support the wasteful long gun registry. I hope that those Liberals who voted for Bill C-391 will not deceive their constituents and change their votes.

Could the Minister of Public Safety update this House on this important issue?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, as we have seen from time to time, the Liberal leader is more concerned with party politics than listening to rural Canadians. He would rather silence the debate than hear from those who do not subscribe to his unconstitutional proposals.

It is time to end the senseless prosecution of hunters and outdoor enthusiasts. As the justice minister in Saskatchewan has said, “—it’s a nuisance factor”. I would add, it is also a waste of money.

We trust the NDP will support the bill in its original form and not bow to the Liberal leader’s coalition of deceit.

\* \* \*

*[Translation]***ETHICS**

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, money does not have to change hands in order for lobbying to be deemed lobbying under the act. Influence peddling is influence peddling, even if no contract was signed. The Conservatives’ third excuse is that the Liberals were even more crooked. The voters will decide.

Now that the Prime Minister has called the police to report the minister, will the police also investigate the other ministers tainted by these same illegal practices?

*[English]*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, that question from the deputy leader of the NDP is quite outrageous.

Serious allegations were brought forward about a member of cabinet. The Prime Minister did the right thing. He did the ethical thing. He turned the whole matter over to an independent authority.

We have a tough regime for lobbyists in this country. Each and every Canadian is required to follow that act. If the member opposite has any allegations, or any evidence, he would like to make, he should follow the high ethical standards of the Prime Minister and forward it to the independent Commissioner of Lobbying.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the government’s mentor, Brian Mulroney, used to fire a minister a week for everything from influence peddling to tainted tuna. Of course, many just considered it a speed bump on the road to the Senate.

However, it is not every day that a minister gets punted from cabinet, drop-kicked from her own party, and turned in to the RCMP. We all know what Rahim Jaffer did, but why the veil of secrecy over the member for Simcoe—Grey?

The public has a right to know what, if anything, the member for Simcoe—Grey is accused of to deserve this political capital punishment.

● (1445)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the member for Simcoe—Grey will be pleased to learn she has a friend over in the NDP.

This is what happened. Serious allegations were made to the Prime Minister about a member of the government. The Prime Minister did not have the context to know whether they were true or untrue, but they were serious enough that he did the right thing. He turned the entire matter over to an independent authority, so it could make a determination whether an investigation was warranted. It could investigate the matter and ensure that the rule of law was followed in this country.

Let me remind members that none of the issues in question that the Prime Minister referred to the independent authority had anything to do with the conduct of government business.

\* \* \*

*[Translation]***INTERNATIONAL CO-OPERATION**

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, the Conservative government has reopened the abortion debate by announcing that it will not be funding abortion services abroad. A number of groups provide access to abortion as part of their family planning programs. Doctors Without Borders is one such group.

Can the government tell us whether the groups will lose all their funding for maternal health simply because they provide information on or access to abortion?

*Oral Questions*

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, as I said last week, our government wants to try to save the lives of mothers and children in developing countries. Our initiative will include training and support for front-line health workers, better nutrition and provision of micronutrients, screening and treatment for sexually transmitted diseases, including HIV/AIDS, proper medication, family planning and immunization. Every G8 country will identify its own priorities.

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, we have heard that tune before. It seems increasingly clear that this government is trying to follow in the footsteps of George W. Bush, who used the religious right and pro-life groups contributing to the humanitarian effort in order to export his anti-abortion agenda. NGOs providing a complete family planning program were deliberately ignored by the Bush administration.

Is the government choosing its Conservative ideology over women's health?

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, every year, between 350,000 and 500,000 women die in childbirth in developing countries. Our government wants to do everything it can to try to save those lives. The government has been very clear: it will never reopen the abortion debate.

\* \* \*

**FISHERIES**

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, governments from around the world are taking action to help the fishing industry by reducing the number of boats and ensuring that processing sectors are up to date. The Maritimes are calling for the same things, but this government has no interest in helping them.

The Minister of Fisheries and Oceans is abandoning the fishers of New Brunswick. Do these Canadians from New Brunswick, who are in the middle of a crisis, not deserve better?

[*English*]

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, I would like to inform the hon. member that this government has done a lot for fishers.

We have extended capital gains exemptions to fishers that his government would not do. We have introduced policy flexibility in a number of fisheries to support viability. We have stabilized shares in many fisheries. We have doubled our budget to repair and upgrade small craft harbours. We do support the fishing industry in a way that it never has been supported.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, hard-working fishers from the Atlantic provinces have been left victimized by the 63% cut in snow crab quotas. The discretionary power of the federal fisheries minister is harming the economy and the people of New Brunswick.

Now the premier of New Brunswick has even been refused a meeting with the minister of human resources last week. New Brunswick fishermen have no means to sustain themselves and the

federal government has failed to provide them with any support whatsoever.

How much more hardship shall New Brunswickers observe and endure before there is an answer from any minister?

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, as I have said in the past, reducing the total allowable catch is a very difficult decision. I hope that the hon. member is not saying that we should be allowing fishers to overfish. We are concerned about the future of the fishery and about the future of the fishermen.

\* \* \*

● (1450)

**PRODUCT SAFETY**

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, when the Prime Minister prorogued Parliament, one of the pieces of legislation he wiped out, Bill C-6, was supposed to improve the safety of products sold in Canada. Last week, we learned about another unsafe children's product. This time it was baby cribs.

Millions of Canadians are concerned for their safety and also the safety of their children. Yet, product safety has not made it back to the Conservative agenda.

When will the government take action and put the safety of Canadians ahead of its own political interests?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, we tabled the legislation last year, the consumer product safety act, Bill C-6. Unfortunately, there were amendments made in the Senate. We will continue to work with stakeholders to improve the legislation and reintroduce it sometime in this House.

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, Canadians do not need more political games or rhetoric. The health and safety of Canadians, particularly our children, is at stake. Toys with lead paint are still out there and other unsafe products are still being sold.

Product safety legislation must be tabled in the House, without delay. This is the Canadian government's responsibility: protecting Canadians.

How long will Canadians need to wait, how many more voluntary recalls before the government finally puts the safety of our children back on the agenda?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, the health and safety of Canadians has been a concern of our government. That is why we took actions last fall to introduce Bill C-6. Unfortunately, the Liberal senators amended the legislation. We will be working again to reintroduce this legislation because the health and safety of our children is our number one priority.

*Oral Questions***GOVERNMENT EXPENDITURES**

**Mr. Terence Young (Oakville, CPC):** Mr. Speaker, budget 2010 laid out a clear three-point plan to return to a balanced budget and we included important measures to do just that, including freezes on departmental operating budgets; salaries for ministers, MPs and senators; and ministers' office budgets.

A key part of that plan was a commitment to ensure taxpayers are getting the value for money they deserve by continuing with tough, strategic reviews in 2010.

Would the President of the Treasury Board tell this House how this will be done and what it means for Canadians?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, taxpayers expect that programs are handled efficiently and effectively. We want to ensure that happens. Among a number of measures that we are taking to get to a balanced budget, we are asking all departments and agencies, on a cyclical basis, to look at all their spending.

This year, we are asking 13 departments and agencies, that spend in total about \$35 billion, to find efficiencies in savings that will amount to at least 5%, \$1.7 billion. These savings will continue year after year.

\* \* \*

**PUBLIC SAFETY**

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, in rural communities across Canada, thousands of volunteer firefighters put their lives at risk to keep us safe. Without their countless hours of public service and sacrifice, many rural communities would be without protection. In an effort to retain, recruit and reward these local heroes, action has to be taken, specifically in the form of a substantial, refundable tax credit.

Why has the government failed to recognize the sacrifice of these special men and women? When will it take action to protect rural Canadians?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, just last week, I met and listened to the concerns of firefighters representing my home province of Manitoba. This being Emergency Preparedness Week, we recognize the valuable role that first responders such as firefighters play to ensuring the safety of our communities.

Our Conservative government remains committed to working with provincial and municipal governments, which are responsible for first responders. The joint emergency preparedness program and our disaster financial assistance arrangements are two such programs.

\* \* \*

[*Translation*]

**AGRI-FOOD**

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, a broad coalition is calling for more transparency in the labelling of genetically modified organisms. Like the Bloc Québécois, this Quebec coalition wants the government not to

thwart the Codex Alimentarius negotiations on GMO guidelines being held this week in Quebec City.

Does the government plan on supporting the plan that is on the table, which would protect a country that imposes mandatory labelling of GMOs from being brought before the WTO tribunals on those grounds?

• (1455)

[*English*]

**Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, as you well know, at any of these meetings, Canada always takes the best interests of our producers and our processors to heart, and that will be our position.

\* \* \*

[*Translation*]

**OFFICIAL LANGUAGES**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, on May 11, 2005, the current Prime Minister said, "I remind the House that the motion was nonetheless adopted and that the government is duty bound to respect the decisions made by the House of Commons". He also said, "...the Liberal controlled and Liberal majority Senate found yet another way to delay it...".

The bill I sponsored, Bill C-232, concerning the appointment of bilingual judges to the Supreme Court, was passed by the House.

Will the Conservative senators respect the 2005 position of the member for Calgary Southwest and vote to respect official languages? What does the Prime Minister have to say about that?

**Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, our government will continue to be guided by principles of merit and legal excellence in the selection and appointment of judges to Canada's highest courts.

\* \* \*

**ARTS AND CULTURE**

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, our government's economic action plan provides more support than ever before for Canadians in the area of arts and culture.

[*English*]

Earlier today, our government delivered on another promise in our economic action plan to create a new, world-class prize to honour Canadian artists.

Could the Minister of Canadian Heritage please tell us how our Conservative government is supporting the arts and giving artists from coast to coast to coast a chance to be honoured around the world?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I was very pleased earlier today to be joined by the National Ballet of Canada and the legendary Karen Kain, the Canadian Opera Company and the Writers' Union of Canada in support of our government's proposal to create the Canada Prize for the Arts and Creativity.

This is going to be one of the largest, multidisciplinary prizes for artists in the entire world. It is going to be hosted here in Canada, and it has the support of the artistic community. Here is what Joe Rotman, the chair of the Canada Council for the Arts, said to the Prime Minister. He said, "Thank you for your commitment to our cultural success. Your leadership will recognize Canadian excellence of the highest possible standards. We look forward to creating something significant for Canada's cultural future".

We are delivering for the arts.

\* \* \*

#### PENSIONS

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, the government has promised much but delivered nothing on the issue of pension reform.

The toughest problems are facing those who rely on long-term disability benefits, while their companies are going bankrupt, and there are thousands of vulnerable Canadians in this predicament today.

Bill S-216, now in the Senate, fixes the bankruptcy problems for thousands of people and it could be passed unanimously as early as tomorrow night. Will the Prime Minister instruct his senators to get this job done today?

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Mr. Speaker, the government has been consulting all across Canada. The Minister of Finance has consulted all across Canada. This is an important issue for Canadians. We will put in place those forms that help Canadians and will be the best thing for Canadians.

\* \* \*

[Translation]

#### 400TH ANNIVERSARY OF QUEBEC CITY

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, although the Government of Quebec and Quebec City have paid everything they promised toward the celebrations of the 400th anniversary of Quebec City—\$40 million and \$5 million respectively—the federal government has paid only \$37.5 million of the \$40 million it promised.

A year and a half after the festivities concluded, this dispute is complicating the negotiations concerning the surplus of the Société des fêtes du 400<sup>e</sup> anniversaire de Québec, which is estimated at some \$2.5 million.

What is the minister for the Quebec City region waiting for to resolve this situation and quickly pay the full amount the government promised?

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, I thank my colleague for giving me the opportunity to say once again how successful the celebrations of the 400th anniversary of Quebec City were. Unfortunately, I have to say that the Bloc members did not

contribute to that success. That said, the surplus generated by the festivities will be reinvested in the Quebec City area.

\* \* \*

[English]

#### ABORIGINAL AFFAIRS

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, a report just out warns that first nations languages in B.C. are in deep trouble. If immediate action is not taken, most will be lost within six years. There are now only 5,600 fluent speakers left and most of them are older than 65.

The window is narrowing to preserve these languages and the culture and knowledge systems that they represent. We need investments in human and financial resources to create new generations of fluent speakers.

Will the minister act now to preserve first nations languages?

• (1500)

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, yes, this is a cause for concern. In fact, in a week and half's time I will be meeting with George Abbott, who is the minister responsible for this in the province of British Columbia, to come together with a plan with first nations communities, the province and the federal government about how we can best protect these aboriginal languages.

It is part of our heritage. It is the responsible thing to do. We are working with the province of British Columbia to get something done.

\* \* \*

#### INTERNATIONAL CO-OPERATION

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I have a question for the minister of international development.

The minister will be aware that a decision by her department to cut all funding for MATCH International, a budget of over \$400,000 a year, is yet another sign of the ideological direction of the government, cutting an advocacy organization for women, forcing it to lay off staff, forcing it to stop its work, forcing it to stop fighting for women's equality around the world.

Just what kind of a grudge does the government have for the women's organizations around the country that are working so hard for women?

**Hon. Bev Oda (Minister of International Cooperation, CPC):** Mr. Speaker, let me put the facts on the record. A 2009 evaluation of this organization showed there were performance and management shortcomings, declining organizational capacity that had not been sufficiently addressed by the organization. In fact, there is a question as to the organization's capacity to manage and deliver programs.

This government will ensure that it uses its international assistance effectively and accountably so we can really make a difference in the lives of those who want to move out of poverty.

*Routine Proceedings***VACANCY**

WINNIPEG NORTH

**The Speaker:** It is my duty to inform the House that a vacancy has occurred in the representation, Ms. Judy Wasylcyia-Leis, member for the electoral district of Winnipeg North, by resignation effective April 30, 2010.

[*Translation*]

Pursuant to subsection 25(1)(b) of the Parliament of Canada Act, I have addressed a warrant to the Chief Electoral Officer for the issue of a new writ for the election of a member to fill this vacancy.

**ROUTINE PROCEEDINGS**

[*English*]

**SOCIAL SECURITY AGREEMENT BETWEEN CANADA AND REPUBLIC OF MACEDONIA**

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, subsequent to its tabling on December 9, 2009, by the hon. Minister of Foreign Affairs, it is my privilege, on behalf of the Department of Human Resources and Skills Development and the Government of Canada, to table Order in Council P.C. 2010-556, authorizing the entry into force of the agreement on social security between Canada and the Republic of Macedonia.

[*Translation*]

The agreement between Canada and Macedonia will make it possible to coordinate pension benefits between the two countries. Under this agreement, Macedonia will pay social security benefits to eligible people living in Canada.

[*English*]

The agreement covers benefits for some of the most vulnerable groups in Canadian and Macedonian societies, including seniors, disabled individuals, surviving spouses and dependent children for whom income security is often tenuous. With this agreement, we are ensuring that hard-working Macedonians and Canadians receive the social security benefits that they have earned.

\* \* \*

**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 responses to 15 petitions.

\* \* \*

**STANDING UP FOR VICTIMS OF WHITE COLLAR CRIME ACT**

**Hon. Jay Hill (for the Minister of Justice)** moved for leave to introduce Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

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

**INTERPARLIAMENTARY DELEGATIONS**

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, pursuant to Standing Order 34(1) I am pleased to present, in both official languages, the following report of the Canadian NATO Parliamentary Association respecting its participation in the 2009 annual session held in Edinburgh, Scotland, United Kingdom, from November 13 to 17, 2009.

\* \* \*

● (1505)

**COMMITTEES OF THE HOUSE**

CANADIAN HERITAGE

**Mr. Gary Schellenberger (Perth—Wellington, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Canadian Heritage entitled "Courage and Determination".

PROCEDURE AND HOUSE AFFAIRS

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** Mr. Speaker, pursuant to Standing Orders 104 and 114 I have the honour to present, in both official languages, the ninth report of the Standing Committee on Procedure and House Affairs regarding memberships of committees in the House. If the House gives its consent, I would like to move concurrence at this time.

**The Speaker:** Does the member for Elgin—Middlesex—London have the unanimous consent of the House to propose the motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

**PETITIONS**

POVERTY

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, I have the honour to present two petitions today.

The first contains the signatures of many thousands of people. Their issue is seniors living in poverty, indicating that more than a quarter of a million Canadians live in poverty. These are seniors who have helped to build the country. OAS is indexed quarterly based on increases to the consumer price index, but they do not reflect the costs involved for seniors.

I want to thank Mr. John Maloney for his help in assembling this petition and forwarding it here.

## POST-DOCTORAL FELLOWSHIPS

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, the second petition is from a number of post-doctoral fellows who were caught off guard by the budget this year when it eliminated the exemption. They are very concerned. They are saying the bottom line for them is, if the government is going to make a change, they would ask it to at least consider having discussions with the post-doctoral fellows student association.

That is the nature of that petition, which I am pleased to present.

## FOREIGN TAKEOVERS

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I am rising today to bring forward concerns that were raised by hundreds of my constituents in the great region of Témiskaming in northern Ontario, who are concerned about the failure of the government to conduct due diligence in terms of assessing the net benefit of foreign takeovers of key Canadian resource industries.

Of course, they point to the absolute debacle that has followed the government's rubber-stamping of the sell-off of the Canadian mining giants Falconbridge and Inco to the corporate bandits Vale and Xstrata. We are seeing the impacts now, with the start of Xstrata's shutdown of copper refining capacity in Ontario, the possible shipping of ore overseas in the future and the brutal nine-month strike at Vale.

The concern in particular is over the failure of the government to carry out due diligence over the sell-off of Grant Forest Products, one of the key OSB operations in North America and one of the largest holders of public forests in Ontario, which was rubber-stamped by the government.

Constituents who rely on resource industries believe that the government has to do better than it has done. They are calling on the government to ensure full reviews of these important takeovers.

## THE ENVIRONMENT

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, I have three petitions to present.

The first one is from hundreds of my constituents in Trinity—Spadina. They are extremely worried that the tar sands are, by far, the fastest-growing source of greenhouse gas in Canada and produce as much as three times the amount of greenhouse gas as conventional oil production.

They also worry that oil production and refining operations produce huge emissions of toxins that hurt animals and plant life and can cause cancer. They want the House of Commons to ask the federal government to stop further expansion of the tar sands until a set of basic environmental and social conditions are satisfactorily achieved.

• (1510)

## CLIMATE CHANGE ACCOUNTABILITY BILL

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, the second petition is from constituents who support NDP Bill C-311, the climate change accountability act. They want mandatory fuel efficiency standards for vehicles, a hard cap on big polluters like the coal-fired electricity plants and oil sands projects and developments,

*Routine Proceedings*

and an end to tax subsidies on big oil and gas companies. They want to use the funds to invest in renewable energy and green technologies.

## VOLUNTEER SERVICE MEDAL

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, the third petition is signed by residents of Canada calling on the Government of Canada to recognize service by means of issuance of a new Canadian volunteer service medal. Designated the Governor General's volunteer service medal, it would be for volunteer service by Canadians in the regular and reserve military force and cadet corps support staff, who are not eligible for other medals of this kind and who have completed 365 days of uninterrupted honourable duty in the service of their country since March 2, 1947.

## AIR PASSENGERS' BILL OF RIGHTS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have two petitions for the House today.

The first petition is signed by thousands of people and calls for Canada to catch up with Europe and the United States and adopt Canada's first air passengers' bill of rights. The petitioners ask for support for Bill C-310, which would provide for compensation for overbooked flights, cancelled flights and unreasonable tarmac delays. This type of legislation has been in Europe now since 1991 and in its current form for the last five years. The bill would ensure that passengers were kept informed of flight changes whether they were delays or cancellations. It would require that rules be posted in the airports. The airlines would be required to inform the passengers of their rights and the process to file for compensation. It would deal with late and misplaced baggage. It would require all-inclusive pricing to be in the airline companies' advertisements.

The petitioners call on the Government of Canada to support Bill C-310, which would introduce Canada's first air passengers' bill of rights.

## PRISON FARMS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the second petition calls on the government to stop the closing of the six Canadian prison farms. Dozens of Canadians have signed this petition demanding that the government reconsider its ill-thought-out decision. All six prison farms, including Rockwood Institution in Manitoba, have been functioning farms for many decades providing food to the prisons and the community. The prison farm operations provide rehabilitation and training for prisoners by having them work with and care for plants and animals. Mr. Speaker would know, having had two of these prison farms in his riding in Kingston, that the work ethic and rehabilitation benefit of waking up at 6 a.m. and working outdoors is a discipline that Canadians can appreciate. Closing these farms would mean the loss of the infrastructure and would make it too expensive to replace them at a future date.

