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Tuesday, May 1, 2012

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, May 1, 2012

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

STATUS OF WOMEN

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on the Status of Women, entitled "Abuse of Older Women".

Pursuant to Standing Order 109 of the House of Commons, the committee requests that the government table a comprehensive response to the report.

[*English*]

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I have the honour to present the dissenting report written by the New Democrats. The New Democrats find that this report is intentionally weak and does not address all the issues of concern when we are talking about elder abuse and that much more needs to be done by the government.

* * *

[*Translation*]

LANGUAGE SKILLS ACT

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP) moved for leave to introduce Bill C-419, An Act respecting language skills.

She said: Mr. Speaker, the bill that I am introducing this morning will ensure that persons appointed by resolution of the Senate, the

House of Commons or both Houses of Parliament—basically those we refer to as "officers of Parliament"—are able to understand French and English without the aid of an interpreter and are able to express themselves clearly in both official languages before being appointed to the position.

Those we generally refer to as "officers of Parliament" hold the following 10 positions: Auditor General of Canada, Chief Electoral Officer, Commissioner of Official Languages, Privacy Commissioner, Information Commissioner, Senate ethics officer, Conflict of Interest and Ethics Commissioner, Commissioner of Lobbying, Public Sector Integrity Commissioner and president of the Public Service Commission.

These positions require the incumbent to be able to communicate in both official languages in order to be able to properly carry out his or her duties. Knowledge of the official languages should therefore be a required skill.

Parliament operates in both official languages. Some parliamentarians are bilingual while others speak only English or only French. The officers of Parliament must therefore have the ability to communicate with parliamentarians in both official languages.

This bill targets only 10 people, but these 10 people play a key role in our parliamentary system. We therefore invite all Canadians to see languages not as an obstacle but, rather, as a way to bring people together.

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

* * *

[*English*]

PETITIONS

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to table a petition today signed by tens of thousands of Canadians who call upon the House of Commons to take note that asbestos is the greatest industrial killer that the world has ever known. They also point out that more Canadians now die from asbestos than from all other industrial or occupational causes combined and yet Canada remains one of the largest producers and exporters of asbestos in the world. They also criticize the fact that Canada spends millions of dollars subsidizing the asbestos industry and blocking international efforts to curb its use.

Government Orders

Therefore, the petitioners call upon the Government of Canada to ban asbestos in all of its forms and institute a just transition program for asbestos workers in the communities in which they live; to end all government subsidies of asbestos, both in Canada and abroad; and finally, to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

ABORTION

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I am honoured to present a petition on abortion from constituents in the Fraser Valley.

The petitioners state that Canada is the only nation in the western world, in the company of China and North Korea, without any laws restricting abortion and that Canada's Supreme Court has said that it is Parliament's responsibility to enact legislation.

The petitioners are calling upon the House of Commons to enact legislation that restricts abortion to the greatest extent possible.

POVERTY

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, it is my privilege to table a petition from Albertans calling on the House of Commons to eliminate poverty in Canada and support Bill C-233.

The petitioners bring attention to the House that poverty affects over 10% of Canadians and disproportionately affects aboriginal peoples, recent immigrants, people with disabilities, youth and children. They state that poverty leads to poor health and that poverty and social exclusion constitute obstacles to protect and respect human rights and exclusion from economic social development.

As I noted, the petitioners call upon the House of Commons to support Bill C-233, which would require the federal government to develop and implement a strategy for poverty elimination in consultation with provincial, territorial, municipal and aboriginal governments and with civil society.

●(1010)

41ST GENERAL ELECTION

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

The first petition relates to the ongoing public demand for an inquiry on the question of what occurred in the election that took place a year ago tomorrow, the question of deliberate misleading of voters to erroneous polling places.

The signatories to this petition calling for a full inquiry are from the Toronto area, as well as from Vancouver and some from within my own riding of Saanich—Gulf Islands.

CANADIAN BROADCASTING CORPORATION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition calls for the full funding on a stable and predictable long-term basis for our national public broadcaster, the CBC.

The petitioners are primarily from the Peterborough area but also from Hamilton and Toronto.

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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]

CITIZEN'S ARREST AND SELF-DEFENCE ACT

The House resumed from April 25 consideration of the motion that Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), be read the third time and passed.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I appreciate the opportunity to rise today to speak to Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

As I prepared for this a moment ago, I was thinking in terms of the election just a year ago and the impact that our late leader, Jack Layton, had in that particular election. This bill was something that he believed in very much, in a previous incarnation, so it brought that back to mind.

One of the things I pride myself in is that in the Hamilton area I attend the local Tim Hortons and the local food courts and I talk directly to the citizens I represent. One of the things that they believe, and I hear it said quite often, is that common sense is not as common as it once was. I think we have in Bill C-26 a fair effort on the part of the government to bring some common sense into this particular issue.

Bill C-26 would amend the section 494(2) of the Criminal Code dealing with citizen's arrest to provide greater flexibility. A little later in my remarks, I will refer to a speech by the member for Trinity—Spadina who actually introduced a bill in this place in the previous session but which died because of the election.

The crux of the problem is the timing of when people are able to complete a citizen's arrest. The law of the day says that people need to act on that citizen's arrest during the actual crime but, of course, sometimes that is just not the case. It also includes changes related to self-defence and the defence of property, which are currently in sections 35 and 42. These changes would bring much needed reforms to simplify, and this is where the common sense comes into the equation, the complex Criminal Code provisions on self-defence and the defence of property, something that has been requested by the courts over the years, not just our good citizens.

At this point, I will refer to the speech that I talked about a few moments ago.

Government Orders

The member for Trinity—Spadina had an event occur within her riding at a convenience store called the Lucky Moose. Mr. David Chen, the owner had been robbed numerous times in fact. It seemed that it was a very popular place to shop but it was also a very popular place to shoplift. Mr. Chen was extremely frustrated. A security camera showed an individual, who he had seen robbing his store and had left the premises earlier, coming back for some more. The individual was 37 years old and had a criminal record that stretched back to 1976.

Mr. Chen decided, along with a couple of people he worked with, to detain the individual until the police could arrive. My understanding of the situation is that he bound the person and put him into a van to contain him. It is indicated here in this speech that the police arrived within about four minutes. When the police arrived, apparently bruises could be seen on Mr. Chen's body where this individual had assaulted him but instead, Mr. Chen was charged with assault, kidnapping, forceable confinement and possession of a concealed weapon.

We need to ask ourselves where those charges came from. The concealed weapon was a box cutter. If anybody has been around a grocery store, box cutters are used all the time. It is not something that people working there would hide from everybody and conceal as a weapon. Beyond that, as far as the forceable confinement, the owner detained somebody while waiting for the police to come, somebody who had a record going back to 1976 and who just may want to try to get away.

The problem for Mr. Chen was that when the four charges were laid against him, we need to stop and think about what he was facing. The crown prosecutor offered to drop the kidnapping and assault charges if Mr. Chen would plead guilty to the remaining charges and, if he did, he would have faced 18 months in prison and a criminal record.

•(1015)

I am pleased to say that Mr. Chen chose not to plead guilty.

We have to wonder, from a common-sense perspective, whether our system has been stilted to the point that police officers actually put in more charges than necessary in “shooting for the moon and hoping for halfway”, an old expression used in labour negotiations. In other words, if they put into place a trading arrangement in advance: the charges are laid, the Crown makes an offer and the person pleads guilty to save himself or herself the costs of court. However, had the individual put forward a proper defence, he or she might well have gotten off. Therefore, it really makes one wonder about the situation.

Members will recall there was a bill put forth by the NDP member for Trinity—Spadina, in the last parliament. It died due to the election. On February 17, the government promised to reintroduce the bill, and I am thankful that it has done so. However, when this bill was at committee just before returning to the House, the NDP critic offered nine amendments. We felt the bill was flawed in a number of areas. Of the nine amendments we proposed, only two passed, which is unfortunate. Although we are concerned about the fact that the other seven did not pass, there is enough content in the bill to satisfy us to the point of supporting it.

After carefully reviewing the bill and hearing from witnesses, our concerns were reinforced. When we reviewed the legislation, our priority was to ensure that it did not encourage vigilante justice or encourage people to put their personal safety at risk. A horrific tragedy took place in Montreal a couple of days ago. A dispute escalated between a cab driver and a number of his patrons who had probably just come from a bar. The young men jumped on his car and hit the taxi driver. He tried to get out of there and tragically ran over one of the individuals. That is an over-the-top, blatant case situation. However, it shows us how quickly a situation can get out of hand when an individual or a group of people try to impose their physical will on someone else.

Let us look at what happens to people in a confrontation. I think I made reference to this not long ago. In Hamilton where I worked at Bell Canada, one of our technicians tried to intercede when a man was beating his wife in public. People think that they have to do something. He grabbed the man to prevent him from striking his wife, pushed him and held him against the wall. The man's wife came over, took off her shoe and struck the Bell Canada worker in the back of the head. That is an example of a situation where the individual was trying to do the right thing to protect the woman first and foremost from physical injury. His intent was to hold her husband until the police came because there were other people in the area. He did not realize that because of the strong relationship between the husband and wife, she felt she should defend her husband in the manner that she did.

There are concerns around the situations that people can put themselves in when it comes to a citizen's arrest. Unfortunately, the amendments that we tried to put through to deal with that were not addressed properly.

The NDP will be supporting this bill. We think it brings some common sense to the justice system. We are satisfied that a reasonable effort was made on the part of the government. On that point, I will conclude my remarks.

•(1020)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Madam Speaker, I hope my colleague will be able to finish his speech. I know he had some additional information that he wanted to share with us. He spoke about the fact that some of the other changes should have been considered. We are hoping that at some point we will have another opportunity to change that. I am wondering whether he can continue his speech on that issue.

Mr. Wayne Marston: Madam Speaker, I appreciate that. I tend to tell stories and get away from my prepared text.

There is self-defence relative to a situation called battered spouse syndrome. Our proposed amendments on that did not succeed. Those were to introduce a subjective element. Subjective circumstances are related to the person's preservation of the right to protect oneself in a reasonable manner.

That element means it is possible that a person, based on a history of domestic violence, can reasonably perceive a greater threat of violence because it has been repeated by the same perpetrator. We thought it was important to add that historical context to this bill. Unfortunately, it was not successful at committee because the government did not see our view.

Government Orders

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I thank the hon. member for Hamilton East—Stoney Creek for his speech on Bill C-26. As the House will know at this point, I think I am the only member of Parliament who feels I must vote against this bill because of my concerns about the expansion of citizen's arrest powers.

I tried to obtain the opportunity to put forward an amendment to delete one section of the bill, which was recommended by the Canadian Bar Association. That section deals with the expansion of citizen's arrest powers. I wonder, could the hon. member for Hamilton East—Stoney Creek explain why the official opposition was not willing to second my amendment, which would have at least given us a chance to fix the one section of the bill that gives people the most trouble?

Mr. Wayne Marston: Madam Speaker, I was not at the committee. I am not privy to the reason that our members of the committee chose to not support the amendment. Obviously, they gave it due consideration and felt it did not address the situation in a manner that was appropriate to the bill.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Madam Speaker, I also listened carefully to the speech by my colleague from Hamilton East—Stoney Creek.

The NDP will obviously support the bill. However, some groups have raised legitimate concerns, which have been addressed in part by the committee. One concern is the perception that this will encourage groups of citizens to somehow take justice into their own hands. In English, we call them vigilantes.

I would like to hear what my colleague has to say about this, and I would like to know whether he believes that the bill will lead to more incidents of vigilantism.

• (1025)

[*English*]

Mr. Wayne Marston: Madam Speaker, there was a situation in the United States where an unarmed young man was shot. There is legislation in that country called Stand Your Ground, which gives permission to people who feel under threat of physical harm to take a life. That is 100% different from what we are talking about here.

In that instance, there was subjectivity in deciding that person was a threat. They are, obviously, if the person is armed or actually proceeds to strike another. In that instance, apparently, the young man was shot because of things that were said as opposed to things that were done.

This bill does not provide for that to happen in Canada. Our committee members who looked at this were satisfied at the end of the day that it would not generate that kind of response.

[*Translation*]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Madam Speaker, I thank my colleague who just spoke, and I will continue to elaborate on this bill.

As he mentioned, the bill makes good sense.

[*English*]

This bill seems to make a lot of common sense by directing that a citizen is able to assist in the arrest of someone who commits a crime, even if there is delay. I think that makes sense.

[*Translation*]

Bill C-26 amends subsection 494(2) of the Criminal Code, which deals with citizen's arrest, to provide greater flexibility.

The amendments will allow citizens to make arrests without a warrant within a reasonable time. The main change is the introduction of the concept of reasonable time. At present, subsection 494(2) requires the citizen to make the arrest when the crime is being committed. That is the difference between the existing law and the proposed bill.

Bill C-26 also includes amendments to sections 35 to 42 of the Criminal Code, which deal with self-defence and defence of property. These amendments will make long-awaited changes and simplify the complex provisions of the Criminal Code on self-defence and defence of property, as called for by the courts.

As several of my colleagues have already mentioned, members on this side of the House support the bill. Half of the bill consists of measures that the NDP had already proposed in the private member's bill introduced by the member for Trinity—Spadina. This part of the bill amends subsection 494(2) of the Criminal Code, which deals with citizen's arrest, making it possible for citizens to make arrests without a warrant within a reasonable time.

The other part of the bill seeks to clarify the sections of the Criminal Code on self-defence and defence of property. After a thorough review of the bill was conducted and expert witnesses were heard at committee stage, it was established that the changes made the legislative measure clearer. Our main goal in examining the bill was to ensure that it did not encourage citizens to take justice into their own hands or put their own safety at risk. Even though some concerns were raised about these issues with regard to citizen's arrest, self-defence and defence of property, we determined that the bill proposed some acceptable changes.

It should be noted that each of these three concepts already exist in the Criminal Code. Accordingly, the proposed changes in the bill will only affect existing aspects of our current legislation and will not add anything completely new.

This is what happened in committee. A diverse group of witnesses appeared before the Standing Committee on Justice and Human Rights, including representatives from the Barreau du Québec, the Canadian Convenience Stores Association, the Association of Elizabeth Fry Societies, the Association of Professional Security Agencies, the Canadian Bar Association and the Canadian Police Association, as well as academics and practising lawyers. In other words, experts testified before the committee.

Government Orders

•(1030)

So while we already supported the intent of the bill, we did propose a number of amendments arising out of the recommendations made by witnesses, as is our usual practice. That is the logical process: we listen to the witnesses and we propose amendments. Two of those amendments were agreed to and seven were rejected. More specifically, we should mention that the amendment to incorporate the subjective element in the part of the bill relating to self-defence was rejected.

That amendment would have covered all of the things done in self-defence that are commonly referred to as “battered wife syndrome”. For example, the subjective element means that a person who has been a victim of family violence may reasonably perceive a greater threat from a person who has previously been violent than a person without that background would perceive.

In other words, it is important to take into account the subjective perception of the circumstances, rather than to have a purely objective perception of the situation. We believed that the wording relating to the history of the two parties was not sufficiently precise in Bill C-26, and of course we wanted to ensure that the fact that “the act committed is reasonable in the circumstances as perceived by the person” would be taken into consideration in this kind of situation.

This was also the first time that Parliament had an opportunity to incorporate the concept of the subjective element, which had until now been developed in the case law, into the Criminal Code itself. The Canadian Bar Association and the Canadian Association of Elizabeth Fry Societies both recommended this amendment.

We did, however, succeed in having the amendment that requires that the court “consider the relevant circumstances of the person, the other parties and the act” agreed to. While that wording is not as specific as “the act committed is reasonable in the circumstances as perceived by the person”, the amendment we did get agreement to will put a greater onus on the courts to consider the history of the relationship between the individuals.

We recognize here that these sections of the Criminal Code need to be included, and even though most of our proposed amendments were rejected, we still believe the bill updates the legislation appropriately and we support the bill.

I would like to give a little context in the minute I have left. As my colleagues know, on May 23, 2009, David Chen, the owner of the Lucky Moose Food Mart in Toronto, arrested a man who had committed a theft in his store. Everyone knows the story here. I am going to conclude by saying that even though all the amendments were not agreed to, we support the bill on this side.

•(1035)

Mr. Sean Casey (Charlottetown, Lib.): Madam Speaker, I would like to thank the member for his speech. He stated a few concerns regarding clause 2, which contains exceptions and relevant considerations.

[*English*]

My question for the member relates to the list of factors enumerated in the new bill with respect to when self-defence is available, in particular the list of factors at proposed paragraph 34(2)

(f) that allow for a court to consider the nature, duration and history of the relationship between the parties. I did hear his comments with respect to that section.

Our concerns with respect to that section are that it could cause problems in two ways, in that self-defence may be available in circumstances where it now is not and that the presence of the section could result in a claim of self-defence not being taken seriously simply because it is there.

I would be interested in any further comments the hon. member has with respect to that factor being included in the self-defence provisions.

Mr. Alex Atamanenko: Madam Speaker, the way I read the bill is that there is discretion. The bill allows the judge the discretion to determine when looking at self-defence or reasonable cause.

I do not think it is the intent of the bill to allow unreasonable use of force as a means of self-defence. I understand that concept because I have spent the last 30 years studying martial arts and self-defence and I understand that it could go overboard.

The way it stands, there is probably sufficient protection in the law to ensure that the judge or those who look at this would understand that there will not be an overuse of self-defence and that reasonable cause and the background would be taken into consideration.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, my question is also a commentary on our procedure in Parliament and how we handle legislation. I raised this issue earlier with the member for Hamilton East—Stoney Creek and was slightly misunderstand.

As a member in this place for the Green Party, I am not a member of committee, but I have the right to put forward amendments at report stage, which I think provides the House with an ideal opportunity to further improve legislation. That is indeed why there is the opportunity for amendments at report stage.

What increasingly happens is that when political parties as entities decide that they are satisfied with deals struck at committee, they are no longer willing to consider improvements that are even advocated by such a group as the Canadian Bar Association. That is why not a single member of this Parliament was willing to second an amendment that would have improved the legislation.

I would like my hon. friend's thoughts on this problem that we face, the problem of groupthink within parties.

•(1040)

Mr. Alex Atamanenko: Madam Speaker, I would like to thank my colleague from Saanich—Gulf Islands for her question and once again welcome her here. I always enjoy hearing her her comments and her take on matters in the House.

All of us in political parties, when the political party gets bigger—and one day, hopefully, her party will also grow—have a tendency to not allow discussion from outside the party. I think we have to be very vigilant with that. Even though we may have a majority and another party may have only two or three members, it is part of the democratic process in the House, and we owe it to the Canadian public to allow this democratic process to function.

Government Orders

I look at the debate on proportional representation. We talk about that, and I am glad my party supports this concept. I know that other parties have supported it in the past, but once they got into power, they forgot about it because they did not need it.

We have to be constantly vigilant about democratic debate and allowing all members to express their views and to have input into any legislation.

Mr. Sean Casey (Charlottetown, Lib.): Madam Speaker, I am pleased to have the opportunity to speak to Bill C-26.

This particular piece of legislation would amend the Criminal Code to allow an individual who owns or has lawful possession of property, or persons authorized by them, to arrest, within a reasonable time, a person whom they find committing a criminal offence.

As well, the bill attempts to clarify in law the self-defence provisions. I have some concerns with respect to these and will elaborate on them momentarily. However, I do want to say from the outset that the Liberal Party will support this bill, although we do have concerns about certain aspects of it.

Currently the Criminal Code allows Canadians the right to claim self-defence in the event they are assaulted without provocation. The Criminal Code also allows for Canadians to rely on the defence to property provisions in certain circumstances, so there is a Criminal Code defence of self-defence and defence of property. There is also a common law defence for each of them as well.

The point I wish to make is that we are not dealing with a legislative vacuum. There are laws with respect to self-defence and defence of property, both codified and under the common law. It is true that some aspects of the Criminal Code in this regard are outdated and in need of modernization. Indeed, the provisions of the Criminal Code with respect to defence of property span five sections and with respect to self-defence span four sections, sections 34 to 37 of the Criminal Code.

While Liberals support the bill, I do wish to raise again what has already been articulated by the hon. member for Mount Royal, a couple of areas of the bill, and there are more.

Two areas will be the focus of my remarks. The first concern relates to the property defence provisions of the bill. I have some concerns with respect to the consequences of their new breadth. They have been expanded and there are, understandably, consequences associated with that expansion.

In particular, it is clause 3 of the bill that is the operative clause here. I would like for those Canadians watching and those who are unaware of the contents of clause 3 to quickly read into the record exactly what it says. Clause 3 of this bill amends subsection 494(2) of the Criminal Code with the following:

(2) The owner or a person in lawful possession of property, or a person authorized by the owner...

—“authorized by the owner” is important wording, for reasons that I will come back to—

...or a person in lawful possession of property, may arrest a person without a warrant if they find them committing a criminal offence or in relation to that property and

(a) they make the arrest at that time; or

(b) they make that arrest...

—and these are the key words in this section—

within a reasonable time after the offence is committed and they believe on reasonable grounds that it is not feasible in the circumstances for a peace officer to make the arrest.

