



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 19, 2010**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, October 19, 2010

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1005)

[*English*]

### PETITIONS

#### FOREIGN DOCUMENTS

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Mr. Speaker, I would like to present to the House a petition from a number of constituents and others regarding the Hague Convention of 1961 which abolished the requirement of the legalization of foreign documents.

Canada is not a signatory to that convention even though China, the Czech Republic, France, Korea, Romania, Great Britain, U.S.A., Albania and many others are. The difficulty this has created is that without a certified document Canadians must endure a time consuming and expensive process to obtain authentications from foreign consulates.

With the large influx of newcomers to Canada, the petitioners believe it is time to simplify the flow of legal documents. They call upon the Government of Canada to conclude negotiations with the provinces and territories for the adoption of that convention within the next 12 months or, failing completed negotiations, to proceed unilaterally to ratify the convention.

#### PASSPORT FEES

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, my petition calls upon the Canadian government to negotiate with the United States government to reduce the United States and Canadian passport fees. The number of American tourists visiting Canada is now at its lowest level since 1972. It has fallen by 5 million people in the last seven years, from 16 million in 2002 to only 11 million in 2009.

Passport fees for an American family of four can be over \$500. Fifty per cent of Canadians have passports but only 25% of Americans do.

At the recent Midwestern Legislative Conference of the Council of State Governments, attended by myself and 500 other elected

representatives from 11 border states and 3 provinces, a resolution was passed unanimously and reads:

...that [the] Conference calls on President Barack Obama and [the Canadian] Prime Minister...to immediately examine a reduced fee for passports to facilitate cross-border tourism; and be it further

RESOLVED, that [the Conference] encourage[s] the governments to examine the idea of a limited time two-for-one passport renewal or new application;

To be a fair process, passport fees must be reduced on both sides of the border.

Therefore, the petitioners call upon the government to work with the American government to examine a mutual reduction in passport fees to facilitate tourism and finally, promote a time limited two-for-one passport renewal or new application fee on a mutual basis with the United States.

#### OLD AGE SECURITY PENSION

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, today I take pride in presenting a petition on behalf of constituents who oppose Bill C-428, which would lower the residency requirement for receiving Old Age Security from 10 years to 3 years. They believe that the 10 year requirement currently in place is the appropriate level.

Therefore, they are asking Parliament to oppose Bill C-428.

#### EMPLOYMENT INSURANCE

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, once again I rise on the occasion of the EI pilot projects receiving only an eight month extension. These are programs that my constituents feel should be made permanent for areas of high unemployment.

One of the measures contained within that would be the best 14 weeks and, within that measure, it allows employees and employers to be at a more comfortable stage. Under the current system of the last 14 weeks, there is no incentive to go back to work. Therefore, if the company wants to hire workers back for two or three days, there is a built-in disincentive because the workers will receive less in benefits.

This petition pertains to the expiry date of October 23, which has been extended to June, but I will continue to present these petitions until these programs are made permanent.

I want to thank the people on this particular petition from Wesleyville, New-Wes-Valley, Lumsden, Newtown, Moretons Harbour, Cape Freels region, Tilting and Fogo on Fogo Island. Most of the names pertain to those areas.

*Government Orders*

## MOTOR VEHICLE SAFETY

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, I have two petitions. The first one asks the Government of Canada to introduce a regulation under the Motor Vehicle Safety Act requiring side underrun guards for large trucks and trailers to prevent cyclists and pedestrians from being pulled under the wheels of these vehicles, and that we should harmonize Canadian vehicle safety standards with the ECE regulation 73 which requires sideguards on all trucks and trailers in Europe.

Several coroner reports have stated that without these sideguards cyclists and pedestrians are pulled under these large vehicles. They also noted that 37% of these collisions resulted in cyclist fatalities compared with only 8% of accidents resulting in cyclist injuries.

We have petitions from across Canada saying that sideguards are legal requirements in the U.K. and there is no reason for them not to be installed on trucks and trailers here in Canada.

● (1010)

## CITIZENSHIP AND IMMIGRATION

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, I have another petition asking the Minister of Citizenship, Immigration and Multiculturalism to grant a temporary resident permit on humanitarian and compassionate grounds so that Gary Freeman can be united with his four Canadian children and his wife in Canada.

Mr. Freeman arrived in Canada in 1974. He is a well loved and respected member of the community. He used to work in the library system in Toronto and he has four grown children. In the sixties, he committed a crime and served his time of 30 days in jail. He has made a major contribution to the Chicago Police charity. Since he has done his time, we should allow him to come back to Canada on humanitarian grounds so he can be with his entire family in Canada.

## VISAS

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, coming from Burnaby—New Westminster, the capital of the Taiwanese community in Canada, I am pleased to present a petition signed by more than 500 residents of Burnaby, New Westminster, Vancouver, Richmond and other areas of the Lower Mainland of British Columbia.

The petitioners call for visa-free travel between Canada and Taiwan. Over 150,000 visitors from Taiwan come to Canada every year and about 15,000 Taiwanese students attend Canadian schools. There is an undeniable economic advantage of strengthening the ties between Canada and Taiwan.

The United Kingdom, Ireland and New Zealand have all recently waived visa requirements for Taiwanese visitors. In each of those cases, the number of Taiwanese visitors and tourists has increased significantly. It is also important to note that Taiwan has waived visa requirements for Canadians visiting Taiwan.

These 500 individuals throughout the Lower Mainland are calling upon the House of Commons to pass my private member's Motion No. 530 which requests that the government implement the visa waiver program for Taiwanese citizens coming to Canada in response to Taiwan's decision to waive visa requirements for Canadian visitors to Taiwan.

## QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## GOVERNMENT ORDERS

[English]

## ENDING EARLY RELEASE FOR CRIMINALS AND INCREASING OFFENDER ACCOUNTABILITY ACT

The House resumed from October 18 consideration of the motion that Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**The Speaker:** When this matter was last before the House, the hon. member for Elmwood—Transcona had the floor and he has 13 minutes left in the time allotted for his remarks. I therefore call upon the hon. member for Elmwood—Transcona.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am pleased to continue today on the debate on what is now Bill C-39.

The bill is designed to improve public safety and notably by stating explicitly that the active participation of offenders in attaining the objectives of the correction plan is an essential requirement for their condition of release or any other privilege. It is also designed to deal with expanding the categories of offenders who are ineligible for an accelerated parole review and the categories of offenders subject to continue detention after their statutory release date when they have served two-thirds of their sentence. For example, offenders convicted of child pornography, luring a child or breaking and entering to steal a firearm are examples.

In addition, the bill would extend the length of time that offenders convicted of a subsequent offence must serve before being eligible for parole. Also, it would increase from six months to a year the waiting period for a hearing after the National Parole Board has turned down a parole application.

The bill would also authorize a peace officer to arrest, without a warrant, an offender who is on conditional release for a breach of conditions. It would grant the Correctional Service of Canada permission to oblige an offender to wear a monitoring device as a condition of release when a release is subject to special conditions regarding restrictions on access to a victim of geographical areas. It would increase the number of reasons for the search of vehicles at a penitentiary to prevent the entry of contraband or the commission of an offence.

*Government Orders*

The bill also focuses specifically on the interests of victims by expanding the definition of “victim” to anyone who has custody of or is responsible for a dependant of the main victim if the main victim is dead, ill or otherwise incapacitated. It would disclose to a victim of the program in which an offender has participated for the purposes of reintegration into society, the location of an institution to which an offender is transferred and the reason for the transfer. It also would entrench in the act the right of victims to make a statement at parole hearings, which is a new element.

The whole development of victims' rights over the years did not start with the Conservative government. It was not an idea that somehow the Conservative government developed in its policy rooms. The fact is that this is a long-term process. In fact, I recall in Manitoba, as far back as, I believe, 1970, when Premier Ed Schreyer, the first NDP premier in Canada, was elected on June 25, 1969. Within his first four-year mandate, he brought in substantial changes to the province of Manitoba and to the country of Canada. One of the initiatives that he brought in was a criminal injuries compensation fund, which may have been the first of its kind in Canada at the time.

Nevertheless, the criminal injuries compensation fund has been around in Manitoba now since 1970. Therefore, the Conservatives have absolutely no monopoly on victims' rights and victims' services in this country. As a matter of fact, the Conservative government, the champion of victims' rights, hired Steve Sullivan as the victims' ombudsman. When he started doing the job of advocating on the part of victims, the government, which appointed him, got rid of him by not renewing his term. That has some reflection on the government's real commitment to victims' rights.

However, over the years, beginning with the criminal injuries compensation fund and initiatives such as that, we have seen a gradual progression toward more rights for the victims. There was a time not so long ago, maybe 20 years ago, when it was almost impossible for a person to find out the resolution and the developments of their break-and-enters, for example. Many people have come to me over the years and told me how their house had been broken into and that they were told by the police to go home and forget about it and that they would deal with it. However, no information came their way as to what stage the case was at and the disposition of it.

• (1015)

That was changed not only under NDP governments but I am sure under Liberal governments in other provinces and, of course, Conservative governments in Manitoba. The Filmon government made some moves, as well as the Gary Doer government. Now there is an array of victim services available. After a break-in of a property, the victim gets a call from the police and a kit is dropped off indicating phone numbers that people can call for counselling, if required.

At more and more stages, people are being kept updated and informed of the processes, and we in the NDP support that. The member for Burnaby—Douglas and others in the NDP are on record as being very strongly supportive of victims' rights and services. So it is somewhat surprising; well, maybe it is not so surprising but it is unfair for the Conservatives to keep riding this horse. The Liberal critic yesterday spoke on this bill and I listened carefully to his

speech, which was very good. He kept referring to the Conservatives' calling him a hug-a-thug.

The fact of the matter is that it is peculiar to the current Conservative government. I do not recall the Conservative government of Joe Clark, which of course was not around that long, or of Brian Mulroney taking this kind of approach. This seems to be something that is peculiar to the group that is in power right now, and I really do not think it has had a lot of results to show for its efforts in this area.

The government may think that somehow it is making progress by coming up with boutique-type bills that are not 100% necessary. For example, a lot of the measures that it is introducing in these bills are already covered under the Criminal Code. What it should be doing, as has been mentioned by many people in the House, is taking the time to revamp the entire Criminal Code, something that is long overdue. It is a very old piece of legislation that is hundreds of pages long. If the government were showing vision in this area, it would make an announcement that it is going to revamp the entire Criminal Code and invite the parties inside.

I remind government members that it was one of their own colleagues, Gary Filmon who they appointed to a federal board, who developed the approach, in a minority parliament, that he would involve all opposition parties on controversial issues. It was not only Meech Lake. That was a very good example of how a very smart leader operating in a minority situation confronted a very important decision in this country.

He did not make an arbitrary decision like the Prime Minister does and drive ahead at all costs. He involved the party leaders. He got Senator Carstairs, who was a leader of the Liberal Party, involved in the committee. He got Gary Doer, who was opposition leader at the time, involved in the committee. That is how they dealt with the issue of Meech Lake.

Even when it came to something as simple as a smoking ban that was controversial in those days, Premier Filmon reached out to opposition leaders and got them on board. He found that system actually worked. The government actually did that on Afghanistan just last year and it worked reasonably well. Why it continues to refuse to learn from history and previous good practices that would help the government, Parliament and the country is really beyond me.

• (1020)

We can allow the Conservatives to continue their beating of the drums, their calling the member for Ajax—Pickering a hug-a-thug and their cheap shots, but the reality is that the public is not buying it. I think the member for Bonaville—Gander—Grand Falls—Windsor agrees with me.

*Government Orders*

The Conservatives have been doing this now for almost five years, but where are the results to show? They have gone through a couple of elections. They showcase them, but they are all the same bills. They brought them in two, three and four years ago. Then they prorogued the House, then brought them all back; then they had an election, then prorogued the House again and then brought them all back.

Where are those great polling numbers that this policy is supposed to produce? It is just not there. The Conservatives are no more popular today than they were then. They should be looking at how they are running the government right now.

Let us look at the long form census, the debacle of this summer. The Conservatives cannot seem to get their agenda on track.

I had wanted to talk about the “Roadmap to Strengthening Public Safety”, which is one of the reasons why the government is bringing in the legislation, but I know our public safety critic will be speaking on this bill later, and there are other members in the House who will deal adequately with that particular issue.

I understand the bill will be going to committee, because the Bloc has indicated its support for the bill. Hopefully at committee we will be able to make the adjustments and amendments needed to make this a better piece of legislation for the benefit of all Canadians.

• (1025)

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Madam Speaker, after listening to the gentleman across the way from the NDP espousing the virtues of his party and how it stands up for criminals, I am wondering if this is a change of focus for the NDP.

Could the member tell me if this means that, instead of sitting down every time one of our bills to protect victims comes forward, the NDP is now going to start standing up to protect Canadians? Is that what he is saying?

**Mr. Jim Maloway:** Madam Speaker, I think if the member checks *Hansard*, he is going to find that he misspoke.

He really meant to say “stands up for victims”. I am sure he would apologize for that error. He accidentally said “stands up for criminals”, which of course is probably what he actually meant to say at the end of the day, but of course he did not intend to do so this morning.

I know the member is a very good member of Parliament. He is hard working and he follows the party line over there. He is probably the first one up in the morning, getting the orders from the Prime Minister's office, reading them and being right up to snuff on all the latest nuances.

I would guess that the member would be the number one MP over there doing that. I know he has read up on the latest news. I get my MP hits in the morning, and he gets his at eight o'clock at night, before some of the papers have even hit their deadlines. He is well-informed. I am sure he is just following the Prime Minister's orders.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Madam Speaker, one of the issues I noticed was that the Conservative member stood up.

There are so many debates and so many issues that are brought to this House, and so many times that we get up to speak, as my hon. colleague does, and it goes Liberal, Bloc, NDP and back to Liberal.

I can only wish for more engagement of debate in this House. I think it is paramount to what we are here for, and it is not acknowledged by some members of the Conservative Party, or all the members of the party, which is really a sad statement.

We are in a minority Parliament situation. They certainly have to put themselves through the process of debating within the House and being questioned by the members.

Perhaps the hon. member could comment on that. He has been up in the House more than I have. He has probably seen in these debates, each and every one of them, what I call the sloganeering nature of many of these bills, as he pointed out, which was stop-and-go politics, or not so much politics but stop-and-go legislating.

What the Conservatives are doing is getting it to a certain point, drawing it back by prorogation or whatever it may be, then bringing it back into the House once again. I think the member has a point about the idea of looking at the Criminal Code in whole. Unfortunately that may not allow the Conservatives to put up the nice slogan that they desire.

I would like the member to comment on that and also on the lack of debate, by both sides, on any issue that comes to this House.

**Mr. Jim Maloway:** Madam Speaker, the member is correct. We have seen the government put up one speaker on a bill and then simply let the debate take its course on this side of the House. It is not there to answer any questions on its bills.

However, there is an exception to that. We had, this spring, the Minister of Immigration actually give the House the respect it deserves. He was here for the entire debate. In fact, he asked the first question for every speaker on the immigration bill. I thought that was a class act on the part of the minister. Did another minister follow his lead?

Provincially, it is normal. If the finance minister has a bill before the House, the minister is there. In the Manitoba legislature, if any minister of any department has a bill before the House, the minister is there for the entire debate. He or she does not just simply do the introduction, walk away and not stay to ask questions.

The immigration minister sat here every hour. He listened to every speaker and he asked the first question, and that is what the government minister should be doing.

• (1030)

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Madam Speaker, I want to start by thanking my colleague for his speech. I would like him to tell me what he thinks about the fact that in this bill, this government has reintroduced the abolition of release after an offender has served one-sixth of his sentence.

*Government Orders*

This is something that the Bloc Québécois has been talking about since 2007. It introduced two bills and called on the House to pass them quickly. There was only one clause in the bills, and it would have abolished release after one-sixth of the sentence had been served. But this government refused to vote for this measure. If it had, then there would not even be a clause in Bill C-39 to abolish release after one-sixth of the sentence, and the Earl Joneses and Vincent Lacroix of this world would still be in jail.

Currently, these people are entitled to be released after serving one-sixth of their sentence. What does my colleague think about abolishing release after one-sixth of the sentence has been served? And what does he think about the fact that this government makes a big show of talking about public safety instead of thinking about the safety of the people?

[English]

**Mr. Jim Maloway:** Madam Speaker, I recognize that the Bloc has been a strong and long-time supporter of this measure. I recognize that is something it feels strongly about, and I think there would be a lot of support in the House for that particular measure.

I recognize the concerns regarding Earl Jones and other white collar criminals, where cases have been dealt with and will not be affected by changes to the legislation. That is sad because we, in this country, have a terrible record.

I mentioned last week that in the United States, its system has managed to put away 1,200 white collar criminals, including a couple of Canadians. The entire Canadian system has only effected 2 convictions and they are both against the same guy. We have put away 1 person who was guilty of white collar crimes in Canada, while the Americans have put away 1,200, and they think their system is not good enough. As a matter of fact, President Obama is re-regulating the entire financial services industry as a result of what happened two years ago.

We have a long way to go in this country to start operating on the basis of being smart on crime. On this side of the House, the Bloc, the NDP and the Liberals are all in favour of changes to our system and putting white collar criminals away for longer periods of time, but what we want to do is look at the entire criminal justice system and be smart on crime. We want to do things that work, not necessarily just blindly follow the American system, the three strikes and you are out system, with private prisons and warehousing people, which does not work. We disagree with that, but there are other areas of common ground here.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Madam Speaker, getting smart on crime means that there need to be a lot more programs in prisons so that, when the offenders come out, they will reintegrate well.

One of the programs that is desperately needed, in terms of its expansion, is a public health program to deal with drug treatment, whether it is behaviour modification or getting the drugs for treatment, and then upon their release, a community-based reintegration program. This is often not available in prison. With this approach, we end up having people in prison longer, and yet when they come out, they reoffend. It is wasting money and it is not going in the right direction.

Could my colleague comment on the drug treatment programs that are needed and the smart on crime approach he is talking about?

• (1035)

**Mr. Jim Maloway:** Mr. Speaker, I think the proof is in the pudding here with the government announcing it is going to spend \$9 billion on new prisons. In fact, a fraction of that amount could do what the hon. member has said.

A very high percentage of people who are in prison, particularly women, are dealing with addiction and mental health problems. Those people do not really belong in a prison; they should be in a mental health facility. They should have access to treatment programs whether they are in a mental health facility or in a prison. The government is not paying attention.

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Madam Speaker, I am pleased to speak to this bill, which comes at a very bad time. We will try to deal with this methodically. I want to respond to my colleague who just spoke. The Standing Committee on Justice and Human Rights is currently studying six bills, including Bill C-4 on young offenders. The review of this particular bill is not complete because the government has not yet tabled the necessary documents, as it should have done in June 2010. The bill we are discussing today could also die on the order paper because it may be some time before it is studied in committee.

I do not know whether my colleague, the member for Ahuntsic, is studying as many bills that affect the public in the Standing Committee on Public Safety and National Security. If she is, then we have a serious problem. This government is playing politics and taking a piecemeal approach to justice issues, doing a little bit here and a little bit there. It has introduced a bill that I would say is extremely worthwhile and has been a long time coming. The Bloc Québécois will vote in favour of this bill, and we would like to send it to committee as soon as possible.

Let us look at the dates of this bill. On June 16, 2009, we were examining Bill C-43. Summer arrived, the House adjourned, and then MPs returned. In October 2009, we were examining Bill C-53. Then, the government—not the opposition parties—decided to prorogue. This bill died on the order paper on December 30, 2009. Now, the government has re-introduced the bill as Bill C-39, which is the same as the previous bills C-43 and C-53. I hope this one will not die on the order paper, because it is very important.

The government is accusing the opposition of not looking out for victims, of not caring about them or being interested in them. According to the government, the only thing that the opposition cares about is criminals, and getting them out of jail as soon as possible. I never hear so many blatant lies from the other side of the House as I do when they talk about victims. We absolutely care about victims. The best example is that the Bloc Québécois has been calling for the abolition of the one-sixth of the sentence rule for two years now.

*Government Orders*

I will give a little legal lesson, more specifically on criminal law, for my colleagues opposite. It is a problem with criminal law that comes up when an individual is sentenced. The best example is the case of Colonel Williams. We can talk about him now, because he will probably be sentenced to life in prison, with no chance of parole for at least 25 years. We can get back to that, because the government just introduced another bill. Let us take the example of someone sentenced to jail time. Bill C-39 applies only to someone sentenced to more than two years. That is extremely important. We are talking about sentences of more than two years in prison. The problem is that in provincial prisons, in Quebec in particular, this service already exists. However, even if the individuals are sentenced to two years less a day, they are still eligible for release after serving one-sixth of their sentence.

In terms of criminal law, let us look only at sentences of at least two years, for example, someone in Quebec who is sentenced to three years in prison. This person is sent to the regional reception centre in Sainte-Anne-des-Plaines, in the Montreal region. Regardless of where that person is from, that is where they are sent.

● (1040)

It takes between three and four months for the case to be dealt with. If the person was sentenced to 36 months in prison, after six months, or one-sixth of the sentence, that person is already eligible for release, and no one will have dealt with the case.

There is a gap there. We have long been saying that parole must be earned and that release after serving one-sixth of a sentence should not exist. I have 30 years of experience as a criminal lawyer. Some of my clients were released after serving one-sixth of their sentence. After having been sentenced to three years, they were released after six months and no program had been established for them, which made it far more likely that they would reoffend.

My colleague, the member for Ahuntsic, who is a criminologist and has worked with these types of people, probably knows what I am talking about. This is exactly what is happening in prisons. They cannot even begin to work with an individual who has one foot out the door if he was sentenced to two or three years in prison. He has practically left before he has arrived. Why? Take the example of one of my clients. We decided that it was better for him to be sentenced to 24 months in prison instead of two years less a day because it would take longer to serve a sentence of two years less a day in a Quebec prison than a 24-month sentence. One-sixth of 24 months is four months, and so he was released after four months. There was not even enough time before he was released for them to deal with his case and have a meeting to discuss a plan for his return to society.

That is the worst possible mistake. As I have been saying in this House for nearly six years now, the problem with the Conservatives is that they do not understand. So, I will try to explain it again. The Conservatives think that minimum prison sentences will solve everything. Nothing could be further from the truth, so far that even the Americans are beginning to realize it. Canada—and especially the Conservatives—seems to be a few years behind. In two or three years, they are going to realize they are on the wrong track.

The public is not shocked when someone receives a four-year sentence, but rather when that individual gets out after one year. The public is shocked by the fact that people are not serving their

sentences. That is precisely what the Bloc Québécois has been criticizing for some time.

Whether my Conservative friends like it or not, minimum prison sentences do not preclude offenders from being eligible for parole. Even with a mandatory minimum of three years, the individual is still eligible for parole. That is what the Conservatives do not understand. Once again, we will try to explain to them that it is the parole system that needs to change. The parole system needs to be changed so that people who are sent to prison are not released unless they have a plan for their reintegration into society. That is the problem. In the example I gave of someone who has been sentenced to three years, if he is eligible for parole after six months, he will sit back and do nothing.

That is why we are calling for the elimination of parole after one-sixth of a sentence is served. That is also why we hope to vote quickly to pass this bill. I know my Conservative Party colleagues always overreact because of the worst criminals. In the case of Colonel Williams, who has committed a rash of unspeakable crimes in the Belleville and Trenton area, if he is sentenced to life in prison with no chance of parole for 25 years, society will take care of him. He will be sent to prison, as he clearly deserves. I will not try to defend him here, since I am not his lawyer.

● (1045)

That is not the problem. The worst criminals deserve the harshest sentences. That has always been true. The problem lies with individuals who are not criminals, but who are going down a path of crime. If we do not stop them, if we do not take measures to stop them, they will become hardened criminals. Generally they are individuals who are serving their first penitentiary sentence. Obviously it depends on the crime, but in most cases, a person's first penitentiary sentence is somewhere between 3 and 10 years. Those are the people this bill absolutely must catch and as soon as possible.

When I say “catch”, I mean we must encourage them to do what it takes to return to society with a plan in order not to reoffend. The problem is that the parole board does not help. It does not have a chance to work with the individuals. If an individual is eligible for parole after one-sixth of his sentence, what will he do? Take, for example, an individual who has a three-year sentence. When he arrives at the regional reception centre—every province has them—it takes three to four months before his case is reviewed. What do you think he does in the meantime? He plays cards, watches television, drinks Pepsi and waits. No one works with him, at least not very much. Someone needs to work with him as soon as he arrives at the penitentiary.

There is something my Conservative friends do not understand. I will explain it to them yet again. An individual who is sentenced will return to society and if he is not properly prepared to return to society, then, unfortunately, he will reoffend. It is a known fact that the risk of recidivism for this type of person—I am talking about those who receive sentences between 3 and 10 years—is quite high. The risk is there. We have to find ways to correct this.



*Government Orders*

Quite honestly, this is a good bill. This afternoon, the Standing Committee on Justice and Human Rights is going to study Bill C-22 on Internet child pornography. We all support this bill. It must be passed. Everyone agrees that this legislation needs to be put in place. It must be passed, but the government will have to submit it to us. The same holds true for Bill C-39. We must deal with it as soon as possible because it is a good bill. The parole board needs to be able to implement it. But no work is being done right now because no one knows whether the bill is going to come. The bill might not pass and could die on the order paper because of an election in the spring of 2011, for example, which is not such a far-fetched idea. It could happen. Suppose there is an election in the spring of 2011. If the government has not submitted this bill to us—we have six bills to study—then it is going to have to set priorities for the committee. We have already agreed to study Bill C-22 while we wait for the translation of the report on Bill C-4 on young offenders, as I said earlier. But it is important to pass Bill C-22 on child pornography.

There is the other bill on vehicle theft—I cannot remember the number—that we discussed before the House adjourned a week ago. Everyone supports this bill.

The government should do the sensible thing and say that since the opposition supports a number of bills, they will be sent as soon as possible to be studied, discussed and passed.

Since this bill will likely be studied by the Standing Committee on Public Safety and National Security, I think things should go quickly. But we have to give the penitentiaries the means to prepare release plans. This is the process where an offender is told that he has five years left to serve, for example, and he has to begin, now, to take part in preparing a release plan or serve his last five years.

• (1050)

At least the individual still has the choice in prison. But it is clear that he may leave—and will leave—after five years. There needs to be some follow-up with this person. During the entire prison sentence, the individual offender's treatment needs to be personalized, just as the courts hand down personalized sentences.

The individual must be made aware that their release from prison is as much their responsibility as the crime they committed. The person was found guilty or pleaded guilty to the offence and was given a sentence. However, after they are sentenced, many individuals tend to sit in prison and just wait for the end of the sentence. This bill should put an end to that. We must change the attitudes of people as they enter the prison by asking them about their plans for release and what they want to do. Do they want to finish school? Do they want addiction treatment? Do they want some sort of training? What do they want? That would set the wheels in motion so that they can leave prison better equipped than when they arrived.

Obviously, that is not what is happening right now. The National Parole Board, the prisons and the Correctional Service of Canada are not able to provide these services. That would require many things. The government supports this bill, but it needs to invest the necessary funds. Why invest? Because criminals will eventually be released. Victims need protection. They are always talking about victims.

There is something that we do not understand about the Conservatives. The National Parole Board takes care of victims, especially in terms of the prison system. This organization's main priority is the rehabilitation of an individual who is rejoining society, but the victims must also be protected and every possible step must be taken to keep that individual from reoffending.

I am being told that I have only two minutes left, but I could go on about this for a long time. I would like the Conservatives to remember this: automatic sentences have never solved anything. A minimum prison sentence has never solved anything, and that will not change today. All the studies presented to the Standing Committee on Justice and Human Rights show, beyond a reasonable doubt, that minimum prison sentences have never led to a decrease in crime.

We must ensure that these individuals serve their sentences, keeping in mind that they will one day return to society. It is clear that we will probably never see people like Colonel Williams, who will receive a minimum sentence of 25 years for a double murder, outside the prison walls. But we will see people who were sentenced to five to ten years in prison, and some are already close to being released.

Did people like Mr. Jones or Mr. Lacroix, who owned Norbourg, learn their lesson? With all due respect, I think that the only thing they learned was not to get caught.

• (1055)

Unfortunately, with the current system, prisoners learn more about not getting caught than they do about preparing for their release.

**Mrs. Maria Mourani (Ahuntsic, BQ):** Madam Speaker, I would like to begin by congratulating my colleague on his excellent speech. I am sure he would agree that this government's actions in terms of public safety and protecting victims have been nothing more than smoke and mirrors.

I listened carefully to the member's speech. I have not read Bill C-22 that he mentioned, so I wonder if this is the much talked-about bill that police forces have been waiting for for nearly 12 years now, that will give them the tools they need to go after pedophiles and the producers and consumers of child pornography. Furthermore, we know that between 1980 and 1990, there were about a thousand child pornography images and videos on the Internet. Now there are millions of such images and videos on the Internet. This means that thousands of children have been abused in making these photos and videos, and it means that thousands of pedophiles are profiting from these photos and videos.

*Government Orders*

Police forces want to have the ability to obtain the IP addresses of these cyber-pedophiles and producers of online child pornography. Will this bill give them that capacity? The former victims ombudsman, Steve Sullivan, said that if he were prime minister, that would be his top priority. I do not believe this bill will do anything in that regard and I wonder what my colleague's thoughts are on this.

**Mr. Marc Lemay:** Madam Speaker, I want to thank my colleague and immediately reassure her. Indeed, police forces have been waiting for Bill C-22 for almost 10 years. I recently went over this bill again because we will be studying it this afternoon when the hon. Minister of Justice appears before the committee. We have asked the minister to hurry up and not waste time.

The problem with Bill C-22, which deals with fighting pornography, is whether the government will grant any funding. I should warn my colleagues across the way that if I get a chance to ask the Minister of Justice a question this afternoon, it will be this: Will the government provide funding? It takes specialized squads to deal with this crime and that is precisely the current problem. We will need to create squads, like the ones for fighting organized crime. We have to do exactly the same thing to deal with pornography, a crime that is much worse and even more insidious. Nevertheless, now we have the services and the systems.

Yesterday, we were looking at what the Royal Canadian Mounted Police is implementing in terms of a system that will allow us to move forward. However, the RCMP needs money. Bill C-22 is indeed a bill that the government claimed it was introducing to protect victims, but the bill has not been implemented yet. Neither has Bill C-30. The Conservatives campaigned in two elections on a promise to implement this bill. The time has come for that party to put its money where its mouth is.

• (1100)

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, my colleague from Abitibi—Témiscamingue gave a very interesting speech. He talked about the Conservative strategy of making a show of being tough on crime. Their show is costing Canadians dearly. The government is planning to spend billions of dollars on prisons for offenders who have committed unreported crimes, according to the Treasury Board President. It makes absolutely no sense. Even worse, the Conservatives are cutting all the programs that help reduce crime in our society.

The Conservatives are spending billions of dollars. They seem incapable of managing this money and putting it towards the right priorities, such as programs to reduce crime and to keep criminals from reoffending. And while they are cutting these programs, they are investing billions of dollars to build prisons across the country.

Does the member think that the Conservatives' approach, which is to make a show of being tough on crime, could lead to an increase in crime? The programs to reduce the crime rate in our society are no longer there.

**Mr. Marc Lemay:** Madam Speaker, my colleague is absolutely right. That is exactly it.

The Conservatives' problem is that they think that once an individual goes to jail to serve a minimum prison sentence, the problem is solved. Believing that is the biggest mistake the

Conservatives have ever made, because that is when the problem starts.

Once people are arrested and imprisoned, we must ensure—and that is the problem—that they will not reoffend when released into society. We must put programs in place. It is all well and good to build prisons, and it will probably help some Conservative members get a prison in their riding. But there will be some big surprises, because having a prison in one's riding is not as fun as it seems. I know because there are prisons in my riding, and it is the same thing. It is not fun, because you need programs so that the people sent to jail do not reoffend when they are released. That is the challenge of sending people to prison, and that is what the Conservatives do not understand. They think that once people are sent to prison, the problem is solved. That is not true.

I agree that we must look after the victims, but the Conservatives are in no position to tell us about how much they have invested in the Fonds d'aide aux victimes d'actes criminels, that is for sure. In fact, it is quite the opposite—they have not invested at all. They think that by putting people away and isolating them from society, the problem is solved. But no. One day, those people will return to society, and we will have to see whether we are ready and whether we have done everything we can to prevent them from reoffending. If they unfortunately do reoffend, it is because we currently do not have any programs to make people understand that parole is something to be earned. That is exactly what this bill should do, but we will have to amend it to make that possible.

[*English*]

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, it is a pleasure to have the opportunity to speak in favour of Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts.

The legislation before us today follows through on a number of changes identified by the Correctional Service Canada's 2007 independent review panel report entitled, "A Roadmap to Strengthening Public Safety", to strengthen our correctional system.

The government has made strides to respond to the 109 recommendations in the panel's report. Most of these recommendations fall into five broad categories: first, increasing offender accountability; second, eliminating drugs from federal prisons; third, modernizing physical infrastructure; fourth, elimination of statutory release; and, finally, moving toward earned parole. Many of the recommendations also relate specifically to the concerns of victims.

*Government Orders*

Our government responded to the recommendation to eliminate drugs from prisons by announcing a new anti-drug strategy. This strategy allows the Correctional Service Canada to significantly expand the drug detector dog program at all federal prisons and institutions. It also increases security intelligence capacity in institutions and their surrounding communities and purchases security equipment for maximum and medium security federal prisons, while also enhancing perimeter security around those institutions.

The government is also taking action to tackle gangs in our prisons, a presence that significantly contributes to the use of drugs.

Bill C-39 builds on and expands our reference to respond to these recommendations by affirming our commitment to the rights of victims, increasing accountability of offenders and ensuring that first-time or non-violent offenders do not get off with a proverbial slap on the wrist. We continue to view the protection of law-abiding Canadians and the rights of victims as the priority of our justice system, and rightfully so in my submission.

I will begin by addressing some of these issues with some detail, beginning with how this legislation recognizes the role played by victims and also how it provides victims with better information.

While it has been the case that victims can attend parole hearings, this practice will now be enshrined into law. This legislation also provides the Parole Board of Canada and Correctional Service with the ability to better inform victims with information such as the reasons for an offender transfer and, where possible, notification when offenders are moved to minimum security. In addition, some forms of institutional behaviour by the offender, such as serious institutional infractions, may be reported along with the reasons for any temporary absences from correctional facilities.

Victims have told us time and time again that this is the type of information they require and our government is responding by providing it to them.

We are expanding the ability to notify victims from those who are the direct victims of the offences to also include guardians or care givers of dependent victims who are deceased, ill or otherwise incapacitated with the same information that the victims themselves would otherwise receive.

Under the current legislation, when an offender withdraws his or her participation 14 days or less before a parole hearing, the National Parole Board can formerly and currently not proceed with the review and make a decision. However, Bill C-39 would put an end to needless travel by victims to attend these hearings that are often cancelled at the last minute. Once again, we are responding to the requirements of the victims of the criminal justice system.

Offenders will often waive their parole hearing, but under the proposed legislation, victims will be able to request information on the reasons an offender gives for waiving a parole hearing.

To ensure that victims have an opportunity to provide input into policies and procedures associated with victim services, a national advisory committee on victims has been created. This complements additional proposed reforms and improves the information available

to all victims. Taken together, these changes will bring the interests of the victims to the forefront.

• (1105)

Effective rehabilitation and eventual reintegration should be a shared responsibility between correctional workers and the offender. As such, offenders must be held accountable for their criminal behaviour and also for their rehabilitation. In keeping with this recommendation from the independent review panel report, the following legislative changes will specifically require offenders to: first, behave respectfully toward other persons and property; second, obey conditions of release and all prison rules; and third, ensure that offenders are more actively involved in setting out and achieving the goals achieved in their respective correctional plans.

The legislative changes contained in Bill C-39 would formalize expectations for offender behaviour, program participation and fulfillment of any court ordered financial obligations such as restitution to victims as part of their correctional plan.

These legislative changes respond to the needs of staff in correctional facilities, all of whom have a right to expect a safe and secure work environment. Employees of Correctional Service Canada are hard-working and fine public servants and they deserve and ought to expect a safe work environment. They also respond to the needs of all Canadians who have a fundamental right to expect that the corrections systems will work the way that it ought to work and that their safety and security is paramount.

The legislation would allow police officers to arrest, without warrant, an offender who appeared to be in breach of any condition of conditional release. This responds to the police concerns with respect to the current requirement of contacting parole officers prior to making an arrest for an apparent breach. Police officers, too, are fine, hard-working and dedicated public servants and this amendment to the legislation is in direct response to lobbying efforts on behalf of police officers and their respective bodies.

Under the current system, accelerated parole review allows non-violent, first-time offenders to access day parole at one-sixth of their sentence and automatic full parole at one-third of their sentence. For these offenders, rather than a hearing the process for considering release is simply a paper-based review. However, Bill C-39 would change all this by removing this form of review from the Corrections and Conditional Release Act so that all offenders, whether they are first-time fraudsters or sentenced for violent assault will follow the same review process.

The tests for granting parole will no longer be whether they are likely to commit a violent offence. As with all parole reviews, Parole Board members will consider the risk that the offender may present to the society if released and determine if and to what extent that risk can be managed in the community.

*Government Orders*

The Parole Board of Canada will continue to hold the protection of society as the overriding consideration in any release decision. Whether convicted of fraud or assault, offenders will be eligible for regular day parole review six months prior to full parole eligibility and full parole review after serving one-third of their sentence.

This change is an important first step toward another of the review panel's recommendations, specifically that of earned parole. I listened with great interest and I am happy to hear that my friends in the Bloc Québécois are advocating toward some system of earned parole.