*S. O. 52*

Therefore, the petitioners call on the Government of Canada to stop the closure of the six prison farm operations across Canada and produce a report on the work and rehabilitative benefit to prisoners, on the farm operations and on how the program can be adapted to meet the agriculture needs of the 21st century.

KAIROS

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I am tabling today in the House a petition from Canadians across the country asking the government to restore the funding for KAIROS. This is a Canadian ecumenical justice initiatives group that has done outstanding work for the last 40 years around the world, and the petitioners are calling for the return of its funding.

CHEMICAL PESTICIDES

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, the second petition calls for the ban of the cosmetic use of chemical pesticides. A number of members in the House have called for such action. The petitioners call on the House of Commons to enact legislation for an immediate federal moratorium on the cosmetic use of pesticides.

ENVIRONMENTAL BILL OF RIGHTS

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, my third petition is a call to enact a Canadian environmental bill of rights. This of course warms my heart because this is my bill. It will come up for debate this week in the House. In essence, the bill would make clear that the government has a responsibility to Canadians to protect the environment for health, well-being and sustainability. Second, it has a responsibility to give citizens the right to call the government, and industry, to account if it does not take the appropriate action in law to protect the environment.

\* \* \*

• (1515)

#### 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.

\* \* \*

#### REQUEST FOR EMERGENCY DEBATE

OFFSHORE OIL AND GAS DRILLING INDUSTRY

**The Speaker:** The Chair has received a request for an emergency debate from the hon. member for Skeena—Bulkley Valley, and I will be pleased to hear his submissions on that point now.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, thank you for the opportunity to speak to this issue. This will be of interest to all members and in fact all Canadians. I wrote to you earlier today to seek leave for an emergency debate on the topic of safety and regulation of the offshore oil and gas drilling industry in Canada. The specifics and need for the emergency debate are clear. Canadians and the rest of the world have seen the horrors, as the Prime Minister referred to today, of the environmental disaster

that is happening in the Gulf of Mexico right now. Almost one million litres of oil are spewing up from the seabed floor onto the coast of New Orleans and other places across the coast.

The Deepwater Horizon explosion is relevant to the Canadian context and is relevant for an emergency debate because the very same companies involved with that project are seeking an exemption. They are probing and lobbying the government right now to seek exemptions from the safety practices that are not being applied right now in the gulf, so in fact lessening the safety rules. The emergency debate is prevalent and important at this time because the government has not yet come forward in the issuing of leases for offshore, both for the west coast and particularly the Beaufort Sea in the north. The matter concerns the ability of Canadians to know their government has rules in place that are stronger than the ones that led to the disaster in the Gulf of Mexico.

We need to hear from the government of the day. Opposition members need to be able to make the case that no licences should be issued right now. The National Energy Board is hearing these petitions as we speak and any day will rule on these exemptions for British Petroleum and other companies. It is incumbent upon us as the House of Commons to deal with this now, before the licences are issued, before the drilling begins, because once begun, once the permits are out, there is no way to pull back from disasters like the one we are seeing in the gulf.

Our Arctic region and the west coast of British Columbia simply could not survive the devastating effects of a major spill like the one we are seeing from the Deepwater Horizon. This is all about same-season relief wells. This is about an exemption being sought on that exact issue by British Petroleum and others. The House must engage with this issue forthwith, and I humbly seek and request an emergency debate for this evening.

**The Speaker:** I thank the hon. member for Skeena—Bulkley Valley for his submissions on this point. I have considered that and the letter he forwarded to me this morning on this subject.

I have no doubt that the situation in the Gulf of Mexico would constitute an emergency if it had happened in Hudsons Bay, for example, but it has not happened in Canada at the moment. Accordingly I am not inclined to grant the request the hon. member has made for an emergency debate at this time.

The argument about possible changes in regulations is, of course, one that can be debated in the House. I point out to hon. members that we do have a supply day almost weekly these days, so there is opportunity for debate on this kind of subject to take place on one of those days.

Accordingly, I am going to turn down the member's request at this time.



## GOVERNMENT ORDERS

[English]

### SÉBASTIEN'S LAW (PROTECTING THE PUBLIC FROM VIOLENT YOUNG OFFENDERS)

The House resumed consideration of the motion that Bill C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts, be read the second time and referred to a committee.

**The Speaker:** Before question period, the hon. member for Scarborough—Rouge River had the floor for questions and comments consequent upon his speech. I therefore call for questions and comments. The hon. member for Yukon.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, if I interpreted the member's speech correctly, he said the government should have put this bill in with a bunch of other bills into an omnibus bill. I would definitely disagree with that. The government does that when it has a whole bunch of ineffective, poor bills it wants to pass all at once.

On the other hand, does this mean the member also thinks that Bill C-9 as an omnibus bill was a good idea? There were lots of things all in that one bill.

**Mr. Derek Lee:** Mr. Speaker, most of us have difficulty with omnibus bills sometimes, because they do tend to have a lot of legislation buried in them. The thing about an omnibus bill is that there is a theme that brings all the pieces of proposed legislation together. In Bill C-9, the budget implementation bill, there is virtually no theme. With the potential sale of AECL and legislation about payment cards or credit cards, it is all over the map. There is no theme.

In terms of criminal law legislation, we have seen bills in the past here and in other jurisdictions that have a themed Criminal Code amendment, and I was referring to those.

My colleague makes a good point that, when we are dealing with youth criminal justice, it is a very visible separate component of our criminal justice system. We keep it separate. That is why I styled my remarks around the theme of intervention as opposed to retribution, accountability, deterrence, these types of issues.

I recall visiting a youth boot camp in the Ontario jurisdiction. It was a very successful operation that dealt with youth. It was well run and disciplined. The young men there earned points to get the chance to go home on weekends on a supervised home visit.

I did bump into one young man and I asked him where he was going after he was out of there. It was a very sad comment because he said he did not have any family so it did not matter whether he earned any points to go home on the weekend. He said he would probably go back to the pool hall.

What a sad situation that the intervention that was there, which seemed to be having some benefit, was going to come to an end. The intervention would end and that young man would go back to a pool hall in Toronto. He was not going to go back to school. He did not seem to have any appetite for that. He was about 17 years old. I was quite saddened that the intervention that was there was going to

### Government Orders

come to an end and he was going to end up back at the same place that probably got him into trouble in the first place.

I go back to my theme of quality intervention. The better the quality, the better the outcome and the better it is for our society.

● (1520)

[Translation]

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, my colleagues will notice that my voice is a bit hoarse; I have a terrible cold. I have water and throat lozenges in case I cough too much; I have everything I need. I hope I will not have to interrupt my speech.

The Bloc Québécois has serious misgivings about Bill C-4, an Act to amend the Youth Criminal Justice Act, which would toughen prison sentences for youth. This bill is part of the Conservative government's tough on crime policy.

Protecting society is the bill's guiding principle, but I will show that this is definitely not what will be achieved in the long term. The tough on crime policy will not, in the long term, protect society. The experience of California, which has been operating under this policy for 30 years, is proof. Quebec, however, with its rehabilitation policy, has the lowest crime rates in North America.

The courts ordered the State of California to let 40,000 prisoners go, 6,000 of them this past January. Are we supposed to believe that we can promote public safety by freeing 6,000 prisoners who spent many idle years in overpopulated and underfunded prisons that produce aggressive and violent individuals? That is not what Californians think.

Tougher sentencing will not enhance public safety, and I will explain why. Repression does not work. Rehabilitation does not work either because costs are soaring and there is no money for these kinds of programs.

Quebec's juvenile justice system works because of its legal aid program, rehabilitation incentive program, offender education program, probation and, most importantly in this context, the complete overhaul of preliminary intervention approaches under the 1977 Youth Protection Act. Our system is the envy of Californians.

An in-depth statistical study entitled *Did Getting Tough on Crime Pay?* showed that American tough on crime policies introduced since the 1980s were driven by media manipulation and false perceptions about lenient sentencing for serious crimes. Political arguments for tougher sentencing are invariably based on exceptionally lenient sentences that create false impressions about typical or average sentences.

### *Government Orders*

The opposite is true in this case. Bill C-4, which the Conservatives have dubbed Sébastien's law, does not constitute a response to Sébastien's murder at all because the murderer, who was a minor at the time, is currently in jail for life. People who commit serious crimes go to jail for a long time. This proves that the current law works and that we do not need to change it. We cannot do more than that. No law can do more than that.

Unlike California—which, for lack of funding, is keeping prisoners in spaces that are too small and overpopulated with nothing productive to do, which only feeds their violence—the governments of Quebec and Canada have thus far been spending money to keep prisoners in a healthy environment, to occupy their time productively and teach them to reintegrate into society. If we were to begin overcrowding our prisons, that situation would change, as it did in California.

Just when the Canadian Conservative government is about to make the system even tougher, former journalist Art Montague and a number of associations that work with inmates are showing how the American model, which the Conservatives are emulating, is going through a major crisis that is forcing it to move more towards the kind of system that we have here. The Quebec model, as I said earlier, with its focus on rehabilitation, has the lowest crime rate.

The crisis in California is happening on two levels, socially and economically, each echoing the other. One reinforces the other, which demonstrates not only how completely ineffective tougher sentences are when it comes to fighting crime, but also how devastating it is for the economy and the quality of correctional services. A punitive approach undermines the importance of social services such as education and rehabilitation programs for inmates, which are the key to effectively reducing crime.

Many articles in the *Wall Street Journal* and *The Economist*, serious publications that cannot be called leftist, demonstrate how 30 years of tough on crime policies have led to overcrowded prisons. The California prison system is currently at 200% of capacity, with 187,000 inmates.

• (1525)

This sort of overcrowding creates a serious threat to public safety. The 2007 Chino prison riot, where authorities stood by powerless while inmates took control of dormitory Z for more than 20 hours, is proof of this.

As the articles in the *Wall Street Journal* and *The Economist* show, prison overcrowding is having a disastrous effect on the state's budget, which already has an enormous deficit. More inmates require more resources, yet the state recently had to cut \$1.2 billion from its prison system.

The State of California spends nearly 10% of its budget on its correctional system, but only 5.7% on universities. The reverse was true 25 years ago.

The United States has the dubious distinction of incarcerating more individuals per capita than any other documented country in the world. That was the finding of a 2008 study by the Pew Research Center.

California's high budget costs are forcing Governor Arnold Schwarzenegger to come up with totally crazy solutions, such as having prisons built in Mexico by Mexicans to house American inmates. The Supreme Court, though, ordered him to release 40,000 inmates.

When prisons are overcrowded, it is impossible to maintain proper health and safety services. This led the Prison Law Office to file a lawsuit against the state. A federal judge ruled in favour of the organization and ordered the state to reduce the prison population by 40,000 inmates, which would bring it down to 137% of capacity, according to the *Wall Street Journal*.

Just recently, on January 18, 2010, a special judicial panel decided to get around the Supreme Court deadline and order the release of 6,000 inmates.

The crisis is twofold. On the one hand, the high cost of 30 years of so-called "tough on crime" detention policy has killed more sensitive prevention and rehabilitation policies. The current punitive policy has put the prison system in an untenable situation, though, forcing authorities to empty the prisons of thousands of inmates who will reintegrate into society without proper supervision, which is raising serious concerns among local authorities and community leaders in California.

The inmates will leave prison without any training, without any job prospects and without having worked on their rehabilitation. Imagine 6,000 inmates looking for a job while also looking for a place to live. These same 6,000 inmates went to crime school for years in close quarters with nothing else to do than to become more violent and fuel their aggression and rage. Six thousand people are a threat to public safety. The president of the Los Angeles Police Protective League even called this a perfect storm for public safety. Imagine what will happen when that number goes up to 40,000, as the Supreme Court is calling for.

Various media and organizations such as Prison Fellowship, feel that the soaring costs associated with overcrowded prisons in California have other adverse effects, namely budgetary cuts that affect the system's capacity for maintaining or implementing rehabilitation and education programs. In addition to being held in increasingly inhumane conditions, inmates do not receive any help in learning how to control their violence, live in society and become law-abiding citizens.

This lack of services and follow-up, both inside and outside the prison, leaves the inmates to fend for themselves and makes them more likely to end up back in prison. Tougher sentences have a negative impact on all aspects of programs that have for more than 40 years focused on preventing crime through social rehabilitation. It comes as no surprise that the rate of recidivism there is 70%, while in Quebec it is between 10% and 20%.

For all these reasons, the Bloc Québécois will conduct a thorough analysis of the study in committee in order to hear all the players involved and improve whatever aspects of this bill that we can.

*Government Orders*

• (1530)

[English]

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I have been listening to this discussion all day and what really concerns me about the Conservatives' agenda on crime, or their so-called agenda on crime, is that they continually bring forward bills that address key elements that are already within the justice system. However, they are creating the image for the public that these huge gaps exist.

In looking at many of their bills, we see that they do not even bother bringing them into the law. They run them up the flag pole, beat the drums, try to get the public angry against the justice system and then they let the bills die or re-introduce them.

The Youth Criminal Justice Act is a cornerstone. The Youth Criminal Justice Act already contains a wide degree of support for dealing with youth who are very dangerous offenders. However, the whole issue of rehabilitation and the need to treat youth separate from adults is a cornerstone principle of a modern justice system. The government seems to want to blur that. It wants to treat youth offenders as if they were the Hells Angels.

Why does my hon. colleague think the government is continually playing politics with issues that really require a cohesive and thoughtful response in order to make good public policy?

[Translation]

**Mrs. Carole Lavallée:** Mr. Speaker, the Conservative government's tough on crime approach is completely incomprehensible. The experience of the State of California shows that this approach is a total failure. After 30 years of tougher sentences, California has learned that this approach does not foster rehabilitation. The state has a recidivism rate of 70%.

This also shows that being tough on crime does not work. Budgets are soaring because of recidivism. The system is self-perpetuating. Requiring the state to release 40,000 inmates, including 6,000 in January, shows that public safety has not been maintained in the long term.

The only plausible explanation for the government's insistence on adopting this unworkable approach is misguided populism. It has been proven that this approach does not work. Everything I said earlier has been documented in full. The Conservatives do not know or are unable to explain to their voters that this is a policy that just does not work. Rather than explaining that it does not work, they prefer to present this populist measure here and pretend that it does work.

• (1535)

[English]

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I thank my colleague for her intervention, although I disagree with her.

One thing we do not hear from the Liberals, the Bloc or the NDP when we have these kinds of debate is the word "victim". It virtually never comes up.

The other thing that never comes up is the whole notion of protecting society. I know that went out the window back in 1971

when the Liberals put all their focus on rehabilitation and took the focus off the protection of society.

Since the member is so fundamentally opposed to this bill, which focuses on the most violent and dangerous young offenders, what does she propose our government do to protect society and ensure that in the future we do not have the number of victims of youth crime that we have had up to date?

She should perhaps visit my town of Abbotsford to see some of the impacts of youth crime.

[Translation]

**Mrs. Carole Lavallée:** Mr. Speaker, I thank the Conservative member for his question. The Bloc Québécois truly empathizes with victims and believes that they should be given more counselling and moral support, as well as varying degrees of compensation, rather than being handed the criminal's head on a platter.

I also invite the member to come to Montreal, Quebec, to see what has been done under the Youth Protection Act. He would see that Montreal and Quebec's crime rates are the lowest in North America. That is due to a rehabilitation system that works very well and that is quite the opposite of the government's tough on crime approach. I would say that we are smart on crime.

[English]

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, I am sure you can imagine just how pleased I am to actually be able to stand in the House and speak about youth issues. Far too infrequent are the occasions in this House in which we get to directly invoke and address young Canadians. Mr. Speaker, you can also imagine my concern and my distress to realize that yet again, the only time the government talks about young people, the only time it brings forth measures relating to young Canadians is to talk about locking them up and punishing them.

For me, young people deserve better. Young people are our future, and that future depends on making them into powerful, engaged, committed, active and successful citizens, not just some of them, all of them. With our ageing society, with our ageing demographics, we need to make sure that our best and our brightest come from all corners of society, even the ones who do not necessarily get the best shots, or do not have the best environment around them or the best opportunities. That is where the focus on prevention and rehabilitation, investing in youth services and youth organizations, ways to empower, to encourage and to engage our young people becomes extremely important.

What has the government done recently? It has been cutting community programs. It has been cutting youth initiatives. It has been reducing opportunities for our young people to grow, to develop, to serve, to become more.

There are two personal examples that really affected me, one small and one large.

*Government Orders*

Canada's summer jobs program in my riding was cut this year by about \$8,000 from last year, based on what the government called administrative tweaks. It is not a lot of money but it does mean that four or five young people will not have opportunities this summer to serve, to work, to help community organizations. Those cuts happened right across the island of Montreal, in talking with my colleagues, and some of the cuts are much larger. This is an example of where the government just does not get it and chooses to shave off programs here and there for young people.

On the other side is a larger example. The government announced with great fanfare a few months ago that it was renewing funding for Katimavik, Canada's national youth service program, for three years. What it did not mention in its news release was that it was renewing the funding at \$5 million less per year than the program had received before. Every year, thousands of young people apply to Katimavik for an opportunity to serve their country, to work hard within communities, to build a better Canada one neighbourhood at a time. At a moment in time when young people need a framework like that, need opportunities to discover their importance and their relevance in our world, the government is cutting \$5 million a year.

What is it doing with that funding? With this bill, it is proposing to build more detention centres, and that does not make much sense.

The very foundations of the Canadian judicial system separate the rights and needs of youth and adults, an internationally recognized norm that this bill seeks to undermine. The United Nations Convention on the Rights of the Child, adopted by Canada, recognizes child-specific needs and rights. The best interests of the child must be ensured by the state. Our country's participation in this convention would be damaged by the government's push to further adult incarcerations for young offenders in Canada.

Recognizing a young offender as a developing individual, the important role parents and guardians play and children's rights to privacy, protection from exploitation and expression of their opinion are all necessary if we are to prevent further crimes. These are the very principles the United Nations Convention on the Rights of the Child embodies and they have been reflected in the current Youth Criminal Justice Act.

• (1540)

[*Translation*]

I find it very troubling that this government is choosing to set aside the interests of our young people, when all Canadians want a justice system that focuses on prevention and rehabilitation.

Let us look at the statistics. The reality is that despite what the Conservatives tell us, crime rates, and youth crime rates, are going down all over Canada.

[*English*]

Youth crime is down right across the country, but the government will say that violent crime among youth is rising slightly. That is true in some parts of the country, but the one part of the country where violent youth crime is down is the one part of the country that we have spent a lot more effort and energy into investing in prevention and rehabilitation. That is my home province of Quebec.

[*Translation*]

Quebec gets it. Quebec knows that we cannot base everything on other generations' fear of youth. We must give our youth the chance to make mistakes, and guide them to learn from their mistakes so that they can fully participate in society. That is not what this government is proposing.

[*English*]

These are the politics of cynicism, division and fear at their very worst. The cynicism is apparent even in the choice of the name of this bill. For me, to call it Sébastien's law is a slippery slope, not taking away anything from what Sébastien and his parents have gone through and the tremendous voice that Sébastien's parents have been in terms of standing up for victims' rights. But to call it that at the same time that victims' rights groups across the country have been coming forward and complaining, calling out and decrying the fact that the Conservative government is cutting aid to victims' programs, cutting help and support to community organizations that are helping victims deal with their crime, that is the politics of cynicism. The politics of division are all about picking among groups who are likely to vote for a party and groups who are unlikely to vote for a party and pandering to those who will.

We are encouraging the division between seniors and young people by promoting a mistrust of young people, by engaging the stereotype that youth crimes are horrible and young people need to be punished and set on the straight path. Spare the rod and spoil the child; that sort of mentality does not work.

Yes, there have been situations in which young people have committed horrible crimes, but our judicial system has largely been able to deal with those in a responsible manner. For me, the fact that we have to further politicize and attack young people is shameful.

I have been across the country. I have spoken with young people who want nothing more than to be valued by their government, listened to and empowered by their government. The fact of the matter is the government does not talk about young people except to create fear. Those are the politics of fear, to make us afraid of young people and what they represent, to make us afraid of the violent crime that young people are capable of, instead of working on bringing people together, on creating opportunity for young people to learn, to grow, to contribute. This knee-jerk reaction of the ease to lock them all up and throw away the key is why there is this tough on crime agenda on the other side of the aisle.

We need to focus on energy on being tough on crime, but the government tries to make things evil and scare people. The idea is that we need to bring people together within politics, not divide them.

I am told by my colleagues that there are possibilities of salvaging some elements of this youth crime bill in committee, which is why I look forward to hearing those discussions in committee. However, the fact of the matter is I fundamentally wish that the government had a better opinion of young Canadians and of their capacity to be not just leaders of tomorrow, but leaders of today, if we give them the tools.