One of my concerns with respect to this section relates to private security agents. As I indicated, this section allows for persons “authorized by the owner” to make an arrest “within a reasonable time after” the commission of an offence.

We are all aware of private security firms and private security officers. We see them at hockey games. They are often out in full force on the weekends, watching over a particular business or providing security in a mall.

The amendments contemplated in this bill prescribe new powers to private security agents and in some cases provide them with powers incongruent with their training and experience as private security agents. It needs to be borne in mind that private security officers are accountable to the property owners, accountable to their employers, as opposed to the accountability that peace officers have to their code of conduct.

●(1045)

We know that peace officers, or police officers, are duly authorized individuals who we entrust to enforce the Criminal Code and other statutes in this country. They exercise considerable power only after a process of extensive training. Peace officers in this country are well trained in police tactics, arrest procedures and the Criminal Code. More importantly among the list of requirements, these individuals are properly vetted for temperament and balance. After that training, we entrust these individuals with a gun.

All that is well and good in this country. We need our police to protect us. I am concerned that this particular clause of the bill may lead to serious difficulties, including vigilantism. Allow me to provide what is now a very well known example.

We are all very well aware of the situation in Florida recently where an individual acting as a neighbourhood watch person now stands accused of committing second degree murder. He is up on charges because, as we understand it, he is being accused of using excessive force. The facts in this matter are now very well publicized. A young man is now dead as a result of another individual who, while functioning as a neighbourhood watch person and in possession of a weapon, acted in what he claims was a lawful manner because he was defending property.

I share this example only to point out that when laws are enacted in which we provide individuals the right under the Criminal Code to act in the protection of their property or of their person, or act in the stead or at the behest of another in an employee-employer relationship, we must be very careful. I have no doubt there will be a time when we will face a situation perhaps not unlike what we have seen in Florida.

Government Orders

Therefore I am concerned about this particular provision in the bill, and I hope the government might take another look at it as it proceeds to the Senate for legislative scrutiny. Certainly allowing for a piece of prime legislation to be amended at the Senate is not without precedent, even in this particular session of the House.

Another source of concern for me can be found in proposed section 34. This section does not deal with defence of property, but with self-defence. Again, for the record and for those who are not in possession of the bill, proposed subsection 34(1) states that a person is not guilty of an offence if :

- (a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;

That is the new law that has been proposed. The current Criminal Code with respect to self-defence reads, and I quote:

Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force

I have two concerns with respect to this section. The first is the removal of provocation as a relevant consideration for self-defence. The second is the removal of the necessity of an unlawful assault, preferring instead the word “force”. The question becomes how broad the word “force” is. The law used to say that one could rely on self-defence if one were being assaulted, which implies a violation of the person. However, the word “force” is broader than that and arguably could have an economic force element. Therefore, it broadens the situations in which a claim of self-defence may be made. I will state again that I hope the government might take another look at this matter and perhaps be open to further discussion.

I will conclude by suggesting that we are in general agreement with the thrust of this bill. As suggested by the member for Mount Royal, the bill does provide elements of clarity for prosecutors, judges and juries as well as those who may find themselves in a circumstance where they need to defend themselves or their property. Time and jurisprudence arising out of the application of these provisions in our courts will inform us if the amendments have gone too far.

• (1050)

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Madam Speaker, once again, I listened attentively to the speech by my colleague from Charlottetown.

In fact, I would like to ask more or less the same question that I asked previously, but I would appreciate the perspective of the third party on the sometimes legitimate fears regarding people who might try to take justice into their own hands, as a group. These people roam around certain neighbourhoods and are called vigilantes.

I would like to know what my colleague thinks about the bill before us. Could he say a little more about his point of view, his fears and his concerns regarding the scope of the bill and certain groups or individuals?

Mr. Sean Casey: Madam Speaker, of course it is important. I touched on that in my speech. I hope we can count on judges and the courts to act judiciously when they consider this legislation.

[*English*]

My response to my colleague is that, with the expansion of the rights with respect to defence of property, there is always a concern about vigilantism. I focused my comments on the expanded rights for private security officers, but this also goes for private citizens. The bill itself does not promote vigilantism, but the problem is that the public perception of the expanded rights of citizen's arrest does raise that flag.

My colleague is right to be concerned about it. It is incumbent upon the judges in the country as they interpret the new provisions to make sure that there is a governor on that and that the jurisprudence around this is reported by the media in such a way that the public awareness does not result in those unintended consequences.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, as we approach Bill C-26, a lot of members of Parliament are mindful of the notion that hard cases can make bad law. There is the specific case of David Chen and the Lucky Moose. We would have wished that the police on the scene had exercised some common sense and discretion by not prosecuting the individual. Now we have a law where a lot of us are concerned that there could be an increase in injuries, and even deaths, from people trying to take the law into their own hands, feeling empowered by what the House is doing with Bill C-26.

Since I am the only person planning to vote against this legislation, its passage is a certain thing. I ask my friend whether he thinks there is any way the House can send a message to Canadians that they should avoid taking the law into their own hands.

Mr. Sean Casey: Madam Speaker, that is a difficult question because here we stand as legislators expanding the rights of citizen's arrest. We as legislators debate the bill and express our concerns over it, but what enters the public psyche is what it reads through the media.

We as legislators can do so much, and I believe we are doing it here today, but it is extremely difficult to control the message. There will be elements of society who, as my colleague points out, would feel empowered by these expanded notions. As she indicated, hard cases make bad law. There will undoubtedly be cases going forward where the expanded right of self-defence or defence of property will be used to justify inappropriate actions.

It is my hope and expectation that the coverage around those hard cases informs Canadian judgment. I think it is more likely that will impact public opinion than the debates we have here as legislators, which by necessity are at times on the theoretical as opposed to practical level.

• (1055)

[*Translation*]

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Madam Speaker, I am pleased to rise in the House today to comment on Bill C-26 which is, at the end of the day, a societal debate among all members of the House.

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We are all attempting, collectively, to create civilized societies, but we have all had very chaotic experiences. Even though we have been tremendously successful on some levels, and even though crime rates are much lower than they were a hundred years ago or in the Middle Ages, our relationship with sometimes aggressive and violent situations is still difficult.

The bill specifically deals with this grey area. Unfortunately, some people have violent habits. What must be done about these behaviours?

The NDP intends to support Bill C-26 because it contains a lot of similarities to the bill introduced by my colleague from Trinity—Spadina. Throughout my speech, I am going to focus on the very well-known case of Mr. Chen, who owned a grocery store with his family. This case is what got my colleague from Trinity—Spadina interested in the issue. David Chen was accused of unlawful confinement, kidnapping and assault after having tied up a person who was stealing from his shop. It was not the first time the thief had stolen from his shop.

Mr. Chen tied the person up, he did not beat him, and he certainly did not beat him to death. There are some key words in this situation: he tied somebody up and was dealing with a repeat offender. This situation applies perfectly to the questions being asked today. It is not a simple situation. Somebody tied up, but did not beat up, a repeat offender. It is not a situation involving two people where a shop owner is suddenly threatened by somebody with a machete and has to act. There were a lot of shades of grey. We all understand why our colleague asked at the time that the law help simplify complicated situations, in other words simplify the outcomes for people facing complicated situations involving self-defence.

These very difficult concepts require a lot of distinctions and proper context. Here is a simple example. No one here would want a teenager who stole two cans of Pepsi to be beaten with a baseball bat. However, that is the kind of message, which we do not want to see acted upon, that this bill might send to a small segment of the population. We constantly see concepts such as “reasonable” in the bill. I did a count, and the word “reasonable” came up some 30 times, just in the amendments to the act recommended by Bill C-26. Here again, such terms must always be nuanced.

There are difficult concepts here, such as self-defence. There has to be a clear definition of what it is, when it applies and the line beyond which an action no longer constitutes self-defence. Here again, we are in a grey area.

The question is whether an assault is provoked or unprovoked. At what point does an assault become significant enough for a shop owner’s reaction to the attack to be considered provoked? Here again, the distinction is very important.

Several NDP members have advocated an amendment on subjective perception. For example, they talked about battered wife syndrome. That is a term that I do not really like but the understanding is that, even if the assault was perhaps not that “serious”, an energetic reaction might be understood, justified and not be penalized if it came in response to numerous assaults.

Consider the assault on Mr. Chen, the owner, in this context. Say, for example, that I own a business and am assaulted, but not

seriously, by a single individual who is lightly armed or totally unarmed, but that my children are in the aisles of my grocery store.

• (1100)

My reaction might possibly be different because I would not simply be protecting myself from someone who is threatening me with a jackknife in order to commit a minor offence. In fact, he would not really be threatening me because I would be relatively well protected behind my counter. And I would know that my children are in the store, since they are in the aisles. So the issue would be this area of perception in which it would be possible for an individual to react more strongly in a context such as that. You have to consider the perception of the situation perceived by the assaulted individual before he reacted.

This places us under an obligation to demand that this government, which has an annoying tendency to avoid giving the committee the necessary time to consider potential amendments, submit to the democratic process in this case and allow the committee to consider all these issues, because they involve a lot of subtle distinctions.

This will prevent us from abandoning a principle as important as our responsibility to ensure public safety. When I analyze all this, I conclude that there is another threat that may weigh on us: that we may abandon our collective responsibility for public safety. The message must not be that we should take justice into our own hands. We must absolutely not get to that point.

Why? Two fundamental reasons seem obvious to me. No one wants to relive the wild west of 1875. It makes no sense. We have become much more civilized since that time. Furthermore, even to people who support taking a tough stance on crime, vigilante justice is fundamentally and systematically unfair.

Let us imagine that my family and I own a store and, tomorrow morning, a teenager or someone panics and steals a box of cereal and threatens me with his fists. Now, if I were behind the counter—and I weigh 225 pounds—I could take the law into my own hands. However, suppose it was my 76-year-old mother behind the counter, with her poor eyesight and bad knees. We would both have the same rights as citizens. We would have the same opportunity to defend ourselves, but no one could claim that the two situations are equal.

We must, therefore, never get to that point. We must maintain the simple notion that our civic duty is to ensure that the panic button under the counter is in working order. That is our only civic duty. If this bill leads us to move away from that goal, collectively, we have a serious problem. People need to be able to ask for help and they need to get the help they need from police forces within a reasonable time frame. That is one aspect that worries me and that relates to the potential consequences of such a bill. Are we collectively abandoning what should be the only goal of civil defence? If it were my mother behind the counter in that situation, unable to defend herself and certainly unable to defend herself the same way I could—or the same way as my colleague who has been practising karate for 25 years—she would deserve the same protection. That should be our collective goal in this House. We must not hide behind principles that would take us back to the wild west.

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So I repeat my request that there be no form of closure when the committee examines these issues. Let us allow the committee to work on every nuance in this bill. That is what will ensure an excellent bill, one that can make things easier for people like Mr. Chen in situations like the one he faced at his store.

I would like to make another argument in support of my request to let the committee do its work. There is no need to panic. Yes, under the existing laws, Mr. Chen went through six months of complications from the time he had to defend himself to the time when he and the people working with him were acquitted. Let us hope that this bill will prevent people involved in similar incidents from enduring six months of complications. In the end, they were acquitted.

It is not as though there are hundreds of Canadians coping with great injustice because they acted reasonably in defending their property and businesses. There is no need to panic. I hope that the government will not behave as it did in connection with other public safety bills and tell us that if we question this bill, we must be on the side of thieves and shoplifters.

•(1105)

We will support this bill, but please give the committee members time to study all of the ethical and moral nuances of this bill.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Madam Speaker, I completely agree with my what my colleague said about our concerns. As other members have mentioned, amendments were proposed. This bill is a step in the right direction and will strengthen existing Criminal Code measures.

Can my colleague elaborate on the need to discuss the necessary changes that will improve the bill as well as the Senate committee's potential contribution?

Mr. François Lapointe: Madam Speaker, my colleague is absolutely right. In a case like this, things are easy as long as we are looking at extremes.

With regard to the example I gave earlier, in committee it was said that a teenager who steals a can of Pepsi must not be beaten with a baseball bat, but on the other hand, a store owner must not spend 30 days in prison for defending himself against someone who aggressively threatened him with a machete. It is simple. These are two extremes. Anyone with good moral standards and a little bit of balance will agree. However, scenarios that fall in the middle of these two extremes must be properly defined, and that will take time.

I would therefore like to reiterate that we must allow the committee to consider 50% of the cases and how they should be dealt with. We are looking at the triggers of aggression, and the reactions of the aggressor and of the person defending himself. We need to consider all these scenarios and come to conclusions that will result in legislation that will help those who use self-defence, but will help them in a fair manner.

[English]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Madam Speaker, one aspect that needs to be approached with caution by anyone who is considering making a citizen's arrest is when they find themselves in a situation where the person whom they are attempting to detain resists them because legally we are only

allowed to match the amount of force that he or she is subjecting us to. In other words, if that other party has a small billy club and we have an iron bar, it creates an imbalance because we would have a more destructive object, which we would be unable to use. Therefore, when discussing methods as to how far a person can go, it is a problematic area.

Another issue is how people go about making a decision as to whether or not they should intercede and deal with a situation. To get that common knowledge out into the community will be very difficult. As well, it will be very difficult for the courts to look at it and be able to balance it off.

We could have gone further with this bill.

•(1110)

[Translation]

Mr. François Lapointe: Madam Speaker, I think that I can say that this is in keeping with my thoughts on the possible scenarios that could result from this bill.

Collectively, we must stay the course. Our collective goal is that the panic button will protect the 71-year-old grocery store owner, not that he will be under some sort of obligation to know how to use a baseball bat. This sort of thinking could lead to a great deal of trouble and serious consequences for the aggressor.

Yes. Let us support this bill on behalf of all the store owners who, unfortunately, too often find themselves in such situations, but let us ensure that we introduce a very detailed, brilliant bill that will include the expertise of the best Canadians in the field. If that takes time, let us take that time.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Madam Speaker, I am pleased to rise in this House to speak to Bill C-26. A number of my colleagues who have spoken thus far have raised interesting points. I will not be using my time to repeat what has already been said, even though they are important points. However, there are some things that should be highlighted. I mentioned a few in the questions that I was able to ask this morning about this bill.

One of the important aspects of this bill is that it renews or updates some elements of an older law that does not necessarily reflect today's realities. I am referring to the provisions on self-defence, which need to be updated. This bill accomplishes that.

Concerns have been raised and, in my opinion, they are legitimate. When laws are created or amended, we sometimes venture into unknown territory. However, I am generally very satisfied with the committee's work on the proposed amendments. Naturally, we would have liked to have achieved some of the amendments that we, the official opposition, had proposed and that were highlighted earlier by my colleague from British Columbia.

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However, in its current form, the bill addresses some of our concerns that were first raised by the member for Trinity—Spadina pertaining to a very specific situation. My neighbour from the riding of Montmagny—L'Islet—Kamouraska—Rivière-du-Loup also mentioned the case of David Chen.

However, there are other cases that illustrate the need to protect the people who defend themselves and defend their property. I will not rehash Mr. Chen's case, but there was another specific case that caught my attention and also upset me, quite frankly. In a rural region of Ontario, last August, a man woke up in his house to find three masked men outside who were starting to throw Molotov cocktails at his house. The individual grabbed a firearm and fired off two or three shots in order to protect himself—we all agree that a Molotov cocktail is an extremely dangerous weapon for the property and also for the individual. The police arrived and charged the individual with possession and use of a dangerous firearm.

Again we have a situation where the law does not protect individuals like Mr. Chen or this person from rural Ontario, when they want to protect themselves or protect their property.

The issue of whether the use of force is proportional to the offence is important. I think this bill addresses that quite well. Clearly, if a person commits an offence against property, such as shoplifting at a convenience store, then deadly force is not appropriate. The bill as worded does not propose that. In fact, it is a fine and properly worded bill.

In my opinion, the proportional force aspect is central to the proposed changes here. It makes the bill well balanced. According to the text of the bill, “the nature and proportionality of the person’s response to the use or threat of force” is a factor in determining reasonableness. Thus, deadly force cannot be used to protect property.

There is another point I also raised in my questions, and I would like to come back to that point in my presentation. The current version of the bill does not give greater powers to what are known as vigilantes, that is, groups of people who create watch committees to protect their territory. That is not the case. That is not what this bill proposes, which is good, because we know that this can ultimately lead to abuse.

Furthermore, it is important to point out that the bill allows individuals to protect themselves and their property and allows other authorized, delegated people to also do so. Thus, one cannot witness an offence involving someone else and take action as a result. That is what watch groups or vigilantes would be doing.

It is important that we have a bill like this one in order to clarify the situation of security guards in big box stores, for instance.

●(1115)

The way things are going, and as demonstrated by the fact that Mr. Chen was charged in the first place—although the charges were dropped—as was that person in Ontario, it seems that security guards in big box stores can, in their role, detain people who have shoplifted, for instance.

For example, someone who shoplifts and is caught by a security guard is usually taken to an office in the back of the store until the

police arrive. This is a form of citizen's arrest. The security guard has the legal authorization, conferred by the store, to carry out this kind of surveillance and arrest. Thus, there is no abuse happening here.

However, if we went by what happened to Mr. Chen and that other person in Ontario, the legal vacuum that existed at the time could have meant that a security guard who was simply doing his job could have been arrested for kidnapping.

Thus, it was important that the House examine this issue in order to prevent such abuses from being committed simply because that is how the legislation is currently written, since frankly, that would be illogical. It is the duty of this House to propose these kinds of amendments.

I think any objections have been noted. Clearly, we would have liked to see the bill go a little further.

The NDP proposed nine amendments. Seven were rejected and two were accepted. As my colleague said—I think it is worth repeating—we really wanted to see the subjective element in the bill to ensure that the courts can take all of the circumstances surrounding an incident into account.

Of course, the cases members have been mentioning often involve theft, property offences or threats, such as when an individual seeks to harm someone by throwing Molotov cocktails. There are also specific situations that I feel fall into a grey area, such as spousal abuse cases where one spouse has to resort to violence to escape. For cases like these, the courts have to take the history of the relationship and everything that happened into account.

That is why the NDP, at the request of certain groups, proposed the amendment that was rejected.

However, the NDP also proposed another amendment that was accepted. It was one of two that were accepted. The courts will have to take into account the relevant circumstances of the person, the other parties and the act. That definition will be integrated into the bill. We are pleased with that. It does not go quite as far as incorporating the subjective element and is not quite as broad as that would have been, but it is still a commendable and welcome improvement.

The Canadian Bar Association and the Canadian Association of Elizabeth Fry Societies recommended including a subjective element. Even though the NDP is not completely satisfied with the amendment, it is a good first step toward better protection from abuse and domestic violence.

In that sense, we are satisfied with the bill in general. I am very happy to see that there is widespread agreement among members of the House to support this bill. The NDP will support it, too, and we will gladly vote in favour of the bill at third reading.

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With regard to the hon. member for Saanich—Gulf Islands' concerns, they are clearly understood, and I think that they have been well received by the House. Amendments likely should be made. As with any bill, situations will result where we will eventually be able to see whether there are aspects missing in the application of the legislation or whether certain aspects go too far. That is why we are here in this House. We will have the opportunity to address the issues, make changes and propose additional amendments that will put a stop to any problems that may arise.

I am very pleased to support this bill. I would like to reassure people by telling them that the bill does not go too far and that it does not allow groups to take justice into their own hands, which often leads to abuse, as demonstrated by the case that is currently making the headlines in Florida, in the United States. Since this is a well structured bill, we will be happy to vote in favour of it, and we are pleased to see that there is a strong consensus in the House.

• (1120)

Mr. Jean Rousseau (Compton—Stanstead, NDP): Madam Speaker, I would like to congratulate the hon. member for Rimouski-Neigette—Témiscouata—Les Basques on his excellent speech.

I would like him to elaborate on one of the concerns that has been raised, which I also addressed in my speech last week, and that is the notion of reasonable time. In many rural areas of Quebec, including the hon. member's riding, as well as those of some other members and myself, police services are limited because of various agreements between the municipal police forces and the Sûreté du Québec. Quebec is a particular case.

How can the notion of reasonable time be applied to certain regions where people sometimes have to wait for 30 minutes to an hour for the police to arrive?

Mr. Guy Caron: Madam Speaker, that question is indeed important and it is an important aspect of the bill. The concept of reasonable time has to be considered on a case-by-case basis.

I think it is very important to mention reasonable time in the case of Mr. Chen, for example, since the thief in question made off with items and came back less than an hour later. Mr. Chen knew what offence the thief had committed, and the thief came back. The time was genuinely reasonable, since Mr. Chen could not have run after him and would have been looking for him for an hour. So he had the ability and the power to stop the person and detain him until the police arrived.

The concept of reasonable time is important, particularly to ensure that owners or individuals are not entitled to stop criminals a week or two weeks or a month after the incident, because conducting the investigation is solely the job of the police.

I think the right to protect oneself or one's property is fundamental. That right must still be limited to urgent situations where law enforcement is not able to take speedy action. Accordingly, the bill and the definition of reasonable time appear to cover the matters raised by my colleague.

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, I would like to take this discussion in a slightly different

direction. I was not part of the committee that studied the bill, and I do not know if the hon. member was, but we know that the proposed law is in response to a specific incident and, presumably, to prevent the arrest and detention of people who are trying to protect their property, such as shopkeepers.