The legislation would also enhance the capacity of the Parole Board of Canada. The Parole Board of Canada bears a tremendous responsibility for making very important and very difficult decisions regarding conditional release. Accordingly, the CCRA will be amended to do the following. It will increase the number of full-time board members. It will make it possible to directly appoint part-time members to the Appeal Division. It will clarify the provisions in the CCRA that conditional release decisions are consistent with the protection of society. Finally, it will enshrine into law the practice of automatically suspending the statutory release of offenders who receive a new custodial sentence.

Cumulatively these legislative reforms will set into motion the good work that was contained in the 2007 independent panel report and are a key step in transforming and modernizing the federal corrections and conditional release system. These reforms would further ensure our streets and communities remain safe for everyone and this should be a goal for all members in this honourable House.

The legislation is part of this government's stand on behalf of all Canadians who want the rights of law-abiding people to be respected and to come first. After all, we all want the same things that honest, hard-working Canadians want for themselves and their families, and that is simply a safer country, a country where criminals do not get off with a slap on the wrist but, instead, are held to account and have to face the full weight and consequences of their actions and real difficult changes to their lives before rejoining society.

• (1110)

This is appropriate and that is what our government was elected to do. This is why we are putting forth multiple pieces of legislation to protect Canadians, such as Bill C-39, and we will continue to do so. I ask all hon. members to vote in favour of the bill.

• (1115)

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Madam Speaker, this bill contains several legislative amendments to the Corrections and Conditional Release Act. I wish the government had done a similar thing in its Criminal Code amendments. Instead of having one or two bills in front of the House, there are half a dozen, each one tweaking some other little piece of the Criminal Code. I know the government has done it for political purposes, but this bill has bundled things together, which I accept.

I am not one to put a price on the cost of public safety. However, with all of these changes, could the member reveal to us the costs of these proposed legislative amendments?

**Mr. Brent Rathgeber:** Madam Speaker, the hon. member for Scarborough—Rouge River will no doubt recall that budget 2008

invested \$478.8 million over five years to initiate the implementation of the new vision for federal corrections. This money was earmarked. The government feels very strongly that offenders ought to be held accountable and that the recommendations of the independent panel ought to be implemented. Accordingly it has allocated the funds do so.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I listened with great interest my colleague. He talked about the additional funding that would go into building prisons. However, I would like him to respond to one of the strongest criticisms that has been levied against the government, which is the cutbacks in crime prevention programs.

We know full well that when there are crime prevention programs in place, for every \$1 spent there is a saving of \$6 later to the taxpayer in policing costs, prison costs and court costs. Preventing the crime at the very beginning not only stops the occurrence of potential victims, but puts taxpayer dollars to a much more effective use as well.

The Conservative government has cut back on crime prevention programs. It is absolutely absurd for the government to come forward and say that it wants to reduce crime when it has reduced crime prevention budgets.

Could the member comment on why the Conservatives are willing to invest billions of dollars in building new prisons and are not willing to put money into preventing crimes in the first place, which is what the vast majority of Canadians support?

**Mr. Brent Rathgeber:** Madam Speaker, I do not mean to diminish the effectiveness or benefit of crime prevention programs, but our government has consulted with victims groups and police officers and it is the priority of this government to put the rights of law-abiding citizens first.

The protection of society is the paramount principle of the corrections system. Enshrining victim participation and guaranteeing victims rights are our priorities. As I said, I do not mean to diminish the value and effect of crime prevention, but at the end of the day protection of society has to be the paramount principle, and Bill C-39 responds to that.

**Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC):** Madam Speaker, I take this opportunity to commend the member for Edmonton—St. Albert for the very fine work he does on the parliamentary justice committee, on which I have the privilege to work with him, representing his constituents and helping to keep the people of Canada safe.

Has the member consulted with his constituents on this bill and on other government legislation designed to protect victims and stand up for law-abiding citizens? Perhaps he could inform the House on what his constituents may have said in that regard.

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**Mr. Brent Rathgeber:** Madam Speaker, I would like to thank the member for Mississauga—Erindale for all the work he does as Parliamentary Secretary to the Minister of Justice.

It will come as no surprise to members of the House or to that member that in Edmonton I am known as a bit of a justice hawk. Frequently in my householders and occasional 10 percenters I talk about justice issues and the work that this government is doing and the work that I am doing on the justice and public safety committees.

I have consulted widely with my constituents with respect to the corrections system and offender accountability and more broadly with the government's safe streets and safe communities agenda, which puts the protection of society paramount and puts the protection of victims and victims rights at the forefront of the criminal justice system.

I can tell the member and all members of this House without equivocation that my constituents unequivocally support this legislation.

• (1120)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Madam Speaker, the five points that my hon. colleague talked about relate to increased offender accountability, eliminating drugs from prisons, making parole and statutory release harder to get, and renewing physical infrastructure, which is a fancy way of saying building more prisons. All of these represent a philosophy of putting more people in jail for longer and making it more difficult for offenders to get access to rehabilitation, but instead, trying to punish them into good behaviour.

I wonder if my colleague could name any jurisdictions that he is aware of, or any places that the government has studied, where these policies have been put in place and there has been a determined reduction in the crime rate, where communities were safer as a result of these policies. I wonder if he could name two different jurisdictions where that has occurred.

**Mr. Brent Rathgeber:** Madam Speaker, I would like to thank the member for Vancouver Kingsway for the work that he does as his party's public safety critic and for the work that he does on the public safety committee.

My colleague is right. This bill represents a different philosophy from the philosophy of his party, and I would suggest, a different philosophy from most members on that side of the House. Where they are focused on the rights of the offender, the members of this government, and certainly myself, are preoccupied with the right of society to be protected from violent offenders, to be protected from fraudsters, to protect victims and give them a meaningful right in the process, and to promote safe streets and safe communities.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Madam Speaker, we know crime actually costs the Canadian economy more than \$70 billion a year. The last statistics we have indicate that 67% of that is borne by the victims of crime. Auto theft costs the Canadian economy \$1 billion a year.

I wonder if the hon. member would agree that one of the primary functions of government is to protect its people and that it is about time we stopped shifting the blame to the victims and started taking responsibility as a government.

I wonder if he would have some insight as to why the opposition would not support making the rights of victims a priority in all of our criminal justice legislation.

I wonder if there are any other bills that he might want to talk about that could give Canadians confidence that their justice system is finally being reformed to put the rights of victims ahead of criminals.

**Mr. Brent Rathgeber:** Madam Speaker, it is unfortunate that I only have one minute to respond, because the member invited me to talk about all of the bills that our government has promoted to promote safe streets and safe communities, but I will talk about at least one.

The hon. member will no doubt recall Bill C-25, which is now law and which ended two for one credit for individuals on remand while awaiting trial. The member no doubt would agree with me that led to all sorts of perversions with respect to accused individuals delaying their pretrial process and therefore taking credit for the very generous two for one and sometimes three for one credit.

This government, as does that member and as do I, believes in the protection of society. Society benefits from legislation such as Bill C-25 and Bill C-39, which puts the rights of victims at the forefront and makes the protection of society the permanent goal.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Madam Speaker, I am pleased to rise today to speak to Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts.

The bill is a combination of Bill C-43 and Bill C-53, which were presented in the last session and are back before us today as a result of the Prime Minister's decision to prorogue Parliament last year.

This proposed legislation seeks to end early release for criminals and increase offender accountability. We are hopeful, on this side of the House, that the legislation before us today can be improved in moving forward to the committee process. I would like to think that all of us have the same objective of ensuring justice initiatives contribute to making our communities and our streets safer places for all Canadians.

There is no doubt that in this House we do differ greatly in the type of approach that would achieve best results. The current Conservative government's approach to justice matters centres on spending \$10 billion on prisons in the coming years. I am not convinced that investments in prisons, without resources for crime prevention, would achieve the goal of decreasing crime in our communities.

### *Government Orders*

Statistics Canada tells us the crime rate fell 3% in Canada last year and is down 17% in the past decade. This includes a decrease in violent crimes and homicides. Rather than continuing on a course that is arguably achieving the desired results, the current Conservative government made dramatic cuts, an incredible 70% funding reduction, to crime prevention programs and also reduced funding for victims' programs by 43%. Now, after recording the largest deficit in Canadian history, in excess of \$55 billion, the government is forging ahead to build republican-style super prisons, to the tune of anywhere from \$10 billion to \$13 billion.

While the Conservative government continues to push what it refers to as a tough on crime agenda, it neglects the instruments of government that have proven to be most effective in preventing crime. No one objects to offenders who have committed serious or heinous crimes being sentenced appropriately. However, by focusing solely on imprisonment, which carries a huge price tag and offers only short-term solutions, the Conservative government is failing to address the root causes of crime.

Governments are defined by the choices they make. The Conservatives are choosing to spend \$10 billion on new super jails on the notion that this would make Canadians feel safe. This is a plan that would implement failed republican policies from the United States.

Conservative budget projections show a plan to double prison spending, by 2013, over 2006 levels. This represents an increase of well over 200%, while at the same time, funding for crime prevention programs has been cut by more than half.

Whatever happened to the premise of an ounce of prevention is worth a pound of cure?

In 2005, the last year of a Liberal government, the National Crime Prevention Centre supported 509 projects in 261 communities throughout the country, for a total investment of \$56.8 million. In this current year, with a Conservative government, there are 285 projects, down from 509, funded with \$19.27 million. That is less than half the number of projects, with only one third of the money being spent.

These are the wrong choices if the goal is to reduce crime and keep Canadians safe, and these are the wrong choices to prevent crime from occurring in the first place.

The crime agenda should be balanced. We need to be tough on crime, but we also need to be unwavering in our commitments to rehabilitation and crime prevention. We cannot forget that less crime is the objective and we certainly cannot ignore the costs associated with the government's justice agenda.

Parts of the legislation before us evolved from the Conservatives' 2007 report entitled, "A Roadmap to Strengthening Public Safety". The report called for a new direction to Canada's corrections. Expert opinion has suggested the so-called road map was significantly flawed in terms of human rights and human dignity and that it in fact threatened public safety, and also that it came at a tremendous cost to the taxpayer.

●(1125)

Instead of learning from the mistakes made in California, the Conservative government would have Canada head down the same path and make the same mistakes, the path that led to a staggering debt and did not improve community safety.

If the Conservatives' plan to build super jails and incarcerate more people by passing laws that prescribe minimum sentencing was a key to a safer community, the United States would be the safest place in the world. California has implemented the very crime policies that the Conservative government is now proposing. The State of California is on the brink of bankruptcy. Its current prison system costs \$8 billion annually and is overflowing with more than 160,000 inmates.

An article in *The New York Times*, in March of this year, referring to the California prison crisis, says that California spends about 11% of the state budget, or roughly \$8 billion, on the penal system, that there are 167,000 prisoners in California, and that new reforms are under way with the goal of reducing the prison population by 6,500 by next year.

If the Republicans have learned from their mistakes, it is only right that the Conservatives should also look to what is happening there and go down a similar path. California has incarceration rates 700% higher than in Canada. In 2008, Canada had the lowest crime rate reported in the last 25 years, so it is no wonder I am perplexed as to why the government would be so determined to proceed down a path that has proven itself to be ineffective.

Bill C-39 attempts to clarify that the protection of society is a paramount consideration for the Correctional Service of Canada in the corrections process and for the National Parole Board and the provincial parole boards in the determination of all cases. While public safety has long been a primary consideration, it appears that the government felt it necessary to elevate it to the status of paramount. I look forward to hearing more from the government as to the necessity of the change in wording.

One aspect of the bill that is appropriate is a provision that enables a victim to make a statement at a parole hearing. Every opportunity must be available to provide for the victims' voices to be heard. Bill C-39 strengthens the victim's access to information with provisions enabling the victim to access information on the reasons for a temporary absence and an offender transfer, offender program participation, and any offender convictions for serious disciplinary offences. Bill C-39 also legislates the victim's right to attend and participate in parole hearings. In this way, this legislation is a start in moving victims' rights in Canada forward, and for that I am appreciative.

While the government would applaud itself for its efforts on behalf of victims, it also begs the question as to why the government chose to reduce the grant for victims of crime initiatives by a staggering 46% in the 2010 budget and cut the contributions to the victims of crime initiative by 34%. Although the Conservative government professes concern for the rights of victims, we have not seen those words translate into meaningful resources to support victims of crime.

*Government Orders*

The Liberal public safety critic has highlighted concerns about the correctional plans component of Bill C-39. The proposed bill provides that a correctional plan is to include the level of intervention by the service in respect to the offender's needs and the objectives for the offender's behaviour, his or her participation in programs and the meeting of the court-ordered obligations. In theory, it seems logical that the rehabilitation of an offender would follow a clear path. However, there is little merit in imposing the requirement for a plan without any sort of resources to support the development and execution of that plan.

Other aspects of the bill before us today include the expansion of the range of disciplinary offences to include intimidation, false claims and throwing a bodily substance.

• (1130)

As well, there is a section that would eliminate accelerated parole review for non-violent offenders. This is another area where the House will need to evaluate the cost of incarceration and the most suitable way for the offender to serve the sentence.

The last provision of the bill provides a peace officer with the authority to arrest without warrant an offender for a breach of a condition of the offender's conditional release. Again, this is another area where I look forward to hearing from the committee as to the possible issues that may arise from such a provision.

The true cost of the Conservative government's justice and corrections agenda remains a guessing game. Canadians deserve to know the price tag. The government's justice agenda is certain to cost well into the billions at both the federal and provincial levels and puts on all provinces a responsibility they just cannot afford just to satisfy the Conservatives' agenda.

It is challenging to stand in the House and support at second reading a piece of legislation while I have significant concerns about the costs associated with it. That is part of the bigger picture that we are facing today.

I look forward to seeing this bill back in the House following the committee's review, in anticipation that necessary amendments will be made to improve Bill C-39.

• (1135)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Madam Speaker, I cannot help but scratch my head at the lack of understanding by the hon. member across that crime costs Canadian families in excess of \$70 billion a year. That is a figure which is borne by the victims of crime predominantly. Victims across Canada are bearing 67% of the costs of crime.

The member talked about decreasing crime rates. The crime rates are decreasing because of the hard work of this government, the justice minister and this party to put a focus on crime. In my community, despite the extra resources we recently had a warning in the small town of Stouffville that property crimes are on the increase. People are breaking and entering into homes at night and there are car thefts.

There is a very real concern among Canadians that we get the job done once and for all. We have tried the failed practices of previous

Liberal governments for generations and they did not tackle the problem.

Would the member not agree with me that we need to focus on protecting society? Would she not agree that we need to refocus and balance the justice system so that it puts the rights of victims ahead of those of criminals? Would she not agree that we need to focus on turning the criminal justice deficit into a society surplus by once and for all dealing with the issues of crime and keeping the people who commit crime off the streets?

The member talked about sending the bill to committee. We all know what happens when a bill from this side of the House goes into a committee dominated by the opposition coalition. The opposition members talk tough in the House, but when they get to committee and the cameras are turned off, they turn legislation over and restore the focus back on the criminals and not on the victims of crime. There is a complete focus on trying to rehabilitate people who have committed crime after crime.

For once it would be refreshing to stand in the House and to have members focus on the people who matter, the victims of crime, and to turn that \$70 billion deficit into a surplus once and for all.

**Ms. Judy Foote:** Madam Speaker, I take exception to some of the commentary by the member.

Clearly we are concerned about victims. If the Conservatives are concerned about victims as they claim to be, why in the name of heaven would they have made such dramatic cuts, a 70% funding reduction to crime prevention programs, and another 43% for victims programs.

If their emphasis is on helping the victims and doing whatever they can to ensure victims are their first priority, then how can the member possibly stand there and not speak to the fact that the Conservatives have made such significant cuts in funding for the programs that are there for the victims?

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I enjoyed the member's speech.

We are obviously hearing the PMO's talking notes. They are given out to Conservative MPs. That is what they get in the morning, a document stating what they have to think and what they have to say. The line is basically that anybody raising questions about another Conservative botched bill should be criticized because somehow the person is choosing criminals over victims. We know that is absolute balderdash.

What we have is a government that is actually doing everything it can to create more victims by cutting the crime prevention programs that stop crimes from being committed in the first place. There have been cuts of two-thirds to 70% in crime prevention and cuts in psychiatric care. Those who commit crimes need to get those mental health supports so they will not commit other crimes.

*Government Orders*

In case after case we see the Conservative government, in some weird, bizarre, inappropriate way, trying to cut away the programs that protect the Canadian public. I will not even start on what the Conservatives have done with their attacks against Canadian police forces and police officers, and their cutbacks in basic supports such as forensic labs.

It is absolutely appalling what the government has done. What the government offers is to build more prisons after the fact, but what it is really trying to do is to create more victims. I guess in some bizarre, inappropriate way it is trying to profit politically from that.

How inappropriate does the member feel it is to have the government slash crime prevention programs, just cut and rip them apart, so that there are fewer programs to protect the Canadian public? As a result, of course, there are more victims.

• (1140)

**Ms. Judy Foote:** Madam Speaker, the member is absolutely right. It is absurd that the government is speaking out of both sides of its mouth. On the one hand it is saying that we really need to take care of the victims and put the victims' rights first, but at the same time the government is cutting programs that are designed to help the victims. It does not make sense.

The government stands and says it has a tough on crime agenda, but from what I have observed and from its actions, it is not the least bit interested in making sure that in being tough on crime it is recognizing that it is the victim who is the person hurt by what is going on.

The government is not at all interested in addressing the root causes of crime. We have said time and time again that we need to talk about prevention. Maybe it is because all the programs have been cut and the government has started to do away with any kind of program that would look at preventing crime that we are seeing more and more victims.

It is time for the government to focus on the victim. It is time for the government to acknowledge that it has made a mistake, that it should never have cut those programs. It should bring them back. Let us look at this piece of legislation and recognize once and for all what is wrong with it and what is wrong with the government's tough on crime agenda.

**Mr. LaVar Payne (Medicine Hat, CPC):** Madam Speaker, I was quite interested in the so-called support of the Liberal Party and the NDP in terms of their outrage against crime. We all know they say that here in the House, but when they get to committee, it is a totally different story.

We are the only party that does support the victims, safe streets, safe communities and a safe country. Our party has put forward legislation which in fact will help victims and all Canadians.

I would like to ask the hon. member, where did she find this 70% reduction in funding for the protection of victims? Where are those numbers? How did she arrive at those numbers? Can she give us an actual number and where it comes from?

**Ms. Judy Foote:** Madam Speaker, as I said in my remarks earlier, Statistics Canada is telling us that the crime rate fell 3% in Canada last year and is down 70% in the past decade.

**An hon. member:** Where was it 20 years ago?

**An hon. member:** Where is it?

**Ms. Judy Foote:** You know from your own budget that you have cut the funding for programs by 70%. I do not have to tell you where to go to look for that. You know that you have done that. You have also cut funding for victims programs by 43%.

**The Acting Speaker (Ms. Denise Savoie):** Order, please. I would ask the member to direct her comments through the Chair.

• (1145)

**Ms. Judy Foote:** I will do that, Madam Speaker.

Let us talk about the Conservatives' 2007 report, "A Roadmap to Strengthening Public Safety". The report calls for a new direction to Canada's corrections system. However, expert opinion suggested that the so-called road map was significantly flawed in terms of human rights and human dignity and in fact it threatened public safety.

How can we look at a bill that is supposed to be for victims when it is patterned after something the Conservatives already talked about in 2007 and clearly is not at all intended for the purpose they say it is intended?

**Mr. Mario Silva (Davenport, Lib.):** Madam Speaker, I will be splitting my time with the member for Bonavista—Gander—Grand Falls—Windsor.

From the outset, I will state that I will be supportive of the bill going forward to committee. There are some issues in the bill that need to be carefully thought out. There are some positive things in the bill, but all of us have concerns.

I will not be critical of members in the House in the aspect of the bill that is paramount to us all, and that is the safety of the citizens of our country. All members here, no matter to which party they belong, truly believe they are here to make sure there is legislation in place to protect our citizens on a daily basis. I commend all of us on that. What I and other members have issues with is the approach.

How did we get there? Some legitimate issues have been raised particularly by members of my party and our public safety critic. Rehabilitation has always been paramount to the whole corrections system in this country. I am quite concerned that that whole idea is being eroded. We also want to make sure there are programs and the necessary funding in place to ensure that people do not reoffend. Programs which deal with issues of safety have been cut over the last few years. Those programs are vital to ensure the safety of our society. I am concerned about the erosion of those programs.

Some of the aspects of the bill need to be clarified. Bill C-39, the ending early release for criminals and increasing offender accountability act, was introduced in June of this year by the Minister of Public Safety. The bill amends the Corrections and Conditional Release Act. We should look at some of the things the bill tries to clarify.



*Government Orders*

It clarifies that the protection of society is the paramount consideration in the corrections process for the Correctional Service of Canada, the National Parole Board and the provincial parole boards as well. It provides that a correctional plan is to include the level of intervention by the service in respect of the offender's needs and the objectives for the offender's behaviour, the offender's participation in programs and the meeting of the offender's court-ordered obligations.

It expands the range of disciplinary offences to include intimidation, false claims and throwing a bodily substance.

It permits victims to make a statement at parole hearings. It permits the disclosure to a victim of the name and location of the institution to which the offender is transferred, the reason for a transfer, information about the offender's participation in programs, and convictions for serious disciplinary offences, and the reason for a temporary absence or a hearing waiver.

It eliminates accelerated parole review. It provides for the automatic suspension of the parole or statutory release of an offender who receives a new custodial sentence and requires the National Parole Board to review the offender's case within a prescribed period. It authorizes a peace officer to arrest without warrant an offender for a breach of a condition of the offender's conditional release.

Some of the objectives in the bill are probably supportable, and we are supporting sending the bill to committee, but we have to make sure that public safety is the paramount consideration when dealing with corrections issues.

My party believes that rehabilitation is key to preserving public safety and preventing recidivism. We believe in a corrections system where human rights are promoted and respected .

For these reasons we support the bill in principle, namely that public safety remains paramount in corrections policy, but we have concerns with the government's overall road map to corrections, including the over-vamping and deterrence at astronomical costs.

● (1150)

One of the major concerns I have heard from provincial premiers is how little consultation is taking place at the provincial level; this when so many of the costs will be carried by the provincial governments. This would be a heavy burden. They want to make sure they are part of the consultation as we move forward with legislation dealing with criminal offences and rehabilitation.

A number of organizations have also expressed concern about this bill, including the John Howard and Elizabeth Fry societies, and the Criminal Lawyers' Association. Rehabilitation is the key to an effective corrections system, prevention, and public safety. Professor Michael Jackson, a former director of the John Howard Society, has stated that they have serious concerns with this legislation.

There are different groups that need to be heard at the committee level. That is one of the reasons this bill needs to go to committee. We can then look at different ways to correct and modify this bill.

There are some positive things I see in the bill, but I have to say that we are concerned about the overall cost of some of this

legislation. It will be shared by all taxpayers. The provincial premiers will have a difficult time managing their budgets. They are concerned about where this legislation is going and how it will affect their treasuries.

We heard from Kevin Page, the Parliamentary Budget Officer, who stated that the cost of one of the bills could be in the range of \$10 billion to \$13 billion. This is an astronomical cost that, without question, will have an effect on our ability to provide other services, whether we are talking about health or other social services.

We also know there has been some erosion taking place in the programs that deal with prevention. If public safety is paramount, then we must make sure we have programs and resources in place to deal with crime prevention, so that people will not be reoffending.

A concern to us all is that so much of the legislation before us imitates our friends and neighbours to the south. I think we would all agree that the cost has been enormous on their society, with little decrease in crime or criminal activity.

If we are going to look for a road map, we want to make sure it is one that all of us could be supportive of. I believe it should be guided by principles based on fact and not emotion. It should have the resources in place, and we should know where we can get the funding for the programs.

Thus far, I see in this bill a cost to all of society. There is a cost to the treasury and to the public. We have a series of concerns that we keep raising. I hope the government will listen.

I think we would all agree that establishing the rights of victims to make a statement at a parole hearing is an important and positive aspect of this legislation. How it is implemented, how it is done, is something the committee will have to take a look at.

Of course, we would want to involve victims groups as well. It would probably be done on a case-by-case basis, because I am not sure all victims want to make a statement at the parole hearings. However, if they wish to, they should be given that opportunity.

● (1155)

The level of intervention would probably be decided on a case-by-case basis, with the victim having the opportunity to make a statement.

There have been a series of issues raised by different people, primarily advocacy groups. We need to listen to the John Howard Society and the Elizabeth Fry Society, which do good work in trying to rehabilitate criminals. We need to make sure that individuals do not reoffend. It is in the interest of all of us. For this reason, I will be supporting the legislation. I hope that we will be able to resolve some of these issues at the committee level before the bill comes back for third reading and final approval.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, over the last few months, we have seen the Conservative government shovelling money off the back of a truck to Canada's wealthiest corporations. The cost of the new fighter jets has doubled. There is \$1 billion for the summit in Toronto. I could go on and on about the boondoggles that the government has been engaged in. Conservatives have a reckless disregard for appropriate financial management.

*Government Orders*

At the same time, we have seen a slashing of 70% of crime prevention programs. The National Crime Prevention Centre had funding slashed from \$57 million to \$19 million. We have seen a refusal to provide adequate funding to the RCMP. The Conservatives promised this funding many years ago, but now they seem to have forgotten that promise. They have been strangling the forensic laboratories that provide information important for crime prevention and for solving crimes.

So we see disingenuous hypocrisy; there is no other way to put it. The government is shovelling money off the back of a truck to its big business friends. At the same time, they are slashing funds for crime prevention, crime investigation, and policing. They are not keeping their promises. They bring forward these bills just so they can say they are doing something, when they should be dealing with the problems created by Conservative mismanagement of the criminal justice system.

I would like the member to comment if he thinks it is appropriate that the government has slashed crime prevention programs by nearly 70%. The government is creating new victims while saying they want to be smart on crime.

**Mr. Mario Silva:** Madam Speaker, my hon. colleague makes a valid point and I fully agree with him. I do not believe it is appropriate for the government to be slashing crime prevention programs to the tune of up to 70%. Part of being tough on crime is to make sure that there are programs of prevention out there. Every time these programs are eroded, it makes our society less safe.

Remember, it was Parliamentary Budget Officer Kevin Page who said that one of the government justice bills, instead of costing \$90 million, as was originally estimated by the minister, would actually cost between \$10 billion and \$13 billion. There is a huge discrepancy between \$90 million and \$13 billion. These programs are a huge cost that is going to be borne by all of us.

I also am worried about the impact it is going to have on our social infrastructure. Already provincial premiers are complaining about the cost of our legislation. If we are going to put forward more of these justice bills, I hope we are doing it in partnership with our provincial premiers, because they also have a stake in all this. There is a cost to them and a cost to all of us, because there is only one taxpayer.

I also realize that there is a cost of inaction. I am not one who says we should do nothing and that will be it. No, I agree that we have to act. But let us do it in a way that makes economic sense and is in the best interests of public safety. At the committee level, there will be an opportunity to debate and to engage different stakeholders, so that we can have legislation we can all be proud of.

• (1200)

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, on the heels of what I consider to be a fine speech indeed, I want to thank my colleague from Davenport for his attention to this matter. I know he will listen attentively to what I have to say.

I want to start by talking about what I feel is one of the essential ingredients for crime prevention: programs that encourage our youth to get more involved in communities and in programs that allow

them to help build communities. I have witnessed this first-hand. Whether they are below the age of 18 or between the ages of 10 and 15, there are some excellent programs for them. They encourage youth to get involved in community cleanup, activism, and certain issues that are important to them and to the entire community.

I represent a riding in Newfoundland and Labrador that encompasses 191 towns. One can well imagine that the culture and activism in the region creates quite a tapestry of individualism and community spirit. The programs help prevent crime and sickness. There are many different community groups that want that one common goal at the end, which is to raise awareness of crime and make our communities safer.

This bill is not so much about crime prevention. The title of the bill is An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts. As most of us know, a lot of the bills regarding incarceration and imprisonment involve conditions upon their release.

There have been several renditions of this. There were two bills prior to this one that, following the prorogation of last winter, have been combined in one bill. Before I get into the gist of this, I would like to say there are many components of the bill that should be supported by all of us in the House, because they go much further toward protecting our society.

A lot of the common themes and recommendations that came from the 2007 road map were premised on a hypothetical profile of Canadian offenders. This came from the Conservative ranks starting in 2007. Much of it deals with the imprisonment of dangerous offenders and creating new rules upon their release. There has been significant debate on putting dangerous offenders in prison for first-time offences. I have enjoyed the debate in the House. I wish the government had engaged in the debate a little more. But in the talking points we received there have been some valid arguments.

One of the issues comes down to the dangerous offender. It almost seems as if we have elevated the debate to a point where the offenders have taken on a new character. It is as if the offender has become a certain type, an individual different from how he was perceived before 2005-06, when the Conservative government was elected.

It leads me to think that we should be somewhat nervous about this attitude. It is almost as though a mind-shift has taken over the headlines of newspapers, the media in general, whether electronic or print. Sometimes we neglect to go beneath the headlines and dig deeper into individual circumstances.

• (1205)

Many people in my riding read the news of the day. It simply states, at the very beginning, the name of the offence, what happened and a headline saying that somebody did this. I do not want to go into details because I do not want to mention any particular case. However, what happens is that we have this visceral reaction against the people who have perpetrated these particular crimes. I am not separate from that. I, too, read some of these headlines and wonder how some people can bring themselves to commit a crime that is so drastic.

*Government Orders*

One of the questions we seldom ask and should be asking when we get caught up in these headlines is what brings a person to a level of desperation that compels the person to do this. We need to ask what the circumstance is of the particular individual prior to the crime to push the person into behaving in such a manner. I do not think these words would say to someone that they are getting away with crime.

However, the problem with some of these talking points and headlines, and locking people up and throwing away the key type of attitude leads us to believe that there is nothing more than just that. It is this shallow attempt to look at crime legislation. Unfortunately, what we forget, which is what I returned to at the beginning of my speech, is the crime prevention program that dismissed that crime in the first place. The person who committed that most violent of offences, if circumstances had dictated, if the community had engaged that person at the very beginning of a turn for the worse, then could we not have avoided that situation? It is the type of situation we cannot quantify. That is the problem with the debates that we have here within this particular chamber. We need to dig deeper into the crime prevention side.

I am voting for the bill at second reading because I know there are people who are dangerous offenders and because there was no level of community engagement at the beginning that could have avoided the particular crime. I get that and I think almost everybody in this House gets the same message. We have no problem with taking this to the next round and sending it to committee. I understand about tightening some of the rules and putting people back into society after serving time. However, the problem is that we have only skimmed the surface of what is a complete package to bring crime rates down.

Crime rates have dropped over the past 15 to 20 years, although I would not say dramatically. Each day when I see the news, I can guarantee that at any given moment, on any particular radio station's website, 40% of the news deals with events that happened in the last 24 hours and names are released. What is in a name? What is in the circumstance is what we must look at. Unfortunately, however, when we try to bring some semblance of mature debate in this House about crime prevention, what bothers me the most is that we do not give it the attention that we should and, unfortunately, that does not lead to a wholesome debate.

Yes, I will support sending the bill to committee for a very important reason. This would further the debate for crime prevention. The prison system across the country is about to get a tremendous amount of financial pressure. How will we address this in light of the fact that we have a tremendous deficit? We need to make an agenda of items like health care and pension reform in light of the fact that we also have new expenditures in the prison system.

One of the things I want to address, which I hope the committee addresses once it receives the bill, is the road plan for people to receive the resources by which they can put themselves back into society in a different state of mind than when they first entered. Where are the resources by which prisoners can help themselves to get back into society the way that we think they should be engaged back into society?

● (1210)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I am sure the hon. member knows that the bill would do a couple of dramatic things to the Corrections and Conditional Release Act, two things in particular that are of enormous concern to those familiar with the system.

It has been argued that the bill reflects a profound shift in the way that corrections are delivered. The two particular issues are a wording change that seems innocuous at first but would actually change the act in a way that would pave the way for violations of offenders' rights and also affect their ability to access rehabilitation services.

I wonder if my hon. colleague would comment on how concerned he may or may not be about that fundamental shift that stems back from the road map that was authored by Mr. Sampson, a minister in the previous Mike Harris government that advocated privatizing prisons and other policies such as that.

**Mr. Scott Simms:** Mr. Speaker, I ended my speech by saying that I was concerned that we may be taking a step backwards with respect to this bill because the resources we give to a particular individual to come back into society would be much different from when they entered.

Another thing that bothers me is that with this fundamental shift, this mindset shift I will call it, or perhaps it is a paradigm shift, when people go back into society they have not received the resources by which they can resuscitate their behaviour.

We know that California adopted a similar strategy with regard to corrections. Building larger prisons, upping the number of people and the time they spend in them, the result was not safe for communities. As was pointed out, there was staggering debt, unbelievable costs and in fact less safe communities. The rate of recidivism in California has now crossed the 70% line, which is the rate at which people reoffend.

I think the member has a very valid point. On the other hand, there are also valid points from the government when it talks about the input of victims, which I do agree with.

There we go. In typical Liberal fashion, we have this side and we have that side.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I am pleased to speak on behalf of the New Democratic Party to Bill C-39.

After listening carefully to debates from all sides of the House, it is my desire to express something that I hope will have a bit of a unifying effect on this debate. I believe that all members of this House want to have safe communities. I believe that all members of this House care about victims. I also believe that all members of this House advocate policies that they really believe will result in safer communities, better respect for victims and, what we all hope to achieve, a reduction in the crime rate in this country.

Where we differ, and debates should be marked by respect and care as we listen to each other, is in the various approaches and philosophies that may be advanced to achieve those ends.

*Government Orders*

Speaking on behalf of the New Democrats, we believe in the approach that we characterize as being smart on crime to attain those ends. I cannot emphasize enough that New Democrats believe in protecting victims. In fact, as I have said in this House before and I will say again and again, our party has been the one with the strongest record of protecting victims. We have always been a party that speaks out for the most marginalized in society: the poor, the disabled, people whose voices are often not heard in debates and those who do not have access to power. I would also point out that it is a well known fact in sociology and among people who are familiar with the issue of crime that crime most often is committed by and against those very groups. Most victims of crime are actually found in the most marginalized sectors of our society, the poor, et cetera.

The New Democrats have always brought those voices to the House of Commons and have always insisted that their interests be taken into account when we discuss any issue. Therefore, I am proud today that New Democrats can be said to be one of the strongest voices in this House for standing up for the rights of victims of all types.

I want to talk briefly about women because women are often the victims of crime. Our party has a policy commitment to advancing the equality rights of women that is second to none in this House. When we talk about advancing the interests of victims and bringing their voices to any debate that touches upon their interests, once again, New Democrats have a record that is something to be proud of.

I can also say that the New Democrats believe fundamentally that the best way to keep our communities safe is to take whatever measures are effective and that work to ensure that offenders do not reoffend. That seems like a simple concept but it is absolutely profound in its application. When someone breaks the law and is sent to jail, the number one goal ought to be to do what we need to do to ensure that while the person is in custody that the person when he or she gets out does not come out and re-victimize someone else.

This is where philosophy comes into play. There are those on the government side of the House who believe that the way to accomplish that goal is to increase the severity and duration of the punishment that those people experience. They say that more prisons need to be built and that more people need to be locked up for longer periods of time. They claim that if Canada invests billions of dollars in that policy approach, we will have safer communities. I respectfully disagree with that. I do not disagree with it because of ideology. I disagree with that because of facts.

Earlier today, I asked one of my colleagues on the public safety committee, the member for Edmonton—St. Albert, to name two jurisdictions in the world where the policy approaches that the government is taking toward crime, locking more people up in harsher conditions for longer periods of time, has resulted in lower crime rates. What was his answer? He refused to answer. He could not name one place on earth.

•(1215)

One would think that the government, with all its resources, with its ability to do research, with the entire civil service at its disposal, with its Department of Public Safety and Department of Justice, could do that research. It could provide this House with the kind of

information we need that would support these policies. But not one state, not one government, not one country, not one province, can the government name where these policies have been put into place and have actually resulted in safer communities.

I do not call that an ideological attack. I call that a fact-based one. I am legitimately curious. We are not the only society on earth that is grappling with crime. Every society is. Around this world there is every kind of approach to crime one can imagine. There are more liberal approaches, more conservative approaches, tougher approaches, more lenient approaches. The northern European countries' approach focuses more on rehabilitation. Southern European countries and eastern countries, and countries all over the world such as Asian countries, have strong approaches to crime with very tough prison conditions.

What are the results? Why can the government not tell us which model it is emulating? Why can it not tell us which country or state it is using as a model that has adopted these policies that result in safer communities? The fact that the government cannot mention one causes me great concern simply as a parliamentarian.

This bill does have some interesting measures that are worthy of some discussion. Of course, I also think it is fundamentally flawed because profoundly, philosophically and policy-wise, it is simply mistaken.

Bill C-39 takes the absolute wrong approach to correctional policy. It does not promote public safety. It runs counter to reducing reoffending behaviour. It opens the door to violation of human rights. It runs counter to several Supreme Court of Canada decisions on the rights of people as they are treated by the justice system. It adopts a U.S.-style approach to prisons that is regressive, expensive and ineffective.

I want to mention a timely and topical piece that ran today. The head of Correctional Service Canada, Don Head, today announced that his department estimates it will have to spend \$2 billion over the next three years because of the Conservative government's approach to crime. It will have to lock up an additional 4,500 Canadians. To put this in perspective, right now there are approximately 13,500 offenders in the federal corrections system. This would add another 4,500 people to that, approximately 30% more people, in the next 36 months.

Mr. Head said they will have to hire thousands more staff. The department will have to spend much more money on programming. It will have to double-bunk prisoners because it simply does not have the space to house the number of people the government wants to lock up in the next three years, in violation I might add of international conventions to which Canada is a signatory, saying that we would not double-bunk prisoners in cells overnight.