*Government Orders*

Young Canadians and all Canadians deserve better.

• (1545)

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, I have a question for the member who just spoke. A question came up during the debate regarding expanding the scope of circumstances under which the name of a young offender would be released. Some members said that this would stigmatize the young person for a very long time and would relegate them to a life of crime. Others also said that by publishing the names we would be creating a good list of recruits for organized crime groups. These groups could easily contact them to train them within their organizations. Could the member comment on this?

**Mr. Justin Trudeau:** Mr. Speaker, I thank the member for that very good question.

The idea of making it easier to publish the names of young offenders plays into this culture of fear that is being created. As things now stand, it is already possible to publish the name of young offenders, but the judge and the system are responsible for proving that this is really warranted. I think that making it easier could destroy the lives of too many young people who could perhaps move on some day.

[*English*]

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, what was very clearly lacking from the member's intervention was any empathy for the victims of crime. The member essentially dismissed Sébastien and his family, dismissed the victims of crime in Canada, and said the sole focus should be rehabilitation. It is not surprising.

I am referring to a statement that a former solicitor general in the government of that member's father said back in 1971. Jean-Pierre Goyer, a Liberal, when solicitor general of Canada, said:

The present situation results from the fact that protection of society has received more emphasis than the rehabilitation of inmates. Consequently, we have decided from now on to stress the rehabilitation of offenders, rather than the protection of society.

When I asked the member for Eglinton—Lawrence last week whether he still supported that position from 1971, he seemed to indicate yes.

My question for the member is, does he still support the abandonment—

[*Translation*]

**The Deputy Speaker:** The hon. member for Papineau.

[*English*]

**Mr. Justin Trudeau:** Mr. Speaker, it is interesting that for their arguments the Conservatives have to go back 40 years.

As we look over the past 40 years, the reality is that violent youth crime has decreased. The fact of the matter is that when we talk about victims of crime, yes, we have tremendous empathy. I was very clear that I have nothing but admiration for the tremendous work Sébastien's parents have done in promoting the rights of victims and help for victims of crime.

However, the Conservatives politicize it to that extent and at the same time remove their support for victims of crime. By cutting

victims of crime programs they are allowing for there to become more victims of crime. Every single study demonstrates that the more we try to use deterrents on young people by threatening longer sentences and more incarcerations, the more it does not work.

The only thing that works is investing in possibilities for them to improve, to engage and to grow as citizens.

• (1550)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, in my region of James Bay in the north, there are young people who are denied access to grade schools because the government says that building schools for children is not a priority. There were 11 suicides and 80 attempted suicides, and the government was going to shut down the children's aid services. It did not want to spend the money.

I would like to ask my hon. colleague about the priorities of a government that believes the only solution, the only thing it has offered in five years in this House, is one crime bill after another. The Conservatives hide behind the victims and say they are the only ones concerned about the victims.

Why is it that the Conservatives have done nothing on issues such as children in isolated communities who are lacking basic access to schools and lacking basic access to justice because the Conservatives do not even want to hire police to represent those communities? Why are there two tiers in this country?

**Mr. Justin Trudeau:** Mr. Speaker, the issue is very clear to me.

The government is proposing to spend millions of dollars building more prisons and youth detention centres, and investing in prison guards because it has created a culture and climate of fear as opposed to investing in schools, community centres, community activists, community organizers and people to reach out to young people and empower them. It is shameful.

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** On division.

**The Deputy Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

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

\* \* \*

**CRIMINAL CODE**

**Hon. Lynne Yelich (for the Minister of Justice and Attorney General of Canada)** moved that Bill C-16, An Act to amend the Criminal Code, be read the second time and referred to a committee.

*Government Orders*

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, it is certainly an honour for me to rise today to begin second reading debate on Bill C-16, ending house arrest for property and other serious crimes by serious and violent offenders Act.

This bill, aptly named, proposes to restrict the availability of conditional sentences in the same manner as advanced in the former Bill C-42 in the last session of Parliament. Our government is taking further action to crack down on crime and to protect the safety and security of our communities.

A conditional sentence of imprisonment is one that is less than two years and one that a court may permit an offender to serve in the community under conditions and supervision. Bill C-16 proposes amendments to the Criminal Code to ensure that conditional sentences are never available for serious and violent offenders, and serious property offences which were never intended to be eligible for a conditional sentence in the first place.

Let me be clear to all members of the House. This government's proposed legislation would ensure that House arrest is no longer used for offences that pose a significant risk to law-abiding citizens.

Conditional sentences of imprisonment came into force over 13 years ago with the proclamation in 1996 of Bill C-41, entitled "Sentencing Reform", which is found in chapter 22 of the Statutes of Canada, 1995. Among the key elements of that legislation were the following: the creation of conditional sentences as a new sentencing option; the first ever parliamentary statement of the purpose and principles of sentencing, which are contained in sections 718 and 718.2 of the Criminal Code of Canada; and increased emphasis on the interests of crime victims, including the recognition that the harm done to victims should be considered at the time of sentencing.

As originally enacted in 1996, a conditional sentence was available as a sentencing option provided that the following prerequisites were met: first, the sentence must be less than two years in duration; second, the court must be satisfied that allowing the offender to serve the sentence of imprisonment in the community will not endanger the safety of the community; and third, the offence must not be punishable by a mandatory minimum term of imprisonment.

Shortly after the implementation of Bill C-41 and in response to concerns that courts were awarding conditional sentence orders for quite serious offences, a requirement was added that the court be satisfied that sentencing the offender to serve a conditional sentence of imprisonment is consistent with the fundamental purpose and principles of sentencing as set out in the Criminal Code.

The fundamental purpose of sentencing, as described in section 718 of the code, states that a sentence must contribute to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives: first, denouncing unlawful conduct; second, deterring the offender and other persons from committing offences; third, separating offenders from society where necessary; fourth, assisting in the rehabilitation of offenders; fifth, providing reparation for harm done to victims or the community; and finally, promoting a sense of

responsibility in offenders and acknowledgement of the harm done to victims and to the community.

The preconditions for a conditional sentence, along with the deemed aggravating factors added to the Criminal Code by Bill C-41, such as evidence that the offender abused a position of trust, were designed to screen out serious offences committed in circumstances for which denunciation, general deterrence, and incapacitation should be considered the primary sentencing objectives. In addition, the fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

In 2000, the Supreme Court of Canada held in *Regina v. Proulx* that the conditional sentencing regime does not exclude any category of offences other than those with a minimum period of incarceration, nor is there a presumption for or against its use for any category of offence. The court said, however, that it was open for Parliament to introduce such limitations. Unfortunately, sentencing courts have interpreted the availability of conditional sentences in an inconsistent fashion because of the lack of clear parameters, allowing in some instances violent and serious offenders to serve their sentences under a conditional sentence of imprisonment.

• (1555)

This unfortunately has resulted in criticism of the sanction and a loss of public confidence in the administration of justice and, I would submit, in the justice system overall.

The government responded expeditiously to these concerns when it took office by tabling, in May of 2006, Bill C-9, an act to amend the Criminal Code regarding conditional sentence of imprisonment. As introduced, Bill C-9 proposed to eliminate the availability of conditional sentences for any offences punishable by a maximum sentence of 10 years or more that were prosecuted by indictment.

This would have caught serious crimes such as sexual offences, weapons offences, offences against children, and also serious property crime such as fraud and theft over \$5,000. However, as ultimately passed by Parliament, Bill C-9 only further restricted the availability of conditional sentences by excluding terrorism offences, organized crime offences, and serious personal injury offences that were punishable by a maximum sentence of 10 years or more and when they were prosecuted by indictment.

As defined by section 752 of the Criminal Code, a serious personal injury offence has two components. First, it is defined to specifically include the three general sexual assault offences which are contained in sections 271, 272 and 273 of the Criminal Code that are used for adult and some child victims.

However, the second component of a serious personal injury offence does not provide the same certainty because it includes indictable offences other than high treason, treason, first degree murder or second degree murder involving the use or attempted use of violence against another person, or conduct endangering or likely to endanger the life or safety of another person, or inflicting or likely to inflict severe psychological damage on another person, for which the offender may be sentenced to imprisonment for a term of 10 years or longer.

It is this aspect of the existing conditional sentencing provisions that are so problematic and this is what the bill before us today addresses. Rather than leaving it to the individual courts to determine whether a particular case qualifies as a serious personal injury offence, this bill clearly identifies all offences which will never be eligible for a conditional sentence. It removes the uncertainty and provides clarity to our law.

Up until the coming into force of Bill C-9 on December 1, 2007, sentencing courts only interpreted serious personal injury offence for the purposes of determining whether the threshold for a dangerous or long-term offender application had been met under part 24 of the Criminal Code. This is because the term had been enacted and defined for the dangerous and long-term offender provisions only.

Since Bill C-9 came into force, courts have had to interpret the definition of serious personal injury offences in the context of conditional sentences, a context which is quite different than that for dangerous and long-term offenders.

For instance, in *Regina v. Becker* in 2009, a decision of the Alberta Provincial Court, and in *Regina v. Thompson*, a decision by the Ontario Court of Justice, the courts were asked to determine whether the offence of robbery was a serious personal injury offence in the context of the availability of conditional sentences.

In both cases, threats were made, yet in only one of the two cases did the court ultimately find that robbery met the definition of a serious personal injury offence. In other words, the eligibility of the same offence, in this case robbery, for a conditional sentence was interpreted differently by these two courts, with the result that a conditional sentence was available in one case but not in the other. Clearly, that inconsistency needs to be resolved.

In two other cases before the Courts of Appeal in the same two provinces, both courts interpreted the serious personal injury in the conditional sentence context in the same way, but differently from how serious personal injury had been interpreted to date in the dangerous offender context. More specifically, in the 2009 decision by the Alberta Court of Appeal, in *Regina v. Ponticorvo*, the court held that serious personal injury in the conditional sentence context included the use or attempted use of any violence and was not restricted to only the use of serious violence. In so doing, the court applied a different interpretation than it had to the same term in the dangerous offender context in *Regina v. Neve* in 1999.

• (1600)

Moreover, the Court of Appeal for Ontario, in *Regina v. Lebar*, in 2010, confirmed this approach and concluded that for the purpose of the availability of conditional sentences, Parliament created:

### *Government Orders*

—a divide between crimes where violence is or is not used, not between crimes of serious violence and less serious violence.

That is found at paragraph 69 of the Ontario Court of Appeal judgment.

What these cases illustrate is that there is considerable uncertainty about how the existing conditional sentences will be interpreted and applied. However, this bill would provide the needed clarity and the certainty to say which offences are not eligible for a conditional sentence. This would, in turn, prevent the need to wait for these issues to be finally resolved by the appellant courts.

Another concern is that the definition of serious personal injury offences does not cover other serious property crimes which would still be eligible for a conditional sentence.

For instance, fraud, which can have a devastating impact on the lives of its victims, is punishable by a maximum sentence of 14 years. Although this type of offence can be every bit as devastating as a serious personal injury offence, it is still technically eligible for a conditional sentence.

In addition, the current prerequisites of the availability of a conditional sentence do not exclude drug offences unless they are committed as part of a criminal organization and provided that they are punishable by 10 years or more and prosecuted by indictment. Consequently, as a result, a conditional sentence would be available for the production, importation and trafficking in a schedule 1 drug, such as heroin.

I think members would agree with me that most Canadians would not find that result reasonable.

It is my view that the current conditional sentencing regime still fails to categorically make conditional sentences ineligible for many very serious crimes. Greater clarity and greater consistency is needed to limit the availability of conditional sentences and to protect Canadians from serious and violent offenders.

In order to address these concerns, this bill proposes to eliminate the reference to serious personal injury offences in section 742.1 and make all offences punishable by 14 years, or life, ineligible for a conditional sentence. This would make the offences of fraud, robbery and many other crimes ineligible for conditional sentences.

It would also clearly make offences prosecuted by indictment and punishable by 10 years that result in bodily harm, that involve the import or export, trafficking and production of drugs, or that involve the use of a weapon, ineligible for a conditional sentence.

*Government Orders*

While this element of the legislation would significantly limit the ambit of the conditional sentencing regime, the addition of these categories would not capture all serious offences prosecuted by indictment and punishable by a maximum of 10 years.

To resolve this, this bill also proposes a list of 11 specific offences prosecuted by indictment and punishable by a maximum sentence of 10 years that, upon passage of this legislation, would become ineligible for a conditional sentence. These offences are: prison breach, luring a child, criminal harassment, sexual assault, forcible confinement, trafficking in persons, abduction, theft over \$5,000, breaking and entering a place other than a dwelling house, being unlawfully in a dwelling house, and arson for fraudulent purposes.

Conditional sentences are an appropriate sentencing tool, in many cases. However, access to them does need to be restricted when it comes to serious property and serious violent offences.

This government shares the common sense belief of all Canadians, that the punishment should fit the crime, especially when it comes to serious and violent offences, and serious and violent offenders.

This legislation, when passed by this House, would make it clear to the courts that those who commit serious property and violent offences will serve jail time and that house arrest will no longer be an available sentencing option.

I hope that all hon. members will appreciate that and support this legislation.

• (1605)

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I thank the hon. member for opening the debate in a real fashion by saying that conditional sentences are an appropriate sentence in some cases. If we only looked at the newscasts, we would think that conditional sentences are not appropriate for anything and house arrest sentences are synonymous and free willy, people can just do whatever they want.

Could the member expand on his comment that conditional sentences are appropriate in certain cases and could he refer to the whole page, the menu, of conditions that a judge has at his or her disposal in section 742.3 that are not available to a judge in giving a probation order or in sentencing someone to incarceration? There is a menu of items that might be useful in terms of rehabilitation, reintegration, cost saving and so on that a judge might use especially subsection (2).

Could he expand on the types of crimes that have found conviction and should fall within the category section 742.3, specifically subsection (2), and all those conditions about going into a treatment program, a remedy that is not available through a probation order, abstaining from the consumption of alcohol or drugs, the very specific things to which this enactment was designed to be tailored.

We know from our tour of the country with the justice committee, that many of the people in our prisons suffer mental illness, or mental illness problems, addiction problems and other issues that could be better probably dealt with through treatment rather than incarceration.

Perhaps the member could expand on that list, but did not have enough time to go through it.

• (1610)

**Mr. Brent Rathgeber:** Mr. Speaker, I thank my friend from Moncton for the good work he does on the justice committee and in the House generally.

As I indicated in my opening comments, conditional sentences are an appropriate disposition in many circumstances, but not all circumstances.

The government believes, and certainly I believe, that when it comes to serious and/or violent crimes and by default and by definition serious and violent criminals, that individuals convicted of those types of crimes should serve their time in appropriate detention and custodial facilities and not in the comfort of their own home.

However, the member raises a good question. All too often, when we talk about conditional sentences, we talk specifically about house arrest. However, he is quite right there are other conditional sentences that are available to the court for its consideration other than house arrest. Those can be considered in many circumstances.

I believe there are circumstances when they are not appropriate and that was the list I enunciated. Those upon passage of the bill will no longer be eligible for conditional sentence upon conviction when the bill becomes law.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, we have had this system for nearly 15 years. Given the number of house arrests that have been handed down and would be replaced by prison sentences, surely there must be a way of accurately determining the number of additional prisoners the provincial prisons would have to absorb.

Can the member or the department provide us with this figure? How many prisoners does this represent? What additional costs will it represent for the provinces, which, as we know, house prisoners sentenced to less than two years?

[*English*]

**Mr. Brent Rathgeber:** Mr. Speaker, I thank my friend, the former attorney general from the province of Quebec, for all of the good work he does on the justice committee and formerly on the public safety committee. I do not have those numbers on the tip of my tongue. If conditional sentences and house arrests become unavailable for a list of offences, and I listed a number of offences to which that would apply, then more individuals will end up in custody.

The Minister of Public Safety has been asked about this very recently and he has indicated that there will be more use of techniques, such as double bunking, to make the most appropriate and efficient use of the current correctional facilities. I do not know if that will be sufficient or if other expansion or techniques will have to be employed, but that misses the crucial element of this debate.

The debate is on whether a conditional sentence is an appropriate disposition for an individual who commits a serious property offence or an offence of violence. I, and I believe all members on this side of the House, would say that it is not.



*Government Orders*

A very good example is arson. If a person burns down my house, ought that individual be able to serve his or her sentence at home? I think most Canadians would answer that question in the negative. Confidence in the administration of justice requires that a conditional sentence not be available for that type of serious offence.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I have two questions.

First, as the previous member mentioned, there are thousands of cases of successful sentences like this. Could the member give us specific examples, not a list of conditions, of cases where this did not work?

Second, if the conditional sentences are not effective from a judge who knows all the conditions of a situation and what would be most effective to make a safe society, why do the figures show less repeat offences by people who are sentenced through conditional sentences than those who are sentenced to jail terms?

•(1615)

**Mr. Brent Rathgeber:** Mr. Speaker, it is not my practice to talk about specific cases or offences. I will advise the hon. member and the House that chiefs of police tell us, with alarming frequency, about individuals who serve conditional sentences in the community. Not only are they in breach of those conditions to keep the peace, to be of good behaviour, to refrain from alcohol and non-prescriptions drugs, but they are also involved in Criminal Code activities. Specifically, they are property offences to make currency to further from whatever addiction they suffer.

There are many examples of individuals who have not only breached the terms of their conditions to keep the peace and abstain from substances, but have also become involved in Criminal Code activity. I think society needs to be protected from those individuals.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I want to commend my colleague from Edmonton—St. Albert for the good work he does at the justice committee. He is one of our very valued participants. He probes when he asks questions and he has been very helpful in bringing forward some of these justice issues to the table. I want to also thank him for his focus on victims and on protecting society.

He referred to the issue of confidence in the justice system. I would invite him to comment a little further on how confidence in the justice system erodes when serious criminals get to serve their time at home in front of their big screen TVs, their computers and all the luxuries they would normally enjoy at home.

**Mr. Brent Rathgeber:** Mr. Speaker, my friend who very ably chairs the justice committee points out a deficiency in our current sentencing regime. Individuals who have been convicted of serious and sometimes multiple offences, whether they are property offences or offences of violence, are able to return to their own homes and serve their sentences in comfort with all the amenities of life, be it a big screen TV or their library and CD collection.

The constituents who I talk to, and the public generally, do not believe this is an appropriate disposition. They do not believe that individuals who have been convicted of serious offences ought to serve their sentence in the comfort of their home. In this job, where we are away from home so much, it is a treat to spend a couple of

days uninterrupted in the comfort of our homes. I do not believe this is an appropriate penalty, or punishment or sentence for an individual who has been convicted.

My friend from Abbotsford also talked about victims. As he knows, the bill and the proposed amendments have the endorsement of Heidi Illingworth, the executive director of the Canadian Resource Centre for Victims of Crime, who said, “The current legislation has not sufficiently restricted access to conditional sentences for offenders—

**The Deputy Speaker:** Order, please. Resuming debate, the hon. member for Moncton—Riverview—Dieppe.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, it is my pleasure to rise and speak to Bill C-16, which, but for prorogation, might be Bill C-42 and, but for incessant elections, might be Bill C-70. In any event, this is a proposed law that speaks to a tool the judiciary has in its toolbox called conditional sentencing.

I am struck by the previous speaker and the tone in the House generally when it comes to characterizing bills by names that presumably everyone can understand what they mean. The Conservative government attempts to cut, with a very large swath, colour with a large brush, a whole area of law with a very simply phrase.

For people tuning in to the debate about Bill C-16, they would, because of the way the government labels bills, think this is a debate about ending house arrest for property and other serious crimes by serious and violent offenders. That would be the title of the book or the movie that people would be watching if they were tuning in to this debate.

When we actually peel away the layers of the onion, we realize that we are talking about an enactment of Parliament that was substantially amended in 1995, with some minor amendments in the last Parliament, which is imposing conditional sentence. It does not say imposing house arrest with a big screen TV and extreme television. That is not to be found in the code.

The Criminal Code is a large volume that regulates the laws punishing criminals for proven facts that lead to a sentence or conviction. The Criminal Code does that. It is divided up into many sections, sections involving offences against the state, invasions of privacy, offences against the person, offences against property. Administrative aspects are in there as well. There are some 800 sections in the code and one of those sections deals with imposing a conditional sentence.

Let us be clear. If someone who commits a crime is sentenced to two years less a day, that individual is eligible, in some cases, for conditional sentence. Anybody who is found guilty of an offence that gets a sentence of more than two years is not, will not be, has never been, eligible for conditional sentencing.