The City of Edmonton has recently recognized that in order to actually improve public safety and not to leave homeowners or shopkeepers victims of this violence, with the poor and street people, in many cases, being the highest victims of violence, programs are being introduced to bring community agencies, business owners and so forth together to try to get a handle on who is committing these offences.

I wonder if the hon. member thinks that it is also important, when we are considering a law like this, to look at it within a broader context of what we are doing as a federal government to try to support municipalities in ensuring public safety, particularly including small rural municipalities, farmers, counties and so forth, other than just passing another law to allow people to potentially use some level of vigilantism.

• (1125)

[*Translation*]

Mr. Guy Caron: Madam Speaker, my colleague is entirely correct. If we want to understand what prompts people to commit offences or crimes, and if we want to understand how to protect ourselves from them, it is important to look for the underlying reasons, the root causes.

That is why prevention and communication within a community are absolutely crucial if we are ultimately to succeed in reducing the number of crimes. That allows for better interventions on the ground, so we can help people, particularly in the case of poverty and community relations. Many offences are in fact committed by individuals who are not evil at heart. There are things in their past and their present situation that sometimes prompt them to commit these offences, based on their perception of things, and that is unfortunate. It endangers people's property and quite often people's lives.

The question has to be addressed in legislation; it must be circumscribed, and we must ensure that people's property and lives are protected. This is essential. However, as with any law and any action taken by the courts or the police, it is also good for a community's health to treat the root causes of the economic and general problems that communities experience so we can reduce the crime rate.

[*English*]

Hon. Judy Sgro (York West, Lib.): Madam Speaker, I am pleased to have an opportunity to speak to Bill C-26 on citizen's arrest, an issue in which a lot of us have an interest.

Most of us in the House are familiar with an Ontario man by the name of David Chen. Mr. Chen is a Toronto shopkeeper who faced criminal charges after he subdued and held a shoplifter at his store in 2009. Mr. Chen held a repeat shoplifter after the man stole some plants and then had the nerve to return to the store. This defensive action caused Mr. Chen, unfortunately, to be charged with assault and forcible confinement.

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There is a lot of confusion on this issue, which is why I welcome the opportunity to try to clarify it and remove the ambiguity.

While Mr. Chen was eventually acquitted of all criminal charges in this matter, the nature of this case shocked many Canadians. Canadians had a hard time believing that defending one's property could potentially be criminal.

Worse yet, while the notion of a citizen's arrest had been a common law tradition for several decades, this case raised serious concern among police and legal experts. Bill C-26 is the government's response to that surprise and concern.

I accept and believe that Canada's self-defence laws are complex and antiquated and clearly need to be brought into the 21st century. The Chen case has highlighted this fact for many of us. It is time for Parliament to remedy any ambiguity.

Bill C-26 would provide much greater clarity to prosecutors, judges and juries, as well as to private citizens who find themselves in a similar situation as Mr. Chen.

However, I am concerned with comments made by Eric Gottardi, the vice-chair of the Canadian Bar Association's National Criminal Justice Section, in reference to some of those who may use the provisions of this legislation. While referencing non-professional security personnel, Mr. Gottardi said, "Such personnel often lack the necessary range of equipment or adequate training to safely and lawfully make arrests in a manner proportionate to the circumstances". The proportionality of the response is a key point.

These warnings need to be addressed along with Bill C-26.

For the sake of clarity, it is my intention and my party's intention to support the legislation but I continue to have concerns about the scope of the self-defence provisions of the bill.

Tom Stamatakis, president of the Canadian Police Association, also has concerns about the bill. He indicated that Canadians should leave law enforcement to the professionals. Specifically, he warned, "We should take care that any changes made within this legislation do not have the unintended consequence of broadening the current mandate of private security".

We need to ensure that political considerations do not override our primary responsibility here in the House of Commons, that being the enactment of responsible and sound laws. One could question whether some of the crime legislation and so on that has been passed through the House was really sound and responsible.

On the matter of the property provisions, the right balance has been struck.

I will tell members the reasons for some of my concerns.

I represent a riding that is inviting, friendly and ethnically diverse. York West is a place that is home to countless different cultures and traditions and I can say, without hesitation, that I believe it is the best riding in Canada. Despite this, like many places struggling with certain negative employment, education and economic factors, combatting crime is a challenge at times. Recently, the local media has reported some criminal occurrences within the neighbourhood, something that has put many of our community members on edge.

This heightens people's awareness and edginess and it becomes a concern for some.

A citizen's arrest should never be made without careful consideration of certain factors. First, personal safety and the safety of others should be paramount in these discussions. Second, is reporting the matter to police for its response a better option? Third, is an actual crime occurring and has the suspect been correctly identified? Failure to look at those three factors could lead us down a path that could have very dangerous consequences for many people, including the overall community.

• (1130)

I want to talk a bit about a law that is in force the U.S., in particular, in Florida. It is the "stand your ground" law. We are all quite familiar with the tragic Florida case where Trayvon Martin was shot at close range by an individual named George Zimmerman.

I am not passing judgment with respect to guilt or innocence. Either way, the loss of any young life is tragic. However, it also quite possibly can ruin the life of Mr. Zimmerman as well.

Mr. Zimmerman is a 28-year-old, armed, neighbourhood watch volunteer. It is totally legal in the U.S., especially in Florida. He has admitted to pulling the trigger and killing the 17-year-old inside a gated community.

For those who have not followed the story, this was a young man who was going to visit his father. He was carrying a bag of Skittles, some sort of candy, and was talking on the phone with his girlfriend. He was unarmed, a good student and a young man whose parents were very proud of, not someone who was into crime and all the rest of it. He was wearing a hoodie. That right away alarmed the individual.

Therefore, guilt or innocence aside, I believe this entire matter is a consequence of an emboldened volunteer, with inadequate training, acting as though he was a law enforcement professional. Again, a proportionate response was not present. He was told to turn around and leave, that police officers were on their way. However, he thought he could do far more than what he should have done. Now his life has been ruined. There is also the loss of the life of a young 17-year-old.

My point is that tough on crime means to be smart on crime. The two of them have to go together.

Protecting one's home or business is important, but it has to be tempered with responsible action. The proportionality of any response to criminal behaviour is essential. We do not need any more instances like the Trayvon Martin case because too many young lives are already lost to crime.

Police officers are there and that is their job to protect us. Not everyone can or should be a police officer. Police officers are psychologically tested and professionally trained on how to best protect and preserve life and property. They should always be the first call in any case of a suspected crime.

Laws should give citizens the option to act in the most extreme of circumstances. I am hopeful that Bill C-26 will strike that balance.

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I recall a few years ago, when I was a city councillor, one of my constituents heard someone breaking into his house. He was a hunter and had a rifle. He got the rifle and shot the intruder. The intruder was not seriously injured but, in the meantime, my constituent was charged, much as Mr. Chen was. He was defending his own property. As in the case of Mr. Chen, my constituent was charged and had to go through a court process, which then was dismissed. However, that cost him a lot of money, a lot of aggravation and left him very fearful of some of the things that were ongoing.

Bill C-26 tries to remove the ambiguity, but we must move very cautiously as we move forward on these issues. Therefore, we will support Bill C-26.

• (1135)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Madam Speaker, I appreciate my colleague's comments on this. This is why some amendments were put forward at committee. Unfortunately the committee only agreed to two of them. However, the bill reinforces what is currently in the legislation, but it will help bring it a bit closer to where we are today because it is antiquity. It is important to note that part of the bill is includes part of a bill that our colleague, the member for Trinity—Spadina, put forward.

We also have to be extremely careful that the bill does not make people think they can now take the law into their own hands. I do not think we will see a big influx of that. It tries to clear things so people like Mr. Chen will not be subject to being charged.

I know my colleague said that her party supports the bill. Does she believe it is a step in the right direction and does she hope there will be more amendments from the Senate, given the fact that we have had discussions both at committee and in the House now?

Hon. Judy Sgro: Madam Speaker, any time we can strengthen legislation by introducing some amendments and have full discussion on them is useful. If that gets done by the Senate, then it will continue to do some very helpful work for us. The whole goal of this is to ensure we remove the ambiguity of those grey areas. I think we all know that those grey areas can cause a lot of trouble for people in a variety of different ways.

The whole issue is this. We do not want to have happen what has happened in Florida, where people become emboldened, whether they have a gun or not, to think they can take the law into their own hands. We have a fabulous police service in Canada, starting with the RCMP.

It is imperative that we ensure we have laws that are clear for citizens and our law enforcement officials to follow to ensure the safety of Canadians and our communities.

Mrs. Carol Hughes: Madam Speaker, my colleague has mentioned on a few occasions the fact that some people will take the law into their hands. It is very unfortunate what happened to the constituent, however, I do not think people pulling guns out and shooting at somebody to try to defend themselves is always right. I am trying to get to some sense of it because I cannot fathom having that under somebody's belt, especially if someone dies.

At the end of the day, this legislation is a step in the right direction to protect people who defend their rights, but we do not want to encourage people to take guns out to shoot warning shots. Some

Conservatives think this should happen. However, we need to move our legislation forward into this century.

Could my colleague elaborate a little more on some of the changes we would like to see occur?

• (1140)

Hon. Judy Sgro: Madam Speaker, I am quite disappointed that we no longer have the gun registry. The fewer guns we have on the streets, the better. I think most of us would agree with that.

If people have guns in their homes and they feel threatened, they should call 911. However, let us be honest about this. If their families are being threatened and they have something they feel can protect them, that is what they are going to do. They do not want to wait for 911 if someone is there who will kill them or their families. They will do whatever they can to defend to themselves.

As much as I would like to see far fewer guns in our country, we have to deal with the reality. Many people, law-abiding citizens, carry guns, and that is what happens when they think they can take the law into their own hands.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Madam Speaker, I am pleased to rise on Bill C-26. This is a rare event. For once, the Conservative Minister of Justice has introduced a balanced bill that is realistic and even includes a number of recommendations from the opposition parties. For once, we can be glad to have a bill before us that will probably receive unanimous support. The Bloc Québécois intends to support this bill.

The problem with the current legislation was also identified. Everyone gave the example of what occurred in 2009, in Toronto, when Mr. Chen, a store owner, arrested someone who had stolen from him. It became apparent that the law was problematic when charges were laid against the store owner.

In my opinion, what happened to Mr. Chen is not a frequent problem, but the situation really upset a lot of people, and with good reason. It was important to amend the legislation so that what happened to this store owner would not happen again.

The law already gives people the right to defend themselves and even to arrest somebody they catch committing an offence on or in relation to their property. Bill C-26 allows such arrests to be made within a reasonable time after the offence and even to extend this period of time. That is a big difference. In the case we have been talking about since the beginning of the debate, Mr. Chen made an arrest one hour after the offence had been committed. He noticed the thief when he came back to his shop one hour later. That takes the cake. A person would have to have some nerve. It makes perfect sense that the shop owner decided to catch and tie up the thief and call the police. He did what needed to be done.

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Nevertheless, we have to ensure that we do not become a wild west society when it comes to protecting our property. That must always be considered, first and foremost, the job of police officers. It is possible to defend oneself and even to make an arrest without being charged as Mr. Chen was. The bill will correct this situation.

Fortunately, even though charges were laid against Mr. Chen, the judge did his job properly by finding that there were no grounds to charge him with anything. It could therefore be said that justice was done and that the individual was ultimately not charged with making an arbitrary arrest or breaking the law, even though the arrest was made one hour after the crime was committed.

The matter did not finish there, and that is a good thing. It was raised not only by the government, but also by the opposition parties, which introduced bills, made recommendations and acted to ensure the situation did not happen again. In my opinion, Bill C-26 corrects the injustice—and it can be called that—that occurred when charges were laid against a person who was ultimately only defending his property.

The right of self-defence is important, but we should not become vigilantes, and our streets should not become the wild west. By clarifying the law, we are solving a problem that perhaps did not arise frequently, although once is undoubtedly once too often. We are therefore in favour of this bill, although some questions still remain about the actual enforcement of the new provisions of the bill, particularly those respecting the time that may elapse between when the crime is committed and when citizens arrest the offender.

It is normal to allow citizens to protect themselves and their property, if they act in a reasonable manner without using excessive force. Ultimately, this is all a matter of self-defence. Far from promoting a society in which every individual takes justice into his own hands, the Bloc Québécois advocates a measured approach whereby citizens are entitled to defend themselves but are of course encouraged to call upon the police to protect them and to arrest criminals. We do not believe Bill C-26 runs counter to that principle.

As I said earlier, intervening or making an arrest ourselves must be a last resort, because our physical safety and that of those close to us may also be compromised if we decide to take justice into our own hands.

• (1145)

However, there are circumstances in which we have no choice and must absolutely ensure that the person who is attacking our family or our property is stopped. I do not always want to talk about things that happened to me, but when I was younger, three individuals broke into my parents' home. I was alone with my young girlfriend at the time—I believe we have all done that. I say young girlfriend, but I was young too. I was very much afraid at the time, not just for my physical safety, but for that of the person who was with me that evening.

I had a vague feeling that there was more than one person in the house because I could hear them walking and talking. I knew that alone, without a weapon of any sort, there could be a problem. Outnumbered, I could possibly lose a fight, if it came to that. Gripped with fear, I decided to take action. I did not necessarily intend to show myself, to try to confront these people, but I wanted

at least to let them know that someone was home, that I was armed and that I would deal with them if they did not get out. I was not armed, but they did not take a chance and they ran away. That was how I handled the situation.

However, what would have happened if these people had looked all around the house? If I had remained silent, they would have ended up in my bedroom. Whether we like it or not, we are all afraid that the people who are with us will be attacked by these individuals. I could have become much more violent and I would have done anything to defend the person who was with me. It is quite normal to react that way. At the time, I also did not have access to a telephone; I could not call the police. I do not know if cell phones existed back then; in any case I did not have one at the time. I was a teenager. It obviously all depends on how you look at it and on the circumstances.

In that sense, there is nothing to suggest that the current legislation was applied inappropriately, as I was saying. Other than Mr. Chen's case, very few cases have been brought to our attention where self-defence came as a delayed reaction. The legislation advocated proceeding with an arrest or an intervention if the perpetrator is caught red-handed. In Mr. Chen's case we know that he reacted an hour later, but what about people who see the same thief who stole from them 24 hours later? I think the justice system needs to find a balance between what is reasonable and what is not, when it comes to how much time passes after the offence.

Let us not forget the case being used to justify this measure, namely that of the Toronto store owner who arrested a thief and then was charged with assault and forcible confinement. The store owner was acquitted, as I was saying earlier. The judge did his job. Nonetheless, Bill C-26 clarifies this situation.

I will not list all the changes in Bill C-26, but there are some important ones that we need to talk about here in this House. The bill completely changes the part of the Criminal Code on self-defence and protection of property. In fact, the bill amends sections 34 to 42 of the Code. Those sections are being replaced by what may be called a simpler system. That is not a bad thing. The bill also significantly amends the right of property owners to make a citizen's arrest under section 494 of the Criminal Code.

It seems to me that Bill C-26 no longer separates the various self-defence clauses according to the attitude of the person invoking self-defence, namely whether that person provoked the attack or whether it is a question of an attack against the person citing self-defence or a person under his or her responsibility. Everything has been combined under one section—section 34—which lays down a general rule that reads:

A person is not guilty of an offence if

a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;

- b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and
- c) the act committed is reasonable in the circumstances.

It was important to clarify this measure. These changes were and are adequate. That is why the Bloc Québécois will support Bill C-26.

• (1150)

Mr. Jean Rousseau (Compton—Stanstead, NDP): Madam Speaker, I wish to congratulate my hon. colleague from Richmond—Arthabaska on his excellent speech.

Even though all opposition parties have indicated that they will support this bill, would my colleague not agree that certain points could have been improved? Does he think that the governing party will be open to discussion when this bill is being examined in committee?

Mr. André Bellavance: Madam Speaker, I thank my colleague from Compton—Stanstead for his question.

Obviously, I cannot speak for the Conservative Party. The Conservatives are usually fairly uncompromising, not only in committee, but also here in the House. However, as I said, this bill is balanced. That being said, there is always room for improvement. My first question is about reasonable time. What is reasonable and what is not?

In Mr. Chen's case, it was an hour after the crime took place. In that case, his intervention was completely justified. But what if a person intervenes a week or two after the crime is committed? I know a person who went to the home of the person she believed had robbed her, but that is not the right thing to do. She could have put herself in physical danger and there could have been a fight. Instead, she should have called the police and reported that she suspected the person had robbed her. She should not have gone there herself.

People have to trust the justice system. Judges are capable of judging cases on their merits. As my colleague from Compton—Stanstead said earlier, things will have to proceed on a case-by-case basis to prevent people from playing private detective because they believe that the law will protect them if they intervene. Intervention must occur within a reasonable time. People should not step in for the police.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Madam Speaker, I appreciate my colleague's speech on this bill.

We can certainly see that there have been similar situations in communities in every province. I wonder whether the member could say some more about the need for this bill. Does he agree that this bill makes the changes that are needed to improve what the law already says?

I am certain, from listening to his speech, that this bill was not proposed with the aim of encouraging people to defend themselves more often. It allows them to do so if it is necessary, but I firmly believe that this bill does not encourage people to take the law into their own hands.

• (1155)

Mr. André Bellavance: Madam Speaker, I would like to thank my colleague for her question and comment.

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In fact, the Bloc Québécois would not support this kind of bill if the aim were to have people become vigilantes and start running around the streets with weapons to arrest thieves. That is obviously not the case. This was necessary to remedy a flaw that became particularly apparent in 2009.

As I said, I had not heard about a lot of cases. This is not a bill that would necessarily have been brought forward if charges had not been laid against an honest store owner who decided to make an arrest himself. Fortunately, it went well. He arrested the person who had come back an hour later after already committing a theft in his store; he tied him up and he called the police. He did his job. But charges were laid against the store owner, and that is what was unjust.

Bill C-26 simply clarifies the reasonable time a person has for arresting someone. The fact that it happened an hour earlier does not mean that a person has to let a thief who has the gall to come back to their business get away with it. You do not know what they are going to do; you have reason to believe they are going to keep stealing or committing more serious crimes; and you do not know whether they are armed or not.

Therefore it was not proper to lay charges against that store owner, but that is what happened. By clarifying the situation, we will ensure that in future, charges will not be laid against people who are fully entitled to defend their property and their person.

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, I too am rising to speak to Bill C-26. The origin of the bill is the Lucky Moose case. A shopkeeper, believing that the same accused was continuing to shoplift in his shop and frustrated that he was not getting action in apprehending this person, chose to detain and essentially arrest and confine this person. The shop owner was arrested, charged and convicted. However, there was a lot of controversy around this case. It was appealed and the conviction was overturned. The court at the appeal level raised concerns with the current provisions in law specific to property protection. The court found the provisions inconsistent and meriting clarity.

I would like to congratulate the government and commend it for responding to the courts. It is a refreshing change. There have been a number of rulings by the courts where the government has snubbed the judiciary. One example is the case of the Wheat Board. In another example, in a series of cases, the Minister of the Environment has refused to exercise his authority properly to consider impacts to aboriginal peoples' lands and waters. I commend the government. It has listened to the courts and it is trying to move in the direction of improving the law.

This bill was triggered by the actions of my colleague, the member for Trinity—Spadina. Everyone in the House congratulates her in her initiative to bring forward a private member's bill in the last Parliament. The government is to be commended for responding to a private member's bill. One of the powers of all the members in this House is to bring forward activities in a private member's bill. Members may or may not have their bill go through the entire parliamentary process and have it accepted and adopted. However, by simply tabling a bill, members can signal to the government that this may be an action they want to pursue.

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It is, however, important when we are making amendments to the Criminal Code that we avoid one-offs. There has been a propensity for one-offs by the current government, particularly in the area of public safety. Some members in the House have raised concerns as to whether the bill goes too far or not far enough and why the House has not accepted amendments brought forward by groups such as the Canadian Bar Association, representing our defence counsel, or the Elizabeth Fry Society. In some cases, the members of the committee and the House have considered these proposals for change. Some have been made and others not. We would hope that, if this law should pass and then go on to the Senate and pass and be law, the authorities that oversee this amendment to the Criminal Code, including the courts, the Canadian bar, defence counsel and prosecutors, parliamentarians and the committee, consider reviewing how this law is being applied in the field, whether it was a good idea to amend and whether it has gone far enough or should be reined in.

We sought amendments to improve the bill. We always try to take a proactive, constructive approach. Some of the amendments were accepted and some were not. I am advised we recommended a change to section 34 to additional criteria for consideration, whether the use of force was reasonable, to consider the state of mind or the circumstances perceived by the person, an example being the battered spouse syndrome. For example, if people have been continually battered they may perceive that they are going to be harmed seriously and react in a very serious way. That should be considered. Unfortunately, that amendment was not accepted.

I suggest that, while efforts have been made to clarify this law at the request of the courts and the public, it still remains highly subjective. As a lawyer, I always look to the law to see if we are providing clarity so people know what the law says and what their rights and obligations are, and so that the courts can make a fair ruling. One of the examples I would give is the proposal for amendment to subsection 494(3) regarding the use of force or detaining a person in the case of property being impacted, that the owners may arrest if they find the person is committing a criminal offence.