*Government Orders*

That \$2 billion estimate is lower than the Parliamentary Budget Officer's estimate, but I would point out that it is higher than the figures the Minister of Public Safety has indicated so far. Before we spend billions of dollars, Canadians very legitimately ought to ask if this is a good approach and if it will work.

A good analogy that all Canadians can relate to is how we treat our children. What is the proper approach to dealing with a child who misbehaves or breaks a rule? The Conservative government has a one-sided approach that says to punish that child. Just punish them. That will work for certain children in certain circumstances. I grant that punishment is one aspect of our corrections toolbox. That simply has to be there. With respect, where I think the government is misguided is that punishment is not the only tool and it is not the tool that should be used predominantly.

What happens if a child is dyslexic and misbehaves in school, not because he or she is a bad child, but because that child is actually masking the fact that he or she cannot read?

• (1220)

What happens if children have FASD, fetal alcohol spectrum disorder, and their fidgeting and inability to follow rules is not because they are bad people but because they suffer from brain damage? What happens if a child has low cognition or a low IQ?

These are the kinds of people who are in our federal institutions. I say with no hubris whatsoever that I have done something that I dare say 90% of the people in this chamber have not done, and that is that I have visited more than 24 prisons in this country. I have to say I was surprised when I walked into my first federal institution almost two years ago. I had never been in a federal prison before.

What I found was that there is no monolithic population. Our prisons are not filled with 100% bad, scary, evil people. There are some people like that in there. For probably between 10% and 20% of people in federal prisons, that is exactly where they should be at all times. The public needs to be protected from those people.

After that, the truth is that the population in prisons is on a continuum and on a gradient. There is every single type of person in that prison. There are people who are illiterate, who have brain damage, who are of low intelligence, who suffer from FASD, who have had traumatic events happen to them, and who are in prison because of their addictions and their mental health.

I went into the RPC in Saskatoon about a month ago. I asked the people who work in that prison, not the prisoners, what percentage of people in that institution committed crimes that are directly related to their addiction, and the answer I got was 70%. These are people who are in a bar, get drunk, get in a fight or something, and this is what happens. I am not excusing any of that. Any kind of breach of the criminal law is wrong and it needs to be dealt with and dealt with appropriately.

The question I ask is, for those people who are in prison, what is the best way to make sure that when they come out they will not do it again? That is what I want and it is what the people of Canada want. I certainly know it is what the people of Vancouver Kingsway want. They want to be safe.

They want to know that when they walk in the streets or in that bar on a Saturday night or in the stores or parks or schools that they are safe. That means that those people who come out of prison are not going to hurt them, and 96% of people who enter federal institutions do come out.

What we do know is that simply locking them up for longer and in harsher circumstances will not work for the vast majority of these people. I am not saying this because of morality or compassion; I am saying this from pure cold-hearted logic. It does not work. That is what I will go back to. If the government can produce studies that show where these policies have worked, I would be very interested in seeing those studies and having my attitudes adjusted accordingly. It cannot do that.

This bill does a number of things. This bill makes it harder for people to get parole. It extends the length of time that offenders convicted of offences have to serve. In other words it keeps people in jail for longer.

It requires the active participation of offenders in attaining objectives of a correctional plan, and that is part of their release plan. That is a good thing, except it also fundamentally changes two things in our prison system.

The historic standard as established by the Supreme Court of Canada is that when citizens enter our prisons they lose some important rights. They lose their right to liberty. They lose their right to be in society. That is a profound loss. However, they retain every other right that all Canadians have. That is why people can still vote in prisons. That is why people still have the right not to be tortured. That is why people have the right to health care. The Supreme Court of Canada said that when Canadian citizens walk into prison, they do not stop being a citizen. They will be punished severely by losing their liberty, but they do not lose those other rights. That is a hallmark of a modern, advanced, mature, democratic state. What this bill would do is alter that.

The second thing it would do, which I think is extremely concerning, is that it changes the approach to prisoners, to allow our corrections system to take whatever measures it thinks are appropriate to deal with prisoners, as opposed to the least restrictive measures to accomplish the goal.

• (1225)

Here is what that means. Just like with our children, it means that when a person abrogates a rule or misbehaves we take the least possible measure that is necessary to change the behaviour, not the most extensive one. The bill would change that.

This is because the government is proceeding on what I think is a flawed basis. It is proceeding on what is called the road map that was authored in 2007 by Rob Sampson, who was the minister of privatization under Mike Harris in the Conservative government of Ontario. When he became the minister of corrections, he advocated strongly for the privatization of Ontario's prison system. That is like putting a fox in charge of a henhouse.

### *Government Orders*

The road map does not engage in a careful, evidence-based review of Canada's correctional system. It cherry-picks statistics to give a distorted view of crime trends. It ignores the history of our prison system. It ignores the jurisprudence that provides the judicial context to imprisoning Canadians. It was designed to tell the government exactly what it wanted to hear. It was written in haste. It was done in less than six months from start to finish, and it did not hear from all the stakeholders who Canadians would want to have input, if we are making sure all voices that have experience in the prison system are brought to bear on this.

One thing the bill does that is good is that it allows victims to have enshrined in law the right to have input into parole hearings. I say let us take that one step further. If it is good to have victims' input at parole hearings because we want to have their voice reflected, is it not important that we have the voices of all stakeholders in determining prison policy in this country? The government did not do that with the road map and that is a flaw.

I want to tell a story because this is not just about statistics and about philosophy. We had before the public safety committee a number of witnesses who testified when we were studying the provision of mental health and addiction services. We had a young woman named Amber Christie as a witness who had been imprisoned 30 times. I want to quote what she said:

As I sat and reviewed the documentary footage made of Ashley Smith's time in prison, I couldn't help but find myself being able to identify with her. I myself have been in prison 30 times. Of those 30 times, 29 of them were spent either all in segregation or the majority of time in segregation. I can identify completely with the desperate need to have human contact and the loneliness and isolation that you feel being locked in a cell with nothing to do all day. I remember I would look forward to meals because I could read the labels of my drink containers over and over and over again. I was not segregated because of behaviour issues or security issues, but because I was withdrawing from heroin.

I was still unable to have anything in my cell to help me stay occupied, such as a book or a pen or paper. I looked forward to count, when the guard would come and count us and hopefully we'd have a nice guard to sometimes tell us how their day was. It was human contact.

● (1230)

I will pause here to state that this description is all too accurate for too many people in our corrections system suffering from mental illness and addiction. These are the conditions that the government wants to move us closer toward, and it will do absolutely nothing to make our communities safer. In fact this approach would make us less safe as is evidenced by the 29 repeat visits Amber made to prison before she got the help she needed. Here is what she had to say about the conditions in prison that finally allowed her to break free of that cycle of recidivism. She said:

I continued to go through those revolving doors until my last stay in corrections in 2005. For the first time I was sent to Alouette Correctional Centre for Women and for the first time I was not segregated. This happened to be the first time...I was checked into health care, and to my amazement I was sent to a unit.

From there on I got a job in the institution, as it was a work camp, and I reconnected with family outside of prison with the help of a wonderful doctor.... I also received health care when I was in prison, something I rarely ever encountered in other prisons.

...there was a program that was happening all around me that was hard to go unnoticed. There were babies in this prison. ... The way the prison was being run was more like a rehabilitation centre.... It was amazing. Not only was there a library and a gym there, there was a native elder there to talk to. As well, there was drumming and dance every Tuesday night. As a mother myself, I have to say that it helped me to remember the things I was giving up, and I know that the other inmates dealt with their problems....

I was released from prison in October 2005, and I have not been back since. ...this prison changed my life. I had been in many prisons before, but this prison treated me like I was a person and not a number.

That speaks louder than anything else I can say.

● (1235)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, it is quite ironic to be in the House and listen to the member opposite comparing criminals to children. I have two kids of my own, a two year old and a four year old. I can assure the hon. member that they are not stealing cars, or breaking and entering into people's homes. They are not home invaders. I hasten to say that I do not treat them like I would treat someone who would kill someone, steal cars or invade someone's privacy.

It is truly remarkable to hear about the poor criminals who might have to share a cell with someone after they have murdered or invaded someone's home late at night, as they have been doing in my community of Stouffville. Police have recently issued a warning because breaking and entering late at night is on the increase as are incidences of auto theft. We have the poor victims who find themselves confronting someone at two o'clock in the morning in their home, yet we hear about the poor criminals who are going to have to share a cell with someone. We finally are ramping up our criminal justice system to put the rights of the victims ahead of the criminals.

The members keep talking about the costs associated with balancing the justice system. They like to talk about statistics Canada and how crime is on the decrease. How about Statistics Canada reporting that costs of crime to our economy and to families is over \$70 billion a year? Those are 2003 figures. The cost of pain and suffering to victims is \$35 billion a year. Those are the real costs of crime.

When the member talks about the cost, why does he not talk about the cost to victims of crime? Only the NDP, the opposition coalition, fronted by the leader of the Liberal Party, but led by two failed NDP premiers, would suggest that somehow Canadians do not want people who commit crimes to be in jail, that we should put the focus on them as opposed to the victims of the crime.

When will the member sit down with real people in his riding, victims, and find out what they really want? It is a criminal justice system that represents Canadians and puts the rights of victims ahead of criminals once and for all.

**Mr. Don Davies:** Mr. Speaker, let me tell the member what former victims' ombudsman, Steve Sullivan, said about the government when he testified before the public safety committee on April 20. He said:

—we have asked that the government refocus its efforts and its priorities on trying to meet the real needs of victims of crime. Sentencing and the “get tougher on crime” agenda will not meet the real needs of victims of crime, who are suffering every day, who call our office every day, who have trouble making their mortgage payments because they have lost their job, whose kids are acting up in school because they can't get counselling. These are real challenges that victims of crime face every single day. Obviously we need to have prisons, and we need to have programs for offenders who are in prison.

*Government Orders*

The government fired its own ombudsman.

I will take no lectures from silly comments like the one I just heard. Clearly the government did not listen to a word I said. It does not understand or comprehend, not a whit, what we are talking about. It reduces to the lowest form of argument, name calling and simplification and straw man arguments, which typifies the government's approach.

We need to have an intelligent, mature, fact-based discussion, something the government is proving incapable of, whether it is on crime, the long form census or any other issue that the government acts ideologically on. It ignores evidence of what real Canadians want, what Canadians need and what they want to say for communities, and it is not a George Bush style approach that will cost them billions of dollars and make them less safe in our communities. That is the Conservative approach.

The New Democrats do not accept that.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, around 1970 a provincial government brought in the criminal injuries compensation fund to compensate victims of crime. To hear the Conservatives talk, we would think are pointing to a Conservative government having taken an action like that. It was Canada's first NDP government, led by Ed Schreyer, elected June 15, 1969, that brought in the criminal injuries compensation fund, a fund designed to compensate victims of crime. The NDP was the originators of benefits for victims of crime.

Therefore, the government has no monopoly when it comes to issues on victims.

• (1240)

**Mr. Don Davies:** Mr. Speaker, I can go further, and I have a modern example. Steve Sullivan, the victims ombudsman, in the last several years in two successive budget submissions, recommended that the government put sex abuse rehabilitation centres in every major urban centre in our country. Why? Because it is a well known fact that the majority of sex offenders have been sexually abused themselves.

If we want to do something to reduce the number of children who are victims of sexual abuse, we should invest in centres where they can get trauma abuse counselling, not only to help them but to cut recidivism in the future. What did the government do? Twice it rejected it and did not put a penny in its budgets to help children who were victims of sexual abuse as recommended by its victims ombudsman. Yet the government says it cares about victims of crime. Really?

All the government wants to do is show the public that it is tough on crime by locking more people up. It is a policy that is ineffective and does not work. The government cannot come up with a single place on earth where that policy approach has demonstrated a reduction in crime. That is not tough on crime. That is dumb on crime.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, some of the themes my colleague touched upon I would have to agree with in many cases. The rehabilitation of individuals and the resources that are not available for individuals to rehabilitate themselves is one thing that needs to be addressed within

our system. Given that the system is about to face some rising costs, there are some added pressures in many regards.

Community activism, in many cases, is not being utilized as much as it can. In my area of Newfoundland and Labrador some of the programs have been extremely successful in engaging youth and avoiding crime. There are instances where people have shown lenience toward abominable behaviour.

I want to get one aspect of the bill that he may have addressed, and I apologize if I did not hear it. One of the things the NDP expressed is the establishment of the right of the victim to make a statement at parole hearings. How does he feel about that and does he feel it can be utilized, which I personally think it is a good thing? How can impact statements at parole hearings be utilized within our society that makes our system better and the fact that we do not utilize that aspect enough to help keep our societies safe?

**Mr. Don Davies:** Mr. Speaker, the New Democrats believe we need to stand up for anybody who has been victimized by crime. Offenders need to hear from victims. They need to know the impact of their crimes. Victims need to have their voices heard and we should enshrine in law their right to do so. Otherwise, they are victimized a second time.

New Democrats also support the rights of victims to access information about offenders. We cannot leave offenders in the dark, fighting for every scrap of information. Knowing that an offender is being rehabilitated is an important step on a victim's road to healing and recovery. Mr. Sullivan pointed out that victims of crime do not care if the person is locked up for an extra six months, nine months or a year. What they really want to know is when offenders get out of jail, they will not be victimized again. What victims do not want is for the government to simply focus on punishment.

I will not quote again the words of former victims ombudsman Steve Sullivan, but that is what victims want and that is what their ombudsman said. He is the voice of thousands of Canadian victims. It was his job to hear from them to ensure their voices were reflected in the chamber, and he did so. I would encourage the government to listen to that voice instead of ignoring it.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am pleased to follow my colleague, the member for Vancouver Kingsway, in this debate. He raised very important points. I certainly hope the Conservatives opposite, who tend to get only the information that the PMO is willing to give them, consisting of a couple of pages of notes with some lines that they repeat ad nauseam, are actually absorbing the kind of information they are getting from the NDP members who are giving the facts.

The facts are the government manages crime like it manages the budget. We have record budget deficits in our country. The government is applying the same incompetence to the criminal justice system, and I will come back to that in a moment.

*Government Orders*

What we really have is two debates. The first debate is on Bill C-39. That bill, as we know, has components that we certainly support. These recommendations have been before the government for a number of years. We are glad it is finally acting upon issues such as having victim impact statements inserted into the parole process. That is very important. It is a recommendation that the government has been sitting, but it is finally introducing it. It is an important modification that we support.

There are a number of housekeeping items as well in the bill that we support. The bill could have gone rapidly through the House, but then the government, as it is wont to do, sort of on the back of a napkin, threw a number of elements into the bill that are not helpful. That provokes the second debate on the government and how it approaches criminal justice issues and how it approaches, in a sense, trying to reduce the crime rate, doing the things that other countries have found reduce the crime rate. Instead the government seems to want to stoke the crime rate by removing such important programs as crime prevention. It is absurd. However, I will get back to that in a moment.

It used to be said that people do not vote Conservative except for two reasons: budget management and crime. Those are the only two items.

We would not vote Conservative because we want a better health care system because that is what the NDP has brought to bear.

We would not vote Conservative to support more programs for veterans because the government, as we have seen, guts veterans' programs across the country.

We would not vote Conservative to get a better education program or more accessibility to universities.

We would not vote Conservative to improve the environment or to have fair taxes. With the HST that has been imposed by the Conservative government on British Columbians, the fair system has become less and less fair. Every time there is a middle-class tax cut, user fees go up even more. Every time Conservative governments tackle fiscal issues, the middle class is left with having to pay more through user fees. It is a bit of a shell game. Taxes are cut for the wealthy and they are increased, through user fees, on the middle class.

We would not vote Conservative to get better health and safety protections in the workplace, or to get stronger transportation safety regulations or to get a better quality of life to protect Canadian jobs, to reduce debt loads because under the government's watch the debt loads of Canadian families have increased substantially.

We would not vote Conservative for any of those reasons.

However, the Conservatives promised to bring some fiscal prudence to the management of federal government affairs. Let us look at the top 10 boondoggles from the last few months. There is the HST, as I mentioned. There were corporate tax cuts of \$60 billion handed out to Canada's wealthiest corporations, to be transferred to the Bahamas or Panama. We had the G8 and G20—

• (1245)

**Mr. James Bezan:** Mr. Speaker, I rise on a point of order. I hear absolutely no bearing on the speech that the member is giving as

being relevant to the question before us. I ask that you bring him back to order to talk about the bill before us.

**The Deputy Speaker:** The hon. member has been speaking for close to five minutes now, so if he could bring his remarks to the substance of the motion before the House, the Chair and the other colleagues in the House would appreciate that.

**Mr. Peter Julian:** Thank you, Mr. Speaker, but as you well know, the whole issue here is the Conservative misuse of resources, and I will take a moment just to set the case for how badly Conservatives have managed the fiscal direction of the country and how that has an impact on their criminal justice policies as well. I know the Conservative members opposite do not like to hear the facts, but as a financial administrator, which was my profession before I became a member of Parliament, I will say that they are going to have to just accept that facts have to be brought to the table.

We had \$1 billion for the G8 and G20 summits. We have had the Senate appointments, of course, the Olympic waste and the overruns in the security budget, and the advertising budget being supersized at multiple times what the advertising budget was supposed to be. We had the absurdity of doorknobs being changed in Prince Edward Island and hundreds of dollars spent on signs advertising that. We had the AbitibiBowater payoff of \$130 million and the F-35 fighter jet costs.

Coming back to criminal justice policies, we also have the \$9 billion boondoggle on the creation of prisons. That is what the Conservatives say is their criminal justice policy. They have managed very ineptly the finances of the country, but they are saying, "Trust us on crime". They brought forward this bill that could have received all-party consent immediately, because as I mentioned earlier on Bill C-39, some of the provisions all parties support, but they wanted to throw a few poison pills in it just to provoke more of a debate.

We have to wonder, when they are willing to put \$9 billion in prisons, what they are cutting back on. That is the point that I want to make and why it was important to talk about the fiscal ineptitude of the government, because when we look at the criminal justice system we see the same kind of mean-spirited, inept, incompetent approach on criminal justice issues.

What have they cut back? It has not just been the constant verbal assaults on our police officers and police chiefs that we saw during this incredibly divisive gun registry debate. It is also what they have chosen not to put money into. The public safety officer compensation fund was an NDP motion, voted on by Conservatives. Four years after they were elected, they are still refusing to put in place a public safety officer compensation fund so that when police officers or firefighters die in the line of duty, their families are compensated. It is absolutely appalling, but that is their approach, to say to police officers and firefighters, "We do not care about you". Four years they have been waiting. Every year they come to Parliament Hill. Every year they get the back of the hand from the Conservative government.



*Government Orders*

The Auditor General's report is very clear about the kinds of investments that are needed for forensic laboratories with the RCMP. What we have seen is an increase of nearly 25% to 30%, depending on the location across the country, in waiting times for important forensic information that leads to crimes being solved. In the Vancouver area, where I come from, the lower mainland of British Columbia, we are talking about now a half a year wait for important forensic information.

It is criminally irresponsible to say, "We are going to throw a bill into the House of Commons but we are not going to provide supports for our police officers. In fact, we are going to verbally attack them. We are not going to put those additional police officers that we promised on the streets of Canadian cities. No, we are going to cut back on that. We are going to cut back on the forensic lab support".

Even though more resources are called for, they are saying to the Canadian public, "No, we do not want to put more resources into forensic labs so we can get information back more quickly, so our law enforcement authorities will be able to solve crimes more quickly. No, we are going to take all of that \$9 billion and invest in new prisons, not in supporting our front-line police officers, not in solving crimes".

This is absolutely irresponsible, incompetent behaviour, and that is exactly what the government is doing.

It has cut back on courts. We have seen in my own riding of Burnaby—New Westminster, and this is partly federal Conservative but also partly provincial Liberal irresponsibility, that they closed the local courthouse, so we now have more of a backlog in the court system as well.

• (1250)

The front-line police officers are not getting the support they need. The forensic laboratories are not getting the support they need. The court systems are being cut back, so the criminal prosecutors and judges cannot do the work they need to do.

Perhaps the most reprehensible in all of this dumb on crime approach, incredibly short-sighted for all the key sectors that actually need investment of resources, is crime prevention. We have been saying this morning and as the debate has gone on into the afternoon that the Conservative government has cut back on 70% of crime prevention funding.

What does that mean? Looking at the National Crime Prevention Centre, looking at community crime prevention programs, it means that the programs that actually prevent crime are not being adequately funded.

Is that appallingly stupid? Yes, it is. We know, and international studies have shown this as well in case after case, that to put a dollar into crime prevention funding, \$6 will be saved later on in policing costs, investigation costs, court costs and prison costs.

On the \$9 billion that the government wants to waste on prisons for unreported crime, we must remember that the crime rate has been coming down, despite Conservative ineptness on this issue, because of demographics. As the population ages, the crime rate goes down.

It is the same phenomenon we are seeing in western Europe and in the United States.

In terms of cutting back on crime prevention and putting \$9 billion into prisons, when one-sixth of that amount would lead to a much more effective approach to criminal justice issues, a much lower crime rate, and most importantly in this corner of the House, fewer victims, should that not be the goal of the government?

That is certainly a fundamental Canadian value. What Canadians want to see in the criminal justice system is fewer victims. They want to see fewer victims of violent crime, fewer victims of property crime.

Yet this government does the exact opposite of what it needs to do and does it by shovelling money like there is no tomorrow, like there is some kind of magical Conservative money tree out there where they can just take \$9 billion and build the new prisons for unreported crime. Forget about crime prevention programs and forget about supports for forensic laboratories to actually solve the crimes. Forget about front-line police officers. Forget about compensating the families when those police officers are killed in the line of duty. Forget about all of that because what the Conservatives want to do is build their legacy: \$9 billion in brick and mortar prisons for unreported crime. It is an absolutely absurd, irresponsible approach, but that is what the government is choosing to do.

The Conservative MPs here are not ripping up the talking points forced on them by the PMO. They are not supposed to deviate from that or think for themselves. They are not supposed to think for their community. They are not supposed to think in the best interests of the country. No, they are supposed to take what the Prime Minister's Office gives them and read it verbatim.

Every single one of them knows, if they have been consulting with crime prevention activists in their community, that their goal should be fewer crimes and that is done by investing in crime prevention.

Their goal should be a more rapid turnaround and swiftness in justice. That is done by adequately funding the forensic laboratories.

Their goal should be more community policing. The way to do that is to put more front-line police officers in the streets of the city, as they promised years ago and have not delivered.

Their goal should be that when a police officer falls in the line of duty his or her family is taken care of.

Even though they voted on my motion and they said they would bring it in, they have now been stalling for four years in doing that fundamental thing.

What else have the Conservatives cut back on? They have also cut back on programs on drug-impaired driving. It is an absurdity. These are the things they are cutting back on so that they can build nine billion dollars' worth of prisons for unreported crime.

*Government Orders*

•(1255)

I want to come back to the forensic laboratory. I talked about average wait times of 114 days, and higher in the Vancouver region where it is nearly half a year. How do other countries handle the turnaround for forensic laboratories?

The Forensic Science Service in the United Kingdom has a turnaround of seven days as opposed to nearly half a year. The National Laboratory of Forensic Science in Sweden has a turnaround time of 28 days. The Auditor General's report indicates that even in the United States, which has not been as good at forensic funding as it should be, the Georgia Bureau of Investigation has a turnaround of 80 days. These jurisdictions are adequately funding their forensic laboratories. They are putting the resources in place. They are putting the money where it needs to go.

It is absolutely foolish to say that a priority for the criminal justice system as reflected in Bill C-39, with the little poison pills thrown in by the government as justification for the building of more prisons for unreported crime as the President of the Treasury Board said so clearly, is to spend \$9 billion to build these prisons. Yet the programs that are being starved for funding or have received substantial cutbacks in funding, such as the National Crime Prevention Centre, have to go hungry while the Conservatives strive through Bill C-39 to build more prisons.

We in this corner of the House are looking for a smart on crime approach. We need fewer victims. We need fewer crimes. We need to ensure that programs for problem youth are present, because we know these youth can be diverted away from a life of crime at an earlier stage. Study after study has shown that. Yet we have seen cutbacks in key youth crime prevention programs and youth program funding, so there is a greater chance for these youth to go to prison, which is a university for crime. Then we see, as the member for Windsor—Tecumseh said yesterday in the House, the government cutting back on other programs, within the prison system, as well.

If our objective is to reduce crime, to have fewer victims, there are two things we have to do. First, we have to make sure that we head off people, particularly youth, who find themselves drawn into a life of crime. We have to stop that cold. We have to make sure there are fewer victims. Crime prevention programs, sadly cut by the government, actually accomplish that. Second, when these individuals go to prison, we have to make sure that we get the rehabilitation rate up as high as possible.

Nobody who is a risk to society should be released. However, we have to make sure that those who come to the end of their sentence have been completely rehabilitated. How do we do that? We do that through the agricultural program in the prison system that the Conservatives cut back. We do that through psychiatric counselling and treatment. In the estimates of the Correctional Service of Canada, up to 50% of those in the prison system are subject to psychiatric counselling and treatment. They have mental health issues, so we have to provide more support there. Instead, the Conservatives have supplied less. In term of education programs, there again the member for Windsor—Tecumseh said very clearly that what we have seen is less support, not more.

In every single stage of the criminal justice system, the mean-spirited Conservative government has slashed and burned all of the programs that reduced the crime rate and reduced the number of victims in society. Instead, the government offers more crime, more victims, and more prisons. What a foolish concept. What a foolish approach.

•(1300)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, it is truly remarkable. It gives me great confidence in the people of Canada when I hear members of the NDP speak, because in their wisdom, the people of Canada know better than to ever give that group of people the mandate to run this country.

It is truly remarkable that there is a group of people in the Parliament of Canada who would actually suggest that victims want criminals on the street. It is absolutely unbelievable to me.

My seatmate in the House is a passionate advocate for the victims of crime. Has the hon. member ever asked her if she wants to see the person who perpetrated the crime against her family out on the street, or if she feels a sense of sympathy that criminals may have to double-bunk for a couple of years until we build more prisons? I doubt it, because you are too busy talking to the criminals in the prisons who are advocating for better treatment, who are worried about whether they will get certain things. The hon. member should speak to the victims, not the criminals. It is absolutely unbelievable.

The hon. member talked about police officers. Which party do police officers and the brave chiefs of police decide to run with when they run for office? They come to the Conservative Party because they understand that the Conservative Party reflects the values of police. It respects the values of Canadians. The member for Oxford and the former commissioner of the OPP who is running in Vaughan understand what the NDP do not understand, which is why the NDP will always be a rump in the House. They understand that Canadians want a balanced justice system. Canadians want a government, and they finally have one, that puts the rights of victims ahead of the rights of criminals. When will the member finally understand that it costs Canadians—

•(1305)

**The Deputy Speaker:** Order. I will just remind the hon. member to address his comments through the Chair. I will have to cut him off there to allow time for a response from the member for Burnaby—New Westminster.

**Mr. Peter Julian:** Mr. Speaker, it is absolutely shameful not only that the member has not listened to anything, but that he is attacking police officers and he is again attacking crime prevention programs. It is absolutely absurd. Admittedly the member's intervention was kind of garbled and I know he is new to the House and has not found his feet yet, but to try to pretend there is some justification for the slashing of crime prevention programs that create fewer victims in this country is misinformed, to say the least, and disingenuous at best.

*Government Orders*

This is the Conservative litany. The Conservative members have got their notes from the Prime Minister's Office. They are unable to deviate from them. They have not been able to bring a single fact to this whole debate. Why? Because the PMO one-pager did not have any facts. It did not talk about the slashing of crime prevention. It did not talk about the incredible disrespect for our police officers and firefighters by the government's refusal to implement the public safety officer compensation fund. It did not talk about the Auditor General's report and the slashing of the forensic laboratory funding that every other country in the world funds. The one-pager did not talk about any of that. That is why—

**The Deputy Speaker:** Order. Questions and comments, the hon. member for Lac-Saint-Louis.

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, my question has to do with the asymmetry in the media's coverage of crime.

A while ago I spoke to a gentleman who is now the head of the YMCA in North America. He got his start in my riding many, many years ago. He told me how he got started with the YMCA. There was a shopping centre in my community that was known to be a kind of marketplace for drugs at the time. A few people, including this individual, got a group together and sort of befriended the young people who otherwise may have been lured into drug trafficking or drug taking. They would have coffee with them or would get together for a game of basketball.

These kinds of things do not get reported in the media. We do not see on the front page of the *Globe and Mail*, "Youth worker has coffee with young person". What we see is that a bank was robbed or that some other crime was committed. We tend to devalue the capacity of crime prevention, which is a quiet way of doing things, a quiet initiative. We tend to devalue that as a way of combatting crime.

I would like to hear my hon. colleague's comments on that.

**Mr. Peter Julian:** Mr. Speaker, I thank the member for his question, which was a much more coherent, fact-based question than the rants we have heard from the other side.

The member has raised a very important point. I was a financial administrator before I became a member of Parliament, and I had to make every dollar count. That is how most Canadian families do their work.

Here we have crime prevention programs that make every dollar count. For every dollar invested in a crime prevention program, six dollars are saved in policing costs, court costs and prison costs later on. It is one dollar to six dollars. Every dollar invested saves six dollars.

The government foolishly, recklessly, irresponsibly, rather than building on those crime prevention programs to reduce crime, to have fewer victims, is doing exactly the opposite. It is slashing and burning the crime prevention programs, and then borrowing \$9 billion to build new prisons so it can cut the ribbons when they open. It is absolutely irresponsible. It is exactly the wrong thing to do.

• (1310)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, let us talk about facts. The government still has the problem of

explaining how when crime rates are going down it wants to spend \$2 billion on more prisons to imprison more people. It does not make any sense.

What is missing from this bill is mental health diagnosis and treatment, literacy and education programs, drug and alcohol treatment, and work programs. By the way, the government also cut the prison farm system which also helped to make our communities safe.

Here are a couple of facts for the government, and on which I would like the member to comment. The total spending on drug interdiction activities will hit \$34 million this year, up from \$100,000 in 2005-06. Meanwhile, total expenditures on substance abuse programs is actually going down, from \$11.8 million in 2007-08 to \$10.1 million in 2009-10.

With everybody acknowledging that 80% of prisoners in our federal institutions have an addiction, a figure even the other side will acknowledge, what are the member's comments on a government that would reduce spending on addictions treatment—

**The Deputy Speaker:** The hon. member for Burnaby—New Westminster.

**Mr. Peter Julian:** Mr. Speaker, the member is certainly one of the bright lights in this Parliament because he actually brings facts and research to bear, which is the responsibility of all of us to do. I am chagrined to see one-half of the House, the other side, not bringing a single fact. Those members just bring their one-pager, whatever the Prime Minister tells them to say, rather than bringing a single fact to bear on this issue. It seems they are incapable of a fact-based approach.

Another example is addiction programs. I talked about the cutbacks to psychiatric care and the disrespect to police officers, the steadfast refusal to bring in a public safety officer compensation fund. There are cutbacks to crime prevention and cutbacks to forensic laboratories. Now addiction programs are being cut back 20%. It speaks for itself how the government approaches—

**The Deputy Speaker:** Questions and comments. The hon. member for Kitchener Centre.

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Mr. Speaker, this debate confirms to me something that I have often observed about how people project their inner selves onto their opposition. I could not help but think of that when the member opposite suggested there were rants going on over here, because quite frankly, I have never heard such a rant as the member delivered a few minutes ago.

*Government Orders*

When we talk about the facts, again I see him looking at his one-pager. I want to tell him about some facts from my riding of Kitchener Centre. I would like to invite him to drop by the Morning Glory Café which receives money from our government in order to help young people find jobs and to improve their job skills. I would like him to visit our police and our crime prevention society which are doing great work with anti-gang strategies thanks to a \$3.5 million grant from our government. I would like him to check out the high on life program which our government is funding to help young people stay off drugs.

These and other measures are all things our government has been funding. I would like to know if the member has even heard of them or if he is deliberately misleading people by ignoring them.

**Mr. Peter Julian:** Mr. Speaker, of course the member was out of order. When he sees full well that my desk, like the desks of all my NDP colleagues, is packed with information and facts, for him to compare it with a one-pager that he got from the PMO is inappropriate.

That is exactly the issue. He is talking about the few surviving programs that the Conservative government has not yet cut. We said that the National Crime Prevention Centre has been cut 70%. He is right to say there is still that 30%. He brought forward some of the programs.

What the member is doing, very directly, is reinforcing the NDP's position. He is saying that crime prevention programs work. He is saying that the few that are left in his riding, that he has managed to preserve, are doing a good job.

So join with us, join with the NDP and fight the government's mean-spirited approach on criminal justice—

• (1315)

**The Deputy Speaker:** Order. The time for questions and comments has expired. Resuming debate.

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:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Deputy Speaker:** Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The vote stands deferred until the end of government orders tomorrow.

\* \* \*

**STRENGTHENING AVIATION SECURITY ACT**

**Hon. Rob Nicholson (for the Minister of Transport, Infrastructure and Communities)** moved that Bill C-42, An Act to amend the Aeronautics Act, be read the second time and referred to a committee.

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, I am grateful for the opportunity to rise in support of Bill C-42, Strengthening Aviation Security Act. The bill before us today would help to ensure that Canadian business people and tourists who choose to travel by air can continue to access certain destinations in the fastest and most cost-effective way possible while also building on our ongoing efforts to enhance aviation security in conjunction with our international partners.

It also would allow Canadian air carriers to comply with the secure flight regime in the United States by providing passenger information to the Transportation Security Administration 72 hours before departing for destinations such as Latin America or the Caribbean. At the moment, airline carriers themselves are required to match passenger information against U.S. no-fly and selectee terrorist watch lists if their flight destination is to anywhere in the United States.

The previous government passed legislation in 2001 so that Canadian airline carriers could do this, although concerns have subsequently been raised about privacy issues and the number of false matches. Secure flight is expected to reduce the number of false matches by transferring responsibility for watch list matching from the airlines to the Transportation Security Administration for all U.S. domestic flights, as well as for all international flights to the U.S. and those which fly through U.S. air space. The TSA has also developed a comprehensive privacy plan to incorporate privacy laws and practices into all areas of secure flight.

The legislation before us today is important for a number of reasons. First, I want to point out that any nation, including the U.S. and Canada, has the sovereign right to control its own air space. International laws do recognize that airlines have the right to fly over any country in the world but they also recognize that each state has a right to regulate aircraft entering into, within or departing from its territory.

Moreover, the Chicago convention expressly recognizes that each state has sovereignty over its own air space. Article 11 of the convention requires compliance with:

...the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation.

Secure flight is therefore in accordance with the international rules of which Canada is a signatory.

*Government Orders*

As Canada's Assistant Privacy Commissioner noted at committee hearings on the passenger protect program and the U.S. no-fly list in the spring, it is important to note during this debate that the sovereignty of any state extends to its air space. As a sovereign nation, Canada could say that this country will choose not to comply with secure flight rules but that would force Canadian airline companies to access destinations, such as Mexico, by flying outside of American air space, substantially increasing travel times and costs.

What our government has chosen to do instead is negotiate with the American government and thereby receive an important exemption to the secure flight rules for domestic flights between Canadian cities which overfly through U.S. air space.

The second reason that this legislation before us today is important relates to our commitment to protect the safety and security of Canadians. In a perfect world, programs such as secure flight and passenger protect would not be needed. The truth is, however, that today we live in a world in which terrorist attacks do occur and the threat of an attack against Canada and Canadians either at home or abroad remains a real possibility.

Our government is unwavering in its determination to keep all Canadians safe and secure. As a government, it is our highest responsibility and we take it seriously, especially with respect to air travel. We must remember that terrorism is not just something that happens somewhere to someone else. Intelligence experts in Canada and abroad have told us that civil aviation remains a favourite of terrorist attacks globally. This is because aircraft passengers and related facilities offer the kind of high profile targets terrorists seek and damage to a nation's civil aviation sector can be particularly crippling to a nation's economy and sense of security. We cannot and we will not be complacent. We must remain vigilant.

Since 2006, that is exactly what this government has been doing. Our government has worked to prevent global terrorism. We have strengthened aviation security and taken steps to protect the safety of air travellers through actions and measures, including a new passenger protect program, to keep people who may pose an immediate security threat from boarding commercial flights and a new air cargo security pilot test program. We have introduced legislation to starve terrorists of financing.

• (1320)

Our government has openly condemned groups with links to terrorism and has worked with the United Nations and our allies to prevent terrorism.

We have also introduced measures to allow the RCMP to expand criminal background checks for workers with access to secure areas in Canada's airports, people such as baggage handlers, catering crews and airplane groomers and flight crews, among others.

What is more, we took additional steps to strengthen aviation security in the week following December 25, 2009, when there was an attempted terrorist attack on a flight bound for Detroit. Those measures include strengthening explosive trace detection, new full body scanners and steps to develop a passenger behaviour observation program. It included funding of \$1.5 billion over five years to help the Canadian Air Transport Security Authority

strengthen the security of our aviation system and protect air travellers. It also included a full review into the spending efficiency and structure of Canadian Air Transport Security Authority.

Most recently, our government announced the air cargo security program, a \$95.7 million investment that will be phased in over five years building on the air cargo initiative unveiled by the Prime Minister in June 2006. Of course we share views through several multinational discussions on global aviation security. Because of the action our government has taken, air travellers today are safer and more secure than ever.

However, we cannot let our guard down. We cannot become complacent. We need to continue to strengthen security within our borders. We also need to continue to work with our international partners to ensure not only the safety of Canadians but also the safety and security of our allies and partners.

This is what Bill C-42 is all about. It is about working with our partners to enhance international aviation security while also ensuring that individual privacy rights are respected.

I would note in this regard that the American Civil Liberties Union has acknowledged that the present version of secure flight represents a substantial improvement over its precursors. What the group has emphasized is that the Department of Homeland Security will neither use commercial data to conduct background checks on travellers, nor create a risk score for passengers through secure flight.