*Government Orders*

Maybe some of the people listening today are parents. They realize that if they take away their teenage daughter's cellphone, that is pretty serious punishment. If they banish her to her room for a week, that is really serious punishment. However, if they tell her she has to eat her vegetables, that is not that serious in the realm of possibilities of sentencing.

Conditional sentencing is available to judges. It provides them with the opportunity to say that there is some possible merit in the person. The individual has done a bad thing, but maybe he or she could be rehabilitated, maybe we could get to the root cause of why he or she is acting this way.

This opens up the larger debate of what are we doing as a Parliament about crime prevention.

We have been doing very little lately because we are spending our time watching our own big screen TVs and the Minister of Justice saying that this bill would end house arrest for property and other serious offences, when in fact it is trying to curb a tool being used by judges and prosecutors every day.

Let us be clear again. A defence attorney defends a person accused of something. That is not within the realm of this debate here. We are making law that would be used by police officers and prosecutors. Police charge a person with an offence. Prosecutors will look at a whole range of proof possibilities. They will also look at the range of possible sentencing. The prosecutors, the police and eventually the judge will look at the sentence in a holistic fashion and say that there are a number of options available, such as the individual is just a bad person and he or she should be locked away. Unfortunately the Conservative government thinks everybody falls into that category, and there are a number who do.

• (1620)

However, there are also people who, because of addictions to substances or horrendous nurturing child development socio-economic background problems, are driven to crime. A number of people, because of mental illness, which still has not been addressed in our communities, may turn to a life of crime and perhaps, in the first few incidences, are committing crimes that a judge, a prosecutor or a police force official would say that the person could benefit from a conditional sentence. Conditional sentences are often recommended by prosecutors.

This painting of the picture by the Conservatives that all policemen and all prosecutors want the most harsh sentence and want to put the person away is not always the case.

This is why we have debate in the House and why we have committees where we will hear from the people actually doing the work, the prosecutors, the policemen and, hopefully, the judges. They will tell us that this is a tool that exists among all the other tools which include incarceration. If someone commits an offence they can be charged with an offence and incarcerated. If it is a really serious offence, the offender will get a really long jail sentence.

My friend from Edmonton—St. Albert does not want to talk about cases but let us cut it up as to the type of offences that might occur and the sentences that would be incurred.

If someone commits a really serious sexual assault involving bodily harm and it is his fourth offence, he will not get six months or a year. He will get a serious sentence, not a conditional sentence. It is an academic argument. It is a wrong argument to say that we are giving house arrest to the big screen TV watching criminals for the very serious offences on multiple occasions. The evidence will be before us in committee. Contrary to what my friend from Edmonton—St. Albert said, the committee and this Parliament have not heard any evidence about conditional sentencing. We will hear that if the bill goes to committee.

I would remind members of the House that we get the big wheel of the justice committee going and then all of a sudden there is a prorogation and we start all over again. Heavy is the head that wears the crown over there, in that the government keeps stopping Parliament and bringing in legislation and we have to hear evidence all over again.

However, we are looking forward to hearing from the participants in the justice system as to whether the tool is being used and whether it works.

As I was saying, the other tools that a judge, prosecutor and police officials have at their disposal is to work together toward incarcerating criminals. Let us review that one. In many circumstances the best deterrent for future criminal activity is having someone not out and available to do that crime. There is no question about that. The best prospect for public security and public safety with respect to certain individuals is keeping them incarcerated. A little side note is that when they are in our corrections facilities they often commit crimes as well because it is not as controlled as Canadians would like to think. Criminal activities do take place inside our corrections facilities. Therefore, when we remove someone it is not as if we are getting rid of their criminal activity. That is number one.

Number two is that without any rehabilitative programs and without any care for making the person better, the period of incarceration has, in many cases, especially for a first or second offender who might merit a conditional sentence, the opposite effect. The offender does not learn necessarily good things in prison and he or she comes out a worse offender or a worse potential offender.

There is another fallacy in the Conservatives' hide and seek justice philosophy. They think they can convince the Canadian public that by putting people away and removing them from society they will never come back into society, and, in some cases that is true. I do not have the facts in front of me about that but our list of dangerous or long term offenders who will be incarcerated forever, multiple murderers, is in the percentage of 1%, 2% or 3% of our incarcerated now. I think it is that low.

I will be conservative for a moment and say that the vast majority, 80% perhaps, of offenders will get out of prison. When they get out even the Conservative would need to come up with a reason to put them back in. Therefore, they do need to reoffend and thus the victimization reoccurs.

*Government Orders*

•(1625)

What is in everyone's interest is to know that incarceration happens, which is the first element in the toolkit. Second, if there is a sentence that merits a period of leave or freedom, it can be accomplished with a guilty plea, a sentence and a probation order. In some cases, a probation order would be very acceptable. However, as we heard time and again, probation orders are not as fluid. They are not a useful tool to judges because they do not allow as many conditions attached to the probation order as a conditional sentence. I do not hear the government saying that we should end all probation orders. It must think the probation order works even though it has fewer conditions than a conditional sentence regime.

The conditional sentence is the third element in the toolbox that I would like to discuss. It is found in section 742.1 of the Criminal Code of Canada which, as I have said before, is the best thing a Conservative justice minister ever did by creating the Criminal Code or putting it together. That is some 100 years ago and we are looking for some improvement and some new things from a Conservative justice minister, but near the end of the code it has a tool for judges to say that if a person is convicted of an offence and it is less than two years and, this is a key thing, the judge is satisfied that serving the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in section 718, the conditional sentence may work and may be used by a judge.

Section 718, which I have referred to a number of times, is probably the most important part of the Criminal Code because it sets out our principles of sentencing and they do not weight one more than the other. It says that if a person has done a crime we should seek to denounce that crime. There also should be an element of deterrence so that it does not happen again. Deterrence is general to the general public. If a person does something, the conviction of that and the sentence attached to it should deter people generally from doing that and it certainly should deter the person specifically.

There are also elements of rehabilitation. Is the person who committed the crime and has been convicted eligible to be rehabilitated? The goal of most of the criminal justice legislation that comes from this place must be to make society safer. Making society safer would occur if there were less crime. There would be less crime if there were a serious crime prevention agenda, a serious attached budget for crime prevention and less bickering between the federal government and the provinces with respect to how to spend resources on crime prevention.

For a moment I will digress and say that there is a bickering by distance. The provinces may get social transfers but they always say that they do not have enough resources to fund probation officers and police officers who intervene in the community. The provinces are doing very little with federal money to get involved in crime prevention. We must remember that everything with the government is storefront. It is not what is behind the storefront, but in the storefront the Conservatives put the Ombudsman of Victims of Crime, Mr. Steve Sullivan. He did an admirable job. He spoke up for victims. However, like Kevin Page, AECL and everyone who gives the government a few problems, speaks up and speaks the truth to power, the Conservatives are not renewing the contract to Mr.

Sullivan. How serious are they about victims rights really and how serious are they about a crime prevention agenda?

The provinces would like to do more in this regard.

I do not know if our intergovernmental affairs critic is here but in the old days there were a number of first ministers meetings, attorneys general, justice ministers and even the prime minister might be involved occasionally in the past, but there has been very little dialogue with respect to crime prevention and to changes to the Criminal Code from the current government members.

•(1630)

The Conservatives are not as much interested in finding the root causes of crime and treating them, or in finding out what programs are effective and funding them, or in talking to the provinces on how to better implement their programs on a national scale, province by province and territory by territory, as they are in the 5 p.m., 6 p.m. in the Atlantic provinces and 6:30 p.m. in Newfoundland, national news stories that say, "We have done this today. Look at us. We are going to make the language simple."

I find nothing wrong with simple language but in this case it is misleading to say that this is about house arrest. This is about the section of the code that gives the judge options. If a judge chooses to employ the conditional sentence for a crime that is less than two years, he or she may, in most cases has to, implement certain conditions, and they are here, that every person convicted of a crime that befits a conditional sentence shall keep the peace and be of good behaviour, shall appear before the court when required to do so, shall report to a supervisor within two working days after making the order, thereafter, when required and at the behest of the supervisor, shall remain within the jurisdiction of the court unless has permission to do otherwise, shall notify the court or the supervisor in advance of any change of name or address and promptly notify the court.

If any of those conditions are broken, and if provinces are adequately funded for officers to enforce these orders, which is a big problem for the provinces, the government throws out legislation, puts it on the books and subsequently has a turf war with the provinces and territories as to how the laws will be implemented and who pays for it. There is a systemic downloading of services to provinces in this regard. However, those are the standard conditions and if they are broken the person goes back.

*Government Orders*

I think we will hear from witnesses, if this goes to committee, why it is a valuable tool that need not be restricted any more than it is and needs to be a tool of the judicial discretion that exists. We must remember that from the moment the government took office it has attacked judges because it did not like anyone who was not in their caucus, which is getting smaller month by month. In other words, the government would like to have judges like those in the United States who run on political campaigns, on a set of political promises and toe a political party line.

The government has had very little respect for judges since it came to power and now it wants to take away further discretion. It is okay to have that belief, but when it stands and says that it believes in judicial discretion, its actions with respect to legislation does not show that.

Let us talk about a good judge, a good prosecution and good police officer bringing an individual to court who may be saved. These additional conditions are available to a judge for people who have been found guilty of an offence for which a conditional sentence order might apply. They could be ordered to abstain from the consumption of alcohol or other intoxicating substances. There is no such order in our corrections facilities. It is a given that they cannot in corrections facilities but the reality is that it happens.

As I said earlier, and I think we would all agree, many people who commit crimes and are in our prisons have substance abuse issues. It is the root cause of much crime in this country. We should be doing something to allow judges to force people convicted of offences to refrain from consuming alcohol or intoxicating substances.

Another condition could be abstaining from owning, possessing or carrying a weapon. Other conditions are to provide for the support and care of dependents, if the person has them; perform up to 240 hours of community services over a period not exceeding 18 months; attend a treatment program approved by a province; and comply with, and this is the catch-all, such other reasonable conditions as the court considers desirable.

Let us not throw the baby out with the bathwater. Let us keep conditional sentences subject to what the evidence tells us about their efficacy. Let us not completely denigrate the system, which is the whole pith and substance of what the hon. member for Edmonton—St. Albert, in leading the government in this discussion, said. He said that because conditional sentences are used, so people can watch their big screen TVs, the whole system of justice is brought into disrepute.

What brings the system of justice into disrepute is the agent of the government, the representative of the government who stands here and says that something that is being used every day by good judges, good prosecutors and good policemen is not working. That is what brings it into disrepute.

•(1635)

**The Deputy Speaker:** Before moving on to questions and comments, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at time of adjournment are as follows: the hon. member for Etobicoke North, tuberculosis; the hon. member for Richmond Hill, Afghanistan; and the hon. member for Yukon, the Arctic summit.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, the member does good work on the justice committee and is generally not prone to hyperbole, but I did notice one thing in his comments on this bill which addresses the whole issue of conditional sentences and house arrest. He did mention that he believed that our government was not doing enough on crime prevention and suggested that virtually nothing in terms of additional resources had been put into that part of our budget.

I looked at the main estimates for 2008-09 and 2009-10. In 2009 there was about \$39.5 million for crime prevention. In 2010 there was actually \$64.5 million. That is an increase of \$25 million, some 60% increase in funding for crime prevention across Canada.

I would ask my colleague on the justice committee whether he is prepared to temper his remarks somewhat in light of the clear proof in the main estimates that in fact our government is moving forward to address issues such as crime prevention.

•(1640)

**Mr. Brian Murphy:** Mr. Speaker, I do want to temper my remarks because the member is the chair of my committee and I want to be recognized tomorrow morning and on Thursday morning. I do want to say that there is a big difference between putting something in a budget and showing that it has been spent. Also, just because it is put as a line item in a budget does not mean there is effect and does not mean that it is money being spent in the right place.

When I spoke about crime prevention, admittedly I had a short time to explain, I was talking about the provincial and local levels. I have a municipal background and I know that the member for Abbotsford does too. He knows that money spent locally on things like crime prevention are the best dollars spent. What I hear in my own community and other communities in New Brunswick is that there has not been a real surge in effective crime prevention activity. We have not been getting early enough intervention. We have not been getting the societal need to find other ways to treat criminal activity.

There is one thing on which he and I can agree, and it is not political whatsoever. I do not think the government is interested necessarily in spending social services money on crime prevention. I do not think it is interested in that; we will have a debate on that if we disagree. We are unified in trying to find new tools for police officers, prosecutors and judges to tackle organized crime and gang violence, and I thank him for his co-operation in that regard. It is something that cuts across all parties. It is good to be in a parliamentary and committee milieu where everybody is rowing in the same direction. I have only been here four years, but I am told that that is pretty rare.

I compliment the member on his stewardship on that good part of the discussion, and of course I disagree with him vehemently on the first aspect.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, the government has brought in crime bill after crime bill as if that were the single issue facing Canadians. Whether it is in the midst of good times or bad, in the midst of a recession, threats of climate change or other issues, all the Conservatives can see on the horizon is yet another crime bill.

*Government Orders*

The irony is that many of the crime bills have been killed repeatedly by the government itself through its use of prorogation. Some of these crime bills are on their third and fourth lives because the government keeps putting them up almost like unwanted children and then knocks them off right away. We wonder about its sincerity of getting the legislation through.

This particular bill is a bill that Parliament has seen before. Changes were made at committee based on witness testimony. I have two concerns about this.

One is that the very notion of rehabilitation or alternative sentencing works. The government likes to continually cast aspersions and has the idea that the only way to serve justice is by the traditional forms of punishment first invented several thousands of years ago, whereas everything we have learned since then is that we want to be as concerned about the person coming out of prison as we are about the person going to prison. It does not work.

The second piece seems to be a fundamental disrespect for the judiciary. It is a subtext through all of these bills and notions about what kinds of sentences are being handed out, or not. The Conservatives want to put handcuffs on our judiciary. If they are good enough to sit on the bench, one would think they have the capacity to rule, judge and hand out punishment for certain crimes. The government does not seem to believe that the judges who sit on our benches are capable of interpreting the law and handing out sufficient punishment for crimes committed.

**Mr. Brian Murphy:** Mr. Speaker, I think I have said that I do not think there is the degree of agreement on the importance of money spent on crime prevention.

With respect to the tweaking of this bill, I guess it all comes down to judges. If a judge gives a sentence of over two years for something, it is a pretty serious offence. However, if he gives a sentence of less than two years, let us say, six months or seven months, is that not an indication that the crime is not as serious as the label would have us believe? Maybe it is an issue of evidence that is proffered. Maybe it is an issue of being a first-time offender. Maybe it is an issue of, in some cases, being able to be out and make restitution. Maybe it is a case of an accused being under the influence or having a substance abuse.

It would be a hard sell to tell the Canadian public, for instance, that luring a child and kidnapping should not be on this list, and maybe I agree in some cases. One could probably see that with theft over \$5,000 and, in some cases, being unlawfully in a dwelling house, we do not know of the circumstances. We are going to hear from prosecutors and judges who say that maybe in some cases it is better to have a person under these very stringent rules enforced. Maybe that is the evidence, that we cannot enforce these. If it is a case that we cannot enforce the rules that we have in the code, then we are going to have to look at a lot of other parts of the code, too.

• (1645)

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I certainly enjoyed my friend from Moncton's speech. I know he listened intently when I delivered my comments.

The provincial courts in different provinces, in fact different appellate courts, have interpreted the current legislation differently.

Specifically, when it comes to what is and what is not a serious personal injury offence, that requires some legislative intervention. Some clarity is required so there is more uniformity from jurisdiction to jurisdiction with respect to the availability of conditional sentences. Would the member agree?

**Mr. Brian Murphy:** Mr. Speaker, certainly, that is why we have the committee. We have to look at the decisions of the various courts of appeal. Clearly, there is an awful lot of legislation that has been passed that was not exactly clearly thought out, I admit. That is why some of this debate will take place at committee. Moving some of the offences off the conditional sentence list would be all right.

If the Department of Justice advises us of any definitional problems, as determined by the courts, we are all for that. That is not partisan.

What is partisan is having people think that every conditional sentence means home arrest for a very serious offence. The member himself used arson; someone burned down my house and now he is home watching a big-screen T.V. That is not what this is about.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I guess what has been concerning me through this whole process with the Conservatives is the double standard. There is a standard for the Conservatives and their friends, and a standard for everybody else. They move to this zero tolerance position on everything. Everything has to have zero tolerance. Everything has to have minimum sentences. If someone makes a mistake, if someone commits a crime, the Conservatives' solution is the full weight of the law comes down on them. However, when it happens to one of their friends, there is a whole different standard.

For example, if a citizen was driving home through a small rural municipality and was driving 40 clicks over the speed limit and got pulled over, we would think that car would be seized. If he was drinking and driving and going 40 clicks over, they would throw the book at him. And then if he was carrying cocaine, we would think it would be a pretty serious case. But this was Rahim Jaffer, a man who had the Conservative Party logo on his website, and when the case goes to court, it is thrown out. And then the Conservatives, the same people who are undermining the judiciary, the same gang who are insulting our judges—

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

**The Deputy Speaker:** Order, please. I do not know that the hon. member for Moncton—Riverview—Dieppe is going to hear the question because I am having difficulty hearing the question.

We are coming to the end of the period allowed for questions and comments. Perhaps the member for Timmins—James Bay could wrap up his question very quickly so we could allow the member a chance to respond.

**Mr. Charlie Angus:** Mr. Speaker, I find it very interesting to hear cheap shots from the Conservatives that suddenly we have to protect the judiciary and that suddenly the judiciary is separate, when they sat here all day and snickered and insulted, until one of their pals gets caught and then the judiciary has to be allowed to do whatever job it is doing in allowing Conservatives to get off the hook.

*Government Orders*

**Mr. Brian Murphy:** Mr. Speaker, I am all for discretion with respect to judges and prosecutors. We should let them do their jobs. If all of this means that in unison we believe in securing the public and having a system that is knowable, and in the end means that we will restore confidence and trust in the judiciary and the prosecutors of this country, I am all for it.

• (1650)

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, I am a lawyer. I passed the bar in 1966 and, as luck would have it, my first job was with the provincial government. I was then approached by the federal government, which, at that point, prosecuted almost all lawsuits involving drug-related offences. I was then approached by a large firm that dealt with criminal law. When that firm broke up, I was ready to open my own office. I opened my office and hired lawyers. I was very involved in the bar association. I became vice-president and then president of the Quebec bar. After a short break from my career as a criminal lawyer, I went back to criminal law.

I also taught and was often consulted by the Law Reform Commission, as were many other criminal lawyers. I then went into politics and became the minister of public safety. I had to face the most dangerous criminal gang in the country, the Hells Angels. I appointed the chief of the Sûreté du Québec. I was friends with the Montreal chief of police. We came up with a new method for the police to deal with organized crime. That led to creation of the Carcajou squad. The idea was that police would integrate their data bases containing information about criminals. On the ground, the investigators always worked in pairs—one from Sûreté du Québec, the other from Montreal police. The method worked well enough and the RCMP joined us. We were the first country to break the Hells Angels and arrest the ringleaders of this organization through *Opération printemps 2001*.

I do not think that anyone can doubt my desire to decrease the number of victims and to find effective ways of fighting crime. I believe that we have already found one. This mixed squad model has spread across Canada and even into the United States. We were the first to use it, in 1997.

To begin with, I must say that of course I am against sentences of house arrest for criminals who commit very serious violent crimes. Would anyone claim to be in favour of such a thing? We can say this so adamantly on our side of the House because we are confident that everyone is against this, as are judges who also probably do not want criminals who commit serious violent crimes to be allowed to return to the comfort of their homes. Thus, judges do not give such sentences to serious, violent criminals. Also, I am entirely convinced, and I think it is obvious, that the best way to protect victims is by reducing crime. In this effort to reduce crime, we need more than just legislation; enforcement techniques must also be considered. And then there is police work, which can sometimes focus as much on prevention as on catching criminals.

I have over 40 years of experience and I was also Quebec's minister of justice. I would point out, however, that the greatest success of the Carcajou squad—an operation that took place over three years and that also led to the loss of some informants who were killed during the operations—was *Opération Printemps 2001* during which 322 individuals were arrested. They were all convicted of

something and there were never any complaints about how the police had obtained the evidence used in the trials.

Nor do I know anyone who criticized the sentences that were handed down to this group, which included not only the worst offenders and the leaders, but also minor accomplices.

I had not planned on making a career of criminal law, but that experience led me to do some reading and ask some basic questions about why people commit crime. In university, we criticized one another for not being intellectually honest, but it is even worse when dealing with fraud artists and thieves.