● (1200)

I would suggest that is a highly subjective matter. It may be very difficult for a shop owner or property owner to determine whether it is a simple trespass or whether it amounts to a criminal offence. These are the kinds of provisions that I think merit a closer look, and we will await what the determinations of the courts are.

The intent of the government is very sound. It wants to provide clarity around the reasonable actions that people can take to protect their persons or property, but, as we are hearing from members in the House, only so long as the intent is not to go in the direction that some laws have taken in the United States, those being the “stand your ground” and the “shoot first” laws. We have heard some concern in debate, particularly with respect to the use of force against others or as to what kind of action is reasonable when protecting one's property. Hopefully we are not going in the direction of “shoot first”.

It is very important that we put boundaries around citizen enforcement. Some entities, such as the police associations and in some cases the Canadian Bar Association, are raising concerns about

greater citizen vigilantism and the potential for people to take the law into their own hands. I would suggest there is a need for training and guidance. Perhaps it could be provided through business associations, or perhaps police officers or members of the bench could come in and explain the boundaries of these provisions in cases where there have been repeat incidents of shopkeepers being robbed or attacked at gunpoint. A good example would be bank branches, where on some occasions, and certainly in my city, there have been repeat robberies at particular branches. That may be important.

When the government brings forward new laws, as a former environmental enforcer I like to encourage it to also table or bring forward new enforcement and compliance policies and strategies at the same time. If the public presumes that the law gives them greater powers to arrest and detain or perhaps use greater force when they feel they are being assaulted or their property is being impacted, we need to provide some guidance. Perhaps the committee could review this and make some recommendations to police forces and community associations.

I would like to commend my own city, Edmonton, for implementing a new program called REACH Edmonton. It recognizes that the police cannot be everywhere. There have been pleas from every municipality and from smaller centres across the country for more money from the federal government for policing. In the interim, because of this change in the law there may be more interventions involving people taking matters into their own hands.

It is very important that we stand back and assess who are committing these kinds of offences. If there are property offences or shoplifting, why these offenses occurring?

In my own riding, we have a number of centres struggling to get the funding to get kids who have been abandoned by their families off the street and give them a safe place to stay and a hot meal so that they do not shoplift, break and enter, and so forth. It is very important that our government give equal consideration to a strategy for public safety to prevent these kinds of circumstances, not just to after-the-fact actions. Therefore, I would encourage the Government of Canada to observe the new programs of the City of Edmonton and give due consideration to also providing assistance for the implementation of community crime prevention programs.

● (1205)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, I greatly appreciate the comments and the speech made by the member for Edmonton—Strathcona. She is not only very dedicated to her community, but I have worked with her on committee here and I am aware of how passionate she is when she takes something on.

It is important to recognize that legal experts testified with respect to this particular bill at committee and put comments forward. Unfortunately, the Conservative representatives did not see fit to make some of the other necessary amendments to the bill that would enhance it even more.

We will be supporting the bill. However, we would like to see some further amendments put forward in order to really substantiate the need for change appropriate to this century.

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On that note, I wonder if my colleague could elaborate on why these changes should occur and how great it is to be able to update bills such as this one.

Ms. Linda Duncan: Mr. Speaker, I have had the great pleasure of working with the hon. member. If any member in the House deserves an order of merit, the hon. member deserves one for her dedication to her constituents. To elaborate on that would take far more than the response, and I will leave that to my colleagues who are the justice critics.

I would like to respond in a slightly different way. There was a case in Alberta that my fellow members of Parliament from Alberta will recall, a case that I think should cause us to reconsider the bill from another way around.

In the Lucky Moose case, the shop owner was eventually acquitted because he used reasonable force. In Alberta, a young woman was with a group of youth who were joyriding on a farmer's property, the famous Wiebo Ludwig property—Wiebo is now deceased—and it was the other way around: a gun was shot, and the young woman who was joyriding was killed.

We need to keep in mind that there are two sides to all of these cases and we need to make sure that people are only using reasonable force when they are protecting their property.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, in speech after speech in the House today, there is a thread of concern about whether or not we are opening the door for more vigilante violence, or at least for an escalation in the type of violence used to try to detain people. From the standpoint of the courts, a law is often subjective as opposed to prescriptive as to what would happen.

Does the hon. member see shortcomings in this particular bill in that area?

Ms. Linda Duncan: Mr. Speaker, I had mentioned that the bill still contains very subjective language.

The particular provision that stood out to me relates a person who finds somebody committing a criminal offence. In the area of environmental law, we could actually file a complaint to the government if we believed on reasonable grounds that somebody was violating an environmental law. Simply filing a request to the government to investigate is a far less serious action than allowing people to intervene. I have some concern about whether people really understand what the boundaries are for what people can do to them and what they can do in response.

I think it would be very important to monitor the applications of this law, how people respond to it and what kind of cases come before the courts.

• (1210)

Mrs. Carol Hughes: Mr. Speaker, as we move forward on the bill, it is again important to reiterate that part of the bill is an NDP initiative by the member for Trinity—Spadina, who brought forward David Chen's story.

I greatly appreciate the comments that the member for Edmonton—Strathcona put forward. I am sure she will be very glad to elaborate on the fact that this bill would not encourage people to out

for vigilante purposes, nor will we see an increase of people being charged for protecting their rights. It is just to protect the rights of those people when circumstances like this happen.

Ms. Linda Duncan: We have heard from some of the members in the House, Mr. Speaker, particularly from those with ridings in large cities where there may be a variety of youth and people of different racial backgrounds. There may be some level of prejudice there. We have to take care that suspicions against certain groups of people do not go to the extent that people use vigilantism.

I would like to just share with the House an expression after the Trayvon Martin case: somebody in California has said they were shocked to learn a private citizen in Florida could essentially serve as cop, judge and jury and impose the death penalty on a fellow citizen. We have to be careful that we are not transferring over to our citizens the power of arrest and detention and the determination of whether somebody is committing a criminal offence.

The Acting Speaker (Mr. Bruce Stanton): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

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

* * *

SAFER RAILWAYS ACT

The House proceeded to the consideration of Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, as reported (without amendment) from the committee.

The Acting Speaker (Mr. Bruce Stanton): There being no motions at report stage, the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

• (1215)

Hon. Gordon O'Connor (for the Minister of Transport, Infrastructure and Communities) moved that the bill be concurred in at report stage.

The Acting Speaker (Mr. Bruce Stanton): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Acting Speaker (Mr. Bruce Stanton): When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Gordon O'Connor moved that the bill be read the third time and passed.

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Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I am pleased to rise in the House on the third reading of Bill S-4, the safer railways act.

Before I begin, allow me to congratulate my colleagues across the entire chamber for the successful manner in which this bill has been discussed, debated, analyzed and moved to this point.

I thank the hon. member for his applause and I want him to feel free to interrupt my comments with his applause at any time.

I hope he will join me in applauding our Minister of Transport, Infrastructure and Communities, who has proven himself to be a quiet, diligent builder in the true Canadian sense. We see the success he has had in moving forward with a plan to build a new bridge, a replacement of the Champlain Bridge over the St. Lawrence. That bridge is going to be at a minimal cost to taxpayers and at a higher quality for the residents of Montreal and the many people who pass through that corridor from right across Canada.

The minister is succeeding in building linkages with our friends south of the border in the hopes that we will have a Detroit-Windsor bridge. He has moved this bill on railway safety quietly but quickly through the House of Commons, and he has also worked with municipal partners toward the eventual development of a replacement for the building Canada fund, which will expire in just a few years. We all have a lot to celebrate when we look at the record of this Minister of Transport, Infrastructure and Communities.

The bill in front of us deals with one of the few legitimate roles of government, and that is to protect the safety and security of the person. Canada has one of the strongest rail safety regimes in the entire world. Last year we saw reductions in accidents on the railroad by 23%, and derailments dropped by 26%. Obviously there is a lot more work to do. Until such time as there are no accidents whatsoever, we must continue to work with industry and in partnership with government to have the strongest and best laws to ensure safety.

It gives me great pleasure to say that committee members have thoroughly re-examined this bill and have given their unanimous approval for the second time, exactly as it was received, with no further changes. It has been a long journey, but our final destination is in view. This important piece of legislation reflects our desire to ensure that our national railway system remains one of the safest in the world for the long-term benefit of our economy, our communities and our environment. The safety and prosperity of Canadians is always a priority for our government.

Before going further, I would like to remind members about the origin and the intent of this bill. In late 2006, the Minister of Transport, Infrastructure and Communities appointed an independent panel to review the Railway Safety Act and make recommendations for improving both the act and railway safety in general.

Through 2007, this panel travelled from the Atlantic to the Pacific gathering input from a very broad spectrum of stakeholders, including the railway companies, their associations, the railway

unions, shippers, suppliers, municipalities, other national organizations, levels of government and the public.

The end result of these extensive national consultations was a final report with more than 50 recommendations for improving safety in the rail industry. While the rail safety review was in progress, the Standing Committee on Transport, Infrastructure and Communities undertook a complementary study of railway safety in Canada. After hearing extensive comments from municipalities, industry and labour, the committee accepted 56 recommendations of the Railway Safety Act panel and tabled its own report with 14 recommendations, many of which were built on those in the Railway Safety Act review.

Some of those amendments proposed in the bill before the House today are a direct result of the standing committee's extensive work in this regard. I heartily thank its members for their dedicated efforts.

• (1220)

In short, Bill S-4 is our Conservative government's detailed response to those two national reviews. The amendments it proposes would significantly modernize the current act to reflect changes in the industry and ultimately to increase the level of safety for the benefit of our generation and those to come.

First and foremost, Bill S-4 would provide stronger oversight and enforcement capacity to Transport Canada through the introduction of railway operating certificates and monetary fines for safety violations as well as an increase in existing judicial penalties to reflect the levels found in other modes of transportation.

Throughout all our stakeholder consultation and committee examinations of these amendments, we heard strong support for the implementation of the safety-based operating certificates for all railways that run on federal tracks. These certificates, which would significantly strengthen Transport Canada's oversight capacity, would ensure that companies must have an effective safety management system in place before beginning operations.

Companies that are already in operation would be granted a two-year grace period to meet the requirements of the certificate. This includes all federally regulated railways as well as several of our largest national transit systems that use hundreds of miles of federal track and carry millions of Canadians to and from work daily. Increased safety for these travellers would be a significant benefit for businesses, communities and families.

Many stakeholders also expressed strong support for the introduction of monetary penalties and an increase in the judicial fines for serious contraventions of safety regulations. Monetary penalties already exist in other modes of transportation. They serve as a complementary enforcement tool and provide additional leverage on companies that continue to persist in safety violations.

This is consistent with the principles of minimizing regulatory burden for Canadians while at the same time promoting compliance. In that sense, we want to streamline and focus our rules so they cause a minimal encumbrance to the passenger and the business while punishing violations with serious monetary fines to discourage non-compliance.

In the interest of fairness for all, the proposed penalty scheme would allow for a review of the regulator's penalty decisions by the Transportation Appeal Tribunal of Canada. It would also include provisions related to the minister's decision to impose a penalty, the due process to be followed, the review of decisions by the appeal tribunal and the level of fines to be paid for non-compliance and infractions.

The maximum levels of these penalties would be \$50,000 for an individual and \$250,000 for a corporation, which is consistent with similar schemes for other modes of transportation. The proposed increase in judicial fines, which were originally established 20 years ago, would also strengthen Transport Canada's enforcement options and bring those fines to a level currently found in the other modes of transportation, as I mentioned earlier.

Maximum judicial fines for convictions on indictment for a contravention of the act would increase from \$200,000 to \$1 million for corporations and from \$10,000 to \$50,000 for individuals. Maximum fines on summary conviction for contravention of the act would increase from \$100,000 to \$500,000 for a business and from \$5,000 to \$25,000 for an individual.

• (1225)

These amounts are consistent with those established for federal air and marine transportation and transportation of dangerous goods. Those modes of transportation are comparable enough to ensure that they would work in this mode of rail transportation. They are large enough to effectively deter contraventions.

The bill also provides for a significantly stronger focus on the importance of railway accountability and safety management systems, which both industry and labour applaud and support.

With these amendments in place, railway companies would be required to appoint a designated executive responsible for all safety matters. They would also be required to provide whistleblower protection for employees who raise safety concerns. Besides increasing our level of protection from accidents and oversights, these amendments would ensure the growth of a strong and lasting culture of safety in the railway industry.

On the administrative side, the bill would effectively close the gaps in the existing act by clarifying the minister's authority on matters of railway safety. It would expand regulation-making authorities, which would enable Transport Canada to require annual environmental management plans from the railways as well as a requirement for railways to provide emissions labelling on equipment and emissions data for review.

The safer railways bill is all about better oversight, improved enforcement tools, enhanced safety management systems and better environmental protection. These are the things we need. These are the things we applaud. I think my hon. colleagues would agree that these are the things we can all support.

In sum, these proposed amendments to the Railway Safety Act would improve rail safety in Canada for the long term. They are the culmination of two important studies and extensive consultations. They would provide increased safety for Canadians and Canadian communities, economic benefits to the industry by decreasing the likelihood of costly accidents and delays, and a variety of benefits to

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external stakeholders, including provinces, municipalities, shippers and the travelling public.

Last but not least, these amendments would provide additional support for a stronger economy, a modern infrastructure and a cleaner environment for all Canadians.

With the House's support of these amendments, the government's ability would be enhanced to effectively regulate companies in an environment of continued growth, free enterprise competition and increased complexity. We would have the ability to ensure the safety of not only the passenger but the motorist and the pedestrian and the communities through which these trains travel. Improvements to Transport Canada's regulatory oversight and enforcement programs would be limited. The pursuit of new safety initiatives with respect to the management systems and environmental management would be badly constrained without these changes.

Without the support of the House, the legislative framework for railways would also remain inconsistent with other transportation modes, which have a broader range of enforcement tools. Regulation-making authorities could not be expanded to allow for the creation of safety-based operating certificates.

Without the support of the House, we would ultimately be looking at greater long-term costs to Canadians due to continuing fatalities, serious injuries and damage to valuable property and the environment.

Happily, it appears we do have the support of the House. All members of the House would agree that because of this cross-party consensus and the passage of the bill into law imminently, the Canadian public would be safer and the industry and its workers would be stronger.

• (1230)

Canada has one of the most dispersed populations in the world and it is the second biggest country on earth. Our railways have 73,000 km of track stretching from coast to coast and more than 3,000 locomotives handle more than 4 million carloads yearly. They operate more than 700 trains per day, moving nearly 70 million passengers and 75% of all service freight in this country. Railways have been the backbone of our economy since the days of John A. Macdonald and Confederation. They were the foundation of our national growth in the past and they remain integral to our prosperity in the future.

It is timely and forward-looking legislative amendments such as these that will ensure our rail industry remains a safe, secure and dependable component of our national infrastructure and global economy for many years to come.

In 2009, our Conservative government affirmed its commitment to safe, reliable transportation systems by investing in rail safety systems and putting the right kinds of rules into place. These amendments to the Railway Safety Act that we have before us today are the fruit of that commitment.

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Since the launch of the Railway Safety Act review in 2006, our government has worked continuously with stakeholders, through the Advisory Council on Railway Safety, joint technical working groups and individual consultations across the country, to ensure that this bill meets the needs of all the parties engaged in this industry.

The net result is a strong, forward-looking bill that updates existing regulatory authorities, brings railway legislation in line with other modes and significantly improves the safety of our railway system for the benefit of all.

I will mention some of the leaders who played a role in the early stages of this process. I think of then minister Chuck Strahl, or Lawrence Cannon, two members who have now moved on to other career pursuits but who served as ministers of transport. I think of the hon. member for Ottawa West—Nepean, now our Minister of Foreign Affairs, who also served in the capacity of transport minister. I think of our current minister who, as I highlighted earlier, has achieved a record of quiet, diligent results in this and in many other areas.

The bill demonstrates the ability of our majority Conservative government to get things done. To continue to preserve our free enterprise economy while protecting the security of the person is one of the fundamental responsibilities of government. Together, as we focus on the next phase of Canada's economic action plan, which is a plan for jobs, growth and long-term prosperity, and as we build upon the free market foundations that made this country what it is today, I encourage all members to support these common sense changes to improve rail safety and keep commerce moving across our tracks for the future and for all of us.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the hon. member for what might be a case study or even a lesson for some of us on how to be a parliamentary secretary. He spent a full five minutes in the opening remarks of his speech complimenting his minister. He would more or less have people believe we should be erecting a statue to the Minister of Transport, never mind supporting this particular bill. It would be under the category of infrastructure, surely.

I would like my colleague's opinion and view on one glaring thing that jumps off the page to me as we begin the debate on this bill. It is the fact that it is called Bill S-4, not Bill C-4. In other words, it has its origins in the unelected, undemocratic Senate. The last time I checked, members of Parliament do not work for senators. I was elected by my constituents to represent them. By the Constitution, it is this body that comes together to amend legislation or create new laws, et cetera.

It surely offends the sensibilities of anyone who calls himself or herself a democrat, and in our case New Democrats, to tie up the time of the House of Commons with a bill that finds its origins in the other place. I do not understand it. It seems to be a trend. It seems to be a burgeoning pattern. It is almost becoming one of the hallmarks of the government that it uses and abuses parliamentary procedure.

No one elected senators to make legislation. They were appointed by the Prime Minister, usually because of their membership in a certain political party in their back pockets. They were either "failed" candidates, and failed is the operative word, and we were successful candidates. It is we—

● (1235)

The Acting Speaker (Mr. Bruce Stanton): Order, please. The period of time for questions and comments is limited. I am sure there are other hon. members who may wish to pose questions.

The hon. Parliamentary Secretary to the Minister of Transport.

Mr. Pierre Poilievre: Mr. Speaker, my hon. colleague is upset that the bill is called Bill S-4 and not Bill C-4. He is upset that the bill originated in the Senate and not in the House. The reality is that this is a bill that has consensus across both chambers and all parties. At times, government introduces bills at the Senate level because that chamber might be undercapacity while this one is overcapacity and, in order to get that legislation passed quickly, we start it there and we end it here. Either way, it must go to both places. I conclude by saying that Bill S-4 or Bill C-4, what the heck is he fighting for?"

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member has one thing right and that is that there is a high sense of recognition in terms of how important railway safety is to all Canadians. We understand and appreciate that this vital railway industry is the backbone in terms of the modes of transporting commodities, whether it is from British Columbia through our prairie provinces to Ontario, Quebec and to our Atlantic provinces. We in the Liberal Party have acknowledged how vital that industry truly is, which is one of the reasons we recognize the importance of railway safety and, therefore, in principle, are supporting and encouraging this bill to pass today.

My question for the member is in regard to making reference to the backbone of our economy. I want the member to reflect on the role that his government played in terms of the potential threat to the railway in the province of Manitoba, in particular from Winnipeg to Churchill, in a decision in regard to the Wheat Board. We need to look at the railway as an industry that provides life to many rural communities, not only in Manitoba but in Quebec, Ontario and throughout our country.

I would ask the member to provide a comment as to why the Conservatives do not see, as the Liberals see, that the railway can provide wonderful economic opportunities for all Canadian communities.

Mr. Pierre Poilievre: Mr. Speaker, I represent an Ontario riding. We have grain and oilseed producers in this province. They all sell their grains on the open market without being compelled to participate in a central monopoly. Guess what? There is a successful rail line industry that operates in Ontario. I encourage the member to call CN or one of the other railways and ask for a little ride so he can see how well our system functions right here in Ontario without the presence of the Canadian Wheat Board monopoly.

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One of the best decisions that any government has made in transportation policy was made when both the Conservatives and the Liberals supported the privatization of the industry. Because of that privatization, we now have profit-generating businesses that employ people, pay into pension funds, create jobs, support communities and move goods from where they are to where they need to go. That is proof of the power of the free market economy. It works in railways and it also works in agriculture.

Mr. Chungsen Leung (Parliamentary Secretary for Multiculturalism, CPC): Mr. Speaker, the bill obviously represents a lot of hard work on both sides of the House, especially on our side, to put forward a bill that represents railroad safety. However, we need to look beyond that. We need to look at the pan-railroad economy in Canada. The railroad system in Canada embodies perhaps the soul of Canada in linking us from east to west.

My forefathers are among the Chinese who came here over 150 years ago to help build the railroad, representing our contribution to the building of this economy. In the last 20 years or so, I have been involved with the railroads of Canada in areas of innovation such as the development of the steerable bogie, the double deck of the GO Transit and the long-haul trains that make it so efficient for us to move containers from the west coast to the east coast at a fraction of the cost of going around by the Panama Canal. The contributions that the railroad brings to us are safety for Canadians, the innovations and contributions to our economy and today a better and cleaner environment.

I would like to know from the opposition members what suggestions they would have to improve on this bill.

• (1240)

Mr. Pierre Poilievre: Mr. Speaker, I am sure the opposition members will not mind my answering on their behalf, but I would rather start by thanking the hon. member whose expertise in the area of railway transportation has been sought by governments and businesses all around the world. This House could learn a lot from that expertise.