The Department of Homeland Security also is minimizing data collection to only necessary data elements and greatly reducing the length of data retention by removing information on most travellers after seven days.

Bill C-42 is not a large piece of legislation but it is an important one. It supports the commitment I believe all of us share to protect the safety and security of air travellers. It supports the commitment I believe every Canadian shares to combat terrorist threats both at home and abroad. It also supports the commitment, which I believe we all share, to ensure that air travel remains safe and that Canadians can access destinations south of the border in the most efficient and cost effective ways possible.

I therefore urge all hon. members to work with the government to ensure that we pass Bill C-42 into law in a timely and fast manner.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I thank the parliamentary secretary for his presentation on this particular bill. It is certainly a bill that will be debated here today.

*Government Orders*

When he speaks of the American Civil Liberties Union and says that there are significant improvements, could he describe what those significant improvements were to the homeland security procedures that would be followed to establish this information, as most of these procedures are based on secret agreements?

• (1325)

**Mr. Dave MacKenzie:** Mr. Speaker, I am glad to hear my colleague across the floor sound as though he is in favour of this legislation.

As I have indicated, this legislation would give Canadians a far better opportunity to travel in North America, particularly across U.S. airspace. As I have indicated, there are agreements and most of this information will not last in any files beyond seven days.

This would give Canadians huge advantages. My hon. colleague is probably well aware, as I have already indicated, that sovereign nations have the right to protect the airspace above them and also to have the information validated of people travelling through it.

I welcome his support for this bill. It is a good bill and it would go a long way to helping air travel safety in North America.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have a question for the parliamentary secretary with regard to whether there is reciprocity here. Would the American airlines need to provide the same information for their, I believe, 1,000 or so flights a day that fly over Canadian air space on their way to Europe or other parts of the world?

I also would like to know if it is still the intention to provide this information for, essentially, domestic flights, point-to-point flights within Canada. Would the information on flights from Winnipeg to Toronto that fly over American air space need to be provided? I have read news reports indicating that those flights would be exempt under U.S. homeland security. I would like to know what the current status is of that information.

**Mr. Dave MacKenzie:** Mr. Speaker, again I thank the member for his support for the bill.

We have an agreement with the Americans that point-to-point domestic flights that pass over American air space are exempt and it is not necessary to share the information for those flights.

My colleagues should know that the information that will be shared is no different than the information that is currently available on the passports of any Canadian entering into the United States, or other countries for that matter where passports are required, and likewise of anyone coming into this country from a foreign country who shows their passport. It is the same information that is available on a passport. This is not a case of some wild and crazy country demanding all kinds of information. It is just simply the same tombstone information that is available on a passport.

**Mr. Dennis Bevington:** Mr. Speaker, I would like to remind my hon. colleague on the government benches that standing to engage in debate does not really show support for a particular bill. It is certainly something that I think he would probably learn after a while in this House.

My concern is quite clearly the arrangements that are made for these particular bills. The parliamentary secretary seems quite sure

about the nature of these arrangements and how they will go forward. However, that is not really included in this bill. The arrangements for the collection of information or the information that is collected has nothing to do with the discussion that is taking place within this bill. The bill would simply enable the government to give information to another country.

**Mr. Dave MacKenzie:** Mr. Speaker, I have certainly been here long enough to know that we cannot expect the support of the NDP for most anything, including budgets that its members have not even read. I would just hope that the NDP members would finally come to their senses on some of these bills and support the bills going forward. It is not a big bill. Even they can read it. I hope they will and I hope they will in fact support it.

• (1330)

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, I have a question for my colleague and fellow member of the Standing Committee on Public Safety and National Security.

We have met many experts on the no-fly list, and they have told us that the American list has many errors. They were not sure if there were false positives on our list, but citizens' rights groups say that there are. There are 15- and 16-year-old kids on the list because they have the same name as someone else, and it was incredibly difficult to get these names off the list.

Given that the American list is a bit of a farce and that ours is far from perfect, does the member not feel that it is somewhat dangerous to give so much information and power to the United States?

I am a sovereignist, a separatist, and I would not like an independent Quebec to have to give information about my fellow citizens to a foreign country.

Consequently, as a Canadian, does he not feel that it is somewhat dangerous to give information about Canadian citizens to a foreign state that has yet to prove that it is thorough with its infamous no-fly list?

[*English*]

**Mr. Dave MacKenzie:** Mr. Speaker, I appreciate the intervention from my colleague. She is a valued member of the committee on which we both serve, but I would say to her that even if one was in Quebec, one would still like to visit other countries in this world. The United States has a sovereign right to get the information that is provided by one's passport.

As a matter of fact, this bill should reduce some of the errors that occur on the American no-fly list. It is the American no-fly list that she refers to, not a Canadian no-fly list. We have a different system than what the Americans have. This system, by providing the information to which they are entitled under international convention, will simply make things easier, simpler, and far more efficient for Canadian airline carriers to cross through American airspace.

*Government Orders*

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, I am pleased to take this opportunity to speak about Bill C-42, An Act to amend the Aeronautics Act, on behalf of the official opposition. This is a one-paragraph bill that makes a minor change to the wording of one section of the Aeronautics Act. However, these changes are significant in practice.

The bill would provide legal cover for airlines and travel agents to provide foreign governments with personal information about passengers when a plane they are on flies through a country's airspace. Currently, the act allows for this transmission of information only when a Canadian plane lands in that country.

Let me take a moment to go over the history of these provisions in the Aeronautics Act. The subsection in question is 4.83(1). It allows for the Governor in Council to make regulations regarding the transmission of this information. Subsection 4.83(1) only creates the legislative exemption to the Privacy Act and the Personal Information Protection and Electronic Documents Act.

The supporting regulations remain the critical component of this piece of the framework. Schedule one of the regulations lists the category of information that may be automatically provided to an authorized foreign government. This includes basic information such as name, gender, passport number, et cetera. However, authorized foreign governments may request more specific information.

Schedule two of the regulations provides what detailed information may be provided to a foreign government. These details include the passenger's address; the passenger's phone number; the class of ticket, for example, business or economy; method of payment for the ticket; and whether the passenger in question paid for the ticket.

The final schedule in these regulations, schedule three, lists the government and agencies that are authorized to request or receive any of the information listed in either of the first two schedules. There is only one country and agency on the list, the United States and its commissioner of customs.

Where did these regulations come from? Introduced on November 28, 2001 during the 37th Parliament, Bill C-44 amended the Aeronautics Act to allow the transmission of this information to foreign governments. This was in response to new U.S. requirements for any plane landing inside that country. Subsequent U.S. legislation has required that any country provide their government with details of any passenger in a plane flying over the U.S.

The Liberal Party has very strong concerns about the erosion of Canadian sovereignty expressed in this bill. We have very real concerns about the privacy of Canadians and about the ability of the government to conduct foreign affairs to the benefit of Canadians.

Before the heckles start to arise from the government benches that Liberals are "soft on terror", let me remind hon. members that it was a Liberal government that created the Anti-terrorism Act in the first place, and that it was a Liberal government that created the exemption in section 4.83. However, when the previous Liberal government tackled these issues, it always did so with an eye to protecting the rights of Canadians.

The most powerful and controversial provisions of the anti-terror bill came with a sunset clause. We recognized the heated and

emotional environment that existed immediately after the tragic events of September 11, and Liberal lawmakers wanted to ensure that Parliament would revisit these parts of the law five years after that bill was made law. The balance between national security and personal freedom is a crucial balance for any government, and I, as well as my colleagues in the official opposition, am very concerned that Bill C-42 goes too far.

For starters, this bill is not designed to protect the national security of Canadians. It is designed to transmit information to other countries for flights outside Canadian airspace. Once this information is in the hands of a foreign government, we cannot control what they do with it.

In May of this year, Assistant Privacy Commissioner Chantal Bernier was speaking to the transport committee and said that the U.S. government, the only government currently authorized to receive this data, could keep the personal information of Canadians anywhere from 7 days to 99 years. She also stated that the U.S. can use that information for any purpose, even those not related to airline security such as law enforcement.

The U.S. Patriot Act, passed in the aftermath of the September 11 attacks, is a piece of legislation that caused concern all around the world. It allows the U.S. government unprecedented access to, and control of, information about citizens from a number of countries. When a foreign government puts information, even information about that country's own citizens, in the hands of the U.S. government, it is consumed by the mechanisms in the Patriot Act.

• (1335)

We must be concerned about any law that allows information about Canadians not accused of any crime to be put in the U.S. intelligence machine. We could be creating a situation where the government helps to provide to a foreign government information that is used to prosecute Canadians, all without any formal judicial process. It should be clarified that these are not information-sharing agreements. Rather, this legislation would create a one-way flow of information out of Canada and into the hands of foreign governments.

By passing this legislation, we are creating a troubling legal framework. Members of this place must ask themselves if they want to create the legal framework for other countries to ask for this information. In effect, by passing this legislation and allowing the government to add other countries as it sees fit, we are saying publicly that we as a country are willing to provide this information to other nations. For example, I wonder if the government would be willing to add the United Arab Emirates to such a list and allow it to receive all this information about Canadians flying over its airspace.

Currently, only the U.S.A. is authorized to receive this information. However, the legislative framework in the Aeronautics Act is not exclusive to the United States. As I mentioned before, the Canadian government may add other countries to the list through order in council.

*Government Orders*

What happens when other countries start to ask for this privilege? It is no secret that the Conservative government is woefully inept when it comes to foreign relations. Let us take a look at its track record.

In the past few weeks the government managed to get our military kicked out of Dubai and embarrassed us at the United Nations by failing, for the first time in 40 years, to obtain a seat on the Security Council. We have gone from a country that is respected around the world to one that commits blunder after blunder, all culminating in our embarrassing loss of the seat last week.

The government's inability to handle sensitive diplomatic negotiations has led to a falling out with the United Arab Emirates. That relationship is critical to our efforts in Afghanistan, but the government and the Prime Minister's obstinate nature led to such an impasse that Canada is now scrambling to find another base for our troops.

For the past four and a half years, the government has eroded Canada's standing in the world, failed policy after failed policy.

Should we pass this legislation, how are we to know that the government will not botch another important diplomatic negotiation involving information transfer rights? What if another country asks for an information transfer agreement? Could we trust the Conservative government to protect our interests without destroying another important international relationship? I do not think so, and at this point I think most Canadians have these same doubts. The Conservative government has an abysmal diplomatic track record. As parliamentarians, do we want to give it one more angle, one more complication to misunderstand in the already complicated world of international relations?

Canada has invested billions of dollars over the past decade in security. Why after all these upgrades and all the spending do foreign governments still not trust Canada to ensure that only safe passengers fly? Our closest allies should be able to trust that, when the Canadian government allows someone to board a plane, that person has been cleared and is not a threat to their country or to ours. In allowing this information to be transferred, is the government not admitting either a failure of security or a failure of diplomacy?

Government is a difficult task. My Liberal colleagues and I know this first-hand. I spoke earlier of striking the balance between personal freedoms and national security. This balance is not found in the overwrought rhetoric that comes from the benches opposite me. It comes from careful consideration, from listening to experts and listening to Canadians.

Also important is Canada's sovereignty. If this legislation were enacted as is, Canadians on domestic flights may have their information transferred to another country. Canadians travelling to foreign destinations such as Mexico or the Caribbean would also have their information transferred to a third country.

● (1340)

The Liberal Party, and I believe all opposition parties, have some very serious concerns with the bill and with the erosion of Canadian sovereignty that is associated with it. We have concerns about the effects it will have on the rights of Canadians to privacy. We have concerns about whether this does anything to increase the safety of

Canadians. Finally, we have difficulty with the ability of the government to navigate the subtle and complex arena of international relations.

The official opposition may support the bill at second reading in order to send it to committee, but this is no guarantee that we will necessarily support the bill further. If it does go to committee, the bill will need to be studied thoroughly. MPs and Canadians need to hear from authorities such as the Privacy Commissioner, the U.S. and other experts in security and civil rights before we can come to a final conclusion.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I am pleased to have an opportunity to question my colleague, the Liberal critic for transportation, on this issue. It has concerns for all of us.

As my colleague has pointed out, we have a very simple amendment to the Aeronautics Act, which has significant connotations attached to it. It is not so much within the bill, but within the ability of our government to enter into a multiplicity of agreements. Many of these agreements are not characterized in treaty, but in letters. Many of these agreements, which have already been entered into, do not represent any opportunity for debate about the nature of their intrusion upon the personal privacy rights of Canadians.

Does my colleague agree that the simplicity of the bill is really its downfall, that it does not give assurances to Canadians about the nature of what will follow from it?

● (1345)

**Hon. John McCallum:** Mr. Speaker, it seems my colleague and I share similar concerns about the bill and the breadth of its scope in terms of allowing the government, without debate in the House but simply through order-in-council, to extend such agreements with other countries beyond the United States. Canadians flying over any country with which the government comes to an agreement would have their information rights forfeited.

As I said in my comments, given the government's dismal track record on diplomatic relations, I would certainly have a major hesitation in offering them a carte blanche in this access to privacy rights of Canadians.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, I enter this debate a bit late. I have not heard the government position on this, but I listened intently to my colleague. The points he has raised are significant and almost alarming. It seems the government has developed the legislation almost in isolation. The shortcomings in the legislation seem glaring.

Where was the hue and cry for coming forward with this legislation? What was the motivation for the government to come forward with the legislation and what groups were consulted on it?

**Hon. John McCallum:** Mr. Speaker, my colleague's question is not surprising. The first we heard of this bill was a couple of days ago. We were certainly not consulted.



*Government Orders*

If it does pass second reading, and that is an “if”, then we will need to have a substantial number of witnesses at the committee. Rather than through the government, which has not been very communicative, we will, in a sense, brief ourselves on the bill when these witnesses arrive, assuming it passes second reading.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the problem we are finding with Conservative legislation is that often it is done very rapidly and without due regard to an effective process. The statement has been made in the House that it is often done on the back of a napkin. There may be some good elements in some of the legislation, but that is mitigated by the fact that there is a hasty and sometimes incompetent drafting process in which the government seems to engage.

How does the hon. member feel about the quality of legislation brought forward in the House? Does he feel that the intent of legislation is matched by either need or by the appropriateness of how this bill has been drafted? Does he think the Conservatives have it right this time or not?

**Hon. John McCallum:** Mr. Speaker, in terms of diplomatic relations, of which the latest example is the United Arab Emirates, the reputation the Conservatives have is dismal. Therefore, one of my primary concerns, given this dismal diplomatic relation, is the bill gives them unlimited power to engage in information giving, not sharing. It is a one-way flow of information from Canada to another country. With the stroke of a pen and an order-in-council, they can give out the private information of Canadians to any country they choose. That point is clear enough in the bill as drafted, so this would be one of my very major concerns.

However, as I said a few minutes ago, the only way we will really get to the bottom of what the bill would do and what its true implications would be, is if it gets to committee and we call a whole variety of witnesses who are experts in various areas, including privacy concerns. Only after that process, and not really thanks to the government, will we find out the true implications of the bill. At that point, we will know better whether we wish to support it.

● (1350)

[*Translation*]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, I gather that my speech will be cut short by question period unless I request the unanimous consent of the House to delay members' statements. Rest assured though, I will not be doing that.

This bill deals with disclosing the identity of passengers flying over the United States who are not stopping there. Given that we have just started debate at second reading, I would like to say, on behalf of my Bloc Québécois colleagues, that we will be supporting this bill simply because we want to examine it more thoroughly in committee. I do not want to get into a long speech about parliamentary law, but typically the vote at second reading is about the principle of the bill.

We will vote in favour of the bill because we want it to be studied in committee. There we will be able to hear from witnesses who will share their diverse experiences and talk about the problems that this bill raises. To prepare for my speech earlier, I was talking to our colleague, the hon. member for Ahuntsic, who is the excellent Bloc

Québécois public safety critic. She gave me the names of people who represent various groups that might be interested in providing testimony on this bill.

As I have already mentioned, the purpose of this bill is to allow airline companies to disclose information about their passengers to the countries whose airspace they will be using. That is slightly different wording from the former Bill C-44, which we adopted in 2001, when it was a question of stopovers and passengers in transit. It is appropriate for the country receiving the airline passengers to know the past and present of these individuals.

This bill talks about planes travelling through an airspace, which raises a few questions among members of the Bloc Québécois. We understand that this bill responds to a specific request by the United States. We recognize that the United States is a major trading partner, but that does not mean we have to blindly accept every request the U.S. makes. We saw what type of democracy the Americans had under George W. Bush.

The Bloc Québécois obviously recognizes that every country has the right to regulate its airspace, but the fact remains that we think this measure goes too far. As I was saying earlier, the identified passengers will not even land—or at least not during this trip—in the country that would be receiving confidential and substantial information. I hope I am not telling the House anything new, but planes travel through the air and not always through free or international zones. Sometimes, at 33,000 or 35,000 feet, planes travel through airspace subject to the sovereignty of certain countries, but the passengers of those planes will never touch the soil of those countries. They will only fly over those countries.

● (1355)

The bill gives the countries being flown over the right to receive personal information. We want to study this bill in committee to determine if that is really necessary. The Bloc Québécois wants to ensure that we are doing everything we can to avoid violating travellers' privacy. For instance, one of the questions we would like to ask the department's witnesses regarding the government's approach in this bill is whether the Canadian government tried to reason with the United States and ask it to justify this measure.

As vice-chair of the Standing Committee on Transport, Infrastructure and Communities, I will have the opportunity to ask such questions on this measure, which, as we all know, comes from the United States. We believe that the information available must be kept to the absolute minimum required. We are concerned about the lack of any guidelines, including for instance, ensuring that only the information requested by the United States will be transmitted. But that is not the case; a blanket disclosure can be made.

*Statements by Members*

Will the transmitted information be determined by legislation rather than regulations? Should the transmission, if necessary, be conditional on the signing of a protocol between Canada and the country requesting the information? Such a protocol would govern how the information is used, stored and deleted. Furthermore, it could provide a mechanism to give the victims of errors an opportunity to correct their information, as well as a process to compensate them if necessary.

Lastly, we believe that passengers must be clearly informed, before they purchase their plane tickets, about the fact that certain countries will be receiving some of their personal information. Given these many problems, the Bloc Québécois reserves the right to oppose the bill at future stages in the parliamentary process. The responses we obtain in committee will determine how we decide to proceed during the clause-by-clause study of the bill and how we vote at third reading.

Mr. Speaker, since you are indicating that the time for members' statements is about to begin, I will continue after question period.

**The Deputy Speaker:** When the hon. member resumes, he will have 12 minutes to finish his speech.

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## STATEMENTS BY MEMBERS

[*English*]

### BRAIN INJURY

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding couple who have revolutionized the way Kamloopsians and Canadians think about the effects of brain injuries on survivors and their loved ones.

Dr. Gur Singh has been a leader in the Kamloops medical community and his enormous contributions have brightened the lives of countless individuals. As a neurosurgeon, Dr. Singh witnessed first-hand the devastating impact that brain injuries had on both individuals and their families.

Recognizing that more must be done and with the committed partnership of his wife, Manju, they have spearheaded the annual Gur Singh invitational charity golf tournament since 2003 and an annual dinner, appropriately named "Celebrating Survival", starting in 2007.

Over \$500,000 raised in seven years has enabled the Kamloops Brain Injury Association to maintain and increase the services it provides to brain injury survivors and their families in the Kamloops and surrounding areas.

We thank Dr. and Mrs. Singh for their enormous contribution to our community and in support of brain injury prevention, treatment and care.

● (1400)

### HUMAN RIGHTS

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, I rise today to congratulate a group of young citizens from my riding of Lac-Saint-Louis, Ally Hobson, Douglas Slobod, Alex Timmons and others, who have contacted me with grave concerns about police interventions against protestors at last summer's G20 in Toronto.

These bright and engaged young people, the lawyers, doctors, teachers, scientists and political leaders of tomorrow, are so concerned about the chilling effects of police actions at the G20 on the future rights of citizens to free assembly and protest that they have signed a petition calling for an independent public inquiry into the matter.

Specifically the group supports the various recommendations of the Canadian Civil Liberties Association, including the call for an independent inquiry and a law reform initiative to ensure that Criminal Code provisions relating to breach of the peace, unlawful assemblies and riots are brought in line with constitutional standards.

I commend all these young constituents for their unshakeable idealism, namely for their keen awareness of the principles upon which a free and effective democracy rest. I also congratulate them for their courage to take action in support of these principles.

Our country's future is indeed in good hands with young people such as these.

\* \* \*

[*Translation*]

### SAINT-JÉRÔME CEGEP

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, for 40 years, the Saint-Jérôme CEGEP has been the knowledge showcase of the Laurentian region. This institution opened its doors in 1970, with 900 students. It now has 4,200. Beyond being an educational institution, the CEGEP is a living environment that reflects the dynamic, committed and forward-thinking young people who go there. Their vision for the future is evident in the thousands of graduates who are now citizens making their contribution to advancing society.

Its success over the years can be attributed to the hard work and passion of the school's management and support staff and its professors and instructors who are able to share their knowledge both competently and passionately.

Many activities are being held to celebrate this 40th anniversary. I invite the public to take part in these activities. And I say to the staff of the Saint-Jérôme CEGEP: may you always feel this passion.

\* \* \*

[*English*]

### BAHA'I COMMUNITY IN IRAN

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, on March 30, 2009, this House unanimously condemned the persecution of the Baha'i of Iran.

*Statements by Members**[Translation]*

The House also urged the government to review the charges and hold a fair, open trial.

Iran did not heed our call.

On August 8, 2010, after a show trial, the seven accused were sentenced to 20 years in prison, which was later reduced to 10 years.

One of the defence lawyers, Shirin Ebadi, a Nobel Peace Prize recipient, said that there was no evidence to corroborate the charges against the seven Baha'i individuals. Their only crime was to belong to the Baha'i community.

Meanwhile, the government continues to violate their rights.

We again condemn this charade, this denial of justice, and we urge Iran to immediately release the seven individuals pending the fair, rapid resolution of their appeal and to stop persecuting Iran's Baha'i community.

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*[English]***NORTH SHORE YOUTH SAFE HOUSE**

**Mr. Andrew Saxton (North Vancouver, CPC):** Mr. Speaker, I would like to take a moment to highlight the inspiring story of the North Shore Youth Safe House, which is in my riding of North Vancouver.

The safe house provides emergency bed and supportive housing spaces for vulnerable youth who are at risk of becoming homeless. Services available include the development of life skills, personal counselling, addiction counselling and employment coaching.

What makes this service particularly special is that it is the creation of a caring community. I was involved in this project from early on, even before being elected, and saw for myself how it was built with the hands of volunteer tradespeople, with the support of community service clubs, and with the backing of a generous and anonymous donor.

I am proud to say that all levels of government have also done their bit to ensure its continued operation, including our own government, which contributed \$800,000 last year through the homelessness partnering strategy.

I applaud my community and I congratulate the Hollyburn Family Services Society for the continued success of the safe house.

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*[Translation]***ARTHUR REEVES**

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Mr. Speaker, today I have a heavy heart as I pay tribute to Arthur Reeves, a man who for 35 years left his mark on the borough of LaSalle with his volunteer work, his involvement with youth, his great generosity and his desire to make a difference in the community.

Mr. Reeves, who died suddenly on October 3, had worked for many years at the Club Richelieu LaSalle and served as club president from 2003 to 2004.

Mr. Reeves was one of the founders of the Boys and Girls Club of LaSalle. He was also active in the Society of Saint Vincent de Paul. In fact, for a number of years, he helped prepare Christmas hampers for the less fortunate families in the riding.

Arthur Reeves will be missed by all the people whose lives he touched during his lifetime. His passing is a great loss for our community. On behalf of all the members of this House and the people of LaSalle—Émard, I would like to express our deepest sympathy to his wife Lise and his whole family.

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● (1405)

*[English]***MISSISSAUGA COMMUNITY FUNDRAISING**

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Mr. Speaker, I am pleased to report that Mississauga residents are giving back to their community.

Just this past Saturday, the Mississauga Board of Chinese Professionals & Businesses hosted its highly successful 12th annual Phoenix Ball. Over the past 12 years, the Phoenix Ball has raised over \$1 million for local charities.

Congratulations to Audrey Chiang, Joseph Wong, Ying Lu, Tali Wong, Lily Van, and all of the volunteers, sponsors and donors for making this year's ball so successful.

On Sunday, the Erin Mills Lions Club held its largest-ever annual walkathon, in support of the Children's Wish Foundation.

I want to thank Tony Grewal, Sangeeta Nair, Harjit Dhaliwal and all of the volunteers, sponsors and walkers for their efforts and generosity.

On Friday, October 22, the Trillium Health Centre Foundation will be holding its ninth annual Diwali gala fundraising celebration, in support of health care for seniors.

The Trillium Diwali event is the largest of its kind in Canada and has raised over \$2.95 million. I am pleased to report that this year's event is already sold out.

Canadians are well known for these acts of community service and generosity, and as parliamentarians we should—

**The Speaker:** Order, please. The hon. member for Saint-Bruno—Saint-Hubert.

\* \* \*

*[Translation]***CULTURE**

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, while a fifth round of negotiations is under way to discuss a free trade agreement between Canada and the European Union, we have to wonder about the Conservatives' commitment to defending the cultural exemption clause, as was highlighted by Louise Beaudoin, former Quebec minister of culture and now the member for Rosemont.

*Statements by Members*

And perhaps we should be worried, given the response from the Minister of International Trade, who laughed at the question, saying, and I quote, “I do not think that Canadians are worried that our television, literature and other parts of our culture will be overtaken by an influx of, say, Lithuanian literature.”

The minister must understand that cultural diversity needs to be protected because it is at the heart of our identity and whatever is offered to the Europeans should also be required of the Americans.

Since the Conservative government's real intentions concerning the cultural exemption clause are unclear, I invite the Minister of International Trade to come and testify at the heritage committee to explain seriously how he intends to ensure that the treaty on cultural diversity, which Canada promoted and signed, will be respected. I will propose this motion in committee this afternoon.

\* \* \*

[English]

**CANADIAN FORCES COLLEGE**

**Ms. Lois Brown (Newmarket—Aurora, CPC):** Mr. Speaker, since 1943, Canadian officers have furthered their leadership skills through professional training at the Canadian Forces College. The college is known as the leading educational institution in defence and security education. Most of Canada's senior military leaders are graduates of the Canadian Forces College, which is affectionately known in the military as “General College”.

For over 60 years, the college has helped to sustain the effectiveness of the Canadian Forces and defence and security organizations within Canada and its alliances.

Courses now include a national security program, which prepares participants to deal effectively with national security issues, policy and strategy.

Today, we have staff and students from the national security program joining us on the Hill. All participants are Canadian Forces colonels, senior Canadian public servants, and senior officers from allied nations.

I know all members will join me in welcoming the Canadian Forces College.

\* \* \*

**CYPRUS**

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, this month the Republic of Cyprus is celebrating its 50th year of independence. However, this independence as an integral country was short-lived, for in July 1974 an illegal invasion took place by Turkish forces, which occupy, until this very day, one-third of the island.

In the 21st century, this is unacceptable. It is unacceptable for a nation that is a member of the European Union to be illegally occupied by a nation that is also an applicant for membership to the same European Union. It makes no sense.

What is Cyprus then asking for? Cyprus is asking for nothing more than what any civilized nation is also asking: to have the right

to live in peace within a secure, united and sovereign territory, recognizing the rights of all its citizens.

Cyprus must be, and deserves to be, a free and united country in which it is the right of all Cypriots, whatever their denomination, to live in peace.

\* \* \*

● (1410)

[Translation]

**IMMIGRATION**

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, Canada is a nation of immigrants, with a proud tradition of welcoming refugees. In fact, every year we welcome hundreds of thousands of immigrants from around the world.

Unfortunately, our immigration system has come under attack by human smugglers. Human smugglers are abusing our good will and our immigration system. This must stop.

Our Conservative government will take fair and reasonable action to prevent the abuse of our immigration system by human smugglers. Our government will send a clear message: Canada opens its doors to those who work hard and play by the rules, while cracking down on those who seek to take advantage of our generosity and abuse our fair and welcoming immigration system.

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[English]

**FOREIGN AFFAIRS**

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Speaker, this year we mark the 40th anniversary of diplomatic relations with China. As co-chair of the Canada-China Legislative Association and on behalf of the Parliament of Canada, I welcome Chairman Zheng Silin and his delegation to Canada and to China on the Hill.

Although our countries are separated by the Pacific Ocean, we have built strong and lasting bridges in the areas of politics, commerce and trade, as well as cultural and educational exchanges that we must reflect upon and celebrate. During the last year in particular, we had numerous visits by ministers, parliamentarians, departmental officials and very successful reciprocal visits by President Hu and our Prime Minister.

This increased level of mutual co-operation has resulted in agricultural agreements benefiting the canola, pork and beef sectors, memorandums of understanding on climate change and mineral resources, and the agreement on approved destination status, resulting in a significant increase in tourism and business opportunities.

In developing relationships comes mutual understanding. In promoting relationships comes mutual prosperity.

### DEMOCRATIC REFORM

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, on behalf of the NDP, I would like to welcome Equal Voice and the young women who have been invited here today to learn about the different roles women MPs play on the Hill.

Equal Voice has invited all MPs to focus on better decorum in the House, asking us to remember to be tough, not rough. We welcome this needed attention on Parliament, and I am pleased to have worked with my fellow House leaders in all parties to improve decorum and respect in the House.

It is a reality that question period is often the face of this place, and the daily, shall we say, exuberance that characterizes question period can be discouraging for young people, especially young women, who do not see a place for themselves in that kind of atmosphere. And why should they?

We recognize the barriers and challenges faced by women in the political process. The leader of the NDP has worked tirelessly to ensure the strong representation of women in our caucus and the need to overcome all barriers. We are committed to getting work done in this House in a way that is respectful of diversity, respectful of women and respectful of each other.

\* \* \*

[Translation]

### DEMOCRATIC REFORM

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, today I would like to educate my colleagues on the need for decorum and a climate conducive to civilized debate. Our behavioural ethics, our words and our tone not only influence the public's perception of us and of our institutions, but they can also have an impact on our ability to attract new candidates, new female candidates in particular.

To that end, the Bloc Québécois tabled an action plan last year with seven initiatives to achieve gender parity in politics, a goal shared by the agency Equal Voice, instigator of this day of decorum. The Bloc Québécois has also noticed that women are far too underrepresented at all levels of government.

Let us take advantage of this day to recognize our work, the work of parliamentarians, and to show that we ourselves value this role. All these aspects combined will certainly contribute to promoting greater involvement of women and civil society as a whole in parliamentary life.

\* \* \*

[English]

### DEMOCRATIC REFORM

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, in the spirit of Persons Day, the organization Equal Voice, whose mission it is to promote the election of more women to all levels of government and ultimately change the face of Canadian politics, has put together guidelines on how to behave in the House of Commons. The rules tell us to be tough but not rough, avoid catcalls, insults, name-calling, jeering and needless interruptions.

We must demonstrate the respect Canadians want to see in the House by elevating the debate. As a society, we expect civility in the

### Oral Questions

boardrooms of the nation, in the classrooms of the country and in this House.

• (1415)

[Translation]

Canada ranks 50th out of 189 countries in terms of the number of women elected on a national level. It is high time to restore balance and give Canadian women their rightful place. It is also high time to show young women that they have a place here in the House of Commons.

\* \* \*

[English]

### STATUS OF WOMEN

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, I rise today to highlight the efforts by Equal Voice to raise the issue of decorum in the House as part of its goal to help engage more women in the political sphere, not only here on Parliament Hill but right across the country. For this it should be commended.

As Equal Voice points out, women are 52% of Canada's population and make up an average of 21% of Canada's municipal councils, provincial legislatures and the House of Commons. It takes continual effort by all of us from across the political spectrum to continue toward breaking down barriers that discourage women from participating in the political process.

Equal Voice has brought a number of young women and men from across the country here to Ottawa today to demonstrate that there is a place for them in our Parliament and in federal politics.

To this I say congratulations, and maybe one day they too will have the privilege to serve all Canadians here in our House of Commons.

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## ORAL QUESTIONS

[English]

### GOVERNMENT PRIORITIES

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, last week at a town hall in Toronto, a young man named Derek asked me a question and asked me to ask it of the Prime Minister, so here it is. "My question relates to the fiscal waste and mismanagement that this government is doing. They emptied the cupboard. Their spending is a hodge-podge with no real vision or direction. Why is the Prime Minister throwing away my generation's money in such a reckless, incompetent and visionless way? Why?"

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, actually nothing could be further from the truth. The fact of the matter is this. Obviously, as we all know, we have had to run a deficit over these past couple of years.

*Oral Questions*

That said, the deficit of this country is by far the lowest among the major advanced economies. That is one of the reasons why we are coming out of this recession faster and stronger than anyone and why we will continue to resist the wasteful kind of expenditure and tax increases suggested by the Liberal coalition.

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, I was there. Derek's question was not just about the waste and mismanagement of the government; it was about the government's wasteful priorities: billions on superprisons, billions on a stealth aircraft without a competitive bid, a billion on a wasted G20-G8 photo op.

What Derek cannot understand is not only the waste and the mismanagement, but how does the government justify those wasteful priorities?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the G20 has been the world's premier economic forum during this global recession precisely for the purpose of managing the troubles in the global economy and diverting the kind of global depression we could have had without it.

At the same time, the real issue here raised by the Leader of the Opposition is his priorities. He says that he would ground the Canadian air force. He says that he would put criminals out on the streets. Why? In order to justify a bunch of tax increases he wants to bring on employers.

That is the kind of thing that would put the Canadian economy into a deep ditch.

[*Translation*]

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, when he has no rebuttal for the Liberals' policy, he makes things up. Yes, the Liberals' priorities are different. We want to take care of families and family caregivers, but the government is telling us that it costs too much. If it costs too much, can the government explain to these struggling families why it is wasting billions of dollars on photo ops, billions of dollars on superprisons, and billions of dollars on fighter jets with no competitive bidding process?

• (1420)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the Liberal Party's policies are very clear. They want to increase taxes so they can spend much more money than this government. Canada has the smallest deficit among the major industrialized countries, and the best record. That is why we are resisting the Liberal coalition's policy.

\* \* \*

[*English*]

**FOREIGN AFFAIRS**

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, instead of discussing an invented imagined Liberal platform, let us talk about the government's record.

We had five prime ministers of different parties. They all had principles and they all secured a seat on the Security Council.

Why does the government have the arrogance to believe it is the only government with principle, when it is the only government that failed to secure a seat on the Security Council?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I am always delighted when the opposition does not want to talk about its own policies but would rather talk about the government record.

As we know, in terms of the specific question, there is a secret vote at the United Nations. These things are inherently difficult to predict, regardless of the fact that we had secured written approval from the vast majority of the countries. But the fact of the matter is this. Precisely because these things are not predictable, we do not base Canadian foreign policy on them. We act according to Canada's values.

[*Translation*]

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, I do not understand why the Prime Minister has a problem with a secret ballot. Five prime ministers had a secret ballot at the UN, and five prime ministers succeeded. Five prime ministers had clear principles on Canadian defence. Those five won seats.

Why did the Prime Minister lose the seat at the UN?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, we had the written approval of the vast majority of the countries. It is not possible to predict the vote in a secret ballot, but that is why we do not base our foreign policy decisions on such votes. We base them on the principles, values and interests of Canada and of Canadians.

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**PUBLIC WORKS AND GOVERNMENT SERVICES**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, let us go over the facts concerning the awarding of contracts by the Department of Public Works. A contractor, Mr. Sauvé, won a \$9 million contract to renovate the Parliament buildings. A few months later, Mr. Sauvé held a cocktail fundraiser for the Conservative Party. The party's Quebec lieutenant, who was also the minister of public works at the time, attended this cocktail party.

Does the Minister of Natural Resources, who was the minister of public works, think it was appropriate to attend a cocktail fundraiser for his party organized by a contractor to whom his department had just awarded a \$9 million contract?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government set very strict limits on donations to political parties. The Bloc leader is talking about an event that took place many months after the contract was awarded. It is ridiculous to say that amounts like that can influence contract awards.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, we recently learned that a certain Jacques Canac-Marquis, who took over managing the contract to renovate the Parliament buildings after the original contractor, Mr. Sauvé, went bankrupt, was also at the cocktail fundraiser attended by the then minister of public works.

Does the minister realize that this is starting to look eerily like a scheme to get political funding in exchange for government contracts?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, seriously, this government set strict limits on donations to political parties. Companies cannot make political contributions.

It is ridiculous to suggest that a modest donation can influence contract awards.

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, at least five business owners involved in repairing or constructing government buildings funded the Association du Parti conservateur Bourassa in January 2009. Paul Sauvé, Norman Glouberman, Julia Gersovitz, Joseph Broccolini and Jacques Canac-Marquis worked for Public Works and funded the Conservative Party.

Is the Minister of Natural Resources still comfortable with the fact that he attended a cocktail party fundraiser for the Conservative Party alongside his own department's suppliers?

• (1425)

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, it was our government whose first priority was to bring in the Federal Accountability Act.

[*English*]

It was this government that, as a matter of its first priority, eliminated the influence of big money in politics. Union contributions are gone. Corporate contributions are gone. Large contributions from individuals are gone. That is the legacy of this government, and we are very proud of that.

[*Translation*]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, the former public works minister sees no issue with passing the hat among government contractors. This is clear proof that he is on equal footing with Alfonso Gagliano in terms of ethics.

Can the Minister of Natural Resources explain how a building contractor who received a contract from his department came to organize a cocktail party for the Conservative Party?

[*English*]

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, on a day when all members of the House stood and applauded actions to reduce the outrageous comments and increase decorum, the member opposite's comments, comparing the Minister of Natural Resources, someone who is an outstanding public servant, someone who has done an outstanding job for his constituency, for Quebec and for Canada, are, quite honestly, outrageous.