• (1655)

I came to believe quite strongly that, although intervention is necessary, sentence length and severity have relatively little effect. Severe sentences are costly, not only in terms of money spent, but also for the individuals destroyed by long periods of incarceration. What is more, some people who should not have been incarcerated for short periods of time are immersed in a criminal environment for months at a time.

Evidence suggests that the most effective approach is rapid intervention and sentencing. Sentence length is relatively unimportant. I quickly became convinced that there is no such thing as a deterrent sentence. Fear of getting caught is what deters people from committing crimes. God knows that I made enough money by helping people avoid a criminal record even when they were not facing the possibility of jail time to know that most people think getting caught and ending up with a record is bad enough.

The best evidence I have seen to suggest that sentence length is not a deterrent is the seven-year minimum sentence for importing marijuana. To be honest, in 1966, I had never even heard of marijuana. That is when it all started. Cannabis can be turned into marijuana and hashish, but the kind of hemp or cannabis grown here was not hallucinogenic at all. Everything was imported. Imports began to soar at that time, despite the threat of seven years in jail. That is the best evidence that sentencing is not an effective deterrent.

All the same, deterrence can work in some circumstances, such as when people know the consequences of an offence and know that they will be subject to those consequences. Here is an example of that.

When I started practising law, judges could choose between a jail sentence and a fine. However, in the 1960s, a new concept from England was added to the Criminal Code: conditional sentences. The judge would tell the offender that he was suspending the sentence subject to certain conditions. In short, rather than imposing a sentence that day, he would suspend it and, if the person abided by the conditions, he would not have the right to impose it. However, if the offender did not abide by the conditions—the judge could set a number of conditions, such as house arrest—he would be brought before the judge and a sentence imposed at that time.

*Government Orders*

House arrest, by the way, is a common practice in Europe. In all European countries, including England I believe, it is possible to serve a sentence at home. When implemented in Canada, I thought that this might perhaps replace suspended sentences which, in practice, are difficult to administer—so difficult that offenders were not brought back before the judge for sentencing.

The advantage of conditional sentencing is that the judge states that the sentence is 18 months' imprisonment and that it will be served in the community with certain conditions. The conditions can be very harsh. If the offender does not abide by the conditions, the sentence has already been determined and the individual will have to serve the rest of the sentence. If the breach occurs in the second month, he will have to serve 16 months. If the breach occurs in the sixteenth month, he will not have a great deal of time left to serve. However, the deterrent effect is more immediate and, most of the time, the offender quickly understands.

Conditional sentencing also had many other advantages. For example, it made it possible for individuals to keep their jobs and to support their families. It also allowed them, when possible, to make restitution for damages caused by the crime. Because young adults are often the majority of accused people, it allowed them to continue their education or to attend a program to learn a trade and get a job. Moreover, it was less expensive. I believe we have mentioned often enough that it costs \$101,000 per year to keep an offender in a federal prison.

• (1700)

It is not televisions or things like that that cost so much. Over 98% of that amount is spent on security. Spending on security is not as high in the provinces, but it is still significant.

The individual is already feeling the immediate consequences of crime. When we send someone to prison, do we realize what kind of environment that is? That person is surrounded by criminals. Too often, the criminals run the prisons and the prisoner organizations inside. For someone who is impressionable, this is not the best environment. Plus, we are causing this person to lose his job, since he cannot report to work, or we are interrupting his schooling, something that could make him a better citizen, a useful citizen. It also trivializes offences. This person is surrounded by plenty of people who did much worse.

The Conservatives always tell us that serious and violent criminals must not be in the comfort of their homes. I do not think that judges give light sentences. This bill is not intended to punish serious and violent criminals—which the law already does—but those who have not committed serious and violent offences, people the judges have decided do not present a danger to public safety. These are the instructions given to judges.

We are always given the example of a case that came up somewhere or another. I notice that most of the time—this time is an exception, but we will look into it—we are talking about sentences imposed in a first instance. Very little is said about these sentences. When a judge hands down a sentence, he or she must take into consideration a number of factors that are mentioned in sections 712 and onward.

Some of these factors push the judge in one direction or another. For example, denouncing the unlawful conduct would be along the lines of indulgence, while deterring offenders or anyone from committing offences would be leaning toward harsher sentences. Separating offenders from society, where necessary, has to do with dangerous offenders. As for providing reparations for harm done to victims or to the community, the judge starts to run into problems because if the person in question is forced to lose their employment, they will not be able to provide the reparation. I believe that true rehabilitation begins with the effort of making restitution to the victim. That is what we should be looking at.

One of these elements, the social reintegration of the offender, takes a different tack. The judge has to consider all of this. Every time hon. members across the way give us an example of a sentence, they only give us one reason. Anthony Doob, the famous criminologist from Toronto, conducted an experiment. He looked at how many reasons the newspapers reported as to why a sentence was handed down. He found that it was one reason and a quarter. He then looked at how many reasons judges gave to justify their sentences and on average they gave 11 to 13 reasons.

If it appears to be so terrible, then why was there no appeal? We are told that two cases are being appealed. I will look into why the appeal courts handed down sentences that were seemingly contradictory. I think, on the contrary, that these sentences might seem contradictory because the facts were quite different and there were some factors that called for harsher measures and others that called for clemency. I do not really like the word clemency, so I will talk about measures to ensure rehabilitation.

• (1705)

This system has been in place for 14 years, and it seems to me that the government should be evaluating how it is applied and the measures it includes before proposing any changes. Nothing in the government's proposals is motivated by danger, poor administration or the disastrous consequences of some action. On the contrary, since this system was put in place, crime has gone down overall. In any case, the government would have to prove to us that house arrests have had negative consequences in enough cases to warrant amending the legislation and wiping out our confidence in the wisdom of judges.

People always talk about the comforts of home and big-screen TV. Although ministers and members may enjoy the comforts of home, when you have had some contact with the criminal world and you have dealt with these people, you know what sort of lives they lead. The main characteristic that people in prison share is that they are socially maladjusted. Sociological studies conducted when I was Minister of Public Safety for Quebec showed that these people are socially maladjusted.

I can guarantee that not one member could spend a week without leaving the basement of most of these people sentenced to house arrest. I would even suggest that they try spending a week in their own home without leaving. They would see whether house arrest is a form of punishment. Just for fun, I once tried to stay home for a whole weekend. House arrest is definitely a form of punishment, especially in the sorts of homes these people live in.

*Government Orders*

Mention was made of fraud and how it was very different. If it is, then sentences for fraud should be different as well. I do not see why the government is targeting fraud. There is a lot of minor fraud for which short prison sentences or house arrest would not be appropriate. Obviously, this sort of sentence would not do for Earl Jones or Vincent Lacroix, and I believe that all judges would agree.

Mention was also made of the many sentences that would be affected by this measure. Drug trafficking is serious until you look closely at the definitions of trafficking. Trafficking includes giving and offering to give someone drugs. Marijuana is still classified as a drug, so if a guy offers his girlfriend a joint and she says no, he has trafficked in drugs in the eyes of the law. Is he what we would call a dangerous offender?

The government always forgets about less serious cases in its new bills. It talks about the most serious crimes. It eloquently condemns the most serious crimes, but it ignores anything less serious. By focusing on the most serious crimes, it overlooks all of the accomplices who have committed less serious crimes.

Here is another example involving drugs. Parents know that their child is smoking marijuana or hashish. Two or three envelopes arrive from Morocco, but their son tells them not to open the envelopes. What should those parents do? I know what I would do because I know the consequences. However, many parents would keep the envelopes and give the child a lecture. Some parents might throw the envelopes out, which makes them accomplices. What they did was less serious, but if they get caught, they have to suffer the consequences.

I knew one young woman who accepted packages for a friend who was away. In that case, the minimum sentence was applied and she got the same seven years in jail as he did.

Lastly, we have to talk about costs, which are significant. There can be no doubt that costs will go up because of this bill.

• (1710)

This means that they will have to go to provincial jails, but there is no space for them. Double bunking is already happening. Because there is no space for them, they get out sooner. "In and out" treatment is common in cases where it would have been better for individuals to serve their sentences at home with the sword of Damocles hanging over their heads to remind them of the possibility of going back inside.

I do not understand why they have not yet given us the breakdowns, but in this case, the cost alone means that proportionally fewer sentences will be served in their entirety.

[*English*]

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I would ask the member two questions.

First, there seems to be a number of members on the other side who just do not understand or support conditional sentences. Could the member explain why thousands of successful conditional sentences have been given out? In fact, they have had more successful outcomes than jail terms.

Second, as parliamentarians, we are all partly responsible for the misconception that conditional sentences simply mean sitting in

one's house watching TV. Indeed a number of other items are part of those conditions on occasion and are one of the reasons why conditional sentencing is often more successful than incarceration.

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, my colleague has asked an excellent question and I believe that there are two aspects to it.

I will start with the second aspect. It allows judges to impose conditions that would ensure better rehabilitation, that would ensure reparation for the crimes committed and that could also put the person into schooling or a job retention program.

My colleague first asked why members on the other side do not understand. I feel that they do not have any understanding whatsoever of crime in general. They have no experience in this area. They keep talking about deterrence. A suspended or conditional sentence is an effective deterrent.

The number one reason that tough sentences are not deterrents—the main reason—is that people do not know anything about them. I am sure that if I asked the members here to tell me how many mandatory minimum sentences there are in the current Criminal Code, very few would pass the test, especially if I also asked for some examples.

How can it be a deterrent if no one knows how long a sentence they would get? But when the judge tells someone that he is going to have to serve 18 months with certain conditions, that person understands that they have the remainder of their 18 months to serve.

[*English*]

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great fascination to my colleague. He obviously has many years of experience in this matter. The issue of conditional sentences is really important. As he has pointed out, our Conservative colleagues across the way continually use the spectre of criminals to demonize the justice system, and it is completely separate from reality.

I spent many years working with men and women coming out of prison. I lived with them. I helped get them back on their feet. I saw the levels of recidivism. I saw what worked and what did not work. One problem the Conservatives never deal with is people have to be reintroduced to the community at a certain point.

I know some of my colleagues over there believe the glory days will be when we bring back capital punishment for furniture theft and everything else. They will not have to worry about reintroducing people to society. However, this is a major issue of the justice system. It is not just punishment; it is how we reintroduce people. I remind the House that many people have gone through the system again and again and yet they have managed to come back into society because the options and steps were available.

What does my hon. colleague think will happen in terms of social policy if we go down this retrograde road that the Conservatives go down, with their flat tires and their flat earth society? What will happen if we take away the tools we have right now to reintroduce criminals back into society and reintroduce them as citizens as opposed to just the condemned?



*Government Orders*

• (1715)

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, I could go on at length, but I will simply say this, and there is no doubt in my mind about it. All of the money we have to spend on fighting crime will be spent on security and nothing will be spending on social reintegration. This will create more victims. If we put more money into prevention and social reintegration, we would have less crime, and therefore fewer victims.

[*English*]

**Hon. Larry Bagnell:** Mr. Speaker, with the member's vast experience, could he comment on the justice policy, programs and bills put forward by the Conservatives in the sense of whether they are evidence-based? He mentioned one particular professor who was totally against Bill C-9 as an example. When I sat on justice committee, my perspective, time and time again, was that what was presented was totally not evidence-based.

Does the member have any comments on that?

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, I would very much like to speak with him, because I thought more or less the same thing at first. I thought that the best option for a judge was a suspended sentence. If the individual committed any breaches, the judge could consider the breach and what it meant in terms of how dangerous the individual was. The judge could therefore reassess the length of the sentence.

In practice, however, I defy anyone to name a single province in Canada where suspended sentences have worked, that is, where they automatically brought the arrested individual before the judge who had imposed the suspended sentence. Most of the time, it had to do with a new offence, so it was settled by the second judge.

I remember one judge in Montreal, Justice O'Meara, who was very strict. When someone was brought before him a second time, I can assure this House that the sentence he had suspended was then imposed, and it was definitely a deterrent. At least a number of conditions can be imposed. This can also be done with a suspended sentence, but in that case, the individual is fully aware of the sentence he will be given if he breaches his conditions. This is for practical reasons. I would like to explain to him how this works in practice, and he will probably gradually come around to supporting conditional sentences, just as I did.

[*English*]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, with regard to Bill C-16, it is important to set it in its context.

I will try to demolish the myth of the Conservatives being concerned about crime and victims in our country. I wish the person who keeps talking about the revolving door had some knowledge of it. He obviously is fully ignorant of it. The condition that will come from the bill, if it ever gets through the House and into law, will encourage repeat recidivism at a much higher rate than it if does not get through.

Let us go back to the myth. Conservatives stand in the House repeatedly, and in public even much more often, and claim to be tough on crime, but this bill is the classic example of them being not

smart on crime at all, but also being highly hypocritical when they take that.

It is one of a series of bills that has not received any attention from the House and not passed through to final debate because of decisions made by the government, whether it called the election in a complete contrary theme to the legislation the Conservatives themselves had passed and which they again had promulgated as a major reform then promptly ignored and breached, but any number of crime bills some of which were in areas that did not need to be dealt with. They just get sloughed off because they call an election or they prorogue the House and we have to start all over again.

We have seen that repeatedly, literally in the range of 10 to 20 bills that are constantly being shoved backwards because the government is much more interested in its political survival than it is in dealing with those issues in our society around crime.

I will make a second point before I go specifically to Bill C-16 because Bill C-16 raises this issue. I have been saying repeatedly in the House, at every opportunity I get, that we badly need a systematic, holistic review of our Criminal Code.

We see it in the sections, and I hope, if I have enough time today, I will be able to point some of these out before I finish my speech on Bill C-16. However, we have huge contradictions in the Criminal Code, repeated contradictions, both with regard to the nature of the conduct we are trying to make a crime and with regard to sentencing.

We will see situations where I think the average Canadian would say that obviously this is the range of penalty and punishment that this crime should elicit. Then they will take another section that has more extensive penalties and punishment and the crime itself is of much less serious consequence in the eyes of the average Canadian. That is repeated over and over again. There is huge duplication in the Criminal Code.

We have been, and the government is particularly guilty of this, piecemealing amendments to the code way too long.

It is interesting, if we look at the experience in the United States and to a lesser degree in England, their approaches have been much more systematic in major reform. There are some ideas we could learn from those. I will not go on with my diatribe on that, but we badly need to do something about the Criminal Code.

Let me finish with this in this regard. One of the things where we could have done this was with the Law Commission, which was promptly done away with in the first term of the government. It was the ideal body in the country that could have initiated this. In fact, it was beginning to do some work on what was a crime, what should be a crime. It was beginning to do research on it when all of its funds were cut by the government. I think that happened in the 2007-08 budget.

• (1720)

Had that not happened, we might have finally seen some meaningful movement on getting that major reform to the code, which would make the job of our police officers, our prosecutors and our judiciary a lot easier than it is now.

*Government Orders*

Going to Bill C-16, to set this in context, roughly 14 years ago, September 1996, we introduced into the code the concept of conditional sentences. What conditional sentences were to do was part of the overall reform we were doing through that period of time, trying to make our criminal justice system not only more fair but more efficient, more effective. Overall we have seen that we have made some significant progress in that regard by reducing the rate of crime, particularly violent crime, in this country.

I fight oftentimes on the justice committee, as I did on the public safety committee when I was there, with my Conservative colleagues about not seeing the numbers right or numbers being manipulated, which I find frankly quite insulting to Statistics Canada, specifically *Juristat* that does an excellent job with the statistics. But the bottom line when we get into that debate is we cannot argue about the murder rate. In 99% of the cases there is a body or witnesses to say this person was murdered. We cannot argue about that, and the reality is that the murder rate in absolute numbers, not just in percentages but in absolute numbers, has been dropping for the last 20 to 25 years. We peaked in Canada at about 900 murders in one year. We are now down, averaging over the last few years in the range of 610 to 650. So there has been that kind of drop in murders in this country.

Over that 25 year period, our population would have gone up by 10%, 12% or 15%, so the murder rate has dropped quite dramatically. Part of that is attributable to the reforms we have carried out through this period of time, and the conditional sentences were one of those reforms. We introduced them. The concept behind them is, and this has been found all the way up to Supreme Court decisions, that they are a form of incarceration. This always gets ballyhooed by some of the pundits but mostly by the Conservative Party, but they are in fact a form of incarceration. Prisoners are in their own residences not in institutions, but under very strict conditions, and I think this is the point again that the Conservatives regularly forget, much stricter conditions than we can do under either probation or even under parole, when prisoners are coming out of a federal institution.

The other point one has to make about a conditional sentence is that it cannot be used, no matter what the charge is and what the facts are, unless the judicial officer makes the determination that the appropriate sentence would be less than two years. That is the way it has always worked since 1996, in spite of some of the amendments we made a few years ago. That is still the basic condition. Judicial officers at whatever level of court they are sitting have to hear all the facts of the crime, and the facts around sentencing, and then make a determination that if they are going to send the person to custody, to incarceration, they are going to send him or her to a provincial institution because the determination, after hearing all the facts, is that the person should be incarcerated for less than two years. No matter how severe the offence is, on its surface and after looking at all the facts, judicial officers are determining a sentence of less than two years.

Everybody in the House knows that if people are going to be sentenced to less than two years, they are going to be sentenced to a provincial institution. So the incarceration rate we are talking about, if the bill were to go through, is all going to be about individuals who would be going into provincial institutions. Those people would

no longer be eligible for conditional sentence; the judge would determine they are going to be incarcerated. As is so typical of the government, no arrangements are being made with the provincial governments to pay for all those additional spaces.

I want to highlight this by pointing out that the first crime bill the Conservatives brought into the House in 2006, after they were elected, was Bill C-9 and it dealt with this issue. At that time they introduced about 40 sections of the Criminal Code that would no longer be eligible for conditional sentences.

● (1725)

I thought the height of hypocrisy was when they did their public relations work on this and they talked about these being serious violent crimes that were no longer going to be eligible. I have to say, and I say this with some pride on the part of myself, my party and the opposition parties, that there were four or five, maybe six, sections of the code that in fact did deal with serious violent crimes. Some were sexual assaults; some were robbery with violence; they were those types of crimes.

The opposition parties said that the government was right, that people who commit these crimes and are convicted of these crimes, even when the judge is saying they should not go to jail for more than two years, should not be eligible for conditional sentences. We agreed to that.

However approximately another 35 sections had nothing to do with violent crime. The one I always use as an example of these sections that we were not going to be able to consider conditional sentencing for was falsifying a testamentary document such as a will or trust document. That was going to be excluded from consideration of the use of conditional sentence. And we could go through the list. There were some forgery sections that are clearly nothing to do with a violent crime. At the end of the day, the opposition parties stripped that bill of those 35-odd sections, dealt with the serious ones and passed it, and it is now law.

There is one other point we have to make about Bill C-9, because to some degree, not as severely, it is going to be repeated if Bill C-16 goes through. Early on in the committee process of Bill C-9, I asked the Department of Justice to tell me and the committee how many more people were going to go into custody. At the time, and it was not much smaller then, there were about 12,000 people in custody. If Bill C-9 had gone through as originally proposed by the government, there would have been an additional 5,000 people incarcerated in our provincial institutions every year.

The point I want to make, and we are seeing this again when we see the Minister of Justice and the Minister of Public Safety come before their respective committees, is that they do not know, and if they do know, they are obfuscating what is in fact the reality. At that period of time, both those ministers were in front of the justice committee and neither one of them knew, until we dug that information out of the Department of Justice, how many people were going to be incarcerated. But they were quite prepared to go ahead and pass that kind of legislation for charges that clearly fit exactly into the rationale of why we started with conditional sentences. They were going to exclude them from use and had no idea of how many people were going to go into custody.

*Government Orders*

We are seeing the same thing repeated this time. Maybe not with the report that is going to be coming out this week from the Parliamentary Budget Office on how much it is going to cost for one of the other bills that has gone through this House and is now law, but I am still expecting the Minister of Justice to show up at the justice committee, assuming this gets there, and say to us, "Do not worry. Be happy. There is enough room in our custodial settings to take care of all the additional people who are going to end up there."

If he says that, he is going to be saying it from a complete base of ignorance, because we know, and we heard it from my colleague from the Bloc, that in all of the provincial institutions, without exception, right across all 10 provinces and all 3 territories, their facilities are bulging.

We have an international responsibility. We have signed protocols at the international level to not double-bunk. We have signed those. That is a treaty that this country has committed itself to, and there is not one province in the country that is abiding by it.

● (1730)

We are double-bunking and in a lot of cases triple-bunking, and we are beginning to do it more and more in the federal institutions. Therefore, we are breaching the international commitments we made to other countries.