The member mentioned the importance of container shipping. It is interesting that in the late 1950s international trade, as a percentage of the global economy, was in decline. In other words, there was something called reverse globalization. That changed with the invention and mass application of the container shipping box, which effectively allowed massive quantities of goods to move through ports with minimum handling costs. As a result, a container can be filled in Beijing, transported to Vancouver, lifted off, put on a railway, transported to a warehouse in Calgary and then delivered to a retail outlet without ever being opened and at an extremely low cost. That has given Canadians and others access to lower-cost goods, which helps raise our standard of living and allows us to get our goods to hungry foreign markets at minimal transportation costs.

We need to build upon this wonderful free enterprise creation that has improved the quality of life for so many people around the world.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, having a safe and reliable rail network is essential to Canada's mobility and economy. Seventy percent of all service goods are shipped by train. Passenger and commuter trains transport more than

70 million people a year. Our railways also have an environmental edge over road bound traffic as they only contribute 3% of Canada's transportation related greenhouse gas emissions.

By choosing rail, passengers and shippers also choose one of the safest modes of transport in Canada. However, although modest gains have been made in reducing accidents over the past few years, we are not where we want to be in terms of rail safety. The tragic VIA Rail collisions in Burlington in February of this year and the recent derailment in Alberta show that more needs to be done. Bill S-4, the safer railways act, is a step in the right direction.

Members know that the bill has been in front of the House of Commons several times. In fact, the history of it is quite extensive. It started in February 2007 with the department telling the minister of transport that there should be a full review of the operation and efficiency of the Railway Safety Act.

An advisory panel was established and came out with a final report entitled "Stronger Ties: A Shared Commitment to Railway Safety", which was published in November 2007. That was five years ago. It included 56 recommendations for improvement of rail safety, some of which are included in the legislative changes in front of us today.

Throughout the past five years, the bill came before the House in many forms. In May 2008 the standing committee tabled 14 recommendations after it studied the Rail Safety Act. In June 2010 Bill C-33 was introduced by the government in the House of Commons, but unfortunately it did not pass. We now have Bill S-4 in front of us.

However, Bill S-4 is only a step, not a leap. Depending on whom one talks to, it is more of a baby step. It is long overdue, but it is certainly not universal in addressing ongoing rail safety challenges.

Rail accidents have decreased over the last five years, but only in a very limited way. The Transportation Safety Board of Canada, an independent government agency responsible for advancing transportation safety through investigations and recommendations, has some insightful statistics, some of which I will list.

The number of railway accidents went down by a meagre 5% from 2010 to 2011. We still have more than 1,000 train accidents a year. That is almost three a day. Slightly more than 100 train collisions and derailments happen on the main tracks and not tucked away in some slow-moving marshalling yard.

Off the main tracks, the Transportation Safety Board of Canada reported 573 collisions and derailments. There were 33 accidents in which the culprit was not due to human error or rolling stock, but because the rails themselves were unsafe.

Every other week, somewhere in our country, there is a rail accident that involves fire or an explosion. VIA Rail unfortunately does not own its own rails but leases them from CN/CP. This makes it hard for VIA Rail to have much control over the rails.

Government Orders

●(1245)

Needless to say, a rail accident's harmful potential is compounded when dangerous goods are involved.

In 2011 there were 118 accidents involving toxic cargo, most of them were derailments. In three of those accidents harmful contents were spilled, damaging the environment and threatening the health of residents and workers.

Even without collisions, once a week there is an incident somewhere in Canada in which dangerous goods are leaked.

The Transportation Safety Board reported 51 incidents in which harmful and toxic substances were inadvertently released into the environment, and things do not look much better this year. From January to March, there were 16 dangerous goods leakages. During the same time frame last year, there were 11. We actually had five more incidents of dangerous goods that leaked into the environment than last year.

While the number of overall accidents has slightly decreased, 5%, the number of serious accidents, those that have to be reported to the Transportation Safety Board, has increased by a dramatic 27% from 2010 to 2011. The number of mandatory reported rail incidents rose from 160 to 204. That means we are on par with the numbers again in 2005, 2,004 rail incidents. That is a big number. It makes one wonder about significant and sustainable safety gains that were supposedly to be achieved under the Conservative government.

In 2011 there were 68 accidents involving passenger trains. Just to keep the record straight, travelling by rail is still several times safer than taking a car, but 68 accidents involved passenger trains last year.

In addition to the potential damage to passengers and working crews, passenger train accidents have a corrosive effect on public perception. Right after the Burlington accident, VIA Rail suffered a slump in passenger numbers. The solution is not to talk about it, but to really tackle our rail safety deficit head on. It is timely that this bill is in front of us at third reading. Hopefully it will be law in a few days.

There was a train accident on February 26 of this year in Burlington and one in Montreal a few years ago. Rail accidents not only impact workers and passengers who are hurt or fatally injured, but the damage and the grief goes beyond those immediately affected such as local communities and residents and businesses. Whenever these accidents happen, emergency personnel and local residents show valour and compassion beyond the ordinary. The five heroes who were honoured by Burlington city council yesterday are prime examples of just that.

Tragic accidents also leave deep scars in local communities. Almost two years after the fatal accident in Montreal, the parents of three teenagers who were killed are still looking for answers as to why their children were run over in the dark by a train with dimmed headlights.

The Transportation Safety Board has investigated more than 170 rail accidents in recent years. Based on the insights from its investigation, the Transportation Safety Board has made a whole host of demands for improving rail safety. For the particularly urgent

and important ones, it files a formal recommendation with Transport Canada and tracks the ministry's response and action.

●(1250)

Since 2005, the Transportation Safety Board has issued more than 50 of those formal recommendations. Unfortunately, under the Conservative leadership, Transport Canada has not been very proactive or eager to follow those recommendations. Less than 60%, that is 6 out of 10, of the Transportation Safety Board's file demands have been completely addressed in the eyes of the independent agency. Why have not 100% of the recommendations from the safety board been addressed and implemented?

Fifteen per cent of the expert's recommendations were partially addressed. One-quarter of the Transportation Safety Board's recommendations were essentially left unaddressed, with no meaningful action taken. I will take some time later on to go through them.

The TSB, in its very charming wording, said that it was "satisfactory intent". There is intent, but no action has been taken. In some of these cases, the ministry has been sitting on its hands for seven years, so it is very subtle to call that intent.

The first of the recommendations is the voice recorders. We will recall, in all of these accidents, whether the one in Quebec or the one still under investigation from Burlington, that the investigators have not been able to get to the bottom of the accidents because there are no voice recorders in the locomotive cabs. Therefore, unlike planes, we do not know precisely what happens in the locomotive cab.

Even before 2007, close to 10 years, the safety board has said that Transport Canada must mandate these voice recorders to be installed in the locomotive cabs. For six years nothing happened. Recently we heard from the minister that some discussion had taken place, that there was some negotiation with the unions. The unions have said that they are not opposed to them, so there is absolutely no reason why it is not mandated. Apparently there are more discussions. There is a lot of talk, but at the end of the day there are still no voice recorders in locomotive cabs. That is just not acceptable.

The second area the Transportation Safety Board has talked about is the need for an alternative mechanism to slow down the trains if the trains go too fast. In these times of modern technologies, certainly the switches and tracks can be connected with the braking system. Such technology exists. It is called a positive train control system. It is a system that is being installed across the states. Amtrak, for example, has them now. As of 2005, it is mandatory that every train in the U.S. has such a control system. Therefore, as in the case of Burlington, the train would have automatically slowed down to the appropriate speed and not jumped the track because it was going too fast.

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Another area we need to look at occasionally is driver fatigue. What happens is a driver might report to work at 8 a.m. If the train is late, or for some reason there is a breakdown or mechanical problems, the driver waits and waits, then starts work. In this case, by the time drivers start their work, they have waited for many hours and some of them are in fact very tired.

● (1255)

We need to look at the whole area of rail crossing in the future. We did not make any amendments to that, because rail crossing is fairly complex. A lot of developments have built condominiums and shopping malls around railway tracks. Some of the railway companies say that if municipalities want to go ahead and build such developments in areas served by trains, then at least the railway companies should be advised.

Local municipalities, local government is a provincial matter. In many ways it does not necessarily come under federal jurisdiction. However, this is an area we need to look at. We do not want a developer building a series of high-rises, an entire neighbourhood on one side of the track, and then a school or a shopping mall being built on the other side of the track. People are then tempted to cross the track, even though there might be barriers. They might take shortcuts and put themselves in danger. Urban planning needs to recognize rail safety as a very important issue.

In European countries and in Asia, railway crossings are increasingly separated by grade. The train either goes into a tunnel or it goes up on a bridge so that the pedestrian can walk across directly. It is not a shortcut. In some cases, pedestrians go across a bridge to cross railway tracks. It costs a bit more money, but it is infinitely safer than asking people to go around railway tracks and not take a shortcut.

Railway associations are quite concerned about those areas, but given how long Bill S-4, the safer railways act, has been before the House, the committee and other members of Parliament and the NDP did not want to slow down the bill. It was fast-tracked through the committee, which is why I did not move any amendments on voice recorders, positive train control, rail crossing or driver fatigue. Those issues, important as they are, need to be investigated and considered in a future study, maybe in future recommendations.

I was assured by the minister that voice recorders are coming soon. After all these years of waiting, they will come and we do not need to mandate them. I will not quite believe this until I see it, but let us see what happens.

I want to turn the rest of the few minutes I have to talk quickly about the rest of the Transportation Safety Board's recommendations. They were left unaddressed by Transport Canada. Let me list some of them.

The department of transport, in conjunction with the railway industry and other North American regulators, should establish a protocol for reporting and analyzing tank car stub sill failures, so that unsafe cars are repaired or removed from service.

Another recommendation where no action has been taken is that Transport Canada work with the provincial government to expedite the implementation of a national standard for low ground clearance

advance warning signs at railway crossings. Railway crossings are very important, and we need advance warning signs.

CN should take effective action to identify and mitigate risk to safety as required by its safety management system. We should require CN to do so, not just ask politely. We should implement Transport Canada standards to improve the visibility of emergency contact signage at railways crossings, again, it is about railways crossings, and then conduct assessments of level crossings on the high-speed passenger rail Quebec-Windsor corridor and ensure that defences are adequate to mitigate the risk of truck-train collisions.

● (1300)

There are many more recommendations that I want to go into, but I am running out of time. I know that when we work together we can get the job done and make train service in Canada even safer than it is today.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments made by the member. A couple of thoughts came to mind.

When we look at the railway industry, we see this growing need for rapid transit in our urban centres. Quite often it is overlooked in terms of its importance today when we talk about rail line safety because, more and more, we are looking at different forms of rapid transit for urban centres. I am wondering if the member would provide some comment on that.

I would also be interested in knowing if the New Democratic Party has a recent position in regard to the whole nationalization issue. Is it still in favour of nationalizing a rail line?

Ms. Olivia Chow: Mr. Speaker, I am thankful that the Liberal member reminded me that CN was privatized by the Liberal government in the 1990s. As a result, a large number of tracks and passenger services were eliminated. The tracks were ripped up.

Thanks to the Liberal government, as a result of losing those services, through the years we have lost 10,000 kilometres of railway tracks in Canada. That is a huge number. Think of all the cities and towns that are left without rail and freight delivery services. There are now many trucks that do not need to be on the highway because any number of goods can be shipped by train. It is that much better for the environment, and that much safer. I wish that had not occurred.

● (1305)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the member for Trinity—Spadina does a phenomenal job on this portfolio. I know that all of my constituents appreciate her important work.

Government Orders

As I have mentioned in the House previously, I was a direct victim of a major derailment on the CN line in the largest freshwater spill of bunker C fuel oil in the history of North America, into Lake Wabamun. The Transportation Safety Board of Canada wrote a report. I have seen some changes come forward, but I have a deep concern with its recommendation with respect to inadequate emergency response planning. In this past budget, the government removed all emergency response capabilities of the federal government yet we have had the largest spill in history. In Alberta, we are still having very serious incidents occur. We have a lot of movement of petroleum and chemicals, including right into the centre of my riding.

I wonder if the member could speak to this issue. Unfortunately, these rail companies own a lot of real estate in our country. There are major chemical cars coming into my riding. However, the city cannot do anything about it because the rail companies hold the lands. We have rail lines running along all of our major rivers in the country.

Can the member speak to the matter of whether or not the federal government should step up to the plate and start dealing with this issue and maybe help the municipalities and other areas buy up these lands?

Ms. Olivia Chow: Mr. Speaker, the Transportation Safety Board was quite concerned about what my friend said. It recommended that the department of transport extend the safety provisions of construction standards applicable to 286,000 pound cars to all new non-pressured tank cars carrying dangerous goods.

It also asked that the department conduct in-depth studies on the behaviour of saturated organic materials under cyclic loading. It talked about ensuring that maintenance standards and practices address the level of risk in heavy tonnage other than on the main tracks. It also said that the department of transport needs to make sure an assessment is conducted of the suitability of current Canadian rail operating rules and railway instructions concerning the immediate reporting of operating delays to all concerned where there is a safety risk.

Lastly, it called upon the department of transport to establish minimum standards for the type, location and requirement for fencing along railway rights-of-way approaching railway bridges and any other areas where frequent pedestrian incursions are known.

We can tell from these recommendations that the Transportation Safety Board wants to make sure that Transport Canada, local municipalities and the railway companies work together to keep everything safe.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I want to thank my colleague for Trinity—Spadina for invoking, for me, the memory of the Hon. Rev. Bill Blaikie, the former member for Elmwood—Transcona, and his regular and frequent admonitions to the House of Commons that we need to get the freight off the trucks and back onto the rail where it belongs. That should be our number one job for the environment, for rail safety, for any number of compelling reasons.

There is one thing I would like my colleague to comment on. We are dealing with the Railway Safety Act today. There has been a call for a rail service review, and there has been a further call for a rail

costing review. Prairie farmers are being gouged as badly as they were gouged in the 1930s, because nobody has reviewed whether what they are being charged to move their grain is in any way related to the actual cost of moving that grain.

Will the member comment on the need for a rail costing review as the next initiative for this chamber?

• (1310)

Ms. Olivia Chow: Mr. Speaker, the prairie farmers have waited for years and years for regulations that would govern CN and CP service standards.

Right now there are no service standards. There was a review. The review recommended mediation and regulation. Before the last election, in March, the Conservatives promised regulations. They promised that CN and CP would be regulated, so they would have to have performance standards and service standards. Right now, it is completely unfair as all the power lies with CN and CP, and none with the prairie farmers, whether they grow soybeans, grain or lentils.

The farmers do not have the power. They are not given adequate notice. They are not given any information. They have been waiting. We have not seen regulations, which is quite unfortunate. If CN and CP were regulated, then there would be much higher service standards and much safer transport. We certainly hope the service would expand even more, because the farmers would feel secure in being able to deliver their grains to port by rail. They would not have to look at alternatives, such as trucking.

Mr. Pat Martin: Mr. Speaker, once again, more specifically, we have heard about a rail safety review. Even this legislation refers to a rail service review and the promised regulations. However, the rail costing review is what I want further information on.

It seems the robber barons are once again gouging prairie farmers with impunity. The last time we did a rail costing review was 15 years ago. The Canadian Wheat Board estimates they are paying 30% more than a reasonable cost of transporting their grain.

Does the House not have an obligation to do a rail costing review to make sure that prairie farmers are not being gouged by robber barons?

Ms. Olivia Chow: Mr. Speaker, I agree. We do need a rail costing review.

CN is doing very well. I saw two days ago that its profit went up by 13%. Billions are being made while prairie farmers are not getting the services they need, are being gouged and are losing millions of dollars because their grains are not showing up at the port on time.

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[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I should start by saying that I am going to share my time with the member for Winnipeg North. We like to keep things collegial, and I know that my colleague works hard on this issue, because we know the importance of the railways in the Prairies, just like elsewhere in Canada.

I must admit that I am not inclined to rehash the statistics because we have talked about them at length.

[*English*]

The Acting Speaker (Mr. Bruce Stanton): I realize the hon. member for Bourassa has indicated that he may wish to split his time. This being the third round, I assume the member is seeking unanimous consent to split his time in this particular slot. Is there unanimous consent for the member to split his time?

Some hon. members: Agreed.

[*Translation*]

Hon. Denis Coderre: Mr. Speaker, everybody is happy about this debate because it is probably the only bill that everyone agrees on. I thank the member for Beauce, who was initially against the bill, but then supported it later on. Apparently, even he sometimes sees the light. We thank him.

One thing is certain: I was proud to suggest at the last committee meeting that the bill be fast-tracked and reported without amendment, so that it can return to the House. This is a subject that everybody agrees on, because health and safety are not partisan issues. Everyone has made an effort and worked hard on this issue.

The issue should have been considered as part of Bill C-33, which unfortunately died on the order paper. We know that the subject was then dealt with in the other chamber, in the form of Bill S-4.

I would like to begin by thanking my colleague, Senator Mercer, who did an admirable job. What is important and interesting about this bill is that we had proposed a series of amendments as part of Bill C-33. These amendments were adopted virtually unanimously thanks particularly to the tireless work of my colleague, the member for Markham—Unionville, who did a very good job.

We could talk about what more could be done. There is obviously a lot more to be done. Health and safety are ongoing issues. This had to be done to be in sync with the other forms of transport. It was therefore crucial that it be done. As far as air and marine transport are concerned, we know that measures had already been proposed. It is important that the same thing be done for the railways.

I would also like to thank the members on both sides of this House, especially the minister who answered my questions. Someone said earlier that he was quiet. It is true that he is sometimes quiet on a number of issues, but at least he answered the question in this case. I am quite happy about this.

As a former minister, I have always been in favour, whether from a curative or preventive standpoint, of having some power to protect people's quality of life. I believe that this is the very core of this bill: enabling the minister to intervene. This of course is a power that can

be delegated. Often, such an intervention can prevent things from getting bogged down in administrative or bureaucratic details. In a democracy, it is crucial for the people's representative, the minister, to have this ability and this power to intervene. Very often, this kind of prevention can save lives. Providing it is essential.

In short, it is clear that this bill will improve Transport Canada's oversight capacity. It will increase the department's powers to enforce the act. There will be punitive fines. This is important. It is not always enough, but it is important.

I also believe that it is necessary to have someone who is accountable where safety is concerned. In my view, the other essential element is that whistleblowers be able to intervene without becoming victims of intimidation. As we know, very often, knowledge is power. Once people realize, whether in the private or public sector, that they can have this "political" power to intervene and prevent problems, it becomes not only the right thing to do, but the essential thing to do.

Needless to say, there has to be a process that leads to a form of certification. I believe that such certification is vital. It is a step in the right direction. It is even several steps in the right direction. After the two reports were prepared, we were able to demonstrate that we were listening carefully. It was essential and important to be able to intervene.

I do have one concern, however, because this is not the end of the story, and it is not a panacea. All our amendments were accepted, but a further step is still required, because things are different in rural communities and urban communities. I asked the minister some questions. There is of course this whole concept of accountability of individuals, parents and everyone who has a supervisory role to play. You can put up 12-foot-high fences. You can build all kinds of infrastructure to prevent people from getting through, but people will get through anyway.

• (1315)

Given the existing urban reality and even, in some cases, the existing rural reality, it is important that all stakeholders make a pact so that, after this bill is passed, they can move on to the next step and come to an agreement about safety.

Earlier, the hon. member for Trinity—Spadina spoke about certain elements that could be added to improve safety and protection, both for passengers and workers.

Today is May 1, International Workers' Day. We must therefore also think about the railway workers whose do quite an admirable job.

This is not just a legal battle. We cannot say that this is not our responsibility because it involves the private sector or it falls under the jurisdiction of the provinces. We also cannot say that we are not going to get involved because this falls under the jurisdiction of the municipalities and they are creatures of the provinces.

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With regard to security and protection, it will be essential to come to an agreement with all the stakeholders, whether it be the Federation of Canadian Municipalities or the major cities. In areas where there are railway crossings, it will be key to have additional tools to protect our youth and others who too often recklessly decide to cross the railway tracks.

In addition, certification is not a solution in and of itself but, rather, a means to an end. It is an additional tool that will aid in prevention.

Yes, the train is one of the safest forms of transportation. The other day, we spoke about the train that derailed in Burlington. We were very distressed about that situation. Could this type of accident have been avoided?

• (1320)

[English]

In order to prevent those kinds of incidents, it is important to provide individuals with all the tools they need to ensure their security. I proposed a fast track at committee because we have been talking from both sides, not only this time but even before the last session. It has been a long process since 2006 but it is not the first time that we have talked about security and prevention. This is why the Liberal Party of Canada will take responsibility and support the bill.

I believe it is very important to mention that if everybody wants to work together, majority government or not, it would be a great thing for democracy because we would be sending a true message that we are all equal as representatives and that we have a role to play. The fact that we can put forward some amendments that, from the two chambers, we can talk together and work for the sake of our communities, is the good news today. It is a lesson learned that we should take note of that process. It is like the movie *Field of Dreams*, if we build it they will come.

It is a wonderful process. I am very pleased with the answers that Transport Canada and the minister provided to us on that issue. The minister and I do not agree on everything but I do recognize that in that process he delivered. We are looking forward to providing some new alternatives afterward because there are some other issues regarding alternatives for security.