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## HEALTH

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, an internal government audit comes to an alarming conclusion for all Canadians. It says that the Public Health Agency is not prepared to deal with emergencies that could threaten the health of thousands of Canadians. There is no risk management plan. In fact, the audit calls it “ad hoc and reactive”. There are untrained workers and no capacity to deploy them quickly in the case of an emergency.

Could the Prime Minister explain to the House when the Public Health Agency will be ready to respond to the next national emergency in Canada?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, the audit was initiated by the agency as part of our continuous improvement process. We accept the recommendations in the audit and we have begun work to address them.

As well, let me make it very clear that the agency is ready and able to respond to the next emergency just as we did for H1N1, where we coordinated the largest mass vaccination program in Canada's history.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the most worrisome part of this audit has to do with emergency supplies. It says that the field hospitals are from the 1950s; the system dates back to the Cold War; there is inadequate inventory; there are problems managing the pharmacy; there is a lack of reliable shelf life information; and there is inadequate maintenance of the equipment.

The agency even conducted a previous review, as the minister said, but the audit says that public health officials failed to act on the recommendations. How can this be possible?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, I said many times before in the House that we would evaluate how we responded to the public health emergency over the last year. We continue to evaluate the H1N1 response, to identify success in areas for improvements, while applying lessons learned to ongoing planning. As well, a Senate committee is currently reviewing how we responded to H1N1. We will continue to apply improvements where necessary.

[*Translation*]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, I realize that the agency has acknowledged the problems, but it does not believe that they are serious. Another independent report showed that things were a complete mess during the H1N1 flu epidemic: vaccine production was too slow, planning was incomplete and there were obvious communication issues.

An internal government audit confirms that no changes have been made to the Public Health Agency since the crisis. Why?

[*English*]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, as we did in responding to the SARS situation, we evaluated how we responded to SARS and applied improvements.

I said during this public health emergency that we would evaluate how we responded to H1N1, and we are doing that. In areas where we can apply improvements, we will continue to do that.

In addition, this government has continued to increase transfers to the provinces and territories by 6%, so each province and territory can deliver health care and apply those resources where most needed.

*Oral Questions*

●(1430)

*[Translation]***GOVERNMENT SPENDING**

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, this Conservative government is the highest-spending government and has run up the largest deficit in Canadian history. They wasted taxpayers' money when they increased spending by 18% before the recession. They have wasted billions of dollars on frivolous, irresponsible expenditures, such as fake lakes, and now they have the nerve to claim that the recession created the deficit. They ran up a deficit before the recession.

Will the minister admit that he has no idea how to stop this spending spree and that he is no more competent on Parliament Hill than he was at Queen's Park?

*[English]*

**Hon. Jim Flaherty (Minister of Finance, CPC):** To the contrary, Mr. Speaker, we have the lowest deficits by far in the G7. Our deficit this year is lower than forecast. During the first three years, we paid down more than \$40 billion of public debt and balanced the budget every year. That is why our country was in the best position of any country in the G7 to deal with the recession when it came.

Deal with it we did, better than any other country in the G7.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, that is not a minister of finance. It is the minister of debt and deficits. The Conservatives borrow and spend and they borrow and waste, all this while Canadian families are suffering. Yet the minister wants more reckless tax breaks for big corporations. Can he not see that these are unaffordable tax cuts?

He is back to his Queen's Park pattern: borrow money, compromise public services, double the debt and create deficits. Why will he not admit that he does not have the competence to clean up his own financial mess?

**Hon. Jim Flaherty (Minister of Finance, CPC):** The economic action plan was in budget 2009, Mr. Speaker. It has resulted in the preservation and creation of about 420,000 jobs in our country, which is more than the 400,000 jobs that were lost during the course of the recession.

I thank the member opposite and her party for voting for Canada's economic action plan.

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**TAXATION**

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, governing is about choices and Conservatives have chosen to help out the largest corporations, while doing nothing for small businesses or Canadian families. Eight in ten new jobs are being generated by owners of small businesses like Remi Kassel of Javaroma in Yellowknife, yet the government is cutting taxes for the biggest corporations, while leaving the small business tax rate unchanged.

Why is the government cutting taxes for big corporations like Onex, while offering no relief to small business owners like Remi?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, we have reduced taxes for all businesses in Canada. This has been going on since 2007. We have been joined by most of the Canadian provinces in getting Canada to a place where we have a brand as one of the lowest tax jurisdictions for business investment, the lowest in fact in the G7.

Listen to what the Canadian Manufacturers & Exporters said:

Canadian business investment needed to sustain an economic recovery is threatened by [the] Liberal Party...

"We are in a pretty tight situation financially in the business sector."

"I don't think we can afford the uncertainty right now if you want companies to make big investments in Canada."

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, 47% of small businesses are owned by women, yet the government seems blind to the needs of women entrepreneurs.

Liberals have proposed to lighten the burden by investing in quality daycare spaces and providing a comprehensive home care plan. The Conservatives are cutting taxes for the biggest corporations, while offering no relief to small businesses: no help at home, no help at work.

Why has the government turned its back on women in business?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, we have reduced taxes for all Canadians over the course of the five budgets. I thank the Liberal Party for even supporting some of them. I thank in particular its critic, who said:

—we cannot increase corporate taxes without losing corporate investment. If we lose corporate investment, we have a less productive economy....That means fewer jobs. That means more poverty.

Who said that? It was the member for Kings—Hants and he said it as a Liberal.

\* \* \*

●(1435)

*[Translation]***INTERNATIONAL TRADE**

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Mr. Speaker, for 10 years now, the Bloc Québécois has been proposing a free trade agreement between Canada and the EU, but not at any cost. The head of economic affairs for the Delegation of the European Union has said that everything is potentially on the table. The European Union opposes the cultural exemption clause proposed by Quebec and Canada, and is questioning the integrity of supply management.

Can the Minister of International Trade give us clear assurance that there will be no compromise on these two matters?



*Oral Questions**[English]*

**Hon. Peter Van Loan (Minister of International Trade, CPC):** Mr. Speaker, we are engaging in free trade talks with the European Union because it represents a tremendous opportunity, a chance to boost the Canadian economy by some \$12 billion annually. That means jobs for thousands and thousands of Canadians and that means a better standard of living for Canadians.

We have traditionally protected our cultural industries. That is one of the positions we are taking at the table. We are very confident that Canadians can compete. We know that the European Union, with 27 member states, is also interested in protecting its cultural diversity.

*[Translation]*

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Mr. Speaker, midway through negotiations, the Europeans' goal is clear: access to government contracts in Canada. This translates into \$26 billion a year. Unfettered access would have a profoundly negative impact on businesses and suppliers here.

Will the minister have the good sense to insist on incorporating into the agreement the same rules that govern access to government contracts among European Union partners?

*[English]*

**Hon. Peter Van Loan (Minister of International Trade, CPC):** Mr. Speaker, we are a trading country, a small market of some 35 million that requires access for our most skilled workforce in the world to markets around the world. That includes public procurement.

In fact, we saw the folly of the decision of provinces and territories to stay out of that area in the 1980 North American Free Trade Agreement, when we were hit with buy American policies. We do not want the same thing to happen again. We want to ensure Canadian workers and businesses have access to markets around the world so that they can deliver, compete with the best and have jobs and prosperity that result from this kind of free trade.

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*[Translation]***INFRASTRUCTURE**

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, opposition from Quebec and the provinces forced the government to drop the deadline for joining its Canada-wide securities commission. However, while municipalities are calling on the government to push back the March 31, 2011, deadline for infrastructure projects, the government is insisting on imposing an artificial and irresponsible deadline.

If the government was able to push back the deadline for joining its securities commission, why can it not do the same for municipal infrastructure?

*[English]*

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we continue to consult with the provinces and municipalities about the status of infrastructure projects across the country. There is a lot of good news out there. Nova Scotia said that 98% of its projects were on course. British Columbia said that almost 100% were on course and on budget.

Alberta is about the same. Saskatchewan said that if the good weather continues it should get them all done as well.

Of course we are going to be fair and reasonable. We are working with the Province of Quebec as well to ensure that we get all the data in place so that we can be fair and reasonable on any dates and other adjustments that we can make to the infrastructure programs.

*[Translation]*

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ):** Mr. Speaker, the municipalities are not asking for piecemeal solutions. They are asking for the March 31 deadline for all infrastructure projects to be pushed back. Otherwise, the municipalities will have to cover the federal government's share themselves. That is the case for Quebec City, which will have to cover the \$5.5 million promised by the Conservatives for moving the Monique-Corriveau library.

Will the government stop cultivating uncertainty and push back the deadline, as Quebec City and everyone at the municipal level is calling for?

*[English]*

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, when the provinces approached us about the Preco project, they had put forward a December 31 deadline. We did not know why that was necessary. We have always been in favour of the March 31 deadline but Quebec wanted an earlier one. Now it wants to delay it further. We want to be fair and reasonable.

There is an important question that we are asking ourselves on this side of the House. With all of these projects that the members of the Bloc Québécois are so concerned about, why did they vote against all of them when we brought them forward? I do not understand it.

We want to do good things in Quebec just like everywhere else in Canada.

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**CHILD AND SPOUSAL SUPPORT**

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** Mr. Speaker, single moms, single dads, children and seniors are struggling to make ends meet. The federal government is adding to this burden by being delinquent in paying court-ordered child and spousal support from federal employees. The government has admitted to being severely late in almost 6,400 cases, representing millions of dollars. The results are mortgage payments are going past due, credit card bills are stacking up and families are going without food.

When will the government stop being delinquent and start making payments to single parents on time, every time?

*Oral Questions*

●(1440)

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, we have looked at the report and I must say that we have some concerns. There have been some areas where this has not moved along quickly enough. Some of the areas involve employees who have left and are not that easy to find.

However, whatever the reason is, we have given very clear direction that we want this process expedited. We appreciate what has been brought forward in the report and we will be addressing it.

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** Mr. Speaker, I hope the minister realizes that the facts state that these single parents need these court-ordered payments to survive and pay their bills.

The Department of National Defence has reported late payments in 3,600 cases. Health Canada and Veterans Affairs have been late in over 38% of their garnishee cases.

When people are late for one payment, it can be an accident. When people are late for dozens, or sometimes thousands in this case, there is only one expression: they are deadbeats.

Why are kids and single parents not a priority for the government?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, we can talk at length about a variety of programs that show the importance we place on families, single parents and care for children, even as far as having daycare available on site in many of our locations. There is a long list of clear demonstrations of how we care about these situations.

As I have indicated for the member, there have been some cases brought to our attention where it has been difficult to do the follow-up. However, our instruction to officials has been clear: be aggressive on this, close the gap in terms of the time and get these situations dealt with.

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**HEALTH**

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, Canadians are rightly concerned when they hear Conservatives talk about health care funding because one particular Conservative has said that “each province should raise its own revenue for health care”, and we should “replace Canada health and social transfer... with tax points”.

I am not referring to the leadership candidate from Beauce. I am quoting the current Prime Minister.

The end of cash transfers would prevent enforcement of the Canada Health Act and put an end to medicare.

Could the Minister of Health admit that this is in fact the government's true agenda?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, we respect the Canada Health Act and our government is committed to the universal public health care system. We will continue to work

with the provinces and our territorial partners to ensure they have the necessary resources to deliver health care to Canadians.

We have also increased the transfers to provinces and territories by 6% per year to an all-time high of \$25.4 billion this year so that they can continue to meet the health care needs of their residents.

[*Translation*]

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, the leadership candidate and hon. member for Beauce said federal health transfers have to be abolished because they violate the Constitution.

He also said that the Conservative Party espouses that position. The federal government will be renegotiating its transfer agreement with the provinces very soon.

My question is the following: can the government assure Canadians today that it will uphold health transfers in order to protect the universality and public nature of health care services in Canada?

[*English*]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, as we have said repeatedly, unlike the previous Liberal government, we will not cut transfer payments to other levels of government as part of our efforts to balance the budget and we will respect provincial jurisdictions.

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**INTERNATIONAL TRADE**

**Ms. Dona Cadman (Surrey North, CPC):** Mr. Speaker, Canada is a trading nation. As we continue to recover from the global recession, Canadian businesses and workers seek new and open markets to export their products.

Would the Minister of International Trade please update the House on the efforts our government is taking to diversify trading opportunities for Canadian businesses and workers?

**Hon. Peter Van Loan (Minister of International Trade, CPC):** Mr. Speaker, our government is focused on economic recovery and delivering jobs for Canadians. That is why this week we launched the fifth round of negotiations for a free trade deal with the European Union. Two-thirds of our economy is trade-based. That is one of the reasons that Canada has been successful in weathering the economic storm and posting the strongest economic growth of any major developed economy, any of the G7 countries.

We are focused on continuing that with trade negotiations under way with close to 50 countries right now, 8 deals already delivered and the 3 deals that the Liberals delivered in 13 years, we are improving them now and making them even better.

*Oral Questions*

•(1445)

**GOVERNMENT CONTRACTS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the renovation of the West Block is turning into a multi-million dollar fiasco: RCMP investigations, illegal lobbying, kick-backs and corruption. That is not good enough for one of our nation's finest heritage buildings.

Will the Minister of Public Works follow today's recommendation of the government operations committee and impose immediately an absolute moratorium on all contracting associated with the Parliament Buildings until our committee can determine that there will be no more corruption or influence peddling associated with the renovations of this building?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, I appreciate the member's motions and I can assure him that if any wrongdoing with any individual contractors are found they will face prosecution to the full extent of the law, including under the Federal Accountability Act, and we will ensure that taxpayer money will be recouped.

However, in terms of the specific contract to which he has referred, the government has no contractual relationship with this company. It is in fact a dispute between two private entities.

[*Translation*]

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, illegal lobbying, nepotism, favouritism, collusion, partisan appointments and shady financing—those words mean nothing to them.

[*English*]

It turns out that the very consultant hired by the federal government to smooth out disagreements in the project donated money to a Conservative fundraiser. Howie Clavier says that he did nothing wrong by paying \$500 to attend the fundraiser put on by a contractor. He says that he saw it as a good opportunity to network with people involved in the West Block project.

However, some are questioning whether an impartial mediator and facilitator should be mixing government business with party politics. What does the government think?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, this government's first order of business was to bring in the Federal Accountability Act. It eliminated good money from politics, no more union contributions and no more corporate contributions of any kind. We eliminated all individuals from donating big money to politics. That has been good for our democracy and it has been good for Canada.

\* \* \*

[*Translation*]

**SCIENTIFIC AND TECHNOLOGY**

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, federal scientists decided to create their own website in order to break the government's gag order. They are criticizing the government's attacks on scientific research integrity. They are particularly critical of the elimination of the mandatory long form census and cuts in the field of climate science.

Are scientists justified in criticizing the Conservatives' preference for basing decisions on their own ideology instead of on scientific facts?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, not at all. In fact, we have no new measures to prevent scientists and other public officials from expressing their opinions. We will maintain our policy that the minister who is responsible for a file will respond, but scientists can also discuss things according to the government's policy, and there are no restrictions on that. We will not be changing the existing policy.

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**THE ENVIRONMENT**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, for four years, Canada tried to water down the Cartagena protocol on biosafety, then refused to ratify it. On Saturday, in Nagoya, a new protocol became a definitive treaty. This new protocol provides rules and procedures governing GMO producers' liability and redress for damage to ecosystems.

Does Canada plan to sign and ratify the new protocol or will it remain completely uncompromising as it did with the Cartagena protocol?

[*English*]

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, the member well knows the importance of the environment and biodiversity and protecting the environment to this government. Canada was instrumental in drafting the United Nations convention on biological diversity. We were the first industrialized country to ratify the convention and we hosted the international secretary in Montreal.

We have a strong record that we are proud of on the environment.

\* \* \*

**PENSIONS**

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, more than 640 days after the Conservatives promised action on pension reform, Canadians are still waiting.

Canadian pensioners are watching as the Conservative government spends billions of dollars on untended jets, bigger prisons and unaffordable corporate tax cuts, and then drags its feet when it comes to tackling pension reform.

More than 75% of Canadians working in the private sector are without pensions and they deserve better.

Why has the government promised so much and delivered so little?

•(1450)

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the members opposite should pay more attention.

### Oral Questions

We did large consultations across the country. We went ahead with pension reform with respect to funding pensions over time, very important for certain Canadian companies and unions represented in those companies to ensure that there was some smoothing with respect to pension reform. We already did that. We already did the legislation. We already did the regulations.

Now, moving on to the next part, pensions for people in Canada. We are working together with the provinces doing the research and showing the kind of co-operative federalism that works in this country.

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, here is something that the minister can do right now.

Last Thursday, the Conservative-dominated Senate abandoned pensioners and the disabled by shelving Bill S-216. Instead of agreeing to fast-track the bill, the Conservatives eliminated any chance of getting it through Parliament before Christmas and, as such, smashed the hopes of hundreds of disabled Nortel workers who will lose their benefits by the end of this year.

Will the Prime Minister tell his Conservative senators to pass Bill S-216 immediately to help these desperate people?

**Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, this is a complex issue that is of concern to our government and we are carefully studying the issue. We realize that there are several bills, both in this place and the other, that relate to long-term disability. As with all pieces of legislation, we will carefully review these proposed bills and we encourage members from all parties to bring forward any ideas they may have.

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### RCMP

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, this summer, senior RCMP officials spoke up about serious management problems on the force.

Today we learned that these brave whistleblowers are being forced out. One deputy commissioner was asked to leave, another pushed into retirement and the third targeted officer says that those who spoke out have become “sacrificial lambs”.

Commissioner Elliott was supposed to reform an organization badly in need of change. Instead, he has become part of the problem.

Why does the government not stand up for courageous RCMP officers who are simply trying to improve our force?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, Reid Morden was hired under a contract by Public Safety Canada to conduct a workplace assessment of senior management at the RCMP. Further, he reports directly to the deputy minister of public safety. I do not think it is appropriate for a minister to become involved in this type of internal management of the RCMP. Therefore, it would be inappropriate for me to comment further on the matter.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, Canadians want this government to get involved in the RCMP and make sure it is a good organization that works for them.

Every time someone disagrees with this government, the person is muzzled or fired. Instead of improving RCMP oversight, it terminated the complaints commissioner for speaking out. It let the victims' advocate go, failed to renew the veterans ombudsman, and left a trail of revenge for anyone who speaks up. Now it stands idly by while its own hand-picked commissioner forces out his critics.

Will the Conservative government admit that its commissioner has gone too far and will it uphold fairness for officers in the RCMP?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, what Canadians want is that member and his party to support our initiatives in respect of cracking down on crime. The protection of Canadians must come first. Unfortunately, that member and his party are one of the biggest impediments to safety on the streets for Canadians today.

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### AUTOMOTIVE INDUSTRY

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Speaker, while the opposition members continue to play their partisan games, our government continues to deliver on Canada's economic action plan which is creating jobs right across this great country. While the recovery is still fragile, we are seeing signs of life.

Will the Parliamentary Secretary to the Minister of Industry please update the House on the great news that was just announced in Oshawa today?

**Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, I would like to thank the hon. member for the great question as well as his hard work, and the hard work of the member for Oshawa as well.

In fact there was great news yesterday when we learned that over 600 laid-off workers are headed back to the GM assembly plant in Oshawa.

Our government's priority of keeping taxes low while seeing the economic stimulus through is clearly having an effect, so while the opposition continues to advocate for job-killing taxes, we will continue to create an economic environment that will create new jobs, just like the 600 in Oshawa.

\* \* \*

● (1455)

### PUBLIC SAFETY

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, Canadian students, volunteers and workers who require criminal background checks by the RCMP are facing delays of more than four months before receiving the security clearance they need. In North Bay, for instance, the entire taxi industry risks shutting down completely when drivers will be required to renew their badges next February.

Why is the government not doing more to expedite the process and ensure that honest law-abiding citizens are able to pursue their goals and contribute to society?

*Oral Questions*

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, the safety of Canadians and those who receive service from individuals is in fact our primary concern. We understand there are some delays in the way these issues are being dealt with, but what I must stress is that the various agencies that are responsible for that in fact are ensuring that Canadians remain safe in terms of these inquiries.

\* \* \*

[Translation]

**HOUSING**

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, there is a desperate need for social and affordable housing, and the Bloc Québécois introduced a bill that would give CMHC's surplus to Quebec and the provinces. These billions of dollars could be used for social housing.

Will the government support this bill, which would be a major contribution to the fight against poverty?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, we made significant investments in affordable housing for all Canadians through our economic action plan. As a result, 9,000 projects have been started and many of these have been completed. Nine thousand families benefited from this initiative, which the Bloc voted against.

\* \* \*

[English]

**WORKPLACE SAFETY**

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, one year ago today, Mr. Peter Kennedy was killed when a Parliament Hill boiler exploded. It is my understanding that later today, charges will be laid against Mr. Kennedy's employer, the federal government, citing its failure to protect the health and safety of its workers.

In the year since Mr. Kennedy's death, what concrete actions has the government taken to protect its workers?

It is imperative that Peter Kennedy did not die in vain. When will the government finally take a leadership role in setting the national standard for making workplaces safe?

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, I too would like to acknowledge and extend my sympathy not only to the family of Mr. Kennedy, but to all Canadian families and friends who have lost loved ones on the job, especially since no words can take away the sorrow that they feel.

It is true that my officials have conducted a thorough investigation of the matter to which the member referred, and charges have been laid against Public Works and Government Services Canada for health and safety violations under the Canada Labour Code. That is because we are committed to safe and healthy workplaces. We will continue our efforts to ensure that is the case.

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**JUSTICE**

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Mr. Speaker, today at the human resources committee we heard from witnesses on

the eliminating entitlements for prisoners bill. Sharon Rosenfeldt from Victims of Violence, whose own son was murdered by Clifford Olson, and Kevin Gaudet from the Canadian Taxpayers Federation urged all parties to pass this bill quickly.

Could the minister tell the House what she is hearing from Canadians across this country about our Conservative government's plans to take old age security benefits away from prisoners?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, the response from Canadians in support of our Bill C-31 has been overwhelmingly positive. Canadians agree with our government. They really believe that it would be grossly unfair for taxpayers to continue to fund pensions for convicted criminals when those criminals are already being provided room and board by taxpayers.

Canadians want this bill passed. I urge the opposition to pass it quickly because it is the right, fair and reasonable thing to do.

\* \* \*

● (1500)

**PUBLIC SAFETY**

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, nursing students, prospective teachers, hockey coaches and thousands of other law-abiding Canadians are all being adversely affected by the delay in receiving the results of their criminal background checks. The minister was made aware of this months ago. He says he is aware, but he has done nothing to ensure an efficient security clearance process.

Why is the minister putting so many Canadians and Canadian companies at risk?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, there is always a very delicate balance between public safety and the interests of individuals. That member would be the first one on his feet to complain if someone had slipped between the cracks.

I recognize that the RCMP and other agencies have a very difficult job to do in that respect. I can explain to the member why it may seem like an inappropriate period of time, but I can assure him that those agencies are working as quickly as possible to deal with each and every request.

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**HEALTH**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, chronically ill Canadians are waiting months to get and renew permits for access to medical marijuana. Patients are being cut off from their legally prescribed medication because of an under-resourced and overly bureaucratic application process. People do not want to break the law to access and use their legally prescribed drugs.

*Government Orders*

Will the minister stop treating patients like criminals and commit the necessary resources to end these dangerously long processing times?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, we are aware of the backlog and are putting additional resources toward addressing it. My department has installed procedures that will improve the efficiency of the review and authorization process and to respond in a timely manner. Reform of this program will balance public safety and access to patient needs.

\* \* \*

[*Translation*]

**EMPLOYMENT INSURANCE**

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, the government refused to give the royal recommendation to the Bloc Québécois' Bill C-395, which would make workers who are victims of labour disputes eligible for employment insurance benefits. What is most absurd is that this government is more generous to prisoners, because the period of incarceration is excluded from the benefit calculation, while the lockout period is not.

How can this government abandon locked-out workers like the ones in Lebel-sur-Quévillon?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, it is important to understand the employment insurance system. Two categories of people pay into the plan: employees and employers. Both pay for the insurance when there is a loss of employment that is not the employees' fault. When there is a work stoppage, whether it is a strike or a lockout, it is very important that the system remain neutral.

\* \* \*

[*English*]

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Zheng Silin, Chairman of the China-Canada Legislative Association of the National People's Congress, People's Republic of China.

**Some hon. members:** Hear, hear!

**The Speaker:** I would also like to draw to the attention of hon. members the presence in the gallery of Mrs. Betty Fox and Mr. Rolly Fox, parents of Terry Fox.

[*Translation*]

Thirty years ago, their son ran across Canada for 143 days, covering a distance of 5,373 kilometres, to raise money for cancer research.

[*English*]

Since 1981, Mrs. Fox has worked tirelessly with the Terry Fox Foundation and the Terry Fox Research Institute to raise awareness of cancer and cancer research.

**Some hon. members:** Hear, hear!

● (1505)

**SREBRENICA REMEMBRANCE DAY**

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, there has been consultation among the parties and if you seek it you will find there is unanimous consent to adopt the following motion:

That, in the opinion of the House, the day of July 11 should be recognized as Srebrenica Remembrance Day in memorial of the Srebrenica Massacre of July 1995, in which more than 7,000 Bosniak men and boys were executed, declared an act of genocide by the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice, and 25,000 others were forcibly removed from their homes by Bosnian Serb forces.

**The Speaker:** Does the hon. member for Windsor West have the unanimous consent of the House to propose this 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)

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**GOVERNMENT ORDERS**

[*Translation*]

**STRENGTHENING AVIATION SECURITY ACT**

The House resumed consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the second time and referred to a committee.

**The Speaker:** Earlier, when the bill was before the House, the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord had the floor. He has 12 minutes remaining for his remarks.

The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord.

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, I will try to make myself understood in this cacophony. We know that since 2001, in the wake of September 11, a series of measures has been implemented, in the United States in particular, to improve public safety.

Sometimes these measures infringed and still infringe in a real, tangible or perceived way on the right to privacy. In the aftermath came the implementation of what is commonly referred to in the airline industry as the no-fly list. Being on this list means being prohibited from boarding flights. In order for this list to be fully operational, it is important to know passengers' identity ahead of time. That is why, in 2001, at the request of the United States, the Canadian government introduced Bill C-44, which received the Bloc Québécois' support.

*Government Orders*

That bill was passed quickly. It authorized airline companies to disclose to local authorities all passenger information prescribed by regulation. The next words I am about to say are important, if not crucial, because they make a distinction between Bill C-44 and the bill currently before us. Bill C-44 allowed all information to be given to authorities in the country of arrival or transit, where the plane touches the ground, whereas Bill C-42 before us covers flying through a given country's airspace. That distinction is of capital importance.

The information requested was name, date of birth, sex, and sometimes, passport number. If, at first glance, access to that information seems innocuous, keep in mind the many problems with the no-fly list.

To show just how ridiculous the United States' no-fly list is, I want to mention two cases where the system went very wrong. One of the people whose name appeared on the no-fly list was Ted Kennedy, the Democratic senator from Massachusetts, who died just a few months ago. In 2004, he was apprehended and interrogated five times at the airport, even though his name should not have been on the list. Despite his fame and influence, it took more than three weeks for his team of Congressional aides to get his name off the list. That was one of the mistakes that received the most media coverage, but it was not the only one. There is another example of how ridiculous this list is. Last May in the United States, the Thomas family was apprehended at the airport. Why? Because the name of one of the Thomas girls, who was six years old, was on the no-fly list.

• (1510)

People certainly realized there had been a mistake. It was still very difficult, though, to get on the plane. That is basically what I had to say.

I just want to repeat what I said before the members' statements and question period, namely that the Bloc Québécois will vote for this bill in principle. We will agree to send it to a committee so that it can be studied seriously and in depth, with witnesses, specialists and experts. I want to thank my colleague, the hon. member for Ahuntsic, who is our outstanding public safety critic. She sent me an email suggesting the names of witnesses, groups and individuals who could enlighten the committee with their expertise so that Bill C-42 can be subjected to some serious analysis.

I want to be clear. The Bloc Québécois will vote at second reading in favour of the principle of this bill so that it can be sent to a committee. Regarding how we will proceed after that, though, we reserve the right to change our position on this issue if necessary.

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I want to address the last statement that the hon. member made.

He is a very learned parliamentarian and he is aware that, once passed at second reading, the bill is approved in principle, and in referring it to a committee, one cannot amend the legislation beyond the scope of the bill. However, his declaration at the end is to somehow reserve some right to do that if he feels that it is necessary based on the committee investigation.

I would like to ask the member if he can inform the House whether his reservations in fact are in the nature of being potentially contrary to the approval in principle that we would give it at a second reading vote and whether he would like to elaborate on the nature of his potential concern.

• (1515)

[Translation]

**Mr. Michel Guimond:** Mr. Speaker, I agree with my colleague that we cannot change the scope of the bill, which is to say its purpose, direction and objectives. But because it is a very short bill, we can change some things. By way of answer, I would like to read a statement by Jennifer Stoddart, the Privacy Commissioner of Canada:

Privacy is a critical element of a free society and there can be no real freedom without it.

Canada is currently on a dangerous path towards a surveillance society. We are beginning to think of more and more everyday situations in terms of "risk" and the previously exceptional collection and use of personal information are becoming normal.

We have been seeing excesses and abuses since 2006, when the Conservatives came to power. They have an approach worthy of Big Brother, the government that sees evil everywhere and wants to invade people's privacy and get its hands on personal information. That is what we have been seeing since the Conservatives came to power.

I am well aware that I am not giving a direct answer to my colleague's insightful question. We will see in light of the testimony in committee. The Bloc Québécois has some doubts going into this. It will decide after the fact whether or not its doubts are warranted, and it will also decide how it will vote at third reading.

[English]

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, the ostensible reason why this bill has come forward now is the Conservative government has indicated there has been pressure from the United States to conform with this provision of providing information. We do not really know what information it is going to be asking for yet, but we are going to be giving permission for the Canadian government to provide it. This is in the nature of a threat.

The United States government is threatening to disallow Canadian flights to fly through its airspace unless this information is given. The fact is there are between 1,000 and 2,000 U.S. flights a day over Canada. Does he think the type of action the U.S. is taking on a much more limited number of flights than Canadian airlines are engaged in that would overfly U.S. airspace is justified and practical? If we were to incorporate the notion of reciprocity on information, would this be an incredible burden on the U.S. aviation industry?

[Translation]

**Mr. Michel Guimond:** Mr. Speaker, my colleague is right to wonder about this. However, I respectfully suggest that we should not be looking at reciprocity or at the thousands of American flights that go through Canadian airspace and vice-versa. That is not the approach we should take.

*Government Orders*

The Bloc Québécois acknowledges that a sovereign country has the right to regulate its own airspace. We acknowledge as well that this request came from the United States and must be taken seriously. As I said in the first part of my speech, the United States is a major trading partner and a popular tourist destination for countless Canadians and Quebeckers, but we should still apply this provision in a way that is sensible and reasonable, not blindly, as the Conservative government does in many different areas, including this one. The Americans want it, so we do it.

In committee, we will hear from privacy experts. I will not be testifying before the committee. I do not claim to be an expert on privacy. We will listen to experts who will tell us whether this request is excessive and unreasonable, and if they say so, we will vote against the bill. In any case, we should not compare the thousands of flights through Canadian airspace to the much smaller number of flights through American airspace. I find it hard to follow my colleague's reasoning on that point.

• (1520)

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I think there is some confusion here. Today and on other occasions, we always want to support bills so that they can be sent to a committee for further study. However, agreeing with a bill in principle means that we have already agreed with it, making it virtually impossible to study the bill in depth.

I hold the hon. member in high regard and would like to know whether he thinks it might be possible to study bills in more depth here in the House where members have to publicly provide their well-thought-out views for the consideration of the House before the bills can be sent to a committee.

**Mr. Michel Guimond:** Mr. Speaker, my colleague's question surprises me. He is a seasoned parliamentarian, a veteran of this House.

We might agree with the principle of a bill at second reading, but that does not necessarily mean we will support it at third reading. That is precisely why our parliamentary procedure dictates that after passing second reading, bills are referred to committee to hear from witnesses, specialists and experts.

If, because of his experience, my hon. colleague could claim the title of expert, he could appear before the committee, enlighten us and give us the benefit of his wisdom. That is why I do not see any contradiction in the Bloc Québécois' position. In 2001 we were in agreement, to some extent, with Bill C-44, in cases where landing and take-off did in fact occur.

We think this now goes just a little further. Does it go too far? Is it too much? What information will be disclosed? Was the same thing asked of other countries or was it only the United States? I cannot answer these questions today, which is why we are sending this bill to committee.

• (1525)

[*English*]

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I rise to speak to Bill C-42.

Before us we truly have a misleading bill. On its face, Bill C-42 seems pretty innocuous, with simple changes to the Aeronautics Act,

a word here, a word there, which do not appear to provide much difference. What it really does is implement secret letters and memorandums of understanding, not treaties, to invade the privacy of Canadians by handing over our personal information to secret service agencies in foreign countries. Under the bill, just flying over another country is sufficient reason to hand over detailed personal information.

The government would have us believe that we need the bill to fight terrorism. The truth is the government needs the bill so it and other foreign organizations can compile detailed files on Canadians. It will tell us the information is only name and address, et cetera. In reality, what the government is getting ready to hand over is the passenger name record, which includes such vital pieces of security information such as what one ate on the plane, one's medical condition, among other things.

However, the government will not admit to this. In fact, we have a situation where the government is moving ahead with a variety of secret agreements with other countries that will provide the same information to other countries and not simply to the United States.

The government wants us to believe that it is working hard to protect our privacy. Cynically, with Bill C-42, it is stripping away the privacy protection of Canadians.

Perhaps there is a need for some information sharing on flights between countries. That is something the government has said there is a need for. How can we deal with that and maintain the basic principles of privacy for Canadians?

In 1998 the European Commission put forward six key principles, which must be included in any kind of arrangement that is struck with other countries in terms of sharing information. This was specifically tailored towards the aviation industry.

One of the principles is the purpose limitation principle. Private personal information should be processed for a specific purpose and subsequently used or further communicated only in so far as it is not incompatible with the purpose of the transfer.

Another principle is the information quality and proportionality principle, which is Information should be accurate and, when necessary, kept up to date. The information should be adequate, relevant and not excessive in relation to the purposes for which it is transferred or further processed.

This is extremely important to Canadians. If we hand over information about Canadians to another country, we need to have the ability to ensure that information is kept correctly and is kept up to date. If that is not the case, then we can come into situations where, in the case of a Canadian getting a pardon for particular offences, those are not included in that record.

There is the transparency principle. Individuals should be provided with information as to the purpose of the processing and the identity of those in control of the information in the third country and other information in so far as this is necessary to ensure fairness. In other words, it is part of the rights of people right to understand who else has information about them, where it is kept, what they are using it for, how long it is going to be kept, all those particular things.



*Government Orders*

The security principle is another one. Technical and organizational security measures should be taken for those in control of the information that are appropriate to the risk presented by the processing. Any person acting under the authority of those in control of the information, including a processor, must not process information except on instructions from the controllers. In other words, if the person collecting the information is not capable of upholding the security of that information, then that is not something we wish to see for the personal information of Canadians.

There is also the right of access, rectification and opposition principle. The subject of the information should have the right to obtain a copy of all the information relating to him or her that is processed and a right to rectification if the information is inaccurate. Further, in some situations people should be able to object to the processing of the information relating to them. In other words, when we take information from people, they should have an understanding of what that information is and the opportunity and the access to those who control that information if the information is not correct.

● (1530)

Then the final one is the restriction on onward transfers principle. Transfers of the personal information to further countries should be permitted only where the second country is also subject to the same rules as the country originally receiving the information.

We have a situation where, when we pass the information on to the United States, it may use it in one fashion. If it passes it on to another country, we understand how that information will be used in the third country and we accept and control how they use that information in that third country.

Bill C-42 does not include any of these protections. It has nothing about the protection of personal privacy in the putting forward of information about Canadians. In other words, under this bill there is an open season on information about Canadians being given to foreign countries.

Two weeks ago, we spent considerable time on an opposition motion talking about the use of the long form consensus. The government was very concerned about the collection of information from Canadians, even though that information was anonymous.

Here we have a situation where, not anonymously, with people's names attached it, we are giving information to another country without any understanding or any control of how that information is going to be used, in a public fashion.

The government may have an agreement behind the scenes about how that information is to be used, but that is not in the legislation. That is not in the law. The government or any further government following it will not be bound to do that with that information.

In defence of this bill, the office of the Minister of Public Safety said it had to do this to ensure Canadians do not face any undue delays in their travel plans. However do we really want to trade off a few minutes' delay for the total loss of our privacy? Is that what is going on here? I do not think so. I do not think that is really a reason at all why we should move ahead with a bill without any controls attached to it.

If we accept this at second reading, there will be no opportunity to insert a major change to this bill, which is required in order to protect Canadians, to make the primary function of this to protect the personal privacy of Canadians. I do not think that is possible. I do not think we will be able to accomplish that in any committee setting.

Not too long ago we went through this with the long form census. I wish the government would bring back the argument it was using then. I wish it would take those arguments and ask, "Does this not mean something to us? Did we not get up and pontificate on this particular issue? Did we not make this a point of principle for us, that the personal information of Canadians is personal, that it belongs to them, that there are privacy aspects to that?"

The government chose not to engage in that principle here with this bill. It chose not to put principles attached to the bill, which would guide the government and ensure that, if we chose and had to put it into a context of giving Canadians' information to another country, if we chose to do that, Canadians would understand how their information was protected.

On November 22, 2007, the government issued a press release saying it strongly opposed handing over to the United States, and one assumes other countries, the personal information of Canadians.

In that release the government said,

However, in light of our complementary security systems and the security cooperation of Canada and the United States, and the relative risk, we believe that there are excellent security grounds for the proposed Secure Flight Program to exempt all flights to, from and within Canada that overfly the United States.