I want to make one more point about the use of this device, again referring to my colleague who raised the revolving door issue. It is about recidivism. The statistics show and have shown for at least the last 10 years that if someone is put under control under conditional sentencing, within the first year, since that is the comparison we are doing, there is an 11% rate of recidivism where another crime is committed. Oftentimes, I have to say, the vast majority of that 11% is not actually a new crime but a breach of the conditions the person is under. The other 89% live up to the conditions. They are law abiding and do not commit any other crimes.

**Mr. Stephen Woodworth:** They don't get caught.

**Mr. Joe Comartin:** The member says they do not get caught. Let us take a look at who does get caught.

Taking the same population base but looking at those who have been incarcerated and what happens in their first year out, 30% are caught and charged with additional crimes. Again, a number of them are clearly breaches of their parole but others are new crimes. That is the reality. If we look at the longer term, the rate of recidivism is even worse for those who were incarcerated. The rate spreads even more than that 11% to 30%. It has been an effective tool.

There is no question that there are certain crimes for which this should not be used and a couple of them, in fact, are in this bill. It is for that reason and that reason alone that we will be supporting it going to committee. We have every intention of taking out the offensive parts.

Let me deal with those offensive parts. I know there was a question earlier today about the disrespect that the government consistently shows to the judiciary, and this bill is another example of it.

There are a couple of clauses in the bill that would shift discretion from the judiciary to the prosecutory. The way that works is that a prosecutor would decide that a person was going to be charged with a certain offence but would have a choice as to whether he or she were going to proceed by indictment, which is the more serious way to do it, versus summary conviction. If the prosecutor decided that it would be by way of indictment, the judge then would have the use of this tool removed from his or her tool kit. He or she could no longer use it, simply by that decision. Even though the judge at the end of the day might say he or she would not be sending a person to a federal penitentiary and not committing him or her to custody for more than two years, the judge still would not be able to use the conditional sentence simply because of the decision by the prosecutor.

Our system should not function that way. It historically has not functioned that way. We have trusted our judges. I will repeat, as I have so many other times in the House, that we have the absolute right to be proud as legislators and citizens of Canada in knowing that we have one of the best judiciaries in the world. I do not think there are any in the world that are better. I might argue that one or two are peers of ours. But we would be taking away that discretion if we passed this bill, in those two clauses in particular.

There are other clauses in here where clearly conditional sentences, given the right set of facts, I would say in the majority of cases, should apply. If the judge says he or she is not sentencing someone to more than two years, conditional sentencing should still be available to the judiciary in those cases. I will get into that more in committee.

● (1735)

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, I always enjoy the remarks made by the member for Windsor—Tecumseh. He has talked about a whole bunch of things, some of which apply to this bill and some of which do not.

The real issue is very narrow. The government is not eliminating conditional sentencing. What it is suggesting in this bill is eliminating conditional sentencing for serious and violent crimes. Some of them are listed: aggravated assault, human trafficking, luring a child, street racing causing death, arson, fraud, counterfeiting, most auto thefts and extortions. I cannot believe that anyone in the House would say that those particular offences should be subject to conditional sentencing. I do not know why we are even getting into that.

My question to the member is on this very narrow issue. Does he agree that those particular charges should or should not apply to conditional sentencing, if someone is found guilty?

**Mr. Joe Comartin:** Mr. Speaker, I thank the hon. member for the question because it lets me get into some of the specific sections that I had not been able to in my speech.

Let us look at these. It would pertain to any sentence that the prosecutor elicits that has caused bodily harm, notice I said bodily harm, not serious bodily harm. If somebody gets a scratch on their finger, the way our code works, that is a bodily injury and that falls under this section. If somebody gets a cut hand in an altercation, they would not be eligible for a conditional sentence. That is one of the examples. That is a specific one.

*Government Orders*

Let us look at some of the other ones. There is one that always gets me. I practised a significant time in criminal law, but I also did a lot in family law. As a result, I had a number of cases where one parent abducted the children of the relationship. This section precludes, under any circumstances, the use of conditional sentences for that. There may be an abduction that lasts a day, two days or three days, where a parent has taken the child before the child is recovered and taken back to the legal custodial parent. There cannot be a conditional sentence.

It works. It is an ideal tool for that kind of situation. I can go through any number of other sections where the same thing would be true and where it should be available. It is a tool our judges need. They should have it available to them. We should not be taking it away from them.

• (1740)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, when someone commits a crime, obviously someone has to take action, sentence some punishment and rehabilitation. Hopefully, it is someone who has listened to all the evidence, someone who has years of experience in the criminal system, someone who learns the background of the case and the person, and of course that person would be a judge.

I would like to ask the member, and this bill is just the tip of the iceberg, how has the government eroded the tools available to judges to make the most appropriate decisions that would make Canadians safer?

**Mr. Joe Comartin:** Mr. Speaker, again, I thank my colleague from Yukon who worked on the justice committee with me for a period of time.

I thank him for that question because it is another point I wanted to raise that I did not have time to raise. There is a provision in this bill, and it is along the lines of what the member has asked, that says if any offence has a mandatory minimum sentence, conditional sentences cannot be used.

I have to say, first, I do not think the section is necessary. I think there are enough court decisions that say if there is a mandatory minimum, there is no discretion on the part of the judge. The history of this section is that the judge cannot use it subsequent to incarcerating someone. That has been the history of the section.

The effect of it, then, is that we see the government moving more and more toward, and in some areas, really silly mandatory minimums. We are going to see it shortly if the news over the weekend is the same. The government is going to bring back the drug bill, and for five marijuana plants there is going to be a mandatory minimum of six months or 30 days, whatever it is. I think it is six months. The judges are not going to be able to use conditional sentencing for that.

There is a provision in conditional sentencing that cannot be used in probation, that requires a person to take treatment. We know, with regard to drug offences, so much of that is related to a health issue rather than a criminal justice or criminal law issue. That is a great tool to have available with regard to drug offences.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I thank my colleague, the member for Windsor—

Tecumseh. It is obvious to all listening in the House why he is so often nominated the most knowledgeable member in this place.

The question I have for him is on two fronts. The first is with respect to this almost aggressive attitude from the government toward the judiciary that we see time and time again. The stories the government is willing to relate to describe its tough on crime agenda is via way of almost a verbal assault on the reputation of judges in this country. The government is interested in tough on crime but not so much in being smart on crime. That is worrisome to me. Why that bias?

The second piece is around this broad stroke that is contained within this bill. He gave a couple of examples of what happens when it is removed as an option for a whole suite of crimes. Is it not true that New Democrats actually support some of the conditions, some of the sentencing provisions within this bill but are seeking to remove the most draconian, the ones that will not effectively make society a safer place to live in?

**Mr. Joe Comartin:** Mr. Speaker, there are some sections in here, and as I said, we will be supporting the bill to go to committee so we can include these. One of the sections where we would preclude the use of this section is luring a child. I think everyone agrees with that. Again, I can think of one or two situations where we may say maybe we should leave that as a judicial discretion, and I will explore that at committee. However, overall, on the surface, it would appear that, yes, absolutely, we should not be using conditional sentences for that.

There is one on arson, where it is based on planning a fraudulent act. Again, it is almost in the line of organized crime and should not be used. There are several more. One is on kidnapping.

There is another one. It is a dual one and I am not sure how we are going to handle this. The section is the theft over \$5,000. That is what has been put in the bill. What was not put in the bill is another section that is included in that of a testamentary document. So, one can be convicted of that, either by stealing a testamentary document or stealing more than \$5,000. There is any number of factual situations I can think of where the theft of a testamentary document should not preclude the use of this. And is \$5,000 the right figure? Should it perhaps be higher, given inflation and the rest of it?

However, there are a number of sections that we will be supporting because they make sense. And I have to say what we are going to find, when we look at this, is that judges have hardly ever used those in those circumstances anyway. They are by far the exception. As were those other sections that we passed the last time. We have good judges in this country. They are not going to use this section and they have not.

What the current government has done, what this political party has done, consistently, is use those rare exceptions where a judge has gone offside and it uses those as an example to justify this wholesale change for this very valuable and useful tool.

• (1745)

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, it is a pleasure to speak in support of Bill C-16. This bill would end house arrest for property and other serious crimes by serious and violent offenders.

*Government Orders*

It is good to hear that the NDP is going to vote in favour of this to move it to committee. I am sure our committee, chaired by the member for Abbotsford, will do good work on this bill.

Bill C-16 addresses the issue of conditional sentences or house arrest as it is often described. The issue is not a new one and has been considered by this chamber in recent years. While that debate is relatively fresh in our minds, there does not seem to be an appreciation for the operation and principles of sentencing in criminal cases in Canada, and within that, the proper role for any sentencing option, including conditional sentences. This is what I will use my time to address.

It has become clear to me over the years here, as illustrated by the nature of the debate over various aspects of this government's tackling crime agenda, that the sentencing regime, while widely criticized, is understood by relatively few people.

Criticisms based upon misperceptions or misunderstandings contribute little to a serious discussion about a serious issue. In fairness, I recognize that part of this has to do with the sheer complexity of modern criminal law, which must deal with everything from single assault through complex commercial crime, all the way to terrorism and to cybercrime that uses the most advanced technologies.

Part of it has also to do with the nature of the Criminal Code sentencing regime itself, which contains a lengthy list of purposes, objectives, and principles that have often been supplemented by complex legal rulings from different levels of courts all across this country.

It is not hard to see why those who are not formally trained in law, as I am not, may find it challenging to understand immediately the specifics of particular reform proposals, such as those before the House today.

Yet, our role as lawmakers is to work through these complexities and through these challenges to ensure that we understand the current shortcomings of the law and how the proposed reforms we are discussing would effectively address those shortcomings within the overall sentencing regime.

Mr. Speaker, I will be sharing my time with the member for Lethbridge.

To really understand the current shortcomings of the conditional sentencing regime and the central problem that Bill C-16 intends to rectify, we must understand the original rationale for the creation of conditional sentences.

Shortly stated, conditional sentence is a sentence of less than two years that a judge allows offenders to serve in the community subject to a number of conditions whose breach could send them directly to prison.

I can readily acknowledge that for the average Canadian the notion of a conditional sentence seems somewhat confusing and even contradictory at times.

While the conditional sentence is a form of punishment, it is not easily categorized because it straddles the line between prison,

probation, and even in some cases has the markings of the hallmarks of parole.

For instance, it is not actual jail time because if the offenders satisfy all the conditions that are imposed upon them, they will never spend a single day in prison despite the nature of the offence for which those individuals were convicted. Nor is it probation, for a probation order is typically made in the case of a suspended sentence and is enforced quite differently with greater difficulty than a conditional sentence.

As the name implies, a conditional sentence takes the form of a sentence. By the same token, a conditional sentence is not parole since the offender is not released after having served an appropriate period of time in a prison or a penitentiary under the authority of our Canadian correctional system. It is the sentencing court, not a Parole Board, that exercises the discretion to order a conditional sentence in lieu of jail time.

• (1750)

In hindsight, it is clear from the statements of the original sponsoring minister back in 1994, as well as from subsequent court judgments, such as the Supreme Court of Canada's decision in *R. v. Proulx*, that the conditional sentence was conceived as an alternative to imprisonment and as one way to reduce Canada's rate of incarceration. We heard the NDP bring that forward here this afternoon.

While this is a laudable objective, it cannot be allowed to detract from the protection of society as the guiding principle or to diminish the right of that society to denounce particularly heinous conduct and to punish those responsible for that conduct.

This brings me to the central issue that I want to raise with regard to conditional sentences. Prior to this government's most recent conditional sentencing amendments in 2006, there were four criteria for a conditional sentence order. First, the sentence had to be less than two years. Second, the person had to show that he or she was not deemed to be a danger to society or to the community. Third, there was no mandatory minimum term of imprisonment. Fourth, there had to be consistency with the fundamental purpose and principles of sentencing.

The discretion that was granted to judges by these criteria was quite wide. In fact, from the outset, critics have reasonably argued that the discretion accorded by Parliament in the early years of the conditional sentence regime itself was overly broad. For example, with regard to the first and second criteria, even now most sentences in Canada are less than two years and, among the large number of Criminal Code offences, there are still relatively few that call for mandatory minimums.

*Government Orders*

By the same token, the third criteria originally asked a sentencing judge to assess the danger of an offender to his or her community, but without offering any supporting criteria against which to make an assessment. The fourth criteria provided insufficient direction for the proper use of a conditional sentence. The purpose and principles of sentencing cover a lot of philosophical ground in that they require sentencing judges to balance denunciation, deterrence and separating an offender from society by methods of rehabilitation, restitution and the development of a sense of social responsibility by the offender. That responsibility was placed on the judiciary.

Criteria one and two illustrate what many believe was so radically wrong with the conditional sentence regime as originally enacted: the focus on the length of the sentence rather than on the nature of the offence, the character and criminal record of the offender and not so much the consequences for the victim of that criminal's action.

It was particularly notorious that the conditional sentencing regime as originally developed did not see fit to explicitly exclude particularly odious crimes such as child sex offences. In such cases, the repugnant nature of the offence, the character of the offender and the consequences for the victim should have been paramount considerations and should have automatically made such offences ineligible for conditional sentences.

It should not be surprising, therefore, that the courts had difficulty grappling with conditional sentences. This was especially so after the Supreme Court in *R. v. Proulx* appeared to endorse the notion that no offences were presumptively excluded from the conditional sentence regime. In fact, Proulx offered very little guidance to sentencing judges, nor did the Supreme Court itself appear to have a consistent approach to conditional sentences. Four conditional sentencing cases decided by the Supreme Court at the same time as Proulx highlighted the apparent lack of judicial consensus on these issues.

I see that my time for debate is up. I am very pleased that the government has moved forward with this. We have done this before in Bill C-9. We have done it at other times in the House. We have debated it recently in past Parliaments. I look forward to this bill being passed quickly, moved to the committee, studied, and brought back to the House. This is going to make Canada safer and a better place for all.

• (1755)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I think the member's speech was well researched by the department and had some very good information in it. I would like to ask him a few questions, which I have asked before.

Court cases are in the papers. They become public once they are finished. Considering that the Bloc has announced that there are hundreds and probably thousands of successful conditional sentences, could the member give a few examples of unsuccessful ones that indicate the need for this particular bill?

Of course, society is made safer if a person is less likely to reoffend. The evidence is that under conditional sentences the offenders are less likely to reoffend. Has that been shown? Why would that not be safer for society in a number of cases? I am not saying in all cases but in a number of cases. Hopefully the researchers have come up with answers to those questions since I asked them about an hour ago.

**Mr. Kevin Sorenson:** Mr. Speaker, I will tell the House what a lot of our constituents tell me.

We have sent out ten percenters into our own constituencies to judge some of the responses from our constituencies. A number of them have gone out asking a question regarding conditional sentences. Many constituents respond by asking, in the case where someone is an arsonist and burns down someone else's home, burns down someone else's property why would we then allow that person to complete the sentence in his or her own home?

Many times we read about people who have breached the conditions in a conditional sentence. With respect to drug crimes, many have continued to either traffic or to be involved in that culture.

I would say to the member for Yukon, it is correct that there is a difference between the former government and this government. We take the rights of victims very seriously. We look at the offenders. Protection of society is the guiding principle. In many severe cases we believe, my constituents believe and I believe that they need to be lived out. Offenders need to spend their time in prison doing time for their crime.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I listened intently to my friend's speech earlier.

The Conservatives at one point in their history used to be quite interested in the costs of various pieces of legislation. Whenever we would bring a bill forward, particularly on the environment, it seemed to be their constant obsession that they would ask about the costing of the program.

Many times we have asked that the same consistent approach be applied here. What are the expected costs of different pieces of legislation? Initially the minister projected one of the bills at \$89 million. I believe that the Parliamentary Budget Officer will be coming out with costs later this week and the early estimates are that it is in the several billions of dollars. There is a cost associated with changing the law, changing the punishment and the amount of time people spend in jail.

This seems to me to be an important part of this debate. Has my colleague costed the bill or has his government done so and if not, why not?

• (1800)

**Mr. Kevin Sorenson:** Mr. Speaker, again the member is asking about the cost of the program. Let me tell him about the cost to society.

*Government Orders*

The cost to society in putting some of these folks into their own home so that they can go out and reoffend is huge. There is the cost to the victim. There is the cost of the victim knowing that after going through the whole judicial process, the guy is being put back into his home rather than into prison. There is the frustration that the victim experiences seeing that the guy gets to live out his sentence in the luxury and confines of his home.

Therein lies the great distance between us and the New Democrat members: they look to the offender, to the criminal asking what is the cost; we look to the victim and ask what is the cost to society.

**Mr. Rick Casson (Lethbridge, CPC):** Mr. Speaker, it is with great pleasure that I speak today in support of Bill C-16, ending house arrest for property and other serious crimes by serious and violent offenders. This bill is designed primarily to restore confidence in the criminal justice system by proposing additional restrictions to the use of conditional sentences of imprisonment.

The House is quite familiar with this issue—

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

**Mr. Rick Casson:** Mr. Speaker, could I have some order please.

**Mr. Nathan Cullen:** What's good for the goose is good for the gander. What does the bill cost?

**Mr. Stephen Woodworth:** Never make a proposal with no cost in it.

**The Acting Speaker (Mr. Barry Devolin):** Order, order. If members would like to continue their conversation, they can do so outside the chamber.

The hon. member for Lethbridge.

**Mr. Rick Casson:** Mr. Speaker, conditional sentences became a sentencing option over 13 years ago with the proclamation in September 1996 of Bill C-41, sentencing reform, chapter 22 of the Statutes of Canada, 1995. The original intention of conditional sentences was to promote the protection of the public by seeking to separate the most serious offenders from the community while less serious offenders could remain among other members of society with the effective community-based alternatives while adhering to appropriate conditions.

Conditional sentences were to provide an intermediate sentencing option between probation and incarceration to permit less serious offenders to remain in the community under strict conditions if their sentence was less than two years, the court was satisfied that allowing the offender to serve the sentence of imprisonment in the community would not endanger the safety of the community, and their offence was not punishable by a mandatory minimum term of imprisonment.

An amendment was made in 1997 to add a requirement that the court be satisfied that sentencing the offender to a conditional sentence of imprisonment would be consistent with the fundamental purpose and principles of sentencing set out in section 718 to 718.2 of the Criminal Code.

In 2000, the Supreme Court of Canada held in *R. v. Proulx* that a sentencing court must first find that a sentence of imprisonment of less than two years is appropriate before considering whether the

sentence can be served in the community under conditional sentence order. In other words, a court must be of the opinion that a probation order and/or fine would not adequately address the seriousness of the offence and the degree of responsibility of the offender.

Second, a penitentiary sentence, a term of imprisonment of more than two years, would not be necessary to do so and a sentence of less than two years would be appropriate. Once this decision is made a court would then determine whether the sentence of imprisonment of less than two years may be served in the community, bearing in mind the other prerequisites I referred to earlier, community safety for one.

Over the years conditional sentencing decisions that appeared on their face to be questionable have contributed to a loss of public confidence in this sanction and therefore in the administration of justice.

A number of observers, including some provincial and territorial counterparts, became increasingly concerned with the wide array of offences that received conditional sentences. By the time our government took office in 2006, it had become clear to us that further limits to the availability of conditional sentences were needed. Our government responded to these concerns when it tabled Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), on May 4, 2006. Bill C-9 was referred to the justice committee just one month later on June 6, 2006.

Bill C-9, in its original form, proposed to eliminate conditional sentences for offences prosecuted by indictment and punishable by a maximum sentence of 10 years or more. It was and still is the opinion of this government that offences prosecuted by indictment and punishable by a maximum sentence of imprisonment of 10 years, 14 years, or life are serious offences that should not result in a conditional sentence order. This is so even if the court ultimately finds that a sentence of less than two years is proportionate to the circumstances of the offence and the degree of responsibility of the offender.

Bill C-9 as originally drafted would have caught serious crimes such as weapons offences, offences committed against children and serious property crimes. However, opposition members thought that the scope of Bill C-9 went too far in limiting conditional sentences and amended it to only capture terrorism offences, organized crime offences and serious personal injury offences as defined in section 752 of the Criminal Code that are punishable by a maximum sentence of 10 years or more and prosecuted by indictment.

This was similar to the approach taken in Bill C-70 which the previous government had tabled in the fall of 2005, but which died on the order paper with the call of the general election later that year. The amendments to the bill created some strange results. First, the opposition amendments to Bill C-9 created a situation where offences punishable by a maximum of 14 years' imprisonment or life are not all considered to be serious crimes. I would like to remind members that these are the highest maximum available in the code.