What is important is that it is a living paper. We will need to see what happens in the future but we have a framework here that addresses some of the issues that we wanted to address and the fact that the stakeholders, such as the unions, are on the same page. Nothing is perfect but I believe we are better having an imperfection realized than a perfection en attente, as we say.

We will support Bill S-4.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, I would like to start by mentioning that railway is a very important part of Canada. In my riding of Algoma—Manitoulin—Kapusksing, I have been working fairly closely with a group called CAPT from Sault Ste. Marie in order to bring passenger rail back to northern Ontario.

We see this piece of legislation as a move forward to protect the railway system and those who use it. I think it is an important part. However, it has taken a very long time to get to the House.

As members know, the bill was tabled in the previous Parliament and was close to being brought forward. Therefore, I would ask my colleague to talk about the need for expediency in moving the bill forward.

• (1325)

Hon. Denis Coderre: Mr. Speaker, if members want to support it now, then let us do it. I have fast-tracked it already in committee.

To speak to the question, I believe that, truly, Bill S-4 is a matter of culture, and if we push these kinds of processes forward together, we can achieve it. We are all focusing on the same thing: we want to have a better quality of life.

I believe in the chemin de fer. This country has been built on the railway. It is the link between regions. We will be able to push forward those kinds of policies and change of culture in every region.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I appreciate my colleague's comments on this important issue. I wonder if he could comment on the current safety situation.

In the past number of years in British Columbia we have had a number of rail derailments and accidents that have caused spills into waterways and caused concern for communities. I wonder if the member could comment on this important bill and how it could perhaps affect spills in the future.

Could the member also comment about not only the need to improve rail transport safety in the country but also the noise issue at crossings around residential areas? Could he comment on how the bill might address some of those concerns that residents face?

Hon. Denis Coderre: Mr. Speaker, these are ongoing issues. There are two questions. First, it may be about alternative technology to address the noise. Second, with Bill S-4, I believe it is also a matter of prevention.

I think railways are secure. Of course, we have derailments and sad accidents. We always have to ensure they are dealt with in an open and transparent manner to understand what truly happened. However through that tool, Bill S-4, we can better prevent than cure.

We do have to address situations. However, through the prevention tool and the certification process and the fact that we would have whistleblowers and people able to bring back the intelligence we need in order to understand what is going on in a particular company or the situation of the rail, I believe it will be a real good thing to do and it may prevent incidents. We have to be focused and vigilant.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I thank my colleague, the member for Bourassa, for splitting his time with me. I do know that, as our Liberal Party critic, the member for Bourassa has done an outstanding job in terms of ensuring there is this sense of urgency to see this particular bill pass through the system.

It is great to see. It is not that long ago that we had it before us in second reading, and we have it again today in third reading. I suspect we would love to see it pass here today and, ultimately, continue on going through the system.

It is important to note that this particular bill was in a different form prior to the last election, better known as Bill C-33, which had its origin here in the House. I know there was some concern as to why this would have started off in the Senate.

However, I do think there is a sense that this particular bill does need to be fast-tracked, primarily because we recognize just how critically important it is to the railway industry as a whole to ensure we do what we can to improve rail line services throughout the country.

It has been a long time since there was an actual significant change to the Railway Safety Act. My understanding is we would have to go back to the 1990s, I think it was 1999, under the Chrétien government, where there were other amendments of significance that were made. A lot has happened over that period of time. That is one of the reasons we have the bill here today in recognition of the changes and the number of things that have been brought to the government's attention by a wide variety of stakeholders.

I think it is worthy of note that the stakeholders come from a fairly wide spectrum of individuals and groups who have actually been able to contribute to what we have here today.

It is interesting. When I had the opportunity to read through the bill and some of the notes that my colleague from Bourassa had provided on this issue, one of the things that really came to mind is the whole whistleblower content and how important it is to recognize that people working somewhere within the industry or with the train company have the ability to say they are concerned about the safety of X, whatever that X might be, and not be in fear of losing their job. To me, that is something that is good to see in legislation.

I can recall when we supported similar legislation with regard to whistleblower legislation in the province of Manitoba and how well that was received.

I would suggest that the same principle applies here. This way reasonable issues would be brought up because individuals working within the industry would now feel comfortable knowing that, if they have a concern that is related to safety, they could actually bring it up and would not have to be in fear of ultimately being fired because of raising an issue that is related to safety.

That is just one aspect of the bill we have before us that makes it so important that the bill ultimately passes. At the end of the day, I believe all members here in the House recognize that the bill would in fact improve the overall safety of our rail lines. We have seen that demonstrated through comments with regard to this bill, whether in committee stage, in second reading or, now, in third reading. So, I see that as a positive thing.

It is also important to recognize, and I have already made quick reference to it, that there are advisory committees out there, there are members from within our unions and there are others who have had the opportunity to provide input. I know we, as the Liberal Party, have had that opportunity and appreciate that the government, on

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this particular piece of legislation, seems to have listened and responded in kind.

● (1330)

It is somewhat noteworthy, and I put it tongue-in-cheek, that the government does not require time allocation in order to pass this particular bill, which tells me it is another good reason to believe we are seeing more of an all-party approach to recognizing this as a good idea.

Well we should, because the consequences of rail accidents, whether in our rural communities or urban centres, are quite significant. On the macro scale, a derailment can cause a complete and total evacuation of communities. On the micro scale, people may be hit by a train, causing fatalities. Both of those happen far too often. At the end of the day, this is what we are hoping to deal with by passing Bill S-4 today.

I want to emphasize the importance of rail safety. It is not just up to the federal government to pass this legislation. There is a need to have co-operation among different stakeholders. Some of the stakeholders I am referring to are municipal governments. I would suggest municipal governments of our rural communities all have a role to play. They are in essence the groups that ultimately decide, in many communities, where there will be flashing railway signs or railway arms that are lifted to accommodate the flow of traffic versus train traffic.

Provincial governments also need to step up to the plate. A lot of the monitoring of our highways is done through our provincial governments. They too need to step up to the plate and deal with what they can of their responsibilities.

Obviously, it goes without saying that our rail lines, companies like CN, CP, VIA Rail and other rail lines that are operating on our tracks, have the most significant role to play in ensuring the quality of the line or the quality of the vehicles they are using to transport goods is of a high standard, so we can minimize any sort of damage to the individual or the community as a whole.

I have spoken in the past about how the rail industry has played a critical role in the development of the city of Winnipeg and many communities. I want to focus some attention on the city of Winnipeg. I have had a history with the rail line in one form or another, primarily indirectly, with the impact of the railway industry on my ancestry. I can talk about my grandfather's time and today, in terms of how it divides communities in geographical regions.

The last time I had the opportunity to speak, I talked about Main Street, Salter Street, McPhillips, Arlington in between those other two, and Keewatin and Route 90. All of those have either underpasses or overpasses that cross the CP tracks. There are tens of thousands of people who live around the CP yards. One can rest assured that the constituents I represent have a vested interest in this legislation and how important it is that it passes. It is all about rail safety.

I see my time has expired. I posed a question about the expansion of rapid transit and where rail lines could play an active role in it. It is something I may be able to talk about in the future.

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• (1335)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, there are a host of good reasons for relocating the CPR marshalling yards from the heart of the city that I represent in Winnipeg Centre. There is a desperate need for more green space, for more recreational opportunities and for inner city affordable housing, but one of the most compelling reasons in the context of the bill we are dealing with today is that since 1882 there have been a host of spills, collisions and even explosions in the CPR marshalling yards, which are the very heart and core of the city of Winnipeg. Essentially, the reason we have “a tale of two cities”, this great divide between south Winnipeg and the north end of Winnipeg, is that in 1882 it was decided to put these marshalling yards exactly where they are.

Under the rail relocation act, if a municipality applies to the Minister of Transport specifically, then for safety reasons or any urban development and urban planning reasons, the federal government can pay, and has paid, for up to 50% of the cost of removal of these inner city rail lines so that the urban development can take place and the safety of the people living around the rail yards can be protected.

Would my colleague agree that the present Minister of Transport should entertain an application from the City of Winnipeg to remove the CPR marshalling yards from where they currently exist out to the new inland port of CentrePort so that we can have an intermodal, tripartite shipping and transportation hub called CentrePort?

• (1340)

Mr. Kevin Lamoureux: Mr. Speaker, the member for Winnipeg Centre and I share a common boundary. I am on the north side of the tracks; he is on the south side.

The member's idea does merit further discussion and dialogue. What the member is talking about would no doubt have a serious impact on the economy of not only Winnipeg's north end but the entire province of Manitoba. It would also have a ripple effects on the country. The amount of money involved would likely be in excess of a couple of billion dollars.

We do not know, for example, where the CP trucking terminal would be put for the trucking firms that are located in the north end and hook up to the trains. The member is talking about hundreds of acres of land.

It is an idea worth exploring. I myself am definitely open to the concept and would welcome an apolitical discussion as to where the City of Winnipeg, in co-operation with the provincial government, might be able to move it to see if it is feasible. If it is feasible, it would be wonderful to see the federal government involved, especially if we are thinking about CentrePort and the potential economic boom that would be generated for thousands of Manitobans well into the future.

Mr. Pat Martin: Mr. Speaker, my colleague from Winnipeg North has his numbers way out of line. Manitoba had good senior political ministers in Lloyd Axworthy and Reg Alcock. Both of them pitched this idea. At that time the cost to relocate the tracks was \$80 million, and it was to be shared jointly.

The vice-president of CPR said it would take 12 years to tear up those tracks. Tim Sale stood up at a meeting and challenged the vice-

president of CPR by saying that it took the company three years to build the entire Canadian Pacific Railway from Thunder Bay to Victoria in 1880, blasting through the mountains and working with nothing but mules and pickaxes, so how could it take 12 years to tear up a few tracks in the inner city of Winnipeg when tracks are being torn up all over the whole Prairie region at a mile a minute? It would take a matter of months.

Mr. Kevin Lamoureux: Mr. Speaker, I am not going to question what the member is saying, but Winnipeg had the good fortune of having a brand new air terminal put in at a cost of several hundreds of millions of dollars.

It would be worth looking at what the actual cost would be. I agree with the member that Lloyd Axworthy and Reg Alcock were high-calibre Liberal members of Parliament. I suspect that their numbers would have been accurate for that time.

This is something I would be most interested in pursuing. I look forward to future discussions with the member for Winnipeg Centre.

The Acting Speaker (Mr. Bruce Stanton): Before I call on the hon. member for York South—Weston to resume debate, I will just let him know that I will need to interrupt him at the top of the hour, as we will need to start statements by members.

The hon. member for York South—Weston.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, it is my pleasure to again speak to Bill S-4, the Railway Safety Act, at third reading and report stage today.

This bill, as others have mentioned, originates from a previous Parliament, and the good member for Trinity—Spadina had a lot to do with putting forward the bill in the first place. I want to congratulate her and others who have worked on this bill, and congratulate those in the industry, in the unions and in the safety agencies who have contributed to what will be a great improvement to the bill.

Unfortunately, it has taken us six years from the commencement of the study on whether or not the bill needed to be improved until today, when we hope the bill will pass the House. That was way too long. When we are talking about safety, six years is way too long for something as critical to Canadians as the safety of the railroads, as has been mentioned by several members here.

These railroads travel through dense urban areas. In order to ensure the safety of not just the railway workers and not just the patrons of the railway but also of the people who live around these railroads, there needs to be a regimen in Canada that provides for the safe operation of these railroads, which the bill goes a long way to providing. It does not go all the way, and I will get into that in a few minutes.

Every school child knows that railways built this country and that railways play an important role in transporting goods and people from coast to coast. We believe that railways should actually provide a much greater role in transporting people in this country, and perhaps in transporting goods.

Government Orders

Railways are a more efficient way of transporting people than cars. Railways are a more efficient way of transporting goods than trucks. It would take some of the pressure off our highways and cities if we were to move more goods safely by using rail. However, I emphasize the word “safely”, and that is what the bill would, in part, do.

There are 73,000 kilometres of track, and as the member for Trinity—Spadina noted, track has been removed. We have lost 10,000 kilometres of track as the railroads have moved out of transporting. The most recent loss of a railroad was the CP secondary line between Ottawa, the nation's capital, and North Bay. One of the reasons for removing that track was that CP wanted the steel; it was not because it was an uneconomical piece of railroad but because it needed the steel for replacing rails in other places.

It is a shame that the railbed could not be used for public transit or could not continue to be used for the transportation of goods, because generally speaking, the rail line from here to North Bay goes through no cities. It does not go past any homes or businesses that would be endangered by a railway spill.

Last year, railways moved some 72 million passengers and carried 66% of all the surface freight in Canada, so railways are a very important part of the infrastructure of this country.

However, there are some places where we are actually still building railroads. We are building railroads in my riding in large numbers. We are expanding the capacity of a rail corridor that runs through my riding from 40 trains a day to 464 trains a day. That is one of the reasons I am anxious for the bill to pass, because I want to ensure that the government has some power to make sure that railroad is operated in a safe manner.

Some of that railroad may in fact be exempt from this legislation, because government will decide, for whatever reason, that some of that railroad is not a federally regulated railway. I want to ensure that all of the railroad systems in Canada, whether they are passenger rail or heavy freight rail—and we are talking heavy rail, not the little light rail streetcar systems in some cities—are all run in a safe and efficient manner.

According to the Transportation Safety Board, in 2009 there were 1,081 rail accidents, including 68 main track derailments. If rail traffic continues to grow as anticipated—and the rail companies tell us that it will grow at roughly the same rate as inflation, meaning 3% a year—in 10 years there will be 40% more rail traffic than there is today, and the potential for accidents will increase.

• (1345)

The rail industry believes that the way to prevent accidents at rail crossings in particular is to remove the rail crossings. The idea is to just close the road. That is the easiest way to prevent rail crossings. There will not be any cars crossing the tracks, and the tracks will reign supreme.

That does not work in many urban centres in this country. There is some money, a very small amount of money—about \$12 million a year, according to the Parliamentary Secretary to the Prime Minister—that is set aside by the government to remove rail crossings in this country. I assume that means putting in grade-separated rail

crossings so that either the roads go under or above the rail corridor or the rail corridor is dipped below or above the road.

The trouble is that \$12 million might pay for half of one of those, and there are hundreds and hundreds, probably thousands—I do not have the number in front of me—of railroad crossings in this country, each of which has the potential for a fatal accident. In fact, there was a fatal accident on the railroads in Toronto just two weeks ago. A pedestrian was killed on a railbed in Toronto. We do not need any more of those.

Keeping people and trains apart should be an important part of what the transport minister strives to do in the implementation of this act.

One of the new key points in the legislation is the requirement for railways to obtain a certificate for operation. The certificate must include a safety management system acceptable to Transport Canada. It is a key element of this legislation that the safety management system be acceptable to Transport Canada so that Transport Canada actually understands and accepts that the railroad applying for a certificate for operation has in place measures that will prevent accidents, that will prevent overwork of their employees—which is why the unions are in support—and that will prevent trains from colliding with one another.

We recently had such a collision involving a passenger train in Burlington, Ontario. No one is really certain yet of all the causes, but speed was definitely a factor. This train went way too fast through a switch. The switch was rated for 15 kilometres an hour, and the train went through at about 60 kilometres an hour and derailed. There was loss of life and there were injuries.

What will prevent, in large measure, many of these kinds of accidents is something called positive train control. In this system the speed of the train is not controlled just by a person watching lights, which is how it works today and which is the same way it worked 160 years ago. A person runs a train by watching lights in order to know when they should go slower and when they can go faster.

Positive train control is widespread in all of the world except North America. It is already in place in some parts of the United States, but it is not present in Canada. It is a system whereby the train's speed is controlled externally. If a switch is closed and the train should slow down, the train's speed is controlled automatically if the train operator does not do it himself or herself.

It makes all kinds of sense, but it is not a system that the government is prepared to impose on the railroads yet. Why?

We would immediately start preventing accidents. It is true that it would be an expense to the railroads, but it is part of the cost of doing business. Railroads that operate in the United States will already have to comply with the positive train control system in the U.S. They already have to build their infrastructure to deal with positive train control. CN and CP and VIA Rail trains that travel across our border will have to do this, yet for some reason the government is not prepared to impose it in Canada.

Statements by Members

I wonder why we always wait for the accident or the problem to occur before we act. Most people can see that this would be a good addition to the rail safety system in this country.

A number of problems were identified with rail safety that did not have to do directly with this bill but instead had to do with the oversight that Transport Canada applies to rail safety in this country. In a 2011 report, the federal Commissioner of the Environment and Sustainable Development identified serious deficiencies in the transport of dangerous products.

• (1350)

It is up to the minister to ensure that his officials at Transport Canada are actually enforcing the laws that it already has regarding safety. If it is not, something is wrong with the system.

The commissioner stated that 53% of the files he examined had instances of non-compliance and, of those files, an astonishing 73%, nearly three-quarters, little or no corrective action was taken. We have a law that tells us how to transport dangerous goods. We have a system in which Transport Canada is to actually monitor and enforce that law. We have a commissioner who looked at it and said that Transport Canada was not enforcing it and we have silence from the government. We do not seem to know how to enforce the laws we already have.

Bill S-4 contains a lot of very generous provisions toward the minister who will make decisions about how this law will be implemented. The minister needs to take the most protective and precautionary stance possible with his officials in Transport Canada and with the safety of Canadians because to do otherwise he would be derelict in his duties.

What we are saying about the Transportation of Dangerous Goods Act, which is already in force, is that if it is not being enforced by the officials who need to enforce it, the minister and his staff, then could S-4 face the same thing? We cannot sit here and pass laws that nobody enforces. The Conservatives believe that laws are to be enforced and enforced to the letter of the law. We heard yesterday from the Minister of Foreign Affairs that, no matter where Canadian companies operate, they are to abide by the laws. The same should be true in Canada but it is up to the government to enforce those laws.

Bill S-4 has quite serious penalties for failing to comply with the legislation. Those penalties are now administrative penalties where the minister would not need to take a company to court. The minister could impose a penalty without actually having to file suit against an individual or company for failing to comply.

We would hope that Transport Canada would actually impose those sanctions when it finds violations. It is no good to have a bunch of sanctions in a law if we do not apply them when there are violations. We hope that corrective action is only necessary very rarely, but we want that corrective action to be taken when it is necessary. We do not want a situation in which the government, as it apparently has done with the transportation of dangerous goods, ignores the law or the enforcement of the law.

The other portion of this law deals with the emissions of pollutants into the air. This is of great interest to the residents in Toronto who would be faced with a rail corridor that will have 464 trains per day

or a train every 90 seconds going past. These are diesel engines of 4,000 to 5,000 horsepower emitting huge clouds of black smoke. People want to know that something will be done to limit that pollution.

The bill provides mechanisms whereby the minister can demand that these emissions be reduced, curtailed, regulated or monitored. It will be up to the minister to actually impose those regulations and enforce them.

The people of the city of Toronto are watching this with some great interest because one of the issues that has raised a huge storm is the issue of the amount of pollution that comes from train engines. When people looked at it, because they did not look at it until someone said that we would have 460 of them, they discovered that there were carcinogens, nitrous oxide and particulate matter in that exhaust that can cause grave harm to individuals. To increase it by tenfold, without also putting in some kind of limits, has people in my riding and in other ridings in the city of Toronto demanding that trains be made electric.

In 1908, in the city of New York, the use of fossil fuel burning trains was banned. As my time as run out, I will continue that thought when I come back.

• (1355)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for York South—Weston will have five minutes remaining for his speech when the House next resumes debate on the question and the usual 10 minutes for questions and comments.

STATEMENTS BY MEMBERS

• (1400)

[*English*]

FLORADALE PUBLIC SCHOOL

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, this weekend I had the pleasure of attending the 50th anniversary of Floradale Public School, an elementary school in the riding I am proud to represent, Mississauga East—Cooksville. The school's gymnasium was packed full of students, parents, staff, alumni and former staff. I was privileged to see performances by some of the school's many very talented students, all of whose parents must be very proud.

Floradale is located near the heart of Cooksville, one of the most diverse parts of Mississauga. Its motto is "Diversity is our strength", which sets a great example to the students and to us all, and embodies the spirit of Canadian multiculturalism.

I am happy and proud to congratulate the principal, Carolyn Sossi Grant, and all her staff on this milestone anniversary. I look forward to seeing many more classes of Floradale students move on from strength to strength and work toward a brighter future.

Statements by Members

[Translation]

SISTERS OF THE CHILD JESUS OF CHAUFFAILLES

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, 100 years ago, a group of nuns left France to put down roots in Sept-Îles, Rivière-au-Tonnerre, Havre-Saint-Pierre and Natashquan. The Sisters of the Child Jesus of Chauffailles began their work as a teaching order in Quebec.

A few years later, they branched out to Rivière-du-Loup, where they helped set up several educational and health care facilities. They were also active in Saint-Antoine and La Pocatière, two municipalities in my riding.

They founded the Notre-Dame-de-Fatima hospital in La Pocatière and helped create the Collège Notre-Dame in Rivière-du-Loup, an institution that they support to this day.

They are also active in Cambodia, Japan, Chad and France. They minister to the material and spiritual needs of all people, regardless of their socio-economic status, race or religion. They are dedicated to their ministry of compassion and solidarity.