● (1535)

Why did the government give in? It certainly would not have said that if it did not think it had some opportunity to negotiate a different arrangement. Remember, the flights that overfly Canada from the United States are considerably more and considerably more important to the United States than the flights from Canada that overfly the United States. That is clearly the case. Clearly Canada had the leverage to do something different with this bill.

My question is: Did the government even want to do that, or has it made a decision along with its secret negotiations with other countries around the world to share information? Has it made the decision that it is okay to share this information, that we want to give up this information, that we do not care about the privacy rights of Canadians, that we are going to leave them wide open?

A year later, just before they prorogued for the first time, the Conservatives assured the House that the secure flight program would not apply to Canadians. The government then told the House that the U.S. had indicated the secure flight program would be exempt for countries with a comparable security system. This was in response to a tame question from the government's own benches. We could not put it down to the minister not understanding the question because he had been given the answer directly. At that time the Minister of Transport said, "Our government is committed to respecting the safety, security and privacy of each and every Canadian".

*Government Orders*

With Bill C-42 this commitment has gone straight out the window, flushed down the toilet, disposed of. This is the same government that killed the long form census just recently because it was too much of an invasion of privacy. This is the government that feels the long gun registry is too much of an invasion of privacy. The same government brings forward Bill C-42, which will make it possible for the personal and private information of Canadians to be sent out not just to the United States but perhaps to Panama, Mexico, the Dominican Republic or any other country the Canadian government deems appropriate.

It does not take much to fly over a country and give the Canadian government the right to hand that information over. Whether the current government does it or the next government, the rights of Canadians are not being protected.

In August 2007, the European Commission released an opinion on an EU-U.S. agreement on the processing and transfer of PNR by air carriers to the United States Department of Homeland Security. The opinion compared the 2007 agreement to others, and remember that the European Union does not fly over the U.S. nearly as much as Canadians do.

The opinion found that safeguards for private information are weaker than other types of agreements. Especially and specifically, the amount of information transferred is increased; the Department of Homeland Security may use sensitive information that has been excluded by previous agreements; transfers of information to foreign agencies were made easier and no longer subject to previous protection safeguards; and information under that EU agreement with the United States would be kept for at least 15 years and, in some cases, for 40 years.

The opinion also found that the new agreement contains an increased number of exemptions. Specifically, safeguards protecting personal information can be waived at the discretion of the United States.

So if we are following in the footsteps of the European Union in its secret agreement that is not public with the United States, we are going in the wrong direction.

The European Commission stated: "...the new agreement does not strike the right balance to uphold the fundamental rights of citizens as regards data protection".

However, I am not the only one to oppose this bill. Roch Tassé of the International Civil Liberties Monitoring Group said: "The Americans will have a veto on every passenger that gets on a plane in Canada even if they are not going to set foot on American soil". Mr. Tassé added, "What will happen if Canada invites the ambassador from a country such as Cuba?"

• (1540)

The Air Transport Association of Canada made its grievances known to America's Department of Homeland Security last December. Chief in ATAC's critique was that "the submission of Canadian passenger's details by Canadian airlines violates Canada's laws on the protection of personal information and electronic documents, as well as laws on aeronautics".

We are changing the law, so this quotation might be a bit out of date, but the purpose of the law would protect information.

Interestingly enough, the government has already been handing over personal information about Canadians to foreign security services for some time, even if it was against the law. Take the case of Teresa Healy.

In June 2007, Ms. Healy, the lead researcher of the Canadian Labour Congress, was the subject of a prolonged interrogation by American customs officers at the Cornwall, Ontario, border crossing when she set off a radiation detector. After it came to light that the radiation was due to medical tests, they switched the subject of her interrogation to her 1991 arrest at a non-violent protest. No charges were filed at the time, but the customs officers had her digitized fingerprints at their disposal nonetheless. She said that they told her, "Do not worry about it; we are just keeping them in case you do anything else".

That is the truly worrying issue here. This information can be held for years and used for purposes other than what it was first provided for. Now the government will tell Canadians it is taking steps to ensure the information handed over will be only kept for a few days. The reality is that, once this information is handed out, the monkey is out of the bag. That is it for that.

The only way we can ensure the privacy of Canadians is protected is to stop this information grab by the U.S. and other countries, but the government will not protect Canadians' personal privacy.

What should have been done when the Americans and other nations demanded that we violate the privacy of Canadians? If the government had the concerns of Canadians really at heart, it would have clearly said no, but the government cynically plays the game of let us pretend. Let us pretend we are protecting Canadian privacy, while all the time working to erode the very laws protecting our privacy.

What will Canadians get for this gross violation? Not much. Maybe they will get a slightly shorter waiting time to board an aircraft, but they will get an increased risk that they will be arrested or denied boarding, by mistake, by accident or for some unknown purpose.

The no-fly list has a very dismal record, and my colleague in the Bloc referred to a number of very prominent cases that fit under that, such as Maher Arar and the late Senator Ted Kennedy.

The likelihood is that this information is going to be used in an incorrect fashion. This bill, as it stands, is a poor attempt and a miserable little bill that does nothing to protect the personal privacy of Canadians in difficult situations that we face. If the government had come forward with a bill that showed it was serious about protecting personal privacy, I could support it. I could find some way to support it. However this is not a bill that can be supported in this fashion, and there is no opportunity to change the bill in committee to the degree that it needs to be changed. That is not on. So what are we to do here? What can we do with this bill?

My sense is to send it back to the government and get it to come back with a better answer.

*Government Orders*

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I want to thank the member for Western Arctic for outlining some of the valid concerns around this particular piece of legislation.

I want to touch upon one of the six principles that the European Commission working party on data collection and transmission outlined in 1998, which he ably outlined in his speech. Specifically, I want to ask him a question about the right to access, rectification and opposition principle. This principle states that the subject of the information:

should have a right to obtain a copy of all data relating to him/her that are processed, and a right to rectification of those data where they are shown to be inaccurate. In certain situations he/she should also be able to object to the processing of the data relating to him/her.

The reason I want to focus on that particular information, of course, is that recently in Canada, where we do have control of the information, we saw some egregious violations of personal privacy through the Department of Veterans Affairs.

When it comes to information that could be passed on erroneously to foreign governments, my understanding is that the person who is the subject of that information has very little ability to correct that information with that foreign government and very little ability to get his or her name removed from lists that may prohibit him or her from travelling to other countries.

I wonder if the member for Western Arctic could specifically touch upon that aspect of this piece of legislation.

● (1545)

**Mr. Dennis Bevington:** Mr. Speaker, I would like to say that fundamental to protecting someone's privacy is the right to understand exactly what information is being taken and kept by authorities.

In this situation, we are not dealing with criminal offences. We are taking information from every Canadian who flies in a plane. For 99.99% of people, that information will be of value to no law enforcement agency. It simply is on the record.

However, if it is transmitted wrong, or transcribed wrong, it can be an enormous burden on that Canadian.

The other night, I talked to someone who had applied for Canadian citizenship. When that person applied, he was accused of a number of things that were clearly mistaken. Later, he found out that information from the next applicant had been erroneously put on his account. When he asked to have that information removed, the government refused. It would put in a disclaimer, but it would not take the information off his record.

We must understand that when we give information to our government, it is tough to get it off the record. If we give it to the government of the United States, it will be impossible. That is not going to happen. It is going to remain there.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the irony is that we have already gone through the no-fly list issue. Now the question becomes whether there is a problem when Canadian business people and tourists want to go to a certain country, or have to fly over a certain area, and that foreign state requires that this information be provided.

This is the problem. I think this is what the parliamentary secretary spoke about earlier today when we began debate on the bill.

I ask the member if he has some thoughts on how to deal with a foreign jurisdiction that says it requires certain information if we want to travel in its airspace or land in that country. The information is security related and we need to know whether there are processes in place to safeguard the information, so that it is not used for any other purpose.

This is a very simple bill, but I want to understand clearly the member's concern about facilitating the transport of Canadians to foreign countries.

**Mr. Dennis Bevington:** Mr. Speaker, there is continual air traffic between our two countries. The United States has many more flights over Canada than we have over the United States. Most of ours are on their way to Mexico, the Caribbean, or Latin America.

I think there was room to negotiate on this. There is linkage and there was room to negotiate.

What I question is the government's motives. The government has already started on agreements with other countries that do not apply the sort of pressure we may feel from the United States. Does that mean that the government agrees with the basic principle that it should be giving this information to the United States?

I think this goes beyond U.S. pressure to the attitude of the government toward privacy and information about Canadians being handed to other countries. That is where the problem lies.

● (1550)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, my colleague talked about the long form census: how important it was that it be kept and how the government was saying that it does not want this information to go out. However, this information is needed by our communities in order to prosper and in order to know what programs and services they need to put in place.

At the end of the day, we are looking at a bill that would violate the right to privacy.

We talked about soliciting and the fact that we now have a no-call list. However, what about these other countries? What laws do they have with regard to the sharing of information? Once they have that information, what else will they do with it? Those are the concerns some of my colleagues have raised here in the House with regard to this bill. I wonder if we would be putting Canadians at risk in those countries.

Let us look at some of the countries on the list. Some of them have corruption problems, and we do not know what they are going to do with that information. I do not think a person's medical files, or how many Aeroplan points they have is anybody's business. Maybe putting that information out will result in false accusations of criminality, or maybe it could be passed on for identity theft.

I want to leave my colleague with some comments in that regard.

*Government Orders*

**Mr. Dennis Bevington:** Mr. Speaker, with regard to the question of how the information moves from one country to another, the European Commission has said it does not have control over this information in the agreement that was signed between the EU and the United States. That agreement is not public. The process by which they determined this is very interesting, and I am sure it could do with some more investigation. However, the commission said that there were no strings attached as to where the information could go after being shared with the United States.

We have a situation where information is going to move out, whether it is credit card information or information of other kinds. There are dangers there. There are dangers with shared information. We know that. We know that this is the case. However, we also know there is equally a problem with misinformation. As we move through a system, as we go from one country to another, who is to say that the transcription or processing of that information would even be accurate?

How do we understand the systems of the third country? How do we understand how it uses that information, how it holds it, and what this might mean to a Canadian caught up in a land where that information had been used improperly and they found themselves in a dire situation?

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I looked at this bill briefly when it was first presented on the last day that the House sat before it recessed for the summer. I would like members to think for a moment about the timing at work here.

The Conservatives entered the election in 2006 saying they would stand up for Canada. I assumed, perhaps incorrectly, that meant they were going to stand up for Canadians. Here we are now at second reading of this bill. But it was presented on the last day that the House sat in the middle of June 2010. I asked myself: Who is standing up for Canadians? What would this bill do? It is a very brief bill. It is a paragraph of some 14 lines.

The bill outlines four separate areas that deserve the attention of every member of Parliament who proposes or espouses to defend the interests of Canadians, whether on issues of privacy, sovereignty, commerce, or security.

The first statement in the bill says that, notwithstanding whatever is in the Personal Information Protection and Electronic Documents Act, PIPEDA, every Canadian operator of an aircraft is obliged to hand over any information in its control that is required by the laws of a foreign state. The carrier does not have an option. Imagine that.

We have been paying attention to the United States for such a long time in this debate that I have to use it as an example, but this does refer to the U.S. exclusively. The Americans have passed the Patriot Act, and under that act they justify requests for information that go beyond anybody's imagination. This bill says that it does not matter. Whatever protections Canadians think they have under PIPEDA, for example, or the Privacy Act, they have no longer, because the Americans, according to the competent authority that flows from the Patriot Act, have the right to ask for that information and to use it in any way they wish.

I am not paranoid by nature, notwithstanding the profession we are in, but the bill says “any foreign state” over which a Canadian

operator of an aircraft flies. The operator does not necessarily have to land in that foreign state.

I want to change the boundaries of the discussion and think for a moment about someone who leaves Ottawa, Montreal, or Toronto to fly to Dubai. If I am not mistaken, if an individual flies on a Canadian aircraft that individual is probably going to fly over the United States, maybe Portugal, probably Spain, or alternatively, Morocco, Algeria, Egypt, Jordan, Libya, Saudi Arabia, and any of the Emirates. This legislation says that any of those countries can demand information from that Canadian operator. Without that information, any one of those countries can deny our aircraft the opportunity to fly over its airspace.

● (1555)

No one contests that every country has its own right to demand certain conditions be met in its airspace. I think that is called sovereignty, which I will get to in a minute. If we want to respect other countries' sovereignty, we must at least understand that we live in a grown-up world and that a few of the countries that I just cited might have an interest that goes beyond simply trying to find out if Paul Smith or Peter Szabo is actually on that flight. They might actually have an interest in promoting the affairs of their own carriers, and one of the ways to do it is to initiate a series of debilitating actions in law that require our carriers to go through a series of demands that they must satisfy. That would be the business world.

Here we have focused on the United States, forgetting, of course, that there are a lot of other countries over which Canadian carriers must fly in order to maintain a competitive and an economically viable business. We just said, with this piece of legislation, that if any of those carriers want to do business, they can, provided they can convince their passengers that they are up that proverbial creek without that paddle, because the Canadian government will not come to their defence. The Canadian government, under this bill, has completely washed its hands of anybody who boards a plane and flies outside of Canada. If passengers are prepared to expose their entire life, their business practices, whatever private matters they have to a foreign authority, they should not count on the Canadian government coming to their defence.

I know what they would say. They would say so what because that is already the case. The Canadian government is walking away from everybody who runs into trouble, whether they do it deliberately or whether they are caught in a jam abroad, so why should passengers be any different?

According to this bill, if people board a Canadian operated aircraft in Paris and they want to fly to Canada, if the English, the Irish and the Scots demand to have information on them, they cannot get a boarding pass until that aircraft operator provides that information to those three countries, because, of course, that is part of the route to get back into Canada.

*Government Orders*

We focused on the United States. I understand the problem with the United States. If people come from the interior of Canada, as I do, for example in southern Ontario, they have two options. If they want to travel down south, whether to Cuba, Mexico, Latin America, South America or anywhere else, they can go across the lake into Buffalo and use its airport and they do not need to worry about anything. They maintain their privacy. People could board a plane at Pearson and then have to go through this, because the Canadian government just said that their option is to go down the 401 or the Queen Elizabeth Way and go to a foreign country to board another carrier because the government will not help out its carrier. Why will the government not help them out? Because Canadian carriers are already bending over backwards and breaking the law to provide information for homeland security defence in the United States, otherwise they cannot do business there, or they will increase the costs to their business by taking a circuitous route to a further destination, i.e. they will not be competitive with the other carriers in North America.

What does the Canadian government do? Does it stand up for Canada and Canadians? No, it abandons them completely. This bill is a total abnegation of our sovereignty responsibility. Can anyone imagine letting a foreign authority, not the government, but a competent authority within the government of another country, determine what it must know about whatever passenger boards a plane in Canada to go someplace else or another place in order to come to Canada.

• (1600)

A border security agent is the person making decisions for what happens to Canadians either aboard a Canadian carrier here or abroad to come home. The Canadian government stands up for Canada where? It has given up on Canadians and has said "to heck with that airline business, let the airlines do something else because we need to ensure that we comply with a foreign state's demands".

The alternative is that it could negotiate. I heard one of the parliamentary secretaries say that we negotiated exemptions. I do not know who the "we" were. I thought the Conservative government wanted to wash its hands of everything that was Liberal, but the negotiations and that exemption took place under a Liberal government. I think somebody said that it was in 2001. I could have sworn it was a little later, but it does not matter. It certainly was not the Conservative government because it refuses to negotiate. It gave up on negotiation.

The government presented this in the middle of the last day that the House sat before it recessed so it would not have the scrutiny of Parliament on running and hiding from its responsibility to protect Canadian sovereignty, Canadian sovereignty, as expressed through commercial interests, through the harassment of the interests of Canadian carriers and through the privacy concerns of every Canadian. Even if Canadians do not understand or do not care about their own privacy, it is integral to what we think is a Canadian.

We have the right to maintain our own decisions regarding the dignity of information that relates to us as individuals unless we give it up. The Conservative Government of Canada just said that it was not worth a tinker's damn. I have it here in 14 lines. It said goodbye. The government does not think it is worthwhile and if there are

foreign states that want it, the government will give it to them. If people think they would like to take the aircraft operator to court for giving up their privacy rights, it says here that they should forget it because they will not have a base in court on which to stand.

One of my colleagues from the Bloc was talking about the security issues and the problems of being on a no-fly list. The government made a big deal of having a passenger protect system. That is a no-fly list. People do not know how they got on that list. There are all kinds of ways. Only one person can take someone off that list and that is the Minister of Transport, Infrastructure and Communities. However, let people try to get a hold of him when they are being prevented from boarding a plane. He has to contact people at homeland security and they do not answer the phone.

Is there a way to keep Canadians safe? We should think about that for a moment. When the Americans asked for this, they told everybody in Canada to forget about the nonsense of \$11 million to buy 40 full body scanners because they would not make Americans feel any better about the kinds of people who board Canadian planes. That is essentially what they are doing.

Last spring, the Minister of Finance said that the government would raise another \$3.2 billion so that it could invest a further \$1.5 billion in air security. In other words, Canada would make a further investment in ensuring that the Americans think that whenever people board planes in Canada, they will be okay. What did the Americans say? They said, "We don't believe you". I am being polite. They said, "We just don't believe you".

What did we do? Did we protest? Did we negotiate? Did we go to them and tell them about all of these things that we were doing? Did we tell them that we had spent \$11 million on 40 scanners and that we will be spending another \$1.5 billion on securing our borders and ports to ensure that anybody who goes anywhere near American territory will be receiving a stamp of approval for safety and security that only Canada can provide and that America will respect?

• (1605)

Did the government do that? No, it did not stand up for Canada. Its current slogan is here for Canada. I do not know where it thinks Canada is. Is it not in our midst? Is it not to protect the interests of Canadians no matter where they go? Is it not to be there to negotiate with other neighbours here in our hemisphere? Should it not be telling them what we have done to ensure that our backyard is safe so they can feel safe and secure ?

No, it did not do that. The government came up with Bill C-42, which basically says that the government can beat anybody in a 100-yard dash as long as it is moving away from trouble. It is just insane.

I know some of my colleagues from the other parties think this will be remedied and rectified when it goes to committee. That will not happen. The patriot act goes into effect in December. The Americans warned the Canadian government last year that it had one year to comply or to negotiate.

*Government Orders*

The government said that there was a better tactic. It said that it would go to sleep for six months and then in June it would present the amendment to the Aeronautics Act that washes its hands of any responsibility to Canadians and Canadian businesses, and then it would send the bill off to committee. By that time, of course, the House will either have been prorogued or it will be close to Christmas and it will say that it has already been done and the message has been sent off.

That is not governance and that is not standing up for Canada or for Canadians. That is an abnegation and abdication of responsibility and authority. If the government asks Canadians for the right to govern this country, it is because it wants to do something that protects their interests and advances their progress. This does neither.

When we are so concerned about security issues, economic issues, privacy issues and sovereignty issues, the government, with this legislation, is taking the fastest route available to sell out on all four. I would have been embarrassed to have been the minister who had to present this legislation.

I was not happy then as the critic for transport to look for ways to be supportive. We always try to look for ways to co-operate. I was looking for the proverbial silver lining in this legislation. I wear glasses but I took them off, got a microscope and went through everything with a fine-toothed comb. I could not find that silver lining.

I was a little distressed to hear that everybody thinks that the silver lining will be in committee. Well, one of the people who will be called as a witness just happens to be a great authority on privacy issues. The Assistant Privacy Commissioner, Chantal Bernier, already came to the committee this past spring. She was asked what the Americans or anybody else would do with this information. As my colleague from the Western Arctic will recall, as he was sitting in that committee, she said that they could keep that information for from 7 days to 99 years. For what will they use that information? They could use it for anything they want.

Who is standing up for Canada? Who says that it is here for Canada? Who is being deceptive? Who is being duplicitous? Who is acting in a fashion that can only be called cowardly? I think Canadians are asking us to point in the direction of the Conservative government.

•(1610)

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I appreciate the opportunity to rise on this particular issue.

I know my friend always has something to say on any issue, as we sat on the committee together. I wonder what he would suggest in this particular case.

If we were to reverse roles and instead of our southern neighbour, talk about our northern neighbour, Russia, flying over our sovereign Canadian space and challenging our sovereignty, would we expect them to comply with Canadian rules and regulations?

I am not saying that what the member said is not for some possibility correct or that we as a government would not amend

some of the legislation that would come before us. Certainly the government would respect privacy rights of individuals.

However, I would ask the member opposite what he would suggest if the role were reversed. If we were challenged by Russian airliners coming across our space and we told them they had to comply because of the danger they might have against us, what would he suggest to that?

•(1615)

**Hon. Joseph Volpe:** Mr. Speaker, I am pleased that I was asked that question, because it was raised during my discussion. I had the opportunity to be in cabinet. It is quite an onerous situation. It is a privilege that very few get, and I am pleased to have had it. This was an issue that came up while I was there.

As I said earlier in my remarks, the government has options. The very first option is to begin to negotiate to defend the interests of Canadians. That is the very first thing, and it is the second thing and it is the third thing. It is the ongoing thing that must happen. We must continue to negotiate. The moment we walk away from the table, we are left with this legislation.

As for Russia, I am also happy to hear that the member wants to use that as an example, because the Russians have never created this kind of a problem for us. It is the big, bad Russian bear, the bugaboo out there that everybody likes to conjure up whenever they want to justify something else. It is an old trick that the government has used.

The government used it just recently when it spotted, 200 miles off the Canadian border, a couple of twin-engine planes that the Russians were using for scouting in their own territory. The government said that was why we needed F-35s: "By George, we are going to spend \$16 billion so that our guys can go out there and take care of that Russian menace". There is no Russian menace.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I enjoyed listening to the member's speech on this bill, and quite frankly, I agree with him.

I asked the parliamentary secretary earlier what sort of negotiations were done, given that the Americans have potentially 2,000 flights a day over Canadian airspace, flying to Europe and other parts of the world, whereas Canada has only 100 or so, flying over American space. There is certainly a lot of room for negotiation there, because in terms of the Americans providing all that information to us on a reciprocal basis, that would be quite onerous on their part. They would think twice about trying to push this point with us if it were going to put a lot of pressure on them from their airlines and residents who are flying.

He did not answer that question at all. He avoided the question.

The question really is: did the government just roll over and avoid negotiating with the Americans and just accept the terms they were given by the Americans?

**Hon. Joseph Volpe:** Mr. Speaker, I cannot speak for what the government has done or did not do on this. I can speculate on the basis of the modest experience that I have.

*Government Orders*

The member is quite right. There are two competing commercial issues at play. The American airlines go through Canadian airspace. Canadian operators go through American airspace. It is an unbalanced amount. They say they need the information for their security. We are not worried about any security or lack thereof coming from the United States. It is purely a commercial interest.

What did we do? As I said, one can either negotiate to promote and defend Canadian interests, be they commercial or private, or one can walk away. The government clearly walked away. It did not negotiate. For that, it is a shame.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I thank the member for his usual passion on most subject areas. Stefano and Matteo are probably very pleased to see his interest on this.

I am looking on my computer here for the current regulations that are in force.

My question for the member has to do with what kind of information an operator has. I know he has been vice-chair of the transport committee and these things may have come up.

However, it seems to me that there is a potential ripple effect or domino effect that I have a name, I have an address, and by the way, I have a credit card number. I have who is the usual passenger companion, what card was used and whether there are reward points, and so on. Those tend to open up and flower into probably a fair bit of information.

It is good to see this point about the information required specifically under the foreign laws, but I wonder if the member could express his concerns about the scope of information that may be available and that may put Canadians at risk.

•(1620)

**Hon. Joseph Volpe:** My hon. colleague from Mississauga South is absolutely right. He focused on all of the market information that might be available to a competent foreign agency. What they do with that information is beyond our control.

What they are exploring, of course, is not just the personal information, name and address or whatever, but anything that comes with one's credit card and credit history. In fact, over the course of these last 24 hours we discovered that there are photocopying machines and companies that lease these things out that have access to every piece of information that one has ever put on that photocopier, going back to one's SIN number and to any kind of documents that relate to oneself.

They have been able to find out how much people earn, how many people they support with that money, what they have given to agencies, to charities, or in gifts, or what purchases they have made. The impact is limitless from a market point of view. Not only is it limitless, but the law says it is whatever they require.

It is not just what the carrier, the operator, has in his or her possession; it is what he may be required to have by a foreign state.

So a foreign country is making decisions for us. Goodbye Canadian sovereignty.

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC):** Mr. Speaker, I think it is important to

rise in the House today and refute a number of the things the hon. member is saying. I listened as closely as I could. Most of his statement was 99% incorrect or not factual, so it was very difficult to listen really closely.

There is little basis in fact on what he said. There is little resemblance to reality.

The reality is this: When we became government, we changed the way we dealt with Americans. We have a respectful, straight-up relationship that was not there under the previous government that this individual was a member of.

An example of that is the fact that we took a long-standing trade irritant called softwood lumber and we settled that issue. We had a recent trade irritant called buy American and we settled that issue. We settled that because we have a stand-up, upfront, respectful relationship that you folks over there could have done any time you were in power for 13 years.

**The Deputy Speaker:** I just remind the member to address his remarks to the Chair and not directly at the member.

**Hon. Joseph Volpe:** I suppose that a drive-by smear might be able to stick provided it was accompanied by facts. I did not hear any from the colleague opposite.

Just because he could not get any of the facts, it does not mean that they are not there.

By the way, with respect to how we dealt with the Americans, we said, "We treat you with respect and dignity, reciprocate". On the softwood lumber issue, I do not know if "negotiation" has a new meaning for the Conservatives when they left \$1 billion of the \$5 billion on the table and said this was a great deal. We were negotiating to get all \$5 billion. They gave away 20%. That is not very good.

If that is the way that the Conservatives look at negotiating with the United States, or indeed any other country, then the country of Canada would be well rid of them.

**Mr. Andrew Kania (Brampton West, Lib.):** Mr. Speaker, I am happy to speak to Bill C-42 today. I would like to start with an analysis of the title: strengthening aviation security act. My question, given that this is how the government has entitled it, is how does this strengthen Canadian aviation security? How does it strengthen Canada? How does it strengthen the safety of Canadians going on such flights? My suggestion is that it does not in any way.

First of all, under the existing law we can already have airlines disclose the information of persons travelling on planes when they are landing in foreign countries. That is perfectly reasonable. Every sovereign state has the right to know who is coming into their country. I would expect no different for Canadians or any other country.

*Government Orders*

The government is now essentially trying to amend it so that if flights are going over a foreign jurisdiction, and let us be clear that we are talking about the United States and this is why we are having this discussion at all, if flights are going over the United States, even if they are not landing in the United States, private information on Canadians will have to be disclosed. How does it strengthen Canadians or in any way live up to the descriptive “strengthening aviation security act”? How does it strengthen aviation security for the benefit of Canadians to disclose this information when the flights are not landing in a foreign jurisdiction, period, and they are not landing in Canada? How is it even logical to say that this is strengthening protections for Canadians?

I would like to take a particular example in terms of our sovereignty. It is one thing to say in the circumstance of flights going over the United States and landing in some other foreign jurisdiction that information has to be disclosed. It does not strengthen anything for Canadians and it is still problematic, but that example needs to be compared specifically to the example of a flight leaving Toronto and landing in Vancouver. So if a flight goes over the United States to go from one Canadian jurisdiction to another Canadian jurisdiction, there are multiple concerns.

First of all, once again, how does this strengthen the safety of Canadians? It is not logical. It is not reasonable. It just makes no sense. Second, how is it that the Conservative government is willing to give up sovereignty, willing to give up privacy concerns, when there is a flight originating specifically, as this example indicates, in Toronto and landing in Vancouver and never landing in the United States? Please explain how that in any way strengthens the safety of Canadians.

Also, this is not even logical. How does that strengthen the safety of Americans?

Canadians need to know that the Conservatives are willing to give up our sovereignty. A flight from Toronto going to Vancouver never leaves the grasp of Canadian jurisdiction. At all times that flight will be governed by Canadian law. Those passengers will never get onto foreign soil. It is Canada—Canada, going over the United States, yet in those circumstances the Conservative government is willing to give up our sovereignty by giving private information about those passengers to a foreign government when those passengers will never set foot on foreign soil. How is that logical? It is not logical. We all know it is not logical.

The only thing that seems obvious is twofold. One, the Conservatives are not very good negotiators when it comes to foreign relations, and I will give a couple of examples that we have all been speaking about already. But two, for whatever reason, although they can be tough on Canadians and have no problem with not helping people through EI and various benefits, and when it comes to social and economic issues in Canada they have no problem being tough there, how can they not be tough when it comes to a foreign country, and particularly in this instance, the Americans? What are they afraid of?

We are a partner in Afghanistan. We are the Americans' largest trading partner. They trade 25% to one third, depending on the current statistics, to Canada. We trade 80% to the Americans. We are their largest exporter of oil and energy.

•(1625)

The Americans need us just as much as we need them. Why do we have to be afraid of them? If there is a reasonable request, as with any friend, we negotiate, we say yes and we work it out. However, when the request is not reasonable, we say no, we give our reasons and be respectful.

Once again, how does it strengthen and protect Americans to give information when the flights are going from Canada or to Canada or from Canada to a foreign jurisdiction? The only thing I can think of is perhaps, in addition to other concerns, the Americans do not trust the Conservative government, despite the fact that it has spent a lot of money, some people say billions, on screening mechanisms and other initiatives. Does that not work? It is not good enough? Does the government admit that they are not working, that the initiatives are broken, or that it has not spent enough money or it has not drafted legislation or regulations properly?

Why does this have to take place? Why do the Americans not trust the Conservative government to ensure that persons boarding Canadian flights will not be a risk? If the government's position is that the Americans should trust us, then, by definition and logically, its position should be they are overstepping their reach and we should simply say no in these circumstances.

On foreign affairs, I would like to know what specific negotiations have taken place between the Conservative government and the American officials on their request of Canada and Canadians. Why can the Conservative government not convince the Americans that the steps it has taken to increase airline security in Canada are good enough? Why does this private information need to be disclosed? Maybe the Americans cannot be convinced or maybe the steps are not good enough. It is the government's onus to tell us why the security measures in Canada are not good enough that we would need to then disclose to a foreign jurisdiction this private information. Frankly, Canadians deserve better.

We have the recent example of losing Camp Mirage. We have the case of the security council seat. When I was in my riding of Brampton West over the break week, I received a lot of calls from people who were both upset and embarrassed that we had lost that security council seat because of, as many commentators have written, the foreign policy of Canada was no longer Canadian. Our foreign policy is not what the world expects and has become used to, a progressive and involved one. What we have is an American republican foreign policy, which does not bode us well in the international scene.

In addition to the weakened sovereignty and to the fact that the amendment to the statute is not logical, we have other concerns.



*Government Orders*

At the transport committee on May 11, as has been mentioned earlier, the assistant privacy commissioner, Chantal Bernier, stated that, the United States would retain this information for as long as 7 days to 99 years. She also added:

—our understanding is that information collected can be disclosed and used for purposes other than aviation security, such as for law enforcement and immigration purposes.

Once the Americans have the information, they will use it for whatever they so choose.

Let us look at why this is a concern. What if the Americans decide they are providing information to other countries? Not all countries are equal, but the Americans are our good friends, and that is fine. However, what about other countries across the world to which Canadians would not want their personal information disclosed? What if we have Canadians who have been naturalized, who have come from foreign countries, who were refugees, who were persecuted, who were in some way hurt, whose families were hurt, who have families remaining in those countries that could be subject to blackmail or harm?

• (1630)

Once this information is out and the Americans have it and they choose to disclose it to a third country, Canadians could be at risk and for no logical or rational purpose. The fact that the Conservative government wishes to disclose this personal information in those circumstances could be harmful to Canadians who have come from other countries, specifically refugees who have been naturalized. This is a serious concern.

What about the precedent that this would create? The Americans are our good friends, but if we give them everything they want just because they ask—

• (1635)

**Mr. Brian Jean:** It's their land.

**Mr. Andrew Kania:** I hear the parliamentary secretary saying "it's their land". It is not their land. A flight between Toronto and Vancouver never lands on foreign soil. It is always under the jurisdiction of the Canadian government.

Let me get back to the precedent. Once we give our American friends whatever they want, even when it is not logical, what if other countries then ask? England is our good friend too. What about other countries that perhaps are not so reputable? Where are we going to draw the line? Who are we going to insult? Are we going to have diplomatic incidents or visa restrictions imposed on Canadians like what happened with Mexicans? How is the government going to guard Canadians from future foreign and diplomatic problems? The government will have less discretion to simply say no to this kind of request when it says yes to whatever the Americans ask for.

I would like members to look at the name of the act once again. It is called the strengthening aviation security act. I would ask the Conservative government to explain how this act and the amendments in particular would strengthen the protection of Canadians and protect Canada's sovereignty.

We are members of Parliament in Canada. We are not American senators or members of the House of Representatives. We have an

obligation to Canadians to sometimes say no to our very good friends when they overreach.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, I hope, based on my colleague's comments and his colleague's previous comments, that they and their party will vote against this bill.

We are talking about a bill that would change the Aeronautics Act so that every time someone buys an airline ticket all the information given to the travel agent will be sent to the security agency. The law would implement a number of secret treaties that the government has recently signed with other nations. The government has signed or is negotiating secret treaties with Mexico, Brazil, Argentina, Chile, Panama, the Dominican Republic, the European Union and the United States.

The Conservative government likes to conjure up fear. The Conservatives try to get people to believe that they need to change the laws here because they are at risk. They need to build more prisons because there are criminals out there who they are not aware of and who need to be put in jail.

There is a problem with the bill with respect to the retention of the information. Not only would we be giving out information to people we do not even know, but we would not have the opportunity to tick a little box saying that we allowed the information to be given out. That is quite problematic.

I also want to touch on his colleague's comments a while ago, because he talked about body scanners. To me, body scanners are an invasion of privacy. Not only are they an invasion of privacy, but we do not know how much radiation goes through those scanners and we go through them all the time. It is just like the Wi-Fi study that we are doing right now.

Does my colleague believe that Canadians would be at risk, that they could be targeted as a result of the information being provided?

**Mr. Andrew Kania:** Mr. Speaker, first, I want to make it absolutely clear that I am in favour of all security measures that protect Canadians and any airline traveller. The point of this conversation today is whether this bill is logical and whether it actually protects anybody.

When it comes to her question, we do not know, but that possibility exists. If this information goes to the Americans, they are allowed to use it for whatever they wish. They are no blocks in terms of how we can control that. If they provide that information to a foreign country or once the precedent has been established by the Conservative government to essentially give other countries whatever information they want on Canadians, and they do that with other countries that may be a risk, yes, that potential for putting Canadians at risk is certainly there.

*Government Orders*

I use the example in particular, because I deal with constituents of mine who came to Canada as refugees. If people become a refugee in Canada and they actually get to stay in Canada under that, there is some problem because they have been at risk in some way in their host country. If they wish to go back and visit family members, or go to neighbouring countries, or whatever it may be, or they have family members who remain, even if they are not going there, in some way we do not wish to harm either those individuals who are now Canadians or their families, so the risk exists. In a free and democratic society, we always have limits, but those limits need to be based on reason. We cannot simply provide limits to the protections and freedoms of Canadians because the Americans or another country say so. We need to do it based on logic.

In these particular circumstances, I am still waiting for the explanation from the Conservative government as to how these amendments to the statute would actually protect Canadians as opposed to simply just giving in to our American friends.

• (1640)

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I can assure the member opposite that I would trust the rule of law that is imposed in Canada and the United States over almost any other nation in the world. I would suggest, first, I trust in the rule of law that is applied in North America by the court system that is independent and impartial.

However, as far as the fearmongering by the members opposite in relation to domestic flights that were, in part, negotiated to be excluded from this, I ask the member to check who negotiated that. Was it the previous Liberal government? No. It was this government that negotiated with our southern neighbours on many aspects of this and other treaties to make Canadians safer.

The member asks how will this make Canadians safer. I think it is clear from what happened in 9/11 that we are all subject to terrorism. We in this Conservative government will keep Canadians safe by negotiating and also sharing information that will otherwise put Canadians in peril. Let us be clear. Terrorism knows no boundaries. This government will keep Canadians safe.

As far as insulting our American neighbours, I ask that member go back in time to a national TV broadcast where one of the Liberal sitting members of Parliament stomped, jumped up and down, on a figurine of the United States president at the time. I am sure that did a lot to help our friendship with the United States, since the Liberals were in government at the time it took place. What happened to that member? Zero, zip. She continued to sit in the House and the Liberals did nothing.

**Mr. Andrew Kania:** Mr. Speaker, I have respect for my hon. colleague, but when I ask him to have the Conservative government describe how this legislation would protect Canadians, I do not think the most logical argument is that a number of years ago some member of Parliament stepped on a doll. I suggest that is window-dressing and rhetoric as opposed to answering the question.

When the member speaks about a previous government's bill, once again, that is window-dressing and rhetoric, since it is the Conservative government's bill, Bill C-42. This bill seeks to put these onerous restrictions on the privacy of Canadians by letting the

Americans know all about these people on the flight, even the ones who are flying just across Canada.

For him to suggest somehow that his rational, logical argument in favour of the bill is doll stamping or that some years before somebody introduced some other bill, which is not the one we are discussing, that is not a rational response.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member has brought to the debate something fundamental about what the object is of this legislation, the strengthening aviation security act.

We do have a passenger protection program. The Privacy Commissioner issued a report in 2009 which concluded that there are even some problems with regard to the Canadian system of protection of that information, but that is the program under which passenger protection is covered.

This is not just about Canada and the U.S. This is about any country in the world that happens to have legislation requiring this information. For instance, if a flight left Canada and flew over Pakistan but did not land in Pakistan, the Pakistani government could say that it wanted to know the name of everybody on that plane, without having some sort of reciprocal requirement or objective. It really could get ugly and complicated as to how to coordinate all that information when there may be no contact between that plane and the government.