*Government Orders*

● (1805)

Second, as a result of amendments to Bill C-9, offences contained in the Controlled Drugs and Substances Act are not excluded from eligibility for a conditional sentence unless they were committed as part of a criminal organization. Consequently, the production, importation and trafficking in a schedule I drug such as heroin would not be caught and would be eligible for a conditional sentence of imprisonment. However, as members of the House know, our government has proposed mandatory minimum penalties for serious drug offences. I would expect that when the legislation is enacted, as I hope will soon be the case, these offences would be ineligible for a conditional sentence.

Until the coming into force of Bill C-9 on December 1, 2007, sentencing courts had only to interpret serious personal injury offences for the purpose of determining whether the threshold for a dangerous or long-term offender application had been met, because that term only applied to the dangerous and long-term offender provisions. Since Bill C-9 came into force, courts have wrestled with the interpretation of serious personal injury offences in the context of conditional sentences.

The Alberta Court of Appeal in *Ponticorvo*, 2009, reviewed its decisions in *Neves*, 1999, where is considered the definition of serious personal injury offence in the context of dangerous offender provisions. In that context, the court concluded that section 752 required that the offence considered be objectively serious. However, in the context of conditional sentencing, that court of appeal found that the use or attempted use of violence sufficed and did not require any overlay of objective seriousness. In other words, it ruled that it should be easier for the Crown to establish that an offence is a serious personal injury offence in the context of a conditional sentence than it is in the context of a dangerous offender.

While that is an appropriate interpretation, there have been some cases that do not follow the decision of the Alberta Court of Appeal and continue to apply the guidelines developed in the context of dangerous offenders in determining whether an offence is a serious personal injury offence.

Another concern with the definition of serious personal injury offence is that serious property crime, such as fraud, could still be eligible for a conditional sentence. We are well aware of recent examples of the devastating impact of fraudulent conduct. Victims who have lost their life savings have called for strengthened sentences for those types of crimes. It is hard to disagree with their concerns, especially considering the fact that fraud, which is punishable by a maximum sentence of 14 years, would still be eligible for a conditional sentence, despite reforms enacted by Bill C-9. It is clear to me, and I suggest to many Canadians, that greater clarity and consistency is needed to eliminate the availability of conditional sentences for serious violent and serious property offences.

For these reasons, Bill C-16 proposes to remove the reference to serious personal injury offences in 742.1, to make all offences punishable by 14 years or life ineligible for a conditional sentence. This would make the offence of fraud and many other crimes ineligible for conditional sentences.

Bill C-16 would also clearly make offences prosecuted by indictment and punishable by 10 years that result in bodily harm, involve the import, export, trafficking or production of drugs or involve the use of weapons ineligible for conditional sentence.

I hope all members in the House will support the bill. It is important that this new bill comes forward to control the use of conditional sentencing.

● (1810)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, the member is a very good member and always gives well-researched material. As he has been here so long, I can ask him a harder question because of his experience.

The justice department has some excellent researchers and lawyers on staff who are well experienced. I have asked the same questions throughout this entire debate for all the Conservative members and the justice researchers have not come up with the answers. Why is that? Perhaps it is because, unlike most policy and legislative forming in government, the Conservative government has turned topsy-turvy on justice and the legislation does not come from the bottom up, is not scientifically or evidence based. It comes from the top down, so perhaps there are not answers to these questions.

I will ask the Conservatives one last time to first give a number of examples of situations where the conditional sentence was imposed and did not work properly. Second, when the recidivism rate, the chance of reoffending and hurting Canadians, is less with conditional sentences than those with jail sentences, why would we reduce them in some cases? I am not saying we should not reduce them in some serious cases.

**Mr. Rick Casson:** Mr. Speaker, I appreciate the member's involvement today on this issue, and many others.

Let us look at the issue of the victims for a second. We have situations where crimes are committed and the victims are in the same community where these conditional sentences are carried out.

I want to refer to a third-party quote, which is always good to have. The member opposite can take that for what it is worth. This is from Heidi Illingworth, the executive director of the Canadian Resources Centre for Victims of Crime. She stated:

The current legislation has not sufficiently restricted access to conditional sentences for offenders who commit serious and violent offences, including repeat offenders...Victims feel distress when they see offenders, not only those responsible for their own victimization, but also those who commit other serious crimes, sentenced to 'house arrest.' This proposed change will address concerns that some victims and survivors of violent crime have expressed to our organization.



*Government Orders*

Think of the victims just for a second. When a conditional sentence can be carried out in the same community where the crime was carried out and the victim is still lives there, it has a serious, long-term effect on the stability of the victim.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, the serious concern I have, watching this endless amount of crime bills come forward, is the position is always that the judge should never have discretion. Therefore, there is no discretion in the case of assault causing bodily harm. It could be two guys pushing each other in a bar. There is certainly a difference between that and beating someone up with a baseball bat. There would be no discretion on fraud. They would be thrown in jail. It might be a \$100 credit card fraud. There would be no discretion on B and E. I know kids in my community who have committed B and E. Would I throw those kids in jail? Most of them just need some clear direction, which they are not getting.

Yet we see the same government's sense of entitlement, sense of two standards. When one of its friends was caught going 40 kilometres over the speed limit, driving drunk and cocaine possession, what happened? The judge did not take it. The Conservative Party says that we have to allow discretion when it comes to the pals of Conservatives. What is really hard to take is the hypocrisy of the party and its loony views on crime.

• (1815)

**Mr. Rick Casson:** Mr. Speaker, I do not think anyone in the House would argue with where most of the loony views come from in the House. It is very close to where that member sits.

It is unfortunate that the member would try to raise the issue. We are dealing with conditional sentencing. We want to deal with people who prey on our children. We want to deal with people who prey on our seniors. We want to deal with people who kidnap. We want to deal with people who are serious repeat violent offenders, yet the member chooses to approach this debate like that. It is very unfortunate.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I am delighted to speak to Bill C-16.

First, I was proud to be part of the justice committee when we limited Bill C-9. We took out minor offences, where people should not always be incarcerated because it would make society less safe. There were some ridiculous provisions in that bill. The opposition made it far more sensible.

As the members have heard all afternoon, I have asked simple questions about the bill. A bill is usually brought in when there is a big outrage and a problem. I have asked every member of the government to give me examples of how it is not working and why we need to make this change. There was no answer from the parliamentary secretary, or the minister or any member who has spoken,

A member from the Bloc has already said that there are hundreds and thousands of examples of conditional sentencing having worked for some of the minor offences in the bill. No one is arguing that in some of the serious offences it should not be allowed. However, for some of the minor offences, would it be possible to do that? There is no answer and no example.

The second question I have asked is if conditional sentences have been proven by the stats to be far more successful in reducing recidivism, when people get out, they do not commit other crimes, when it makes victims and other Canadians much safer, why would we change that? Why would we limit it in the less serious examples?

A member mentioned earlier that these conditional sentences were not done just off the cuff. Average research shows 11 to 13 reasons for the case from a judge, a judge who has a lifetime of experience in the criminal justice system, who understands the situation, who understands what will work and what will make Canadians safer. Only then do they oppose those sentences.

Why can the Conservatives not come up with examples? Perhaps it is because judges who have this lifetime experience do not give out conditional sentences. In a lot of cases, they make wise decisions and do not give them in serious situations, which would be covered in this bill. Just because the bill would prohibit them from giving out conditional sentences does not mean that they give them out now.

For a lot of the serious crimes, judges would never give out conditional sentences. This is one of the reasons why people are having such a hard time coming up with as many examples as there are for success stories.

I would encourage people to attend the restorative justice organization of the city of Ottawa to hear the success stories, or to read Professor Doob's book. I would challenge any Conservative member who does not believe in conditional sentencing to do that and then come back and say that he or she does not believe in them. There have been huge benefits to society, huge protection of Canadians and victims, in some of the cases where conditional sentences have been applied.

The members have brought forward a lack of understanding. In some of the Conservative speeches, it is very true. There is a lack of understanding of how it works. One Conservative member suggested that the people on conditional sentences just watched TV. In jail they get to watch a lot of TV as well. That is not all that is involved in a conditional sentence. This is not the only reason it turns out to be successful.

There are a number of other conditions of rehabilitation, conditions that cannot be provided on probation, that help. They could be tougher on the criminal and certainly would give him or her a much better chance of not recommitting an offence. It makes society much safer for the victims so they are not re-victimized. It makes it much safer for Canadians if criminals do not reoffend.

The vast majority of offenders get out. When they get out, we need a way to ensure they are unlikely to reoffend, which will keep all of us safe. They need the investment in rehabilitation.

*Adjournment Proceedings*

When I go into the prisons, prisoners say that they are not getting the anger management they need. They are not getting the drug rehabilitation programs they need. They are not given the re-education they need to get out and to be successful in society, which would keep everyone much safer.

• (1820)

As some members alluded to at the beginning of this debate, we need to invest in the root causes of crime and the prevention of crime. Some of the minor crimes, as people have mentioned, are committed under bad circumstances or the individual came from a bad family situation. The person should not be put in jail as a result. Learning the background and finding out the cause of those crimes could stop the situation before it came to any kind of sentence.

The government could continue to invest in the aboriginal justice strategy. To the government's credit, it has extended the funding for a couple of years, but we wanted it to be made permanent. Under that system people working in restorative justice counsel individuals and they have a tremendous success rate in reducing recidivism and, in a number of cases, have eliminated it. It is almost like not approving funding for judges every two years. This strategy should be made permanent. The government could certainly continue investing in it.

I want to talk a bit about the policy process or the way the government comes up with the laws that I have seen when I was on the justice committee. Bill C-9 was just one of them.

When we had hearings in Toronto we were told by the public that the system had been turned upside down. The normal policy development process involves experts. In this case it involved experts from the justice department, people who have spent a good part of their lives finding out how to make Canadians safer by bringing in effective laws.

In this particular case, we were told that the direction came from the top. It avoided all the evidence and the science. It was not evidence-based legislation. The experts told us what would actually reduce crime and make people safer. However, for whatever reason, the government brought in totally ineffective laws that would endanger Canadians even more. Witness after witness, the experts at committee, made the same case. That is why some of these laws, like Bill C-9, were overturned, eliminated or put into a more reasonable and rational shape.

We would like this bill to go to committee in order to limit the situation to those cases where a conditional sentence would actually make sense. We have heard some examples today of some cases that should be in the bill and some that should not but that type of debate will be had at committee.

Hopefully at committee the government members, who will have had another couple of years of experience, will now listen more carefully to the experts, listen to what is working and what is not and we can come to a compromise and come up with a bill that will make Canadians safer by using the effective restorative justice processes, new processes compared to the thousands of years of failure by incarceration resulting in a number of people becoming worse off after jail and making society less safe.

One of the points made by the opposition, which the experts have proven to be another fallacy, is that this change would act as a

deterrent. This is not what most criminals are thinking about. Making a change like this would not be a deterrent. Evidence has proven that deterrence is the perception of getting caught. If we want to have deterrents for these crimes then we would increase our police force, increase monitoring and increase the understanding that criminals will get caught. It is not by changing sentences in the ways being suggested in this legislation.

• (1825)

Judges need to make the right decisions but by limiting their options there will be more probation and suspended sentences, which actually will make society a more dangerous place. In those circumstances, one cannot add the same conditions. As I said earlier, conditional sentences have a number of conditions that can be put on offenders to ensure they do not reoffend, that they are not just sitting in cells learning more crime but actually being rehabilitated. That would not occur in some cases where judges' options are limited. They would not be able to do that.

People are unaware, which is partly the problem for all of us. There are some success stories and stories of difficult conditions imposed in conditional sentences. There are success stories of restorative justice here in Ottawa. From the society in Ottawa all the way to my riding, the farthest riding in the country, there are great success stories in restorative justice. We need to ensure that when we create a bill like this, we do not throw out the baby with the bathwater, that we do not throw out the good success stories in an attempt to limit certain situations, which, as I said, we all agree need to be limited as to when certain types of sentences can be provided.

If we want judges to have the best chance of making society safer, they need as many tools available to them as possible. They are the ones who listen to the evidence, understand the situations people come from, understand the circumstances of the crime and understand what caused it. They are the ones who understand, with a lifetime of experience in the criminal justice system, what would be most successful when dealing with a particular person, a particular offence and to make it safer for all of us. To do that, they need the tools. Why would we as parliamentarians want to limit the number of tools available to them to make the wisest decisions? In some cases, they will use this tool and another tool. Why would we want to limit the tools so there are less successful outcomes in the criminal justice system?

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Yukon will have seven minutes remaining when the House returns to this matter.

---

## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

*Adjournment Proceedings*

• (1830)

[English]

## TUBERCULOSIS

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, white crosses mark the Canadian landscape and paint a bleak picture of a terrible tragedy: residential school children who are poorly fed, poorly clothed and have little medical help. These are ideal conditions for the spread of tuberculosis.

In 2006, the national chief of the Assembly of First Nations warned that “In Canada, rates of infection are 10 times higher on native reserves”. This is simply unbelievable and unacceptable in any community in Canada in the 21st century.

A century of neglect and the alarm bells are still ringing. Only now, the tuberculosis rate among status Indians is 31 times higher than that of non-aboriginal Canadians, and the rate among Inuit is 186 times higher. These are rates comparable to sub-Saharan Africa.

How much more do these numbers have to climb before the government takes real action instead of investing a paltry \$10 million to fight a national emergency?

Nick Finney, Save the Children's acting head of emergency capacity, normally responded to humanitarian disasters such as earthquakes, floods and health emergencies. In 2007, he was invited to conduct international aid assessments by remote aboriginal Canadians in northern Canada and witnessed what he called the slowest evolved disaster that he had ever worked in.

Finney described the level of deprivation as truly shocking. For example, a damp, one-bedroom home housed a family of 25. The aid worker compared what he saw in Canada with regions that had endured years of conflict. He explained that, “In a natural disaster, hope is a vital thing”. What he felt in northern Canada was like Darfur. Finney stressed that he saw powerful leadership in the communities he visited. Unfortunately, while they were fighting hard, they needed some help.

Finney is far from the first to compare the living conditions of aboriginal peoples with those in the Third World. The United Nations' Human Development index, a standard measure that ranks the well-being of member states, placed Canada sixth among 192 nations. However, when the same formula was applied to data about the living conditions of Canada's first nations, a very different story emerged: the ranking was 76th.

The government's efforts to combat TB are failing aboriginal people. Where is the real national plan, the what, by when and how, and resources to fight this 100% preventable disease? Why are the data kept in secret and why do government turf wars continue to stall progress? Why are the technologies for TB diagnosis not available?

In many Inuit communities there is no access to chest X-ray and people have to fly out for service. In regions with high rates of both latent and active TB, late diagnosis further increases the risk of spread. Where are the counselling supports needed for TB treatment? Where is the plan to address the social determinants of TB and the plan to counter overcrowding, poverty and social inequality? Fifty-three percent of Inuit homes are overcrowded, with Nunavut requiring 3,300 homes.

The government has a dismal record. It voted against the United Nations declaration on aboriginal rights. It rejected the 2005 Kelowna accord. The United Nations has repeatedly condemned it for the living conditions of aboriginals. When will the government honour its apology and take immediate action on TB?

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I would like to take this opportunity to reiterate that our Conservative government is committed to protecting the health and well-being of all Canadians, including those who live in first nations on reserve and Inuit communities.

We work hard on prevention and the overall health status of first nations on reserve and Inuit people, including TB rates.

Our Conservative government remains committed to supporting and working with communities, provincial and territorial health care systems, scientific experts, and all TB partners to assist in the prevention and reduction of TB by developing scientific evidence-based advice regarding TB prevention and control in Canada.

As the House knows, there are many things that contribute to TB: high smoking rates, poor nutrition and overcrowding. We are working hand in hand with other ministers in our government to address these very important issues.

In addition, our Conservative government currently provides funding for the TB prevention and control program in the territories and provinces. The three northern territories are responsible for all health program service delivery which incorporates TB prevention and control activities for all territorial residents including first nations and Inuit.

As opposed to the previous Liberal government that cut funding transfers to the provinces and the territories, we have not only maintained funding but increased it by 6% per year.

In 2009-10 the Government of Canada invested \$9.6 million to support the delivery of health promotion, TB prevention and control services on reserve across Canada, and to support some collaborative project-based work with Inuit communities.

Canada has adopted the global stop TB rate reduction target of 3.6 cases per 100,000 population by 2015 for the entire Canadian population including first nations and Inuit.

*Adjournment Proceedings*

As the House knows, some remote and isolated first nations on reserve and Inuit communities face the additional challenges of related social determinants of health. Poverty, overcrowded housing, and other existing diseases such as diabetes and HIV-AIDS, and the lack of ready access to a full range of medical services, all increase the risk of TB among aboriginal people.

In addition, the unique cultural, educational and language differences that prevail in many aboriginal communities can sometimes present barriers to receiving appropriate health care made only worse by their geographical remoteness.

Speaking of Health Canada's specific mandate for on reserve populations, Health Canada makes TB prevention and control programs available to first nations. This includes: enhanced screening, surveillance, contact investigation, centralized case management, directly observed therapy for disease cases, a controlled system of medical and medication supply, education and awareness activities.

As previously mentioned, the delivery of health care services in the territories is the responsibility of territorial governments. Health Canada and the Public Health Agency of Canada provide funding to support health promotion and disease prevention activities in the territories. The Public Health Agency of Canada is responsible for the overall management of TB prevention and control in Canada.

I wish to reiterate that our Conservative government will continue to work with all first nations on reserve and Inuit communities, leadership and other partners to help prevent TB, and help improve the overall health status of aboriginal Canadians. A critical part of that work will focus on the reduction of tuberculosis.

● (1835)

**Ms. Kirsty Duncan:** Mr. Speaker, the perfect storm is brewing. Each of the social determinants of health, which cause concern, are combining to create a deadly state of affairs.

I call on the government to first convene an emergency health ministers meeting and to work with aboriginal people, the provinces and territories to send in crisis teams to the worst hit communities.

Working in tandem, the government must invite aboriginal people to the table and more importantly, listen. It must address its tuberculosis efforts immediately and set measurable achievable targets with timelines, with real resources. The government must also address the social determinants of health, food insecurity, income, overcrowding, poverty and water.

Finally, the Auditor General might be called in to review why \$47 million was spent over the last five years with no change in TB rates.

**Mr. Colin Carrie:** As I said, Mr. Speaker, Health Canada's First Nation and Inuit Health Branch, FNIHB, works collaboratively with other government departments, provinces, non-governmental organizations, and national aboriginal organizations in an effort to reduce the burden of tuberculosis on the aboriginal people of Canada.

Health Canada is committed to TB reduction among all Canadians and focuses specific efforts on behalf of first nations on reserve and Inuit communities.

Health Canada has adopted the global stop TB rate reduction target of 3.6 cases per 100,000 by 2015 for the Canadian population including aboriginal people. The delivery of health care services in the territories is the responsibility of the territorial governments and we are working closely with them.

First nations and Inuit regional health offices work closely with partners to deliver TB prevention and control services. These partnerships exist across each of the regions and include the Public Health Agency of Canada, the provinces, local or regional health authorities, and communities to support TB reduction through the application of evidence-based TB standards, clinical practice and first nations focused TB research.

AFGHANISTAN

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, I rise to raise an issue with regard to a prison in Afghanistan.

Back in March, I had asked the Minister of Foreign Affairs about the construction of a new prison, which was apparently promised by Canada, the British and the Dutch. There was a letter that was sent on February 12, 2009. The head of the national security directorate for Afghanistan, Mr. Saleh, confirmed that in fact discussions had occurred. Then we apparently indicated that in fact we were not going to be building any prison. This was, of course, to house Afghan detainees.

What is very interesting about this is that the minister said he had no knowledge of it, and he indicated that Canada is not in the business of building prisons and that we do not do those kind of things. That is all very nice.

I was surprised at the minister's response, given that the head of the national security directorate had confirmed publicly that in fact those discussions had occurred.

But even if I accept the minister's response, on April 22 at the Special Committee on the Canadian Mission in Afghanistan, I posed the same question to the then ambassador, Mr. Hoffman, in our embassy in Kabul. I was told that in fact this letter was signed while he was in Islamabad on official business and that it was in error.

I do not know how governments can be making these kinds of errors where they in fact indicate to our allies that we are going to undertake to build a prison along with the British and the Dutch and apparently it was in error.

Now, how many other errors do we see on that side of the House?

The fact is that we had given clear intent to build a prison.

*Adjournment Proceedings*

Part of the difficulty we are having with the Afghan detainees issue is of course that we turned them over to the NDS, and part of that problem means we cannot keep track of what has happened to those detainees.

I found it rather interesting that the minister indicates he did not know about it and we are not in the business of doing so. Yet we have a letter, dated February 2009, which clearly indicates we are entering into an arrangement with the Afghans, and Mr. Saleh, the head of NDS, came out said he wanted to know what had happened, how come we had not delivered, along with the British and the Dutch.