I would like to take this solemn opportunity to thank the Sisters of the Child Jesus of Chauffailles for their century of dedication to Quebec. On behalf of all the communities that have benefited from their devotion, I salute and thank them.

I wish them a happy anniversary, and long live the Sisters of the Child Jesus of Chauffailles.

* * *

[English]

MENTAL HEALTH

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, according to the Canadian Mental Health Association, 20% of the population will experience a mental disorder at some time in their lives. This means that every family in Canada will in some way be affected. The good news is that people with mental illness can and do get better. The vast majority recover.

Next week is Mental Health Week and I wish to take this opportunity to thank all of the professionals and volunteers across this great country, including, in our local CMHA branch in Kelowna—Lake Country, Shelagh Turner and her team, who work tirelessly to help our communities achieve better mental health for all.

Mental health is everyone's challenge. It is important for each of us to reach out and share our personal stories with those who may not believe things can get better. They can and, with our support, they will.

* * *

ASIAN HERITAGE MONTH

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, May is Asian Heritage Month, recognizing the rich history of Asian Canadians and their important contributions to the settlement, development and character of Canada.

Canadians of Asian roots are a critical gateway for Canada's connection and trade with fast-growing Asian economies.

[Translation]

Canada's cultural diversity enriches us socially, politically and economically. Asian Heritage Month is an excellent opportunity to celebrate the many Asian cultures and their contribution to our country's growth and prosperity.

[English]

Each May in my riding of Vancouver Quadra, Canadians experience and learn about the history and contributions of Asian Canadians through dozens of celebrations, including the annual explorASIAN Festival and a variety of cultural, culinary and sport exhibitions.

I encourage all Canadians to participate in celebratory events and join me in appreciating our country's vibrant Asian Canadian community.

* * *

INTERNATIONAL TRADE

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, budget 2012 marked the beginning of an invigorated and deeper relationship between Canada and the Asia-Pacific region.

In the past few years, our government has been strategically expanding cultural and trade agreements with countries in this region to create jobs and economic growth. The opportunities for Canada in this dynamic region are impressive. Asia-Pacific markets have an economic growth rate that is two to three times the global average. Canada is maximizing opportunities for entrepreneurs through innovative trade, investment, air transport and science and technology agreements. This is important for all Canadians, but especially for the people of British Columbia and the residents of Vancouver South. We are the gateway to the Asia-Pacific.

Our country's commitment to "one project, one review", and our engagement in ongoing free trade discussions will provide the foundation needed to build Canada's future through economic growth and job creation.

* * *

● (1405)

THUNDER BAY MULTICULTURAL ASSOCIATION

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, I would like to take this opportunity to invite MPs and my constituents in Thunder Bay—Rainy River to join me in a 48-hour trip around the world.

The Thunder Bay Multicultural Association is hosting the 39th Annual Folklore Festival this weekend at Fort William Gardens, and it promises to be one of the most colourful and entertaining events of the year.

Statements by Members

Each year the association gathers people from diverse backgrounds and cultures to share their collective experiences and give our community a taste of life from around the world. Music, dancing, food and arts and crafts from more than 20 regions of the world are represented by no less than 40 different ethnocultural groups.

Please join me in thanking Jeanetty Jumah and the more than 1,000 volunteers who assist in the planning, performing and preparing of site decorations and who offer our wonderful community such a rich and vibrant experience each year.

I hope to see everyone there.

* * *

VICTIMS OF CRIME

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, our government is committed to supporting victims of crime. Last week our government introduced a bill to amend the Criminal Code that would see convicted offenders held more accountable to victims of crime by doubling the victim surcharge that they must pay following their crime. By doing so, our government is helping to provide the support victims of crime need.

We also introduced the federal income support for parents of murdered or missing children to help families cope with the death or disappearance of a child. With the introduction of this support benefit, parents can take off the time they need following such a tragic event. The support is a benefit of up to 35 weeks to help ease the financial difficulty that these parents are coping with.

Our government will stand with victims of crime and all Canadians through our commitment to ensure that our streets and communities are safer. We will continue to take significant steps toward holding criminals accountable and delivering justice for victims. We were elected on that commitment and we will continue to deliver.

* * *

ECONOMIC FREEDOM

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, in 1998, just one year after I was first elected, Canada ranked 27th on the Index of Economic Freedom. Now, in 2012, Canada ranks sixth for economic freedom. So says the *Wall Street Journal*.

I should share the credit with my Conservative colleagues, for I needed their votes to cut taxes and support free trade agreements. These fine Conservatives reduced the GST from 7% to 5% and just repealed the gun registry. However, I am not done yet. I sense my Conservative colleagues like the taste of freedom, and so we shall do more. I hope for more free trade agreements coming to the floor of the House. Budget belt-tightening has only just begun.

Let us just imagine what us Conservatives can do with several more years to go before the next federal election. We intend to streamline environmental regulations so jurisdictions do not overlap. Let us just think of all the jobs we can create, removing people from unemployment. So much done, yet so much to do. We have to love economic freedom.

[Translation]

RAINBOW DAY ON THE HILL

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I rise here today to welcome seven students who are taking part in the first annual Rainbow Day on the Hill, a non-partisan event organized by the NDP's LGBT caucus in partnership with Jer's Vision. This event is a great opportunity for students from the LGBT community to see first-hand the excellent work being done by their gay and lesbian MPs on the Hill.

[English]

These students are leaders of their communities. Some of their lives have been touched and shaped by the scourges of both homophobia and bullying. Despite this, and maybe because of it, they have the inner strength to stand up for what they believe in. I look forward to the day when one of them joins me as an MP here on the Hill.

[Translation]

People from the LGBT community represent Canadians at all levels of government. With our allies, we have fought for same-sex marriage and the inclusion of sexual orientation in the Criminal Code. Although there are still many battles to be fought, days like today serve as an important reminder that we can and will make things better.

* * *

[English]

BATTLE OF THE ATLANTIC

Mr. Chris Alexander (Ajax—Pickering, CPC): Mr. Speaker, for six long years the Royal Canadian Navy, the Canadian Merchant Navy and the Royal Canadian Air Force were key participants in what became known as the Battle of the Atlantic. Through the efforts of these brave Canadians, ships carrying troops and essential supplies were able to reach Britain and our other allies.

As war raged in Europe, Canadians risked their lives to bring convoys across the Atlantic, battling extreme weather and navigation conditions as well as U-boat attacks, to provide a lifeline to allied forces.

● (1410)

[Translation]

Winning this battle had its price: over 4,600 Canadians and Newfoundlanders gave their lives. Today we pay tribute to the courage, sacrifices and heroic acts of these brave Canadians who fought and died during the Battle of the Atlantic in order to bring us peace and freedom.

Statements by Members

[English]

This morning in committee we heard about the recent exploits of the North Atlantic Treaty Organization, the most successful alliance in the history of humanity. We owe its success, in many ways, to the sacrifice of those who participated in the Battle of the Atlantic.

* * *

PLAST

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, this year marks a significant milestone for an organization that has enriched the lives of Ukrainian youth the world over, including in my riding of Parkdale—High Park.

This year the Ukrainian youth organization Plast celebrates the hundredth anniversary of its founding. Taking inspiration from the scouting movement founded by Robert Baden-Powell, Oleksander Tysovsky saw that Ukrainian youth could only benefit from an organization that would help them learn the value of teamwork, honesty, community building and good works.

For the last 100 years, the Ukrainian community has seen the benefits of the teachings and experiences gained through Plast, with active chapters in eight countries, including six cities throughout Canada. I am proud to represent a riding in the city of Toronto which is home to Plast's largest Canadian chapter.

I stand united with my New Democrat colleagues in wishing Plast members, past and present, heartfelt congratulations.

[Member spoke in Ukrainian as follows:]

Syl'no, Krasno, Oberezhno, Bystro!

* * *

PENSIONS

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, regrettably, when it comes to helping seniors, the NDP is all talk and no action.

Since 2006, we have taken concrete action to ensure that retirement income is sustainable and is there when Canadians need it, including introducing pension income splitting, introducing age credits, eliminating federal income tax for 38,000 lower-income seniors, increasing the GIS and the exemption, introducing the PRPP, enhancing the CPP, providing the largest GIS top-up in 25 years and introducing automatic renewal of the GIS.

Unfortunately, the NDP voted against all of these important measures.

Having taken action to assist seniors today, we need to ensure future generations can count on their retirement benefits when they need them the most. Our government is taking action to ensure sustainability of old age security for future generations.

Clearly, the NDP's lack of a plan for old age security is a threat to future Canadians' retirement savings.

[Translation]

JEAN-GUY MOREAU

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I rise today in the House to express my sincere condolences to the family of Jean-Guy Moreau on his passing.

Mr. Moreau was a member of the Order of Canada and had a profound impact on our culture. He brought Canadian history to life by impersonating figures from Georges Brassens to Gilles Vigneault, and of course Jean Drapeau and René Lévesque.

Jean-Guy Moreau was a versatile and innovative artist who developed a unique style that stood the test of time. There was a time in the 1960s when he and Robert Charlebois performed at coffee houses. What an amazing journey he had. Thanks to his remarkable talent, he gave his audiences a snapshot of current events by impersonating the newsmakers themselves.

I rise today in recognition of his contribution and to reiterate the words of his children, who said, "He is exiting the stage of our daily lives to move on to a bigger show." I commend his contribution, which will inspire generations of artists to come.

* * *

[English]

PUBLIC SECTOR UNIONS

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, yesterday big union bosses at Canada's largest public sector unions imposed hikes on their members, with new levies to fund direct political action and support NDP tax-and-spend policies. We know this additional levy will be used for partisan purposes, including political ads, multi-million-dollar strike funds and pension bonuses for the big union bosses. These big union bosses and the NDP are still being investigated by Elections Canada for their illegal campaign donations.

Our government does not think these big union bosses and their friends in the NDP should be forcing public servants to pay more money to fund their partisan political campaigns, which are only meant to serve the big union bosses and the NDP.

Unlike the NDP and its big union boss friends, our government will ensure that Canada's economy continues to be where it belongs: at the front of the pack.

Oral Questions

•(1415)

*[Translation]***INTERNATIONAL WORKERS' DAY**

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, today is International Workers' Day. This is an opportunity to celebrate the immense contribution of all workers who work tirelessly to make our society a better place to live in.

However, we have had little to celebrate this past year, as the government locked out postal workers and then legislated them back to work. What a fine example of bad faith.

[English]

In fact, the government has declared open season on workers' rights. It has trampled on collective bargaining rights, mismanaged the EI fund, rolled back the clock on pay equity and missed every opportunity to help protect workers' pensions.

New Democrats take a different approach. From people working on construction projects to harnessing our natural resources, from store clerks to public servants, workers are the backbone of our economy, yet many feel under threat.

[Translation]

Today, we are taking a moment to acknowledge their contribution and to reiterate our commitment to making Canada a more prosperous country for everyone.

* * *

*[English]***DECORUM IN THE HOUSE**

Ms. Eve Adams (Mississauga—Brampton South, CPC): Mr. Speaker, yesterday the NDP House leader of the official opposition expressed the need for more decorum in the House of Commons. Our government welcomes any initiative to improve decorum in the House. However, before criticizing others, he should take a look at his own party.

Virtually every day, members of the NDP make over-the-top characterizations of government policy, unwarranted personal attacks and exaggerated claims. From name-calling to profane language, we have seen it all from the NDP in this Parliament. In fact, many NDP MPs have had to stand and apologize for inappropriate statements in the House.

If the NDP is so committed to decorum in the House of Commons, surely those opposition MPs could find a better manner in which to conduct themselves, a manner that does not result in name-calling, profane language and baseless smears.

We will genuinely continue to ensure decorum within our own party. Will the NDP truly commit to do the same?

ORAL QUESTIONS*[English]***NATIONAL DEFENCE**

Mr. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, when scandal breaks, the first question needing an answer is: Who knew and when did they know it?

On the F-35s, the Minister of National Defence has provided an answer. He said that the whole cabinet knew about the full costs of the F-35 and knew about the two sets of books, one for internal use and another for the public.

The Prime Minister is head of cabinet. Why did the Prime Minister allow his ministers to present figures to Parliament that they knew were wrong by over \$10 billion?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again the leader of the NDP is simply mixing apples and oranges.

The figures he is quoting are figures, of course, that have to do with the acquisition and sustainment; the operating costs are a different figure.

Of course there are not two sets of books. The Auditor General, no one else has said so. The minister has not said so, and no such thing is true.

Mr. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, that is the exact term the Parliamentary Budget Officer used.

[Translation]

The Minister of National Defence has admitted that cabinet was fully aware of the cost of the F-35. He said that cabinet approved his approach, which both the Parliamentary Budget Officer and the Auditor General himself have criticized.

Rather than stubbornly defending a minister who has lost control and a process that is out of control, why does the Prime Minister not act like a good public administrator for once and reset the entire process for replacing the CF-18s and, this time, do it according to the rules?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the minister said that cabinet had set the budget for the procurement of these aircraft and that is true. Clearly, the government is going to respect that budget to ensure better oversight and a more transparent process.

We have responded to the recommendations made by the Auditor General, and the Minister of Public Works and Government Services has already announced the steps that will be taken in this regard.

[English]

Mr. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, there has to come a time when common sense prevails over stubbornness on the F-35. The plane is years late, billions over budget and does not meet Canada's requirements. The Auditor General said there was no due diligence. Years have already been wasted on a rigged process.

Oral Questions

Responsible civil servants are now reportedly recommending a reset of the entire process, something the NDP has been suggesting all along. The Conservatives have accepted to change the name of the F-35 secretariat, and it is a start.

Will the Prime Minister also confirm that the F-35 is not the only option to replace the CF-18?

• (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again the leader of the NDP asserts a whole bunch of statements in his preamble and attributes those to the Auditor General, which are things the Auditor General never said.

What the government has said is that it is responding specifically to the recommendation of the Auditor General. The government is going beyond those recommendations in ensuring we re-examine all aspects of this to ensure that before we spend any budget, because we have not yet spent any budget on acquisition, we make sure we have all the answers that cabinet requires.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, of course, the Auditor General also said that they made a decision in 2008 on the F-35 without any supporting documentation.

Having one set of books for internal use and another for Parliament is simply not acceptable. I know the Minister of National Defence is having a tough time under fire for his role in the F-35 fiasco. He testified yesterday it was cabinet that approved the misleading cost estimates.

My question for the Minister of National Defence is as follows. Does he stand by his comments that all of his cabinet colleagues were aware of the misleading statements about the costs of the F-35?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as is the case with the leader of the opposition, the preamble is all wrong. All of those premises are wrong.

What I was responding to were questions about process, which is exactly what I answered. The process is such that it flows through cabinet.

We have taken decisive action. We have put in place a comprehensive plan to review future procurement. As the Prime Minister has stated, there has been no money spent on acquisition. We will continue, under the guidance of Public Works, to look at this project for the replacement of the aging CF-18s.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the minister has a poor track record when it comes to giving clear answers.

He told the House that no money was spent on the F-35, yet \$335 million has been spent. Somehow or other, there is a freeze on this non-existent spending.

He told Parliament the F-35s would cost \$75 million per plane. His own officials testified at committee today that these planes will actually cost a lot more.

DND says they are full speed ahead on F-35 procurement, but Public Works is renaming the secretariat. What is really going on here?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, once again, as is so often the case with this member, it is a fact-free question.

What I have just said is that we will continue to move forward, with the guidance of Public Works, in a comprehensive review of this important procurement. There is a process now in place that will inject greater transparency, greater communications with Parliament and the public, and independent oversight, and this secretariat will provide the answers that are needed by Canada and by the country to ensure we have the right aircraft at the right price for our country.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, another amazing contradiction was revealed today in the public accounts committee when the deputy minister of National Defence said that the Auditor General “got it wrong” when the Auditor General discussed budgetary matters in front a committee last week.

I would like to ask the Prime Minister this. We are now in an extraordinary situation. The government says it accepts the report of the Auditor General and it accepts the conclusions of the Auditor General, as well as the recommendations. Mr. Fonberg, the deputy minister of National Defence, says he rejects the findings of the Auditor General.

Who speaks for the Government of Canada with respect to the findings of the Auditor General?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again that is a complete miscategorization of the deputy minister's remarks.

The government has been very clear that it accepts the report. In fact, as the Minister of Public Works has made clear, the government has proceeded with an oversight committee and a multi-step process to ensure that, before we spend any money on acquisition, we have all the questions answered that need to be answered.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, this is not a trivial matter, because it has to do with the overall position of the Government of Canada with respect to what the Auditor General said.

The Auditor General said that not all costs had been fully divulged. He said that to compare the training costs on the F-35 with the training costs and the maintenance costs on the CF-18 was completely unrealistic. He said there was no accounting for the question of attrition and the number of jets that would be lost over the life cycle. He said that life-cycle accounting had to be done.

We now have the deputy minister of National Defence saying to the people of Canada that the Auditor General is wrong. Who speaks for Canada? That is the question we are asking with respect to this matter.

• (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again that is simply not an accurate representation of what the deputy minister of National Defence said.

Oral Questions

The government has accepted the recommendations of the Auditor General, in particular his core recommendation that the government take a re-examination of all of the costing and reassess that. We are going to do that and other things to ensure we have full transparency and facts before proceeding.

* * *

[Translation]

DEMOCRATIC REFORM

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, not only would the Conservatives' Senate reform result in the same parliamentary impasses we see in the United States, and not only would such a reform be unfair to Alberta and British Columbia, which would be under-represented in an elected Senate, but also, Bill C-7 is unconstitutional because changing the nature of the Senate requires the agreement of the provinces, a right that Quebec would justifiably exercise in court.

Why will the government not forget about this ill-conceived reform, thereby avoiding costly and futile constitutional quarrels?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Government of Alberta recently held a public consultation—an election—to choose future senators. That was what the Government of Alberta decided to do, and our government will respect the will of the people of Alberta by appointing those senators to the Senate at the next opportunity.

* * *

THE BUDGET

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservatives' budget choices are frightening: billions of dollars for the F-35 fiasco, while the Conservatives slash funding for food inspection, border security, water quality monitoring—basically, programs that are crucial to the safety of Canadians. These irresponsible cuts have no business being in the budget.

When will the Conservatives clearly state what price will have to be paid?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, Canada's economic action plan 2012 is of course our plan for jobs, economic growth and prosperity. It keeps taxes low, while focusing on a return to a balanced budget. We have found fair, balanced and moderate savings measures to reduce the deficit by reducing the size of the federal public service by 4% over three years.

[English]

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, this is not about jobs. It is not about efficiencies or even cutting just backroom jobs. It is about cuts to the services that keep Canadians safe and healthy.

Conservatives did not campaign on these cuts. They never mentioned their plans to chop OAS. They never said a word about chopping food inspection or border services. Conservatives are now moving forward with billions in cuts by keeping Canadians in the dark about exactly which services they will now have to do without.

When did the Conservatives become so afraid of accountability?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, let me correct the record on several fronts. Seventy per cent of the savings that we have found and have been identified are operational efficiencies, and we are using the accepted practice.

The hon. members opposite seem to care about collective bargaining agreements. So do we, so we are informing the employees in a reasonable manner. That is the first thing we do. Then we inform the public. That is what we do in our estimates and in our quarterly reports, so all of that information is public.

It is good for the country to have a leaner, more affordable government.

* * *

[Translation]

NATIONAL PARKS

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, we would like to talk about the consequences of these cuts, because the Conservatives refuse to so.

It was not enough for the Conservatives to eliminate the environmental assessment process; now they are attacking our national parks. Over 1,600 Parks Canada jobs are being cut. This will translate into shorter seasons and restricted access to parks and historic sites.

As an indirect result of these cuts, the regional tourism industry will lose a lot of money.

Why are the Conservatives attacking Canada's most beautiful natural sites?

[English]

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, this government is committed to our national parks system. In fact, no other government has done as much to protect our natural spaces as this government.

At the same time, Parks Canada is doing its part to address deficit reduction. While Parks Canada is making changes, those changes are to ensure that we have appropriate staff numbers when the tourists and visitors attend.

● (1430)

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the minister is ignoring his own findings. Last year the minister released a report showing that Parks Canada contributes more than \$3 billion a year to our economy, and most of that is to small and local businesses.

Canada's national parks bring Canadians together and they draw tourists from around the world. Yet first the Conservatives are gutting the environmental assessment process, and now employee jobs are on the chopping block at Parks Canada.

Has the government calculated the impact of its reckless cuts on the tourism industry for Canada?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, I compliment my colleague for her accurate quotation of my remarks last year, and in fact we do cherish the contribution that our national parks and other protected spaces do make to the GDP every year, directly and indirectly, more than \$3 billion.

Because of that, we are also committed to increasing the total square kilometres of protected space in Canada. Since 2006, our government has added an area roughly equivalent to the size of Germany.

* * *

FISHERIES AND OCEANS

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, it is clear the government just does not seem to get it, that cuts to parks, cuts to environmental protection hurt local economies.

Many coastal communities depend on the fishery and they depend on the laws that protect fish habitat.