If a foreign government does enact legislation requiring information for aircraft flying over its land, how do we comply without—

• (1645)

**The Deputy Speaker:** I will have to stop the member there because there is only a minute left for the member for Brampton West to respond.

**Mr. Andrew Kania:** Mr. Speaker, that is the point exactly. The point is that because the government will not, in a respectful and friendly way, stand up to our American neighbours, we are creating the precedent to put Canadians at risk because of the legislation that may be in force now or in the future in terms of foreign countries.

The hon. parliamentary secretary made a point that I wish to address further. He suggested that in some way this is going to help security. I will again ask a question that he did not answer. How is it that he believes this legislation is necessary? Have they not done enough to protect Canadians through the security measures that we have in Canada? That is the true question.

**The Deputy Speaker:** Before moving on, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Vancouver Quadra, Offshore Drilling; the hon. member for Gatineau, Official Languages; the hon. member for Etobicoke North, Health.

Resuming debate, the hon. member for Elmwood—Transcona.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am very pleased to speak to Bill C-42.

*Government Orders*

I do not think we can trace this one back a number of years with different bill numbers because this bill was introduced on June 17, the last day of the spring sitting, as the member for Eglinton—Lawrence said.

To wit, the new transport critic for the opposition, the member for Markham—Unionville, made his presentation this morning. He said that he had only seen this bill two days ago. I believe he said he thought it looked okay and was good enough to be sent to committee where we would have to study it and improve it. Then the Bloc critic, who I believe is also new to the transport committee, also made a speech. He seemed to think the bill was ready for committee, as well.

Now after question period we have a new round of speakers. We had two very good speeches from members of the official opposition who seemed to be on the other side of the bill.

Given that we only have another 45 minutes of debate today and given that all the parties will be having their caucus meetings tomorrow, it might be a good idea for members of the Liberal Party to revisit their position on this bill. If the critic is seemingly in favour of the bill and two other learned speakers for the Liberal Party are against it, clearly they have an issue to resolve within their caucus.

I would also say that the government might take heed here and look at taking a second look at this bill before it is defeated. Perhaps they could withdraw it and come back with a better solution.

Earlier today I asked the parliamentary secretary whether or not any efforts had been made in the area of reciprocity. On a world basis we only have to look at the drama which has been unfolding over the last week in the fight with the United Arab Emirates. The United Arab Emirates have said that it is going to kick Camp Mirage, our staging base, out of the country in the next 30 days or so because Canada will not let Emirates airlines land any more flights in Toronto than are landing now.

Clearly there is a linkage in this discussion between Canada and the United Arab Emirates. This issue has now become public. There is a tie-in between the base and whether the United Arab Emirates is allowed to fly more flights to Canada. Let us not kid ourselves, every international issue has similar aspects to it. This issue would be no different.

The member for Western Arctic, our long-time critic on transport, told me this morning that roughly 2,000 flights originating in the United States fly over Canada per day, in Canadian airspace. If we multiply that number by the average number of passengers per plane, that is a lot of people on flights in Canadian airspace every day, going to Europe and other places around the world. In contrast, the number of Canadian flights flying in American airspace per day, according to the member for Western Arctic, is only in the 100 range.

The question we have to ask is would a government that was on the ball, looking out for Canadian passengers and Canadian airline interests not try to drive a harder bargain and try to negotiate? It could say that if we are going to provide the information on a 100 flights per day, which would add extra costs to our airlines and to our government, then we want the United States to reciprocate and provide us with the information on that country's 2,000 flights per

day. After all, our airspace is sovereign, too. Quite frankly, we also want to know who is flying in our airspace. That is what it really boils down to.

• (1650)

For a number of years the United States, and I think other countries too, have demanded a list of passengers prior to their boarding an airplane. Even before 9/11, I remember when I was going to Australia, before boarding the plane in Vancouver, the passport information had to be processed.

I believe a lot of that had to do with the whole issue of refugees getting on a plane, flushing their documents down the toilet and arriving in a new country without any documentation. It is the airline that is responsible for the costs of flying the people back. That has been an issue with the airline industry for a number of years. The airlines resent that they have to pay the costs of transporting people back when the new country refuses to take them. They want to make sure they have all the information and get what is known as pre-clearance for passengers.

After many years of allowing airlines to fly over our territory, things are being taken to a whole new level in saying that we are not satisfied with the airport screening devices, the locked cockpits and the air marshalls on board and we now want to know at any given time who is actually sitting in those planes in our airspace. That is what I believe is behind this situation.

What do the Americans think is going to happen? Do they think that somebody is going to blow up an airplane while flying in American airspace? Is that what they are thinking? I am not really sure what the rationale is. The fact of the matter is that regardless what the demands are from the Americans, the Canadian government has a responsibility to the Canadian public to reciprocate, to say that if the Americans want our information, we will take their information, and to negotiate what types of information we want to collect and whether it is worthwhile collecting.

For some time we have been talking about the value of keeping the no-fly list. Senator Ted Kennedy was on the no-fly list. I know the member for Winnipeg Centre would be very motivated to stand and speak to this topic because his name was on a no-fly list and he had to sort it out. He was sorting it out with a government that has a series of rules that do not allow him to sort out the problem. That is my point.

People get tied up in knots. Senator Kennedy got tied up in knots trying to get his name off the no-fly list. The member for Winnipeg Centre tried to get his name off the no-fly list when his name should not have been on it in the first place.

Then there is the situation where a person gets on an airplane and literally breezes through all the security measures that have been put in place.

I think we all remember on December 25, 2009 there was the situation of a 23-year-old, Umar Farouk Abdulmutallab, everyone knows that name, who got on an airplane in Lagos, Nigeria and flew to Amsterdam and then Detroit. He committed all the sins that are supposed to be picked up.

*Government Orders*

This is what he did. He bought a round-trip ticket with cash. In the old days it used to be one way, but the geniuses running our security services finally figured out that people should not be buying one-way tickets with cash. That was a sure sign something could go wrong. He bought a round-trip ticket with cash.

● (1655)

Umar Farouk Abdulmutallab was flying to Detroit at Christmas where there was a lot of snow but he had no carry-on baggage at all. He flew from Lagos into Amsterdam Schiphol which is the ultimate in secure airports. It has every type of screening device that one could imagine and this guy boarded a plane without a passport. This is yet another big breach.

We have spent untold billions of dollars developing a system to ensure the member for Winnipeg Centre cannot get on a plane, to ensure Senator Kennedy cannot get on a plane, to ensure a six-year-olds cannot get on a plane and tied ourselves up in knots, and yet this young 23-year-old makes fools of us all and walks right through the system. Had it not been for his own incompetence, he would have killed several hundred people.

We clearly need to start looking at security in a smarter fashion than we do right now. I go to a number of cross-border meetings with American politicians and the whole issue of toughening the border is always raised. We hear how we are torturing ourselves and torturing our own citizens because the bad guys are not lining up at the border. When crossing the Manitoba border at Emerson or a Saskatchewan border point, the people who are smuggling marijuana and drugs across the border are not lined up in their car taking this stuff across the border. They are walking the drugs or driving snowmobiles across the border.

If all the local politicians and residents in South Dakota and North Dakota know that and Manitoba and Saskatchewan know that, why are we continually trying to toughen the border? That is the thinking in Washington. The unfair misrepresentation of Canada for several years has been that the terrorists came through Canada. I know the government has had to fight that, as we all have when we are down there on trips. We need to make it clear to the Americans that none of the 9/11 terrorists came through Canada. I know it is a hard battle.

If the government is going to involve itself in negotiations with the Americans, it should at least stand up for the Canadian side of the arguments and try to argue at least reciprocity. The government should not introduce a bill in the House and somehow unilaterally say that it will start providing this information or that information to third countries. We do not even know how much information will be transferred. There is some discussion that somehow information on the PNRs will be transferred. I do not know if that is the case and I do not know what the information is in total on the PNR.

I can say that if a name is misspelled by one letter on a ticket, it is possible for the agent to correct that by simply putting a note on the PNR. There are all kinds of notes on customers' PNRs on a whole range of things. Therefore, if that is the information that is being passed on, then all of these notes are presumably being passed along with the information already there.

In addition to that, we presume that the Americans have access to passport information. I know that when Manitoba brought in the new

drivers' licence-like passports, there was a big argument about how private the information would be and how much information would be provided to the American authorities.

● (1700)

I think the public wants to be safe and, if they understand that the information being provided is safe and they know there is a good reason for the information, they probably would be willing to give up that privacy issue in favour of being safe on the airplane. However, the history so far has not proven that to be the case.

It is almost like the Keystone Kops. We read stories about six-year-olds and eight-year-olds being on the no-fly list and then we have the Abdulmutallab situation where the guy walks through all our defences. After what he did last December, we had to put in full body scanners that cost several hundred million dollars a piece. We then find out that those scanners will not solve the problem because smart terrorists will simply hide the plastic explosives in body cavities.

Body scanners, which have been installed in some airports but it will take another 10 or 20 years to have them in all the airports, do not pick up on explosives that are put into body cavities. Guess what? That is what the terrorists will move on to and now we need to deal with that issue.

There is one airline alone in the world that has dealt successfully with the whole issue of terrorism and it is the safest airline in the world on which to fly. I flew EL AL Airlines a number of years ago, but at the time, in 1970, EL AL was probably the most unsafe airline in the world. It had several skyjackings. I believe it had planes blowing up in the Sinai desert in 1970. After that point, the Israeli government and the EL AL officials changed the way they dealt with security.

When I went over there in 1987, it was a totally different experience than flying with a Canadian or American carrier. They put people through a three-hour interview and examination process. They did not stop with just checking people's bags to see how much liquids they had in their bags. They actually asked people what they were going over there for. They more or less did a type of psychological profile on people.

When we discussed that issue with the Americans, they said that it would not work there. They said that in order to balance the need to move masses of people very fast, they had to sacrifice a little on safety.

I now want to deal with the issue of the trusted shippers program. I was totally shocked and surprised to find out that there are 1,000 trusted shippers in either North America or the United States who can ship things. These people are shipping packages that are sitting in the cargo hold of the planes and a very small percentage, if any, are being scanned, tested or checked. It is an absolute disaster waiting for a place to happen.

The whole business of the trusted shipper program must be looked into and tightened up on because sooner or later somebody will put a letter or a package through this trusted shipper program with an explosive device and we will be reading about the terrible horror story and asking why we did not do something in advance.

*Government Orders*

The government should be spending its time on trying to make flying safer than it is right now.

●(1705)

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I heard quite a bit of misinformation and lack of facts coming from the member opposite. However, I have several questions for him.

Did the member know that this government asked for and received an exemption for domestic Canadian flights flying through U.S. airspace? That means Toronto to Vancouver, an exemption. This government got that exemption from the United States.

Did he know that this legislation only facilitates the sharing of information for flights to the United States or over the United States sovereign airspace to a third country?

Did he know that if passed, the information that air carriers would be required to share with the United States is the full name, date of birth and gender, which is actually less than what is on a Canadian passport today?

Did he know that passenger information that is confirmed to not be linked with terrorism will be erased after seven days?

Further, we all know that passports are required at every U.S. entry point. So this will be less information and it excludes domestic flights.

Let us be clear on something else. Did the member know, did the Liberals know, does the Bloc know that without these amendments that we are proposing, flights leaving Canada will no longer be able to travel over United States airspace?

That is the repercussions of the NDP, the Bloc and the Liberal coalition in standing up against Canadians and their wish to travel abroad. They should be ashamed of themselves for fear-mongering and spreading misinformation.

**Mr. Jim Maloway:** Mr. Speaker, I hear some of my colleagues say, "Who's doing the fearmongering in this place?" We have just heard some of it here.

Yes, we know that the exemption was given for airlines to fly point to point in Canada and go over American airspace. We know the exemption was there.

However, what is the difference? The fact is that somehow the Americans are willing to exempt airlines and allow these passengers, some of whom might be people who they do not want to fly over their territory, to do so. When we fly from Toronto to Winnipeg, we will be flying over the Great Lakes and American territory but that will be okay because the government got an exemption.

However, if we were to add a few more hours to the flight and go south to Mexico, that does not qualify. It is kind of a fine line that the member seems to be drawing.

The big issue is why the government did not get reciprocity. Why do Canadians not get to look at who is flying over Canada? Somehow our airspace is less important than theirs. Is that the way the government looks at it?

●(1710)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, in listening to the debate, it is clear that there are more questions than answers.

In his speech, the member from Brampton asked how this would enhance the safety and security of Canadian passengers.

I must admit that I am sitting here and thinking about jurisdictions other than the United States and wondering whether or not military aircraft are subject to the same disclosure requirements. That would be kind of interesting.

I have also looked for the regulations. I have not been able to sort through them because there are many iterations of them, but the reasonable expectation of what information should be there and what is a reasonable information requirement by a foreign jurisdiction to ask for are questions that have not been answered yet.

I think we have been talking more about platitudes, that it would enhance the safety and security of Canadian passengers, when it seems to be putting more and more people under the microscope which may inadvertently with unintended consequences put them at some risk for other purposes. I think those are the concerns that members have expressed.

Before the government proceeds too much further with this, maybe it should start providing information. If we look at the legislative summary of the bill, it does not answer those questions. I did not see any briefing sessions for the members.

If the government is convinced that the bill is the right thing to do, it should properly inform members of Parliament so that they can do their job.

**Mr. Jim Maloway:** Mr. Speaker, I think the member is on the right track. That is why I suggested he get together with his own Liberal caucus tomorrow and iron out where it stands on the bill. Its new critic, the member for Markham—Unionville, says he only saw the bill two days ago, while the member for Eglinton—Lawrence claimed to have read it the day it was introduced on June 17, the last day Parliament sat. So clearly, the Liberal caucus members are not really talking to one another about the bill. Then another Liberal member made a great speech, basically supporting the member for Eglinton—Lawrence. So, we have two Liberals who sound as if they do not like the bill and one who says he only heard about two days ago and it sounds okay to him and maybe we could sort out any problems it has in committee.

I think the Liberals are on the right track. I think they are going in the right direction. They can discuss it in caucus tomorrow.

The member's advice to the government is good, though. Maybe it should look at pulling the bill and coming back with something more palatable. I think it would give the Bloc the opportunity to have a breather too, because I think the Bloc critic today did not seem to clearly understand just where things were going with this bill either. So perhaps we will have another 15 minutes of debate, we will finish for the day and then it will be time to discuss this tomorrow in more depth.

*Government Orders*

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskaing, NDP):** Mr. Speaker, we talk about the accountability of the current government and of course there is absolutely none. We just have to look at the Minister of Natural Resources and the fiasco with the government buildings.

When we see a bill such as this one, it is basically a clear threat to our freedom and an invasion of our privacy. Maybe my colleague would like to speak a bit about what happened with the no-fly list, how Ted Kennedy ended up on it, how the information that is being provided and the wrong information that sometimes is put on there would actually impact a person, and why we are so dead against this type of information going out to these other countries.

● (1715)

**Mr. Jim Maloway:** Mr. Speaker, I do not think I have been to Washington once over the last 10 years when I have not been told by a member of Congress that he or she has had some problem at the airport that should not have happened, dealing with this flight situation. So clearly the system put in place, Homeland Security, has become a huge monster. Some might say it is bit out of control. We do not know if it is achieving results. I do not have the statistics. I had them before, on the growth of this agency. However, the number of people and the amount of money this agency eats up in a year is just unbelievable. It is incumbent upon governments like the one here to stand up to those agencies, because they will put pressure on us. They have to have checks and balances in their own system, where United States senators and congressmen actually stand up and take a stand against their own Homeland Security and say that it has gone far enough, it is out of control and it is spending too much.

We have no problem with security, as long as it is smart security. We do not want to be running off, spending huge amounts of money on systems that do not necessarily work. Thickening a border when the criminal elements are simply walking across it or driving around it on snowmobiles is not the answer. We are just tying up our own good hard-working citizens in knots over something that should not be done. We have to keep forcefully putting this message across to the Americans, because at the lower levels, at the state levels, those local officials get it. Those local elected officials in South Dakota and North Dakota understand that thickening the border is not where the national government should be going. So, there are allies out there; the government just has to start talking with them.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I must admit that I have been fascinated by this legislation.

I was checking some of the blues of members who have spoken, particularly the critic for transport, and one of the questions that has come up is with regard to the kinds of information that might be there under the control of an operator. The summary actually includes things such as name, gender, passport number, et cetera; however he stated that the authorized foreign governments may request more specific information.

Bill C-42 particularly states that, if the foreign jurisdiction has passed a law requiring it, that information be provided if a plane not only lands in that jurisdiction but also flies over it. Much of the discussion has been with regard to our relationship with the United States, but most of the members who have spoken and raised some concerns on this have tried to answer a couple of questions.

Number one, what does it mean when this bill says that this is going to be known as the Strengthening Aviation Security Act? In itself, it does not. It has nothing to do with strengthening aviation security. What it does is grant an exemption to the Personal Information Protection and Electronic Documents Act, PIPEDA. It basically provides that opportunity whereby the operators will be able to disclose personal information that otherwise would be prohibited under PIPEDA.

The bill is very short, and I do not want to repeat what other members have said about it, but we have talked in the context of the United States. We know about the no-fly list, we know about all the terrorist issues and we are basically trying to identify whether or not there are any risk elements here. I suspect that we could, but I am not so sure that there may not be some unintended consequences of expanding the information required to be provided to what would be required under the legislation of a foreign jurisdiction.

The United States may very well ask for much broader information than simply a name, address, passport number, et cetera. There may be other information that may logically flow. I guess the enabling part of this is that it refers to information in the custody or control of the operator, being the airline. I wanted to raise that concern.

The fact is that there have been questions, and if we look at the speech of the Parliamentary Secretary to the Minister of Public Safety, we see that he said this is basically to make sure that Canadians who want to travel to other countries are safe and secure and that they are able to travel, because if we do not comply with the requirements of a foreign jurisdiction, then that flight may not be able to go there. That means that businesspeople cannot go and do their business. That means that tourists cannot go there.

However if we carry that to its logical extension, if any country were to say, "Sorry, you are not going to be able to fly over our jurisdiction, or in fact land here, unless you provide this information", all of a sudden the relationship between two countries becomes very problematic. In fact it could raise an enormous amount of difficulty in terms of trade and other activities.

One of the questions I raise is with regard to military aircraft. Does that mean a foreign jurisdiction can say, "I want to know everybody on the plane. How many troops are on there?" This is information that would be in the control of the operator, if we take this literally. I am hoping, and I am pretty sure, that somewhere in the rules of the game the government is playing on this, there is an exclusion with regard to that.

The title with regard to the citation is the Strengthening Aviation Security Act. The protection issue actually is handled under what is called the passenger protect program.

● (1720)

The legislative summary says that the Aeronautics Act is the authority for the federal government program called the passenger protect program, formally known as PPP and informally known as the no-fly list, under which Transport Canada provides aircraft operators with a list of names of potential passengers that must be checked before issuing boarding passes. That is referred to as the specified persons list.

*Private Members' Business*

There has been much discussion about this program. In fact, the Office of the Privacy Commissioner of Canada has done an audit of the passenger protect program of Transport Canada and made a number of observations, and I found, interestingly enough, that it had sufficient concerns that it indicated it would review this again in 2011. Even with regard to the existing program, the Privacy Commissioner has indicated there are some areas of concern.

If we broadened the scope of this and we start dealing with other jurisdictions that may have a variety of information requirements for whatever reason, we have to ask ourselves whether or not it opens up a bigger ballpark of activity than currently exists.

I am not satisfied that this simply is a bill that relates to the United States, because if it were then it would have been specifically dedicated to addressing the United States and not foreign states.

Even though the bill is about 14 lines and forms the entire clause, the amendment to this legislation is only about 20 words. It adds the words "or fly over a foreign state and land outside Canada" and adds the words "or fly over" a foreign state in accordance with regulations. Those words alone would not mean anything to anybody. In fact, reading this clause, even with the amended words in there, is probably not going to answer all the questions because we have to see the context in which this clause fits.

In clause 2 of the bill, subsection 4.83(1) is being amended and it refers specifically to subsection 7(3) of the act. We need to have the act in front of us as well. Not only that, but the bill also refers to the regulations. If we look for the regulations on the statutes website, we will see there are piles of regulations, and I still have yet to be able to find the specific regulation that relates to the particular clause being amended.

I get the sense from what people have said so far that the government seems to think this is something it has to do to comply with U.S. requirements. However, there may be some unintended consequences. I am not convinced, and I do not think a lot of members are convinced, that the government has thought this through as it relates to other jurisdictions. We understand sovereignty of air space.

Canadians were a little concerned even when the United States required information be provided when Canadian aircraft flew over American airspace even though it was going between two Canadian points. All of a sudden the scope of information being provided becomes a very intrusive concept to Canadians, considering the problems we have been having in terms of maintenance of records and the privacy issues that have been swirling around in the media of late, like people's medical records with regard to Veterans Affairs officials.

Whenever members have questions of this kind of breadth it raises the point: Why is it that the government did not take the time to properly brief members of Parliament as to the who, what, where, when and why?

Why is it that the legislative summary, for instance, is very weak in terms of the content? It spends more time talking about the passenger protect program than it does about this legislation.

● (1725)

It does not address some of the analysis. It talks a lot about PIPEDA and the importance of PIPEDA protecting privacy, but it does not deal with identifying the specific information, as defined, that would qualify as being in the custody or control of the operator.

That kind of fundamental information would seem to be important enough to articulate in debate, to provide in briefing sessions, to present in order to earn the support and the confidence of members. It is amazing how even the smallest bills with the smallest amendments seem to cause the most difficulty for members, and it is simply because there are questions that are unanswered.

I do not think it is helpful to say that the opposition parties are getting together and are not for anything. I am sorry, but we have had many bills that have been introduced and for months never called for debate. If things are important, the priority of those matters should be raised when that debate starts by the spokesman on behalf of the government, and it did not happen. It did not happen in the speech of the Parliamentary Secretary to the Minister of Public Safety. It gave just two brief points. It glossed over a few other things, saying not to worry, to be happy, to remember that this is the United States and this is safety and security.

However, as many members have pointed out already, the bill does not improve the safety and security of Canadian passengers travelling. Privacy is the issue, and the parliamentary secretary who spoke on behalf of the government on this did not raise the significant points of privacy under PIPEDA that were the substance of the amendment to the bill, which would provide an exemption under PIPEDA.

I am a little frustrated that the government would like to come back to members and say this is our problem, not the government's. I would simply suggest to hon. members that I believe the problem is the government, and I would be happy to continue this speech at a later time.

● (1730)

**The Acting Speaker (Ms. Denise Savoie):** The hon. member will have about seven minutes when this returns for debate.

[*Translation*]

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

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## PRIVATE MEMBERS' BUSINESS

[*English*]

### CANADA LABOUR CODE

The House resumed from June 11 consideration of the motion that Bill C-386, An Act to amend the Canada Labour Code (replacement workers), be read the second time and referred to a committee.

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** Madam Speaker, I rise today to speak to Bill C-386.

*Private Members' Business*

The bill seeks to prohibit the use of replacement workers during work stoppages in federally regulated sectors. It is important to highlight these key sectors of the economy, which include international and interprovincial rail, road and air transportation, shipping and longshore operations, grain handling, uranium mining, banking, broadcasting, telecommunications, and certain crown corporations such as museums.

This bill is not in the best interests of workers. If it were passed, we would create uncertainty in the labour market in general and in these federally regulated industries in particular. Uncertainty costs jobs.

Clarity, transparency, and a process that resolves disputes without having to resort to a work stoppage, this is how we protect jobs. I suggest to hon. members that especially in these difficult economic times we do not want to replace a system of clarity, transparency, and the resolving of disputes with one that would create more uncertainty.

More important, the bill, if passed, would upset the careful balance that has been established under the current legislation and the programs available to help resolve labour disputes.

I would point out to the House that last year marks the 10th anniversary of the passage of comprehensive amendments to part I of the Canada Labour Code, the part dealing with industrial relations. Those amendments modernized the code and improved collective bargaining in federally regulated industries.

Before passing those amendments, the government of the day consulted extensively. Andrew Sims, Q.C., who was chair of the Alberta Labour Relations Board at the time, chaired a task force that consulted with businesses, unions, academics, and other interest groups.

His task force sought a balance between many different interests. Sometimes these interests were in conflict with one another and sometimes they were in cohesion. We sought a balance between labour and management, the public interest and free collective bargaining, and rights and responsibilities.

Mr. Sims and his task force found a workable balance among these issues. One of the key areas where this balance applied was in the rights and obligations of parties during a work stoppage. This was a contentious issue even among task force members.

These positions of unions and management on the question of replacement workers can be quite polarized. Generally, unions look to a complete ban on the use of replacement workers, while most employers want a free hand.

Even the members of the task force could not reach consensus on this issue. Eventually, the majority of the task force members recommended a balance that would permit employers to carry on operations during a work stoppage, while protecting the union's right to strike and retain its bargaining authority.

That is the balance that was attained in the replacement worker provisions that came into effect under section 94(2.1) of the Canada Labour Code in 1999. It is a provision that has served Canada well for the past 10 years. It is a carefully crafted balance that the hon.

member would upset with this bill. It has helped provide a degree of relative peace in labour relations over the past 10 years.

The bill before us today would stir the pot and bring to the surface many of the contentious issues that the task force carefully examined in making its recommendations.

If unions believe that they have employers over a barrel because of the prohibition on replacement workers, some may be encouraged to refuse the concessions that might otherwise resolve a dispute. They hold the trump card.

● (1735)

Independent studies have looked at the impact of anti-replacement worker laws on work stoppages. Most found no evidence that a legislative ban had an effect on activity, but some found that a prohibition on replacement workers led to more frequent and longer strikes.

In this time of economic recovery, we do not need the greater uncertainty that such legislation would bring. On the other hand, the current system of balance on the issue of replacement workers has supported an environment where labour and management are brought together to resolve disputes at the bargaining table, not by resorting to a work stoppage.

I would remind the House of the highly effective programs now in place to bring management and unions together. Through the labour program, the Government of Canada promotes fair, safe, and productive workplaces and co-operative workplace relations.

Unions and employers are provided with federal services to help resolve their collective bargaining disputes through the Federal Mediation and Conciliation Service, the FMCS. It provides tools for dispute resolution through the services of neutral third-party conciliation and mediation officers. These officers have a mandate to help both parties reach an agreement.

Hon. members will recall, for example, that Air Canada and the Canadian Union of Public Employees reached an agreement with the assistance of federally appointed mediators. Labour stability was one of the key elements to ensure that Air Canada could navigate through the economic uncertainty. Both Air Canada and the CUPE made an extra effort to settle their differences with the help of the federally appointed mediators.

The FMCS also gets involved in arbitration by providing a professional arbitrator, who examines both sides of the dispute and renders a binding decision. The Federal Mediation and Conciliation Service also provides dispute prevention services. For example, officers can provide training workshops. They customize these programs to meet the specific needs of the organizations and individuals involved, everything from development of negotiation skills and committee effectiveness to problem solving.



Workshops typically last from one to three days and are delivered by well-trained FMCS mediators. In these ways, the FMCS provides important benefits to employers and unions by improving the relationships between both parties during the closed period of a collective agreement.

The FMCS succeeds in providing these services because the relative strength of both labour and management balances under the current provisions for replacement workers. Neither side wants to provoke a stoppage, both sides are willing to talk, but striking this balance was a complex and demanding challenge. The history of labour relations over the past years indicates that for the most part the Sims task force got the balance right.

One way we can tell that the task force got the balance right is the numerous occasions over the past years that an hon. member of one political persuasion or another has tried to amend the collective bargaining provisions. I cannot begin to count the number of times the House has debated measures similar to those of the hon. member, measures that seek a different balance.

On each and every occasion, the motion or the bill has been voted down. Why? Because it has not represented an improvement over what has been put in place by the task force, and that is the case for this bill from the hon. member for Argenteuil—Papineau—Mirabel. These measures would breed uncertainty and upset a carefully constructed balance that has helped build and sustain our good labour relations in this country.

This bill is not good for workers, it is not good for the economy, and it is not good for Canada. I urge hon. members to join me in voting against it.

• (1740)

**Hon. Maria Minna (Beaches—East York, Lib.):** Madam Speaker, as everyone in the House knows, there have been many bills and motions in the last number of years and I have consistently supported the principle of banning replacement workers. But the bill also needs to deal with the issue of essential services. While the bill mentions it, it really leaves things alone. So while the bill includes a section on maintaining essential services, it does not clearly define what would constitute an essential service.

In the Canada Labour Code, the threshold of an essential service currently is extremely high. “An immediate and serious danger to the safety or health of the public” is the definition as it is now in the labour code.

The bill leaves this definition pretty much intact and does not define it at all. That is problematic, because if we are going to change the system, we need to be clear on what essential services are and what that means. As others have stated and as we have stated many times before, in terms of the Sims report of 1999, the review of part I of the Canada Labour Code, most items at that time were agreed upon as part of the negotiations between workers and employers, except for the replacement worker aspect. This is something that we have known for some time.

Under the current labour code, there is no general ban on replacement workers. However, they cannot be used to break a union. This again is something that is quite understood by most people and these are some of the aspects. An important balance to be

achieved in the collective bargaining process is something that negotiators tried to get to. Obviously this item was not agreed upon and it has remained as it is, but under the current labour code it talks about maintaining an important balance in the collective bargaining process.

This is what the current and previous bills were trying to do, to resolve this particular piece that was not agreed upon at the time. I wonder if it is not time to look at overhauling the labour code and bringing labour and employers together again to try to see whether an agreement can be reached, rather than continuing this debate in the House, which seems to have been going on for quite some time and some years and we seem to arrive at the same place.

We all know that B.C. and Quebec have replacement worker bans. In Quebec, the average work stoppage under the new system was 43.8 days between 2005 and 2008. Under the Canada Labour Code, the average was 41 days, so there does not seem to be a major difference between the replacement worker system that Quebec and B.C. have and our current labour code. So the argument that it creates a problem does not seem to hold if we were to go in that direction.

Also in Quebec there were 25 complaints to the labour relations board regarding unfair use of replacement workers, and 10 were upheld. Since 1999, under the Canada Labour Code, there have been 23 complaints, none of which were upheld and one is still pending. So even in this area where some people argue that it would cause problems and would change the situation dramatically, there does not seem to be a huge or major difference or problem from what is going on in B.C. and in Quebec under the current establishment.

Again, under this proposed legislation, managers and directors could still be used as replacement workers, much as they can now. However, other replacement workers could not be brought in, and that is the objective of the bill before us.

I think it is worth reviewing some of the arguments that have been made in the past against the banning of replacement workers, because we seem to discuss these over and over. One argument is that possibly more strikes could take place. However, that has not happened in Quebec, so we have not seen that as one of the results.

Another argument is that it will upset the balance in collective bargaining, giving more power to the union. That is something that I think we would have to agree or disagree on, depending on the angle from which one looks at it.

• (1745)

The other argument is that it does not allow for an employer to continue operating his or her business. Again, that is not necessarily the case, given the experience of the provinces.

I am going to come to the federal scene in a moment, because it is a little different.

The other one is about services that are not necessarily an immediate threat to the health and safety of the public but have economic consequences if they could not function, such as telecommunications, transportation, and so on. This is the other argument, that those things could happen.

*Private Members' Business*

In terms of banning replacement workers, those who are supportive of that argue differently. Unions argue that it would encourage employers to bargain more fairly. That may be true, but we need to have a proper dialogue at this point between the two sides to really go back and perhaps the minister needs to begin to look at this area.

As I said earlier, we need to define essential services to make it much clearer. Currently, essential services have a very limited definition under the Canada Labour Code. If we are going to change the whole structure, that also needs to be addressed. Right now, it must be an immediate threat to public health and safety.

During the OC Transpo strike in Ottawa, for instance, it was not deemed an immediate threat. Therefore, there was no intervention, and as we all remember, the strike went on for quite some time.

CN would not qualify either, because it is not an immediate threat.

In Quebec, it is much different, as others have said. The essential services council oversees the whole structure, so the employer and union both come before the council. The employer states that it is an essential service, but again, essential services are defined, and needs a certain number of employees to function. The union either states that it is not an essential service, or if it is, they indicate how many employees it would need to provide that service. Again, essential services are defined; it cannot be a generic thing. The council then makes a ruling on whether it is an essential service and the number of employees who must work.

While the Montreal metro was on strike, it was determined by the council that it must run during rush hour. This was the determination made as a result of that structure, and it was deemed to be not a threat or danger to the public but rather an economic issue. Therefore, that decision was made and it gives us an idea of how it would work.

If a replacement worker ban were implemented in Canada, we would need a similar framework, but we would also need a much clearer definition of essential services. That is something that I think this bill is lacking and it is problematic.

It is also important to note that there are differences between the federal and provincial jurisdiction. Provincial strikes do not have substantial impacts across the country as most in the federal sphere do.

As we saw with the most recent CN strike, it impacts many industries, the ports, commuter traffic and businesses right across this country.

The telecommunications companies, for instance, on strike would have a massive impact on our economy. Again the impact would be nationwide.

A strike at one plant or other isolated business does not have the same impact in a provincial context, although there are services that cut across the province and cities. Again, the definition of essential services there would be critical.

Any legislation brought forward on replacement workers would have to deal with the matter of essential services. I go back to that because it is very critical that we agree on what that means. There

needs to be a discussion and agreement on that. Again, this legislation does not appear to have that.

What I would like to see, if at all possible, and maybe it will not happen in the constant bills and debate, is for the Minister of Labour to take the initiative to actually overhaul the labour code and to invite both sides to discuss and come to a mutual agreement and identify and have a specific definition for essential services and a structure that works for both.

It seems to me that we have gone down this road many times before and my concern is that we are not resolving it.

● (1750)

**Mr. Glenn Thibeault (Sudbury, NDP):** Madam Speaker, I am pleased to rise in the House today to speak to and support Bill C-386, An Act to amend the Canada Labour Code (replacement workers).

This issue truly strikes close to home for me in the wake of the prolonged Vale Inco strike in Sudbury, which was finally settled this past July, and the strikers currently on the picket line in Voisey's Bay. During this protracted strike, nearly a year long in Sudbury, the hardship caused by a strike of this magnitude could be seen everywhere, not only on those workers directly affected by the strike but by their families and the community as a whole. Not only were the livelihoods of the individual workers at Vale Inco severely affected, but the observable economic spinoff effects felt throughout the larger community were almost as severe.

On nearly a daily basis I heard stories from striking workers who were facing tough economic times and even tougher decisions about where they could cut back on necessities in order to ensure that their mortgages, utilities and other household expenses were paid on time. The fact that Vale Inco was able to fill the labour void that the strike created, with the use of temporary or scab workers, served only to make the situation that much more dire for the workers on the picket line, as well as for their families and their dependants.

We may ask ourselves how Bill C-386 would serve to lessen the impact on the lives of striking workers, their families and the community as a whole. Provincial legislation banning the use of scabs during labour disputes paints an interesting picture.

For instance, Quebec was the first province to enact a ban on replacement workers, in 1977. In the year prior to the ban, the average number of working days lost through an individual labour dispute was 39.4. In 1979, after the act was passed, the average was 32.8 days. In 2001, it was 27.4 days. Therefore, the enactment of similar legislation in the province of Quebec has led to an average decrease in the length of strikes by 12 days.

*Private Members' Business*

Looking at aggregate numbers, the picture is even more impressive. In 1976, the year prior to the adoption of the anti-scab laws in Quebec, 6.4 million worker days were lost to strikes. In 1977, the number of days lost dropped to 1.2 million. This clearly demonstrates that banning replacement workers helps to reduce the number of work days lost to labour disputes, which reduces the economic hardship felt not only by striking workers and their families, but also the broader community. This is because a reduction in the length of strikes leads to a tangible reduction in the economic spinoff effects that a strike can have on a community.

Quebec is not the only province where anti-scab legislation is in effect. British Columbia passed a similar law in 1993, which had the effect of reducing strike days to levels comparable to those in Quebec. It also resulted in a 50% drop in the ratio of time lost.

Ontario too adopted anti-scab legislation, albeit too briefly. The NDP government enacted it in 1992, and the Mike Harris government repealed it immediately upon taking office. Nonetheless, even in that brief period, declines in work stoppages were evident in Ontario as well.

In addition to the provincial examples of banning the use of replacement workers, evidence suggests that anti-scab legislation promotes civilized negotiations during labour disputes, strikes or lockouts, and reduces picket line violence and the social and psychological problems caused by the extraordinary stress of labour disputes. Banning replacement workers would diminish the resentment that employees feel upon returning to work and would foster a fair balance and greater transparency in the negotiations between employers and employees.

Contrary to what some observers had predicted, the introduction of anti-scab legislation did not lead to the creation of strike-happy unions run by unreasonable and irrational negotiators, as some opponents of this legislation have claimed.

• (1755)

One of the biggest fears of corporate employers has always been that a ban on replacement workers would render unions more militant and difficult at the bargaining table. However, there is little evidence to suggest that any relationship exists between jurisdictions using anti-scab legislation and increased wage demands or settlements. Unions are not interested in negotiating an employer out of business. Economic conditions, rather than the presence of anti-scab laws, are what continue to dictate the tone and content of negotiated agreements.

There already exists a provision in the Canada Labour Code that prohibits the use of replacement workers if they are used to undermine the union's representational capacity. That provision is enshrined in subsection 94 (2.1) of the Code. Although the section sounds like it ought to be effective, in fact, it is a paper tiger. As long as the business keeps up the facade of continuing to bargain with the union, it allows employers to carry on business as usual, with the help of scab labour. I believe it is fair to say that a situation similar to this was a defining feature of the protracted strike at Vale.

Something clearly needs to be done to close this corporate loophole that allows companies to hire replacement workers at the expense of those who engaged in legitimate collective action.