If this is a mistake officially or a misunderstanding, then I really do question this. It is obviously not a way either to conduct foreign policy or, obviously, to get our allies on side.

I want to make sure I am very clear here. I am going to quote Mr. Hoffman from the committee:

One of the realities of the Afghan prison system was one of insufficient capacity.

And Canada was approached to contribute to address this issue; I quote, "We had agreed in principle to provide equipment..." to build capacity.

I would like to know from the parliamentary secretary, through you, Mr. Speaker, if he could give me a breakdown on the amount we were to provide to deal with this deficiency. Very clearly, we cannot be making these kinds of errors to our allies, where in fact we indicate the severity of the issue dealing with detainees and yet, at the same time, we are not delivering what we promised. That obviously is not good for Canada's reputation.

The Americans, as we know, do not turn them over. They have their own facility.

Perhaps the parliamentary secretary could clarify why Canada would not have gone in with our other allies to do this, since it would have avoided much of the problem that the government finds itself in today, with regard to redacted documents and the whole issue of who is telling the truth.

● (1840)

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I will begin by saying that the government does not find itself in any trouble, contrary to what the member is saying. However, I would like to thank the hon. member for his question and the opportunity to set the record straight with regard to the 2007 proposal to build a Kabul-based national directorate security detention facility, as well as discuss our efforts to help the government of Afghanistan meet its domestic and international obligations with respect to the treatment of detainees.

In response to the hon. member's question, I would like to clarify that the proposal to build the Kabul-based national directorate security detention facility in 2007 was a U.K.-led initiative, which ultimately did not come to pass. To be clear, Canada never promised to build a detention facility in Afghanistan.

At the time the reference letter was sent, Canada was still in the early stages of determining the scope of our support for the initiatives as part of our broad effort to strengthen Afghan correction capabilities. The extent of our potential support would, nevertheless,

have been limited to ameliorating the living conditions for both staff and inmates through funding for the construction of a clinic and administrative facility. I would also like to underscore that the proposed facility would have remained in the hands of the NDS and would have been run and operated by the Afghans.

As the Minister of Foreign Affairs has said, Canada is not in the business of building or running Afghan prisons. Rather, Canada is committed to looking closely at the government of Afghanistan to strengthen its capacity regarding the treatment of detainees. I assure everyone that Canadian officials continue to lend their expertise to ongoing efforts to strengthen Afghan institutions, to find ways to further strengthen the NDS capacity regarding respect for human rights, and the handling of detainees and record keeping.

To the member's question on what Canada has been doing, I would like to say that to enhance prison conditions Canada is funding over \$5.5 million in infrastructure projects, support and training in detention facilities in Kandahar. Further, as part of our capacity-building efforts, we have also provided \$7 million over four years to help strengthen the capacity of the Afghanistan Independent Human Rights Commission to monitor human rights in Afghanistan, including those of prisoners in detention facilities.

Canada is committed to working closely with the government of Afghanistan to strengthen its capacity regarding the treatment of detainees and we are doing so in collaboration with our allies.

● (1845)

**Hon. Bryon Wilfert:** Mr. Speaker, there is a question that remains. The ambassador was in Islamabad and an employee at the embassy apparently prematurely signed this agreement to go ahead with the prison, along with the British and the Dutch. Who would have that kind of signing authority to sign off on such an important document while the ambassador was away?

This is called a misstep, this is called, "No, we do not take responsibility for this". The head of the NDS clearly believed that when this document was signed, presumably by somebody at the embassy who had authority, that in fact this was a go. Even though the parliamentary secretary says Canada is not in the business of doing so, one would suggest that there was obviously authority for someone to do it and that has caused Canada embarrassment, certainly with our Afghan allies, and with the Dutch and British.

**Mr. Deepak Obhrai:** Mr. Speaker, with regard to the hon. member saying that Canada has been embarrassed with our allies, that is absolutely utter nonsense. Canada came out with an enhanced agreement in 2007 that ensures that the detainees who are transferred by Canada to detention facilities are monitored by Canadian officials. Over 200 visits have been made to detention facilities to ensure that no torture of detainees takes place, in accordance with international law.

What the hon. member forgot to say is that during the committee hearings, every Canadian official from the military, in the prisons, everyone who is over there have all said they know what their international obligations are and, accordingly, they work under those international obligations. We are extremely proud of their efforts in Afghanistan.

*Adjournment Proceedings*

## ARCTIC SUMMIT

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, the Arctic summit would have been a great opportunity to regain our lost respect and lost leadership in the Arctic. Unfortunately, we did not do that.

We have lost our leadership by sending lower officials to sub-meetings. In fact, we even fired our circumpolar ambassador. At the summit when Hillary Clinton criticized Canada for emissions, that had been unheard of in diplomatic circles. The United States is our closest friend and ally. Imagine the United States in a public situation like that, criticizing Canada on the Arctic. What about the countries that are actually against this? Imagine how they are feeling.

I want to talk about two outcomes, or lack thereof, from the summit.

First, it was suggested by the minister that the summit talked about a legally binding search and rescue agreement through the Arctic Council. That is rich for Canada to be talking about that. We have gone to a number of Arctic conferences recently and even brought forward the idea of sharing in search and rescue in the Arctic, which of course is needed. It is ironic that we are talking about it when we cannot even do our own search and rescue in the north.

As I have been saying for years, we do not have a single fixed-wing search and rescue plane in our fleet stationed north of 60. We do not have one of our search and rescue specialized helicopters stationed north of 60. Unlike other Canadians, northerners in harsher conditions have to wait for those planes to come from the far south. Why are we putting our armed forces at risk? Parliament was told years ago that the ageing search and rescue fleet, not only for the Arctic but for the whole country, needed to be replaced. Where is it? There is no sign of it being replaced anytime soon and Canadians and the military are being put at risk.

The second item I wanted to speak about on the summit was that the Arctic Ocean coastal states discussed the central importance of scientific research to better understand the dynamics of the region, especially as it relates to natural resource development. While we are all talking about how important science research is, I wonder if the other countries know how much Canada has cut research in the Arctic in recent years.

It is amazing that the entire Canadian Foundation for Climate and Atmospheric Sciences has been cancelled. That whole organization has projects all over the country. A lot of them are related to the north. Some are related to drought in the Prairies. Think of all our Arctic climate scientists in the country. It is as though we were in the dark ages, cancelling all that, closing it just like that. Even PEARL, which is close to the North Pole, will have to close. That is where most of the funding came from. We will abandon any sovereignty that particular station gave us by having scientists up there. More important, we are losing the ongoing collection of statistics that we need year after year, and which are more important now than at any other time in history because of the rapidly changing Arctic.

When it comes to natural resource development all countries agree that this is important. For over a year now, at committee I have been raising the importance for Canada to study the effect of oil spills and how to develop in the north. Time and time again, if we look at

committee records, the government refused to invest in that. Now look what happened off the coast of Louisiana, an easy situation to clean up as it is warm water, but imagine if that occurred under the ice in the north. The Beaufort project in the 1970s which never got finished would have provided a solution, but the government will not proceed with more research.

● (1850)

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I am pleased to rise to speak about a very important event regarding the Arctic which the Minister of Foreign Affairs recently hosted in Canada.

The hon. Minister of Foreign Affairs invited the foreign ministers of the five Arctic Ocean coastal states, Canada, Denmark, Norway, the Russian Federation and the United States of America, to Chelsea on March 29, 2010. The minister had a forward-looking dialogue on issues related to the roles and responsibilities that each of these countries have in their jurisdiction in the Arctic Ocean.

This is in addition to the commitments that all five countries made in 2008 at the Ilulissat declaration and complements our discussions and collaboration with all Arctic states, Arctic indigenous people and others through the Arctic Council, the central forum for international co-operation on Arctic issues.

It is entirely appropriate for the five countries bordering the Arctic Ocean to get together to discuss issues of mutual importance. The fact that the five countries all sent senior ministers indicates that they think this is a very important conference, too.

For example, Secretary of State Hillary Clinton highlighted on CTV some of the reasons that the five countries should get together. She said, "If there is an oil spill or if there is an accident out there on a platform of some kind, who is going to come? It is going to be Canadians, Americans, Russians, Norwegians" and Danes. We are the ones who are going to be there first because we are the closest.

As far as the hon. member's assertion that northerners were not involved and his pointing out Secretary of State Hillary Clinton's comments, I would like to advise the member that Secretary of State Hillary Clinton is the chief diplomat of the U.S.A., not the chief diplomat of Canada. The chief diplomat of Canada is the hon. Minister of Foreign Affairs who works differently in Canada than they work in the United States.

Let me just put on the record very clearly that the Minister of Foreign Affairs met with territorial premiers and indigenous representatives to talk about the Chelsea meeting before it took place, because our government highly values the fundamental role that northerners contribute to the international Arctic issue. This meeting was in addition to the regular high-level Arctic Council advisory committee that we have in place that meets regularly to discuss important Arctic issues.

*Adjournment Proceedings*

In closing, Canada did the right thing. We took a leadership position on an issue important to Canadians that resulted in action.

• (1855)

**Hon. Larry Bagnell:** Mr. Speaker, the parliamentary secretary actually put a quote out there that exactly made my case when he said that Hillary Clinton asked who was going to clean up an oil spill. That is the question, when Canada will not invest in the research to clean up those oil spills.

Right now it is not technically possible to clean up an oil spill under ice. Maybe 25% of the world's reserves of hydrocarbons are in the north. The Conservative government would love to access those, but by refusing to put enough money into research to stop something like the environmental disaster that is occurring right now in the gulf near Louisiana, the projects will not be approved by any environmental assessment agency worth its salt.

This was a lost opportunity. The government could have announced major research in that area. It could have announced that it is finally putting search and rescue planes north of 60 so they

can meaningfully participate in Arctic research with other northern nations.

**Mr. Deepak Obhrai:** Mr. Speaker, I want to tell the hon. member that it is this government that has allocated an unprecedented amount of money and resources to maintain our sovereignty over the Arctic.

This government, as the Prime Minister has said, has to assert our sovereignty over the north. Our sovereignty comes from a lot of other actions, including the one the hon. member is talking about, providing search and rescue, research stations and everything. This government is committed to doing it and money has been allocated toward those projects.

**The Acting Speaker (Mr. Barry Devolin):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:57 p.m.)

---





# CONTENTS

Monday, May 3, 2010

## PRIVATE MEMBERS' BUSINESS

### Canadian Forces Superannuation Act

Bill C-201. Report Stage .....	2239
Mr. Savage .....	2239
Mr. Angus .....	2240
Ms. Mathysen .....	2242
Mr. Hyer .....	2243
Mr. Harris (St. John's East) .....	2244
Ms. Davies (Vancouver East) .....	2245
Division on Motions Deferred .....	2247

## GOVERNMENT ORDERS

### Sébastien's Law (protecting the public from violent young offenders)

Bill C-4. Second reading .....	2247
Mr. Siksay .....	2247
Mr. Lemay .....	2248
Mr. Rathgeber .....	2249
Mr. Szabo .....	2249
Ms. Mathysen .....	2249
Mr. Lemay .....	2250
Mr. Szabo .....	2251
Mr. Angus .....	2252
Mr. Rathgeber .....	2252
Mr. Szabo .....	2253
Mr. Angus .....	2254
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2254
Mr. Rathgeber .....	2256
Mr. Angus .....	2256
Ms. Leslie .....	2256
Mr. Simms .....	2258
Mr. Rathgeber .....	2258
Mr. Cardin .....	2258
Mr. Bagnell .....	2259
Mr. Angus .....	2260
Mr. Lee .....	2260
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2261

## STATEMENTS BY MEMBERS

### Battle of the Atlantic

Mr. Kerr .....	2261
----------------	------

### World Press Freedom Day

Mr. Russell .....	2262
-------------------	------

### Broadband Canada Program

Mr. Guimond (Rimouski-Neigette—Témiscouata—Les Basques) .....	2262
---	------

### The Environment

Mr. Cullen .....	2262
------------------	------

### Amnesty International

Mr. Young .....	2262
-----------------	------

### World Press Freedom Day

Mr. Cotler .....	2263
------------------	------

### Democratic Reform

Mr. Chong .....	2263
-----------------	------

### Doris Thomas

Mrs. Beaudin .....	2263
--------------------	------

### Leader of the Liberal Party of Canada

Mr. Gourde .....	2263
------------------	------

### Polish Constitution Day

Mrs. Crombie .....	2263
--------------------	------

### Canadian Navy

Mr. Lauzon .....	2264
------------------	------

### The Netherlands

Mr. Stoffer .....	2264
-------------------	------

### Firearms Registry

Mr. Rickford .....	2264
--------------------	------

### Conservative Government

Mrs. DeBellefeuille .....	2264
---------------------------	------

### Youth Bowling Canada

Mr. Proulx .....	2264
------------------	------

### Leader of the Liberal Party of Canada

Mr. Bezan .....	2265
-----------------	------

## ORAL QUESTIONS

### Ethics

Mr. LeBlanc .....	2265
Mr. Harper .....	2265
Mr. LeBlanc .....	2265
Mr. Baird .....	2265
Mr. LeBlanc .....	2265
Mr. Baird .....	2265
Ms. Coady .....	2265
Mr. Baird .....	2266
Ms. Coady .....	2266
Mr. Baird .....	2266

### Access to Information

Mr. Duceppe .....	2266
Mr. Harper .....	2266
Mr. Duceppe .....	2266
Mr. Harper .....	2266
Mrs. Freeman .....	2266
Mr. Baird .....	2266
Mrs. Freeman .....	2266
Mr. Day .....	2267

### The Environment

Mr. Layton .....	2267
Mr. Harper .....	2267
Mr. Layton .....	2267

Mr. Harper .....	2267	Mrs. Aglukkaq .....	2271
Mr. Layton .....	2267	<b>Government Expenditures</b>	
Mr. Harper .....	2267	Mr. Young .....	2272
<b>Ethics</b>		Mr. Day .....	2272
Mr. McGuinty .....	2267	<b>Public Safety</b>	
Mr. Baird .....	2267	Mr. Cuzner .....	2272
Mr. McGuinty .....	2267	Mr. Toews .....	2272
Mr. Baird .....	2268	<b>Agri-Food</b>	
Mr. Holland .....	2268	Mr. Bellavance .....	2272
Mr. Baird .....	2268	Mr. Ritz .....	2272
Mr. Holland .....	2268	<b>Official Languages</b>	
Mr. Baird .....	2268	Mr. Godin .....	2272
<b>Afghanistan</b>		Mr. Petit .....	2272
Mr. Bachand .....	2268	<b>Arts and Culture</b>	
Mr. MacKay .....	2268	Mr. Allen (Tobique—Mactaquac) .....	2272
Mr. Bachand .....	2268	Mr. Moore (Port Moody—Westwood—Port Coquitlam) .....	2272
Mr. Petit .....	2268	<b>Pensions</b>	
<b>Oil Industry</b>		Ms. Sgro .....	2273
Ms. Brunelle .....	2269	Mr. Goodyear .....	2273
Mr. Baird .....	2269	<b>400th Anniversary of Quebec City</b>	
Ms. Brunelle .....	2269	Ms. Gagnon .....	2273
Mr. Anderson .....	2269	Ms. Verner .....	2273
Ms. Murray .....	2269	<b>Aboriginal Affairs</b>	
Mr. Baird .....	2269	Ms. Crowder .....	2273
Ms. Murray .....	2269	Mr. Moore (Port Moody—Westwood—Port Coquitlam) .....	2273
Mr. Anderson .....	2269	<b>International Co-operation</b>	
<b>Forestry Industry</b>		Mr. Rae .....	2273
Mrs. Zarac .....	2269	Ms. Oda .....	2273
Mr. Lebel .....	2269	<b>Vacancy</b>	
<b>Science and technology</b>		<b>Winnipeg North</b>	
Mrs. Zarac .....	2269	The Speaker .....	2274
Mr. Goodyear .....	2270		
<b>Firearms Registry</b>		<b>ROUTINE PROCEEDINGS</b>	
Mr. Hoback .....	2270	<b>Social Security Agreement between Canada and Republic of Macedonia</b>	
Mr. Toews .....	2270	Ms. Finley .....	2274
<b>Ethics</b>		<b>Government Response to Petitions</b>	
Mr. Mulcair .....	2270	Mr. Lukiwski .....	2274
Mr. Baird .....	2270	<b>Standing Up for Victims of White Collar Crime Act</b>	
Mr. Martin (Winnipeg Centre) .....	2270	Mr. Hill (for the Minister of Justice) .....	2274
Mr. Baird .....	2270	Bill C-21. Introduction and first reading .....	2274
<b>International Co-operation</b>		(Motions deemed adopted, bill read the first time and printed) .....	2274
Ms. Deschamps .....	2270	<b>Interparliamentary Delegations</b>	
Ms. Verner .....	2271	Mr. Benoit .....	2274
Ms. Deschamps .....	2271	<b>Committees of the House</b>	
Ms. Verner .....	2271	<b>Canadian Heritage</b>	
<b>Fisheries</b>		Mr. Schellenberger .....	2274
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2271	<b>Procedure and House Affairs</b>	
Mrs. Shea .....	2271	Mr. Preston .....	2274
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2271	Motion for concurrence .....	2274
Mrs. Shea .....	2271	(Motion agreed to) .....	2274
<b>Product Safety</b>			
Ms. Leslie .....	2271		
Mrs. Aglukkaq .....	2271		
Ms. Leslie .....	2271		

<b>Petitions</b>	
<b>Poverty</b>	
Mr. Savage .....	2274
<b>Post-Doctoral Fellowships</b>	
Mr. Savage .....	2275
<b>Foreign Takeovers</b>	
Mr. Angus .....	2275
<b>The Environment</b>	
Ms. Chow .....	2275
<b>Climate Change Accountability Bill</b>	
Ms. Chow .....	2275
<b>Volunteer Service Medal</b>	
Ms. Chow .....	2275
<b>Air Passengers' Bill of Rights</b>	
Mr. Maloway .....	2275
<b>Prison Farms</b>	
Mr. Maloway .....	2275
<b>KAIROS</b>	
Ms. Duncan (Edmonton—Strathcona) .....	2276
<b>Chemical Pesticides</b>	
Ms. Duncan (Edmonton—Strathcona) .....	2276
<b>Environmental Bill of Rights</b>	
Ms. Duncan (Edmonton—Strathcona) .....	2276
<b>Questions on the Order Paper</b>	
Mr. Lukiwski .....	2276
<b>Request for Emergency Debate</b>	
<b>Offshore Oil and Gas Drilling industry</b>	
Mr. Cullen .....	2276
The Speaker .....	2276

#### GOVERNMENT ORDERS

<b>Sébastien's Law (Protecting the Public from Violent Young Offenders)</b>	
Bill C-4. Second reading .....	2277
Mr. Bagnell .....	2277
Mrs. Lavallée .....	2277
Mr. Angus .....	2279
Mr. Fast .....	2279
Mr. Trudeau .....	2279
Mr. Ménard .....	2281
Mr. Fast .....	2281
Mr. Angus .....	2281

(Motion agreed to, bill read the second time and referred to a committee)..... 2281

#### Criminal Code

Mrs. Yelich (for the Minister of Justice and Attorney General of Canada) .....	2281
Bill C-16. Second reading .....	2282
Mr. Rathgeber .....	2282
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2284
Mr. Ménard .....	2284
Mr. Bagnell .....	2285
Mr. Fast .....	2285
Mr. Murphy (Moncton—Riverview—Dieppe) .....	2285
Mr. Fast .....	2288
Mr. Cullen .....	2288
Mr. Rathgeber .....	2289
Mr. Angus .....	2289
Mr. Ménard .....	2290
Mr. Bagnell .....	2292
Mr. Angus .....	2292
Mr. Comartin .....	2293
Mr. Tilson .....	2295
Mr. Bagnell .....	2296
Mr. Cullen .....	2296
Mr. Sorenson .....	2296
Mr. Bagnell .....	2298
Mr. Cullen .....	2298
Mr. Casson .....	2299
Mr. Bagnell .....	2300
Mr. Angus .....	2301
Mr. Bagnell .....	2301

#### ADJOURNMENT PROCEEDINGS

<b>Tuberculosis</b>	
Ms. Duncan (Etobicoke North) .....	2303
Mr. Carrie .....	2303
<b>Afghanistan</b>	
Mr. Wilfert .....	2304
Mr. Obhrai .....	2305
<b>Arctic Summit</b>	
Mr. Bagnell .....	2306
Mr. Obhrai .....	2306

**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>