As my experience in working in the great riding of Sudbury suggests, the use of replacement workers can have detrimental effects on not only striking workers, but on the community as a whole. The interests of striking workers should not take a back seat to corporate interests, which seek to undermine legitimate collective action in an attempt to improve the bottom line while lining their pockets with corporate bonuses. Corporate interests should not be exaggerating the need for the use of replacement workers when the evidence strongly suggests that the use of replacement workers serves only to prolong the duration of a strike.

The statistics presented above demonstrate that a clear link exists between the existence of anti-scab legislation and the actual duration of a strike. The arguments which present the need for scab workers to maintain operational capacity are null and void.

Therefore, I call on my colleagues in the House to support this valuable legislation. Every time similar legislation has made its way to the House in the past, the New Democrats have been vocal supporters. This time is no different. I hope the hon. members sitting on both sides of the House come to their senses and begin to side with the interests of working and middle-class Canadians instead of large corporations.

Parliament should be focused on the needs of hard-working Canadians. The passage of anti-scab legislation would go a long way toward assuring ordinary working and middle-class Canadians that their government actually cares about them in what, for many, has become a daily struggle just to make ends meet.

[*Translation*]

**Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ):** Madam Speaker, I am obviously in favour of Bill C-386, and I congratulate my colleague from Argenteuil—Papineau—Mirabel for presenting it with so much determination and conviction. However, after hearing the arguments of the Conservatives and the Liberals on this issue, I doubt that we will be able to advance the cause of Canadian workers, which I think is an argument—yet another one—in favour of Quebec sovereignty.

We knew that the Conservatives did not like unions. They have said so many, many times, but in this 40th Parliament, they are more determined than ever to prove it to us.

Yesterday, Bill C-395, which excluded the period of a labour dispute from the qualifying period for employment insurance, died on the order paper because it did not receive a royal recommendation. The Conservatives did not support this bill, which would have guaranteed that workers whose plant closed or whose jobs were eliminated would be entitled to benefits based on the time they worked before the dispute. Words cannot express how much this heartless approach gets to me. That is one of the big Conservative principles that the Prime Minister brags about. They do nothing while the workers are struggling.

*Private Members' Business*

It was also the Conservative party that, in part 10 of the 2009 budget implementation bill, formerly Bill C-10, imposed salary conditions on federal public servants despite collective agreements that had already been signed. And what did the legislation say? I think that we need to see all of the elements to really understand why the Conservative government members voted against Bill C-386.

The Act said that, should the signed collective agreement propose an increase higher than what was set out in section 16, not only would the increase no longer be valid, but any increase higher than 1.5% that was received after December 8, 2008, would have to be paid back as per section 64.

Subsection 64(1) said:

Every amount paid—including amounts paid before the day on which this Act comes into force—to any person in excess of the amount that should have been paid as a result of this Act is a debt due to Her Majesty and may be recovered as such.

With Bill C-10, which passed because the Liberals supported the Conservatives yet again, the government announced to public servants that if they had negotiated a better collective agreement than the one imposed by the Act, the employees needed to repay what they had earned. Can this really be?

Would a government that abandons workers who lose their jobs following a labour dispute, forcing them to turn to the provinces for social assistance, a government that reneges on its own collective agreements and imposes new salary conditions, would a government like that vote in favour of a bill like Bill C-386? Come on.

During the first hour of debate, the Conservative member for Simcoe North stated, and I quote:

[Some are fond of citing] Quebec as an example of a jurisdiction that has successfully enacted a legislative ban on the use of replacement workers, but they are less likely to mention that Quebec's efforts were enacted more than 30 years ago. It is important to keep in mind the context here. The economic and labour issues faced by the province of Quebec in the 1970s are absolutely not the same as the ones faced by the Government of Canada today. It is an entirely different scenario.

Well, he was right. That is why on September 22, 2010, the National Assembly of Quebec unanimously passed the following motion:

That in order to ensure that the Quebec Labour Code reflects the new realities of today's workplace, the National Assembly is calling on the Government of Quebec to examine the possibility of updating the Labour Code, particularly with respect to the anti-scab provisions, in order to take into account the impact of new technology.

• (1800)

Legislation preventing the use of replacement workers in order to achieve a balance of forces in labour disputes between employers and employees is as relevant in 2010 as it was 30 years ago. It is not a question of context, regardless of what the Conservative member from Simcoe North thinks, it is a question of values.

In contrast to Quebec, which prohibited it in 1977, there is nothing at the present time in the Canada Labour Code that specifically forbids the use of strike breakers.

Clause 94(2.1) of the Canada Labour Code contains a prohibition on the use of replacement workers, but only when an employer uses them “for the demonstrated purpose of undermining a trade union’s representational capacity”. This is a very weak prohibition because all that an employer has to do in order to demonstrate his good faith

is continue to recognize the existing union and negotiate with it in order to have the right to use replacement workers.

A firm prohibition is absolutely essential, though, in order to encourage civilized negotiations and industrial peace. It is also the key to a fair balance of forces between employers and employees.

Workers in sectors that fall under the Canada Labour Code, such as telecommunications, banks, ports, bridges, air transport and so forth, constitute about 8% of the Quebec workforce and they are disadvantaged, therefore, when they have to negotiate with their employers. As a result, strikes tend to last longer.

According to Quebec labour ministry statistics, workers in Quebec whose employer falls under federal jurisdiction are almost always over-represented in the number of days of work lost.

Even though they made up just under 8% of the Quebec workforce, they were responsible for 18% of the person-days lost in 2004 and for 22.6% in 2003. In 2002, they constituted 7.3% of the workforce and were responsible for 48% of the work days lost due to labour disputes.

In short, over the last decade, the person-days lost by workers in Quebec covered by the Canada Labour Code were on average two and a half times greater than they should have been, given the demographic weight of these workers.

This means, of course, that strikes are longer—we have seen more when the federal government is involved—and more violent when employers can hire strike breakers.

They talk about good labour relations and mediation to justify their opposition to Bill C-386, but we will get back to that.

The Conservative government stated its opposition at the outset, and having no genuine arguments, retreated behind apocalyptic scenarios that have nothing to do with reality. Quebec has had legislation prohibiting replacement workers for 30 years, and there have been no catastrophes.

The Liberal labour relations critic has already made it known that she intends to vote against Bill C-386. And what is the red herring argument she gives for this? Allow me to quote what she said in the first hour of second reading of this bill on June 11:

What is at the core of my argument that we should not be supporting this private member's bill? The key to the situation really is fair and free collective bargaining that is balanced between employers and unions. I would assert that this balance cannot be maintained and improved through a selective private member's bill that picks [either of these groups].

In short, she suggested allowing scabs until a crisis erupts and ensuring the right to fair collective bargaining. If, during a labour dispute, the workers are the only losers and the plant is working on all cylinders thanks to replacement workers, the Liberal critic feels that there is fair collective bargaining. We would not need to harm the economy and it is just too bad for the poor strikers on the picket line.

However, I do not agree, and like the member for Argenteuil—Papineau—Mirabel, I am asking my colleagues to support this bill and to listen to what will be said in committee by the main stakeholders: the workers.

*Private Members' Business*

• (1805)

[English]

**Mrs. Alice Wong (Parliamentary Secretary for Multiculturalism, CPC):** Madam Speaker, the provisions of Bill C-386 are being debated in the House today. This proposed legislation, if enacted, would result in substantial changes to key sections of the Canada Labour Code. It would prohibit the use of replacement workers at federally regulated workplaces during a work stoppage. In effect, it would mean that federal employers would be banned from using replacement workers during a work stoppage.

Our position on this bill is very clear. It is bad for labour relations, it is bad for the economy, and it is bad for Canada. I do not see anything in the bill's proposed provisions that would help boost Canada's ability to create jobs and be more competitive in today's economy. What I do see in the bill is a recipe for instability and uncertainty in Canadian labour relations.

I would like to take the next few minutes to share with you why in my view the provisions of this bill run contrary to the spirit of what the government tries to achieve through its mediation and conciliation service. This approach has served Canada well for over a century as it tries to get at and resolve the root causes of labour disputes.

Let us first look at our proud tradition of mediation. Canada has a proud tradition of resolving labour disputes via mediation and preventive mediation. Our government has been finding workable solutions to labour disputes by appointing mediators and conciliation officers. These people in turn have helped unions and employers reach collective bargaining settlements.

One of the solutions is the Federal Mediation and Conciliation Service, FMCS. The Federal Mediation and Conciliation Service provides dispute resolution and dispute prevention assistance to trade unions and employers governed by the Canada Labour Code. Mediation and conciliation officers are appointed to help parties resolve impasses in collective bargaining. In addition, preventive mediation services are offered and designed to help employers and unions build and maintain constructive working relationships during the term of a collective agreement.

Today nine out of ten collective bargaining disputes in the federal jurisdiction are settled without a work stoppage. Our government supports the use of mediation and preventive mediation services because they have been proven to be effective.

Unlike the proposed provisions of Bill C-386, mediation services do not force sides against one another. They do not tilt the playing field in favour of one side. It is an approach that finds solutions, lasting solutions. Just as important, it is an approach that recognizes that the best labour relations strategy of all is the one that prevents disputes from happening in the first place.

The Annis report confirms our belief that preventing disputes from happening in the first place means that we must get to the root causes of a labour dispute. It was with that principle in mind that in 2008 our government commissioned industrial relations expert Peter Annis to conduct a study on the causes and effects of work stoppages in the federally regulated private sector. That study was completed in

the fall of 2008 and was submitted to the minister of labour for consideration.

Of particular note, one of the options identified by Mr. Annis was to strengthen the federal preventive mediation program. This proposal was strongly supported by labour and management stakeholders alike because they know that preventive mediation works. They know that it can help parties work together to resolve their differences and prevent work stoppages from happening in the first place.

• (1810)

Now I would like to comment further on the risks of Bill C-386. I have demonstrated why our government continues to invest wisely in preventive mediation, including the commissioning of a third party report on work stoppages. We want to see positive results that satisfy both sides in the interests of our industries and our national economy. Bill C-386 puts those gains at risk.

This bill, if passed, would inflict harm on the balance that was achieved when the Canada Labour Code was modernized. It would leave federal employers completely unable to even try to operate at minimal levels during a strike or lockout. Not only could this result in productivity losses, it could undermine confidence in Canada's economy, something that we are working hard at sustaining through these challenging economic times.

Now let us look at previous legislative efforts. As members are aware, the House has debated numerous private members' bills on the matter of replacement workers in the federal domain over the past two decades. All of these bills were defeated. Yet here we are again focusing on the same narrow issues while the bigger and more important issue, that of productive labour-management relations, gets lost.

Given what we know about what works best for building good labour relations, how does Bill C-386 measure up? Not very well. Do the provisions in this bill help to get at the root causes of a labour dispute? No. Does this bill seek to engage parties in long-term dialogue and to build consensus? No. By seeking to impose a solution on both sides via the legislative process, this bill would undermine any efforts to build consensus between the employers and labour and prevent work conflicts in an effective way.

Let us focus on how we can prevent disputes from happening in the first place.

Let us respect the need to maintain a sense of balance in labour relations.

Let us put an end to debating one legislative attempt after another, each seeking to ban replacement workers without consultation and without compromise.

For these reasons, I urge all members to oppose Bill C-386.

*Private Members' Business*

•(1815)

[*Translation*]

**Mr. Richard Nadeau (Gatineau, BQ):** Madam Speaker, it is with great honour that I rise today to support Bill C-386, An Act to amend the Canada Labour Code (replacement workers), better known as the infamous anti-scab legislation. I should point out that it is the term “scab” that is infamous.

The Bloc Québécois is making a point of introducing this anti-scab bill for the 11th time in this Parliament. There must no longer be two categories of workers in Quebec, namely those who are governed by the Canada Labour Code, which allows the hiring of scabs, and those who come under the Quebec Labour Code, which does not allow it.

Before going further, I want to recognize the tremendous work done by the hon. member for Argenteuil—Papineau—Mirabel, who has been working since November 2000, since his first day in the House, to protect the rights of workers with diligence and integrity. Today, I am not surprised that he is a strong supporter of this bill and, in fact, its sponsor.

I also want to thank the unions of the Outaouais region, where I represent the riding of Gatineau. I am thinking in particular of Dino Lemay, of the Fédération des travailleurs du Québec, or FTQ; Michel Quijada of the Confédération des syndicats nationaux, or CSN; Louise Patrice, Edith Gendron, Francine Stuart and Donald Roy, of the Comité régional d'action politique de l'Outaouais of the Public Service Alliance of Canada, or PSAC. I thank them for supporting this initiative. I also thank Hassan Yussuff, of the Canadian Labour Congress, or CLC, for his support.

These people work with workers and they are well aware of the misfortunes and calamities that surface when scabs do the job of workers who are on picket lines.

This bill seeks to end the inequity between workers who are governed by the Quebec Labour Code and those who come under the Canada Labour Code. Only Quebec and British Columbia have legislation prohibiting the hiring of scabs. In this regard, it is time for the other provinces and for Canada to get out of the dark ages.

The passage of anti-strikebreaker legislation in Quebec goes back to December 1977 under the government of René Lévesque of the sovereigntist Parti Québécois. It was an impressive leap forward in respect for the rights of working people.

It happened at the end of a particularly stormy strike at the United Aircraft plant in Longueuil. By severely limiting the ability of employers to simply thumb their noses at unions, this legislation put Quebec in a leadership position in North America.

Anti-strikebreaker legislation would be good for all working people who come under the Canada Labour Code, both in Quebec and in all provinces and territories,

On the federal level, subsection 94(2.1) of the Canada Labour Code contains a prohibition on the use of replacement workers, but only when an employer uses them for the purpose of undermining a trade union's representational capacity. That is weak, very weak, because all that an employer has to do in order to be entitled to hire scabs is continue to recognize the existing union and negotiate with

it so that its representational capacity is not undermined. In other words, only if the employer refuses to negotiate while using replacement workers can the Canada Industrial Relations Board step in and forbid their use.

•(1820)

An employer just has to negotiate, or appear to negotiate, with the union in order to circumvent the prohibition and continue using strikebreakers.

This is a ridiculous provision, therefore, that provides a giant loophole for the use of scabs. A prohibition on the hiring of replacement workers during labour disputes is more necessary than ever, therefore, to reduce violence on picket lines, encourage a fair balance of forces in the negotiations between employers and employees, reduce litigation as a result of strikes and lock-outs, and mitigate the hard feelings that arise among employees when they return to work.

There is a very broad consensus among the various unions on the importance of anti-strikebreaker legislation. It is absolutely essential in the workplace of today because it provides for greater transparency in labour disputes. I should add in passing that this bill will not cost the government any money. It is about time, therefore, that the Conservatives and all my Liberal friends voted in favour of this bill, which will ensure some respect for workers when they negotiate with their bosses to make sure they are not penalized while the bosses make money using scabs who are often paid less than the people on the picket line. When this happens, very ugly situations arise within a community, especially if it is small and neighbours are taking jobs from one another. There is an imbalance, therefore, in the negotiations over a return to work.

With this in mind, the current situation under the Canada Labour Code—allowing the use of replacement workers—means that there are very negative consequences during strikes and lockouts. There are many negative effects, and they clearly illustrate the importance of bringing forward dispute-reduction measures. The premise is that labour disputes last longer when scabs are used. This, in turn, reduces the purchasing power of workers directly or indirectly involved in the dispute and results in households going into debt. In some cases, disputes can cause social problems, considerable violence, and stress-related psychological problems.

Anyone who has their heart in the right place will vote in favour of an anti-scab bill, based on a bill drafted by the Bloc Québécois and firmly supported by the NDP.

To provide a few examples of the benefits of Quebec's legislation, here are some figures showing how anti-scab legislation can have positive effects on the work climate and the bargaining climate between employers and employees.

In 1976, before anti-scab legislation was passed in Quebec, the average number of working days lost was 39.4. In 1979, after the legislation was passed, the average was 32.8 days, and in 2001 it was 27.4 days.

With good labour relations, with employers and employees on equal footing, the parties try to come up with a solution more quickly to ensure that everyone wins when they end up in a bargaining situation. Workers choose to strike as a last resort. It is not their first choice. Nonetheless, when they have to, they have to, but they have to do it fairly.

This clearly shows that dispute settlements are quicker and fairer when employers and unions negotiate under the same constraints. Unfortunately, the Canada Labour Code still allows the use of scabs in Quebec, with the result that there have been labour disputes that demonstrate how urgent it is to pass this bill. Take the case of Vidéotron for example.

• (1825)

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Madam Speaker, I am very pleased to rise in this House to once again defend Bill C-386, An Act to amend the Canada Labour Code (replacement workers). I hope that it will be passed. I would like to read the summary:

The purpose of this enactment is to prohibit employers under the Canada Labour Code from hiring replacement workers to perform the duties of employees who are on strike or locked out. It extends the obligation to maintain essential services. The enactment also provides for the imposition of a fine for an offence.

There are two opposing philosophies here in the House. There is the philosophy of the young parties, like the Bloc Québécois, which turned 20 this year, and the NDP, which is older than the Bloc Québécois, but younger than the older parties—the Conservative Party and the Liberal Party. Today's speeches by the Conservatives and the Liberals reflect the old, preconceived ideas about labour relations that they inherited from the past.

It is important for the Conservatives to listen to me. They mentioned recent disputes at Air Canada and Canadian National. I was the transport critic during the Air Canada crisis, and I was directly affected by it. The Conservatives spoke of the mediation process, but it was short-lived. The minister had already prepared back-to-work legislation. For the first time, I received phone calls from union representatives and from Air Canada representatives, who told me that this legislation should not be introduced because it would be terrible for labour relations. Both the employees and the employers were asking me to do whatever I could to ensure that the minister did not introduce the back-to-work legislation, because, once again, the mediation had not been enough. All that because the government is living in the past when it comes to labour relations.

Things have changed. There is a shortage of airplane pilots. We can do whatever we want, but there will not be enough replacement workers, because we need more airplane pilots.

Let us figure out how these disputes can be resolved to the satisfaction of all parties. One way of doing so would be to pass a bill like this one, which would be a step forward. Federally regulated employees work in sectors such as transport, banking and communications, as well as in the public service, where it is easy to find replacement workers.

This is clear in the labour dispute that has been going on for over 20 months at the *Journal de Montréal*. Last weekend's edition of the *Journal de Montréal* explained how the employer wants to solve the dispute. It wants to get rid of over half of the staff, but more

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importantly, it wants the new publication created by the locked-out employees, ruefrontenac.com, to be shut down. The dispute has gone on so long that the employees have created their own information network, ruefrontenac.com. This is affecting the *Journal de Montréal* so much that, in its negotiations, it is asking the employees to shut down ruefrontenac.com.

Things are evolving. Once again, the Conservatives do not understand, and the Liberals, even less. In 2007, when Bill C-257 was introduced in the House, the Liberals voted in favour of it at second reading, but decided to vote against it at third reading because it did not cover essential services.

I prepared Bill C-386 very carefully along with the hon. member for Rivière-des-Mille-Îles and the hon. member for Gatineau, who both have close ties to union organizations, as I once did, and we included the issue of essential services. Now the Liberals are saying that they do not like the definition of essential services.

The problem is that the Liberal Party opposes this bill, and so does the Conservative Party. Whether the two old parties like it or not, this affects labour relations across Canada.

• (1830)

[*English*]

**The Acting Speaker (Ms. Denise Savoie):** The question is on the motion.

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*Translation*]

**The Acting Speaker (Ms. Denise Savoie):** All those in favour will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Denise Savoie):** All those opposed will please say nay.

**Some hon. members:** Nay.

[*English*]

**The Acting Speaker (Ms. Denise Savoie):** In my opinion the nays have it.

[*Translation*]

*And five or more members having risen:*

**The Acting Speaker (Ms. Denise Savoie):** Pursuant to Standing Order 93, the division stands deferred until Wednesday, October 20, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

*Adjournment Proceedings*

[English]

## OFFSHORE DRILLING

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Madam Speaker, I am rising to continue discussion based on a question that I posed in the House on May 25 that had to do with the potential of oil spills on our coast. I asked the government whether it would support a tanker ban on the Pacific north coast inland waters, given that a tanker spill could be four times more catastrophic than the Alaskan coast spill by the *Exxon Valdez* in 1989.

The answer given was that there is a moratorium in British Columbia and no tankers are allowed into the inside passage, but I subsequently got a different answer from a different minister a few minutes later, in which the government representative said that the government has no plans to open the 1988 exclusion zone on tankers travelling between Alaska and Washington and this is, of course, in the external waters.

Following a period in which government representatives were not willing to give a clear stand on protecting our inland coastal waters of British Columbia, the Liberal Party of Canada took a clear and decisive stand to formalize this historic ban through legislation. This is a ban that had been in place through policy for 40 years through five different governments of different parties.

In addition to committing to legislate a formal ban to get past the confusion that the government ranks were sowing on this issue, the Liberal leader also committed to put an offshore oil spill plan in place, to ensure the best emergency safety measures are part of the cost of doing business for offshore drilling where it occurs, to uphold the moratorium on offshore drilling off the coast of British Columbia and to put in place a moratorium on further leases in the Arctic pending a complete examination of the risks related to petroleum activity in the north.

This is because of the Liberal Party of Canada's strong commitment to safe and healthy economic activities and a safe and healthy environment.

Talking a bit about the economy, this tanker ban on the west coast and the inland waters around Haida Gwaii is about having a sustainable economic development. The first nations throughout that coastal area are united in saying that it is not worth the risk of an oil spill. They are fully involved in the economy of the coast, in fisheries, tourism and other activities, which provide 46,000 jobs, which depend on a healthy environment. In fact that is a hundred times the projected number of permanent B.C. jobs that the proposed pipeline, which would require tanker traffic, would provide for British Columbians.

Formalizing this ban, protecting the coast from a risk that is not worth taking, is a sound economic and environmental policy as well as a social policy for coastal British Columbia.

The benefits of bringing a pipeline to Kitimat and requiring more than 200 tankers in those inland waters are negligible simply because the Alberta oil producers already cannot keep up with the demand from the United States and that demand—

● (1835)

**The Acting Speaker (Ms. Denise Savoie):** The hon. Parliamentary Secretary to the Minister of Transport.

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Madam Speaker, I appreciate the member's question, again on the same issue, but I understand that she is looking for more information.

As members know, oil tankers have been trading safely and regularly along British Columbia's coast for many years. British Columbia's coast includes a voluntary tanker exclusion zone that applies to loaded oil tankers moving between Alaska and the west coast of the United States which protects the coastline from potential spills.

We have a rigorous policy in place and regulations and legislation to protect exactly what the member is speaking about.

I do want her to know, however, that 250,000 jobs across this country rely on that oil and companies are trying to find another route to transport that oil. Some 500,000 jobs in the future will be dependent on the very oil that she speaks of.

Oil is very important to Canada's economy, especially having regard to what is happening in Ontario with the auto workers and in Quebec with manufacturing. Some 40% of these jobs are located in those two provinces, so it is a very important access point for Canada and for Canadian jobs.

The zone that is currently in place was mutually agreed to by Canada and the United States working together co-operatively to come up with a system that was designed to keep these tankers at a safe distance from shore so that if a loaded tanker, for instance, becomes disabled, there would be sufficient time for a salvage tug to come in and actually move that tanker and keep it at a safe distance from shore or anything that would cause problems with that tanker.

While it is a voluntary zone, this is a situation where the industry observes it to the letter of the law. In addition, the Pacific Pilotage Authority has five compulsory pilotage areas in the region. This means that certified pilots must be used for vessels in those particular areas. Over the last 10 years, I am glad to report to the House and all Canadians, there have been no pilot related oil spills and, further, the authority has been handling crude oil tankers of all sizes through Second Narrows Bridge in Vancouver Harbour and Haro Strait for many years without any incident whatsoever.

These waterways actually present more navigation difficulty than do the waters leading, for instance, as the member says, to Kitimat. In fact, during the last five years 1,302 tankers arrived at the Port of Vancouver and 187 tankers arrived at the Ports of Prince Rupert and Kitimat, no small feat. These tankers are huge but they are safe.



*Adjournment Proceedings*

In fact, Transport Canada is the lead federal agency responsible for the oversight of ship source pollution and it strictly enforces regulations through ship inspection and pollution incident investigations. Many of these things happen prior to any possible incident coming to light. Operators must also maintain a minimum level of preparedness and have oil pollution prevention emergency plans in place for any eventuality that could take place.

Both the International Convention for the Prevention of Pollution from Ships and Canada's regulations for the prevention of pollution from ships and for dangerous chemicals contain requirements for double hulled tankers. That is right, not just one hull on these tankers but two hulls to ensure we do the most we can as Canadians to protect our waterways and our natural environment. This further reduces the risk and double hull tankers provide the containment for the oil and, in the event of damage to the outer hull, this protects the environment. This has been recognized worldwide as the primary method of reducing the impact of spills.

• (1840)

**Ms. Joyce Murray:** Madam Speaker, I am disappointed that the member is again talking about the tanker exclusion zone and regulations. The point is that we cannot regulate against human error. The point is that these are vulnerable inland waters that need to be protected.

The credibility of the government is low, just as it is low on economic issues that the member talked about. Yes, jobs are important. Why is it that the government has lost a net 200,000 full-time jobs? Unemployment is up 2% since the government came into office and spending increased by 18% over the first three years.

This is an incredible borrow and spend government with \$12 billion in surplus blown that the Liberals left the Conservative government. We now have the highest deficit in Canadian history, a record deficit that once again came in over the government's projections. The government has no credibility on economic issues and we need a government that actually has credibility on those issues and on the environment.

**Mr. Brian Jean:** Madam Speaker, additional prevention measures include the requirement for polluters or potential polluters to have contracts with responsible organizations, something unusual for this particular brand of industry. This also includes increased monitoring of vessels.

Finally, operators must contribute to Canada's ship-source oil pollution fund. This can immediately pay compensation for spills, if they do ever happen, for ships of all classes. This fund would actually go after the polluters, so it is a polluter-pay principle. We have double-hull vessels. We ensure that everybody is properly trained as far as pilots go in these narrow passages. We ensure there is a preparedness plan in place. We are doing everything to keep Canadians and the environment safe and we will continue to do that.

[*Translation*]

## OFFICIAL LANGUAGES

**Mr. Richard Nadeau (Gatineau, BQ):** Madam Speaker, the Commissioner of Official Languages is refuting the Conservatives' arguments regarding bilingual judges at the Supreme Court.

Commissioner Graham Fraser reminds us that when the Official Languages Act was passed 40 years ago, it was claimed that bilingualism requirements would prevent people from western Canada from getting jobs in the federal administration. Yet the current Chief Justice of the Supreme Court is from Alberta, the most senior federal public servant is from Saskatchewan and one of the highest ranking officers in the armed forces is from Manitoba.

Instead of setting us back by 40 years, why does the Conservative government not insist that judges appointed to the Supreme Court understand French? The Conservative Party is showing its inability to think in terms of the future of the Quebec and Canadian peoples represented in the House of Commons.

And what about the minister responsible for official languages, who is desperately trying to justify his government's inaction by saying that the bilingualism requirement for judges is dividing Canada? Is he trying to tell us that, in Canada, the fact that a judge of the highest court can hear French without understanding it is an argument for the way French should be respected?

Is he saying that a Supreme Court justice who might not understand English could grasp what is said in that language as well as a judge in the same courtroom whose daily language of communication is English?

Frankly, the minister should explain himself. Is he saying that he cannot require Supreme Court justices to understand French for fear of upsetting hardliners in his party?

We know that Bill C-232, which would require judges appointed to the Supreme Court to understand English and French thoroughly, is currently rotting in the Senate because it is being blocked by the Conservatives.

This is just another example of how the upper chamber is an obstruction to democracy. The vast majority of the unelected who sit there are friends of the government, appointed as a partisan reward. Without any mandate from Quebecers or Canadians, they are currently preventing a bill, which was adopted by the elected members of the House of Commons, from reaching third reading stage and royal assent by the Governor General.

What can we say about the Conservatives from Quebec in the House of Commons and in the Senate, who are fuelling the notion that French is a second-class language with which Supreme Court justices do not even need to be acquainted?

This makes us realize yet again that, to the Canadian assimilation state, the concept of two official languages is nothing more than a concept, and not a real commitment.

• (1845)

**Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC):** Madam Speaker, I am happy to speak today to affirm this government's commitment to providing access to justice in both official languages.

*Adjournment Proceedings*

As we all know, the Government of Canada is strongly committed to enhancing the vitality of English and French linguistic minorities in Canada and fostering the full recognition and use of both English and French in Canadian society, including our justice system.

The member for Gatineau spoke like a good federalist about the appointment of judges to the Supreme Court of Canada.

It is important to point out that the government's position is that bilingualism remains an important criterion in the appointment process. However, it is not and should not be the only factor in the selection of our judges. The primary consideration in all judicial appointments is legal excellence and merit. Other criteria must also be taken into account, such as proficiency in the law, judgment, work habits, writing and communication skills, honesty, integrity, fairness and social awareness.

We also recognize that our courts must be able to provide equal access to justice in both French and English. Our current process allows the government and the judicial advisory committees to take into account the language skills of judicial candidates along with 14 other assessment criteria.

I am confident that the current appointment process was crafted in a way that permits the Minister of Justice to address the need for access to justice in both official languages and to ensure that the federal judiciary linguistic profile provides adequate access to justice in official language minority communities.

Under the current process, before recommending appointments, the minister confers with the chief justice of the relevant court to determine the court's needs, including linguistic capacity. As hon. members are likely aware, a chief justice's primary responsibility is to determine the overall direction of sitting on his or her court and to assign judges to cases. The chief justice strives to ensure that all cases, especially criminal cases, are heard in a timely manner.

The chief justice is, therefore, in an excellent position to understand the needs of the communities served and identify particular needs where vacancies arise. As a result, the minister consults with the chief justice of the court for which a candidate is being considered to determine any particular needs to be addressed, including linguistic capacity.

With a view to improving the pool of bilingual judicial candidates, the government invites the French-speaking jurist associations and their national federation to identify individuals with the necessary qualifications and encourage them to apply, and to share their recommendations with the Minister of Justice.

The minister also welcomes the advice of any group or individual with respect to considerations that should be taken into account when filling current vacancies. It is important to understand that the federal judicial appointments process operates on the basis of detailed personal applications from interested candidates and, as such, relies primarily on a system of self-identification.

The government has appointed more than 200 judges so far to various Canadian courts. The government is extremely proud of the quality of appointments made today to our superior courts across the country. We are also committed to maintaining the highest quality of

judicial appointments to ensure that our judiciary continues to enjoy the respect and confidence of all Canadians.

• (1850)

**Mr. Richard Nadeau:** Madam Speaker, for the assimilating Canadian state, the concept of two official languages is nothing but a concept. There is no real commitment.

In Canada, the Prime Minister is not required to understand French; ministers are not required to understand French; Canadian ambassadors are not required to understand French; deputy ministers are not required to understand French; and even so-called bilingual jobs in the Canadian public service are held by unilingual anglophones. And yet Canadian federalism wants Quebeckers, Acadians, Franco-Canadians, who are proud of the language they speak, to identify with this country. That is Canada. That is not the country I identify with.

I am eager for Quebec to become independent, to become a sovereign state in which French will be the common public language.

**Mr. Daniel Petit:** Madam Speaker, I would like to take this opportunity to respond to some of the remarks made this evening by the opposition member.

We do not deny the importance of linguistic competencies, especially when a specific need comes to light. However, merit is the overriding factor in the appointment of judges. First and foremost, the government is committed to appointing the best-qualified individuals. The government will continue to appoint competent, dedicated people and to comply with principles of gender equality, cultural diversity and bilingualism.

The Government of Canada recognizes the importance of supporting the development of minority language communities. To that end, in June 2008, the government announced the Roadmap for Canada's Linguistic Duality 2008-2013, an unprecedented government-wide commitment with a budget of over \$1.1 billion, based on two components: participation of all in linguistic duality and support for official language minority communities in the priority sectors of health, justice, immigration, economic development, arts and culture.

As the government has stated in the past, the overriding principles guiding the selection of members of the judiciary, including those of the highest court, is merit, which is based on legal excellence. Such an assessment would necessarily include assessing the bilingualism of candidates, but this factor must be evaluated alongside other elements.

[English]

HEALTH

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Madam Speaker, MS patients are deteriorating and their frustration is growing, further hurting their disease. There is only one thing worse than having devastating MS, and that is knowing the liberation procedure might improve quality of life and being denied access to trials.

The parliamentary Subcommittee on Neurological Disease had four meetings with the world CCSVI experts, including Dr. Zamboni, who said the diagnosis and treatment of CCSVI were safe, had resulted in significant improvements in the quality of life of many MS patients and that clinical trials were needed.

While I personally met, spoke with and reviewed data with leading CCSVI researchers internationally, including Dr. McDonald, the only Canadian who has been trained by Dr. Zamboni and has performed the procedure in Canada, and Dr. Haacke, a world leader in diagnostic imaging, the government actually refused to listen to the subcommittee experts. Our committee heard from the best and brightest.

Is this a new trend, as people at the August 26 meeting also refused to listen to experts, supposedly for fear of biasing the sample? Yet two witnesses had previously spoken vehemently against the procedure.

There was important pertinent information that the August 26 reviewers missed, possibly 25 different venous abnormalities in the neck and chest, including missing jugular veins, truncated jugular veins at the clavicle, in the middle of the neck, spider veins, stenosed veins, string-like veins, imaging of iron deposits in the brain, video of reflux in the deep cerebral veins, the internal jugular veins and flow or lack thereof in the internal jugular veins. MS patients with primary and secondary progressive disease can also experience an improvement in brain fog, circulation, fatigue and motor skills.

Patients do not want to wait possibly two more years for the results of seven correlation studies. MS patients have done their homework and know that researchers from Bulgaria, Canada, Italy, Kuwait, Poland and the United States are all presenting similar results, namely, that 87% to 97% of MS patients show venous abnormality.

Patients want clinical trials. MS patients know 3,000 procedures have been done worldwide and understand the hypocrisy that after just 27 procedures with a stroke sucking vacuum, the vacuum was deemed safe enough to implement in 10 Canadian hospitals.

The government should know that its August 26 ruling, based on the narrowest possible review of science, is already forcing desperate MS patients overseas. What assurances do Canadians have that they are going to a reputable clinic with adequately-trained people who have undertaken a sufficient number of procedures and what follow up is available to Canadians, as many must often return overseas?

The government should also be aware that some doctors are refusing to treat their patients upon their return. I am hearing from patients across the country that their appointments are being cancelled and not re-booked, liver tests for MS drugs are being cancelled and several have been threatened with, "No doctor will treat you should you develop a blood clot". This is illegal and unethical.

I implore the government to do its job, which is undertake what it failed to do this summer. Science can only progress through reviewing all of the available evidence, from meeting and speaking with those engaged in the science and treatment, to asking if they are willing to share their expertise and results, to reviewing the published material, to doing site visits to labs and operating theatres

### *Adjournment Proceedings*

and to come to a conclusion based on evidence, all of the evidence. The longer the delay, more will sicken and die.

• (1855)

[*Translation*]

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Madam Speaker, I am very pleased to have the opportunity to discuss multiple sclerosis and the way in which new research and actions can give hope to Canadians living with multiple sclerosis.

[*English*]

MS is a devastating illness, usually striking young adults who may lose the ability to move and speak throughout the course of the illness. Canada has one of the highest rates of multiple sclerosis in the world. Every day three more people in Canada are diagnosed with MS.

It is with the goal of alleviating the suffering of Canadians with MS that the Government of Canada has invested, through the Canadian Institutes of Health Research, CIHR, over \$49 million to date on MS research. It is through investments in research and innovation that our best hopes lie in improving treatments and someday soon finding a cure.

On August 26, CIHR, in collaboration with the MS Society of Canada, convened a meeting of leading North American experts in MS to discuss these priorities. This expert meeting reviewed the evidence, including the potential links between chronic cerebrospinal venous insufficiency, or what is referred to as CCSVI, and MS. The unanimous decision was that it would be premature to support pan-Canadian clinical trials on the Zamboni procedure.

Just last week at an MS conference in Gothenburg, Sweden, Dr. Zamboni himself indicated very clearly that more research is needed before patients proceed with this surgery.

We are currently awaiting the results of seven clinical diagnostic trials being funded by the MS societies of Canada and the U.S., which are currently under way, before making a decision on whether to support therapeutic clinical trials on the Zamboni procedure.

If the medical experts agree that there is sufficient evidence to warrant clinical trials, then our government will fund them.

**Ms. Kirsty Duncan:** Madam Speaker, I am personally in touch with over a thousand MS patients across Canada. Where is the government's registry? I have a list of over 170 who have been liberated.

I absolutely appreciate that those having a positive response are more likely to come forward and would never want to hope-monger but just provide facts.

*Adjournment Proceedings*

One patient was in palliative care on a morphine pump, immobile, could only whisper and was not expected to live for more than a few weeks. The night of the procedure her husband said in an email, "I can feel a faint squeeze. She can wiggle her feet, brain fog gone. Feeling more energy". Two months later he said, "She is long off the morphine pump, she can sit on the bed supported by her hand. She can move her knees, legs, head, neck and her right hand and arm are coming back".

This is just one of my 170 cases who have been treated. The government needs to give them a chance, to do clinical trials. There is the evidence to do clinical trials and to create a registry. MS patients are waiting.

● (1900)

**Mr. Colin Carrie:** Madam Speaker, my thoughts go out to all who suffer from MS. We are moving as quickly as possible based on the best available science. We have established a scientific expert working group to monitor and analyze results from the seven MS

Society sponsored studies already under way in Canada and the United States.

This year the CIHR has invested \$5.4 million specifically for MS.

If the experts advise in favour of clinical trials, our government working with the MS Society and provinces and territories will ensure they are funded, again based on the best available science.

I appreciate the opportunity to have spoken on this very important issue.

[*Translation*]

**The Acting Speaker (Ms. Denise Savoie):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:01 p.m.)

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