The Minister of Fisheries and Oceans is shirking his responsibility. He is abandoning our fishing industry, while giving the oil industry greater leeway to pollute and destroy fish habitat.

Why is the minister putting our oceans, our lakes and rivers and our fishing communities at risk?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the member opposite is totally wrong in his questioning. We are refocusing our efforts away from farmers' fields and focusing on fish and fish habitat protection, as I said yesterday.

This has the support of many people, and I might like to mention one quote from the Saskatchewan Association of Rural Municipalities, which says:

...municipalities have been paying inflated costs to accommodate the provisions of this Act for over 10 years. SARM thanks the federal government for these changes....

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, this is not about farmers' fields and drainage ditches. Nobody is buying that line, not even farmers. If that were the government's aim, it could have introduced minor changes to the act in order to deal with that problem.

Instead it has written amendments that, by the minister's own admission, will throw the doors open to major industrial projects at the expense of our fisheries.

When will the minister stop trying to hide his attack on fish protection behind law-abiding farmers?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, Canadians are concerned about the way that DFO operates in certain jurisdictions. Farmers, cottage owners and the municipalities are all important and we are listening to them.

The Federation of Canadian Municipalities also said:

Oral Questions

The federal government has pledged to give the Fisheries Act more teeth by introducing enforcement provisions where none have existed before and giving regulators new legal tools to keep invasive species from entering Canada....

Municipal leaders have consistently called for common sense reforms in Ottawa that deliver better results for Canadians.

* * *

[Translation]

STATISTICS CANADA

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, the industry and communities that rely on the fishery are going to pay the price for the Conservatives' insistence on attacking the Fisheries Act.

There are other cuts and other problems. The decision to cut 8% of Statistics Canada's budget is troubling. In addition to the budget cuts, the organization has to deal with reduced budgets at the other departments that fund its studies. We need statistics in order to help us understand the trends in economic cycles.

How can the government do without such important statistics on the economy?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, Canadians gave us a strong economic mandate, which means we have to ensure that taxpayers' money is spent as efficiently as possible.

Statistics Canada has identified savings in order to operate more efficiently while continuing to provide Canadians with top-notch statistics and services. That is the mandate Canadians want us to accomplish.

● (1435)

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, the Conservatives do not realize that Statistics Canada does not even have enough money to buy newspapers.

The organization's budget has been frozen for three years. Cuts to its operating budget will total \$54 million, which led the chief statistician to comment that this will be a year of sacrifices.

The Conservatives like to control the numbers—that was evident in the F-35 file—but they cannot control the results of an objective survey. They want to cut Statistics Canada's budget in order to have more control over the message.

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, on the contrary, we were given a strong economic mandate on May 2. What Canadians expect is responsible and effective management of public funds.

Statistics Canada, like all other government agencies, identified potential savings. Our job is to ensure that these efficiencies are realized while providing top-notch service to Canadians. The majority of Canadians support this mandate.

Oral Questions

[English]

PUBLIC SAFETY

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I know the Conservatives do not like using evidence in decision-making but chopping Statistics Canada will not make the inconvenient facts go away.

However, the government's reckless cuts are marching on. The Conservatives are now shutting down the joint emergency preparedness program and have cut all funding for training courses at the Canadian Emergency Management College. This will leave many local emergency workers without the training and critical equipment they need to respond to everything from earthquakes to chemical spills.

Why are the Conservatives making cuts that could spell disaster for small communities that rely on these programs to train their emergency preparedness workers?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, most emergencies in Canada are local in nature and are managed by municipalities at the provincial or territorial level. Public Safety Canada works with all of the local organizations in order to coordinate that.

We are not putting Canadians' safety at risk. Indeed, we continue to enhance it in various ways.

* * *

[Translation]

PENSIONS

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, yesterday evening, we asked the government how much money it was going to save as a result of the proposed change to the old age security program.

The government is refusing to give us that information and is saying that the chief actuary will give members the information after the budget implementation bill is passed and not before.

Why is the government hiding this information about old age security? Canadians have the right to know.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the fact is that our government is going to ensure that there is an old age security program for future generations. That is exactly what we are doing. It is very important to understand that the population is aging. Right now, there are four workers contributing to the OAS for every retiree, but soon there will be only two. That is why we have to make changes.

[English]

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, that is still no answer. Under the law, the government must tell MPs how much a bill will cost before a vote. Last year, the Conservatives were found in contempt of Parliament because they failed to do that and now they are doing it again.

Canadians know how much the changes in OAS will cost them personally. Why will the Conservatives not say how much the OAS changes will save the treasury? Is it because the numbers show that the experts are right, that there is no sustainability problem with

OAS as it stands now and that we do not need to increase the age to 67?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the hon. member asked how much it would cost individuals. For anyone who is currently collecting old age security benefits and anyone who is near retirement, it will not cost them a cent. There will not be any change for them.

However, if we want to ensure that future generations have access to any OAS at all, we do need to make changes, and that is exactly what we will do. The Chief Actuary agrees with us and even the PBO agreed with us several months ago.

* * *

[Translation]

OFFICIAL LANGUAGES

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, according to the Commissioner of Official Languages, last year's staffing process for the position of Auditor General did not take into account the language requirements.

Candidates on the list—

The Speaker: Order. I believe there is a technical problem with the interpretation.

Is that better?

Could the hon. member for Ottawa—Vanier start over?

● (1440)

Hon. Mauril Bélanger: Mr. Speaker, that appears to support my point very well.

According to the Commissioner of Official Languages, last year's staffing process for the position of Auditor General did not take into account the language requirements.

Candidates on the short list and the candidate who was eventually recommended were to be bilingual upon taking up the position, not become bilingual afterwards.

Will the Conservative government start the process over again and respect the law this time?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we will certainly protect the French fact throughout Canada, respect the Official Languages Act and always seek out candidates who have the qualities that are very important to Canada for positions and appointments.

We are talking about the Auditor General in this case. I am certain that the opposition is satisfied with the quality of his work to date. I am certain that the opposition will be satisfied with the process that we will continue to use to look for talented, bilingual men and women for important positions in Canada.

CANADA REVENUE AGENCY

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, new charges have been laid against three individuals, including a former Canada Revenue Agency team leader, for allegedly trying to extort money from restaurant owners.

Under the Conservatives, Revenue Canada's problems keep piling up. For the past few years, the RCMP has been investigating a number of allegations of corruption, kickbacks and so forth.

That is a bit rich for a law and order government.

Can the Conservatives explain to us how they are not responsible for this?

[English]

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, we are responsible and that is why charges have been laid. This is a very serious issue and we will not tolerate this type of misconduct. This investigation, as the entire House knows, has been ongoing for some time and, yes, charges have now been laid.

As the member opposite should know, it would not be appropriate to comment on an RCMP investigation that is ongoing or on the court proceedings. However, I can assure the House that the integrity of our tax system will be upheld by this government.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, the truth is that the government has been asleep at the wheel. The Canada Revenue Agency now has hundreds of cases of serious misconduct, everything from the destruction of documents to corruption. Today we learned that three former CRA employees have been charged with extortion and threatening restaurant owners. Now that charges have been laid, would the minister explain how she let this happen under her government?

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, the issue goes back more than a decade. I can assure the House that the government does take all these allegations very seriously. CRA employees are in a position of public trust and we demand professional and ethical conduct. This is why our government has increased our budget for internal investigations by 127% and we have nearly doubled the number of internal investigators.

* * *

ETHICS

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the Minister of International Cooperation has still not explained whether she understands the difference between appropriate and inappropriate behaviour. For example, when she racked up \$17,000 in limo bills she tried to hide \$8,000, which would suggest that she knew that was inappropriate. It was the same when she blew \$5,000 at the Junos and was forced to pay back thousands. One would think she had learned the lesson then.

Would the Minister of International Cooperation explain why she only pays the money back when she gets caught?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government has been clear. Our objective is to reduce expenditures to taxpayers. Ministers have done that by 15% compared with our predecessors. That is why, in

Oral Questions

the case that we are discussing here, the minister has repaid the expenses and has apologized to the House.

Mr. Charlie Angus (Timmins—James Bay, NDP): However, Mr. Speaker, she has not explained why the Prime Minister has allowed her such a loosey-goosey interpretation of the ethics and why she should be trusted at this point.

Instead of playing the cat and mouse game, why does the minister not just stand up and tell us what other lavish spending she has hidden away from the taxpayers, or is she simply practising her apology until the next time?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, again, our objective is to respect taxpayer dollars. Our government came with a mandate to increase accountability, to restore accountability and to reduce taxpayers' expenditures. As a result, we have reduced the expenditures of ministers' offices, including the components of travel, by 15%. In this particular case, the minister has repaid the inappropriate expenses.

* * *

● (1445)

JUSTICE

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, Canadians are concerned about crime. They gave our government a strong mandate to keep our streets and communities safe. Gang activity and recruitment is a growing problem. Youth are often targeted by criminal organizations to join their ranks. This is one reason that I introduced Bill C-394, the criminal organization recruitment act. The legislation would send a strong signal that seeking to recruit youth into organized crime gangs is a serious offence that deserves tough sentences.

Could the Minister of Justice please inform the House about the government's position on my legislation?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I thank the hon. member for Brampton—Springdale for introducing this legislation and for all that he does on behalf of his constituents.

We, too, are concerned about those who would actively attempt to recruit youth into gangs and other criminal organizations. This is why I am pleased to announce to the House that we completely support the member's efforts to crack down on those who would recruit people into criminal gangs. This is consistent with our efforts to crack down on criminals and stand up for law-abiding Canadians. We are getting the job done, and I thank the hon. member.

Oral Questions

[Translation]

AIR CANADA

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, this evening, thousands of Aveos workers and supporters are going to march in the streets of Montreal. They will not be asking the government for special treatment or money. They will simply be asking Ottawa to apply the law and stop offering phony excuses not to do so. They will be asking to be treated with dignity and respect by this government.

Will the government listen to them and intervene, or will it continue to ignore its own legislation?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, let us take an honest look at what the New Democrats are proposing. They are proposing that taxpayers fund a bailout for a company that has already wasted \$1 billion, that was not prepared to testify before a parliamentary committee and that has no hope to succeed.

We are not going to spend Canadians' and taxpayers' money on this type of bailout. We are instead going to continue building a strong economy in order to create jobs for everyone.

* * *

EMPLOYMENT

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the NDP wants the government to enforce the law in order to save jobs at Aveos.

Under the guise of employment insurance reform, the Conservatives have just launched a direct attack against workers across Canada. The government is trying to twist workers' arms and force them to accept any old job. They are being told that if they are not qualified or if they are unwilling to leave their children behind for weeks on end, then, too bad, they will lose their benefits.

This shows a staggering lack of respect and is a slap in the face to those who have lost their jobs despite their best efforts.

Does this government really believe that by playing the enforcer and condemning people to work as cheap labour it will solve the employment crisis?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, quite simply, the member is mistaken. He is wrong. We will ensure that everyone who can work has access to information on the jobs that are available and that they can apply to those jobs. Everyone feels better when they are working, as opposed to being unemployed. We will ensure that anyone who wants to work has the opportunity to do so.

* * *

[English]

CITIZENSHIP AND IMMIGRATION

Mr. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the member for Trinity—Spadina and I last year asked why Gary Freeman, who lived in this country peaceably for 40 years and had several children, was not being allowed back in the country. The

answer was because of an event that happened in Chicago in the sixties for which he had served a short jail time. They said that because he was not a Canadian, he was not allowed back in.

We just learned that the British criminal Conrad Black will be allowed in, despite serving a second term in a federal American penitentiary. Why the double standard?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, matters such as this are matters of personal privacy. I cannot comment on specific cases without a privacy waiver. Having said that, I can advise in respect to this individual that I indicated to my department that I would not have any involvement in an application from that individual, and that his application would be treated by highly trained independent members of our public service.

In terms of the individual that the member raises, I understand that member has made interventions on behalf of a convicted police murderer in the United States seeking his entry into Canada.

We believe decisions on admissibility should be made by public servants, not by politicians.

• (1450)

Mr. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the facts are simply wrong. Gary Freeman lived in Canada for 40 years, and has several children here. We met the press with Natercia Coelho, his wife.

It is a clear case of a double standard, one for an American black man from Chicago, another for a British white man coming out of federal penitentiary in Chicago.

[Translation]

The Conservatives should be ashamed of their double standard.

[English]

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, that statement says a lot more about the Leader of the Opposition than it does about Canada's fair—

An hon. member: Shame on you, smearing the public service.

The Speaker: Order. The hon. minister has the floor.

Hon. Jason Kenney: Mr. Speaker, decisions on admissibility are made by highly trained independent members of Canada's professional public service. They are not made by politicians. They should not be made by politicians.

I know that member and his party like to politicize these matters. They want to make a former vice-president of the United States inadmissible to Canada, but they want us to welcome convicted cop killers.

We think the law should be consistently applied by independent highly trained public servants, not by political demagogues.

*Oral Questions***STATISTICS CANADA**

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, apparently the government just does not like facts. First, it cut the long form census and compromised years of data collection. Now, it is slashing half of the jobs at Statistics Canada. StatsCan provides unbiased demographic data that is essential for small businesses, for the success of new Canadians and for public services. That benefits all Canadians.

Why does the government make decisions based on belief and ideology rather than evidence? Will the government stop its war on information and reverse the StatsCan cuts?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, Canadians gave us a strong economic mandate. I must remind the member of the third party that this means ensuring that taxpayer dollars are spent as wisely and efficiently as possible in all government departments, including StatsCan.

StatsCan has developed these savings in order to operate more efficiently while continuing to offer high quality statistics and services to Canadians. That is what Canadians are expecting.

* * *

HEALTH

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, the Minister of Health refuses to answer questions on her draconian cuts to aboriginal health, questions she calls “unacceptable”.

What is unacceptable is her disregard for the concerns of aboriginal leaders themselves. National Inuit Leader Mary Simon calls her cuts “unconscionable”. The president of the Pauktutit Inuit Women of Canada said that Inuit women will suffer a direct and negative impact as a result.

Does the minister also think that it is unacceptable for these organizations to criticize her cuts?

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, I take no lessons from that party in terms of how they handled health care in this country.

The answer is very simple when it comes to the National Aboriginal Health Organization. Through the annual general meeting of the AFN there was a resolution put forward by those memberships to dissolve NAHO. At the same time, I received a letter from the three elected leaders of NAHO asking me to dissolve NAHO because it was dysfunctional.

We listened. Why can those members not listen to the elected aboriginal leaders of this country?

* * *

[Translation]

VETERANS AFFAIRS

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, Canadian veterans have fought courageously for their country, yet this government keeps telling them that they have to take care of themselves. The decision to close nine Veterans Affairs

offices will make things even more difficult for a huge number of veterans and their families who need help.

We recently learned that the number of suicides by military personnel rose in 2011. How can the government tell veterans to seek help online instead of talking to a real, live human being?

• (1455)

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, I would like to congratulate my colleague on his new veterans portfolio, which is an important one. We will continue to provide services to veterans across the country. We are even about to increase our service offerings near military bases and wherever the need is greatest.

There is one thing that the new critic should do if he wants to help veterans, and that is support budget 2012, in which we will maintain services to veterans and cut red tape. I urge him to support budget 2012 and veterans.

[English]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, what absolute nonsense. He is now telling veterans on Prince Edward Island and Cape Breton Island that in order to see someone they have to go all the way to Halifax to meet the individual.

What is worse, the Conservatives are cutting back on offices to the point now that when veterans call 1-866-522-2122, the veterans' number, they get a private company called Quantum. This private company gets over \$600,000 of tax money to say, “Veterans Affairs Canada”.

Why is the government allowing a private company to disguise itself as Veterans Affairs Canada and why is it so ignorant of the needs of the heroes of this country?

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, it is good to have two critics because I can clearly answer the question.

We are proud to work with Service Canada. It has employees here in this country, in the Atlantic, serving Canadians for general information.

Some hon. members: Oh, oh!

Hon. Steven Blaney: Excuse me, kindergarten, I am speaking.

The Speaker: The hon. minister has the floor.

Hon. Steven Blaney: Mr. Speaker, I want to add that any veteran—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. Minister of Veterans Affairs has the floor.

Hon. Steven Blaney: Mr. Speaker, any veteran who is addressing our department will be served by the great experts of the department. Members should support budget 2012. We are maintaining benefits. We are cutting red tape and we will continue to do so.

*Oral Questions***JUSTICE**

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, Canadians were troubled when they heard the story of David Chen, an immigrant restaurant owner who was charged for defending his property. This captured the attention of many, especially new Canadians.

Thankfully, our government is committed to clarifying the laws regarding self-defence and has taken action by introducing citizen's arrest legislation.

Can the Minister of Citizenship, Immigration and Multiculturalism please update this House on the progress we have been making with regard to this important piece of legislation?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, This is a serious matter. Mr. David Chen is a hard-working grocer in downtown Toronto who I am honoured to call a friend. He loses up to \$70,000 a year from his hard-earned property to shoplifters. When he detained a repeat shoplifter, Mr. Chen, the victim of the crime, was charged. This brought about a recognition that we needed to modify the law to clarify that shop owners have the right to use appropriate authority to protect their property.

I am pleased to see that the Lucky Moose bill passed through the House of Commons today and will be law shortly so that shop owners can use reasonable and appropriate authority to protect their property.

* * *

VETERANS AFFAIRS

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, today the Federal Court ruled in favour of Dennis Manuge and other veterans who have been waging a court battle with the Conservatives over pension clawbacks. The government was wrong to litigate in the first instance, and now the court has ruled.

Will the Minister of Justice commit today to not appeal this ruling and leave these veterans alone?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I believe the member opposite is a lawyer. He would know this decision has just been rendered today by the Federal Court.

The Department of Justice and the Department of National Defence will review this case. Until such time, it would be inappropriate to comment further.

* * *

● (1500)

[Translation]

OFFICIAL LANGUAGES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Official Languages Act is on the Conservatives' chopping block.

Further to my complaint to the Commissioner of Official Languages, in his report on the appointment of the Auditor General, the commissioner stated that the government should never have hired a unilingual individual and that, as a result of its actions, it was

impossible for the Auditor General to provide service of equal quality in both official languages.

Why does the government not respect its own hiring criteria and its own laws, which were passed by this House?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I just said in response to a similar question from a member of the Liberal Party, our government will certainly protect the French fact throughout Canada and will make responsible appointments that respect both languages, French and English, in every corner of our country. We will continue to make responsible appointments to meet the needs of Canadians.

* * *

[English]

THE BUDGET

Mr. Ted Opatz (Etobicoke Centre, CPC): Mr. Speaker, while the NDP joins big union bosses and their fellow socialist comrades today to rally for a return to reckless, unsustainable, big-government deficit spending, including higher punishing taxes, our Conservative government is focused on helping Canadians by promoting jobs and the economy, and protecting taxpayers with prudent and responsible spending.

While our plan is positive and forward-looking, the NDP would take Canada back to an era of protectionism and restrictive trade practices.

Can the Minister of State for Finance please explain how economic action plan 2012 will support Canada's—

The Speaker: The hon. Minister of State for Finance.

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, our Conservative government remains focused on what matters to Canadians—that is, jobs, growth and long-term prosperity. Although nearly 700,000 more Canadians have jobs, the global economy remains fragile. That is why, in budget 2012, we have taken action to enhance trade and investment relationships with fast-growing economies. Not only that, we are reducing red tape, which will generate savings for our manufacturers by providing a single window of business opportunity—

The Speaker: The hon. member for Thunder Bay—Rainy River.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, we in northern Ontario know the economy is suffering under the government's watch.

In the March budget, the government chose to cut money that is used for economic development in northern Ontario. It has taken \$1 billion from the forestry sector, millions more in tourism and marketing grants that went to small towns like Dryden, Atikokan, Gore Bay, Red Rock, Terrace Bay and many others.

Where is the common sense in cutting economic development money for a struggling region during a fragile economic recovery?

Government Orders

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, let me welcome the hon. member to his new critic responsibilities. Indeed, right after the budget, he was claiming over northern Ontario airwaves that we had actually eliminated the federal economic development Initiative for Northern Ontario. He had to backtrack on that. I am glad he is learning his portfolio now.

I would say to the hon. member that since April 2006, FedNor has invested over \$263 million in support of over 1,200 projects around northern Ontario. FedNor continues to do that. It is looking for great projects that will grow jobs and grow economic opportunity for northern Ontario. That is what our regional economic development agencies do across the country. The hon. member should be proud of that.

I know he was proud when we announced the—

The Speaker: The hon. member for Haute-Gaspésie—La Mitis—Matane—Matapédia.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, today, May 1, is International Workers' Day, and I would especially like to focus our attention on the people who have lost their jobs and those affected by the economic downturn. They are going through difficult times, and the government should be paying attention to their concerns.

The government is really not doing anything to improve access to employment insurance, even though many requests to that effect have been made. It still refuses to improve the system, and the program seems to be a burden for it.

Why does it not take the best course of action and transfer the employment insurance program to Quebec, as the Conseil national des chômeurs et chômeuses and the Parti québécois are calling for?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, there is a shortage of workers and skills throughout the country. For that reason it is very important that the unemployed have access to training that will give them the skills needed to apply for jobs.

For six years, we have poured a great deal of money into helping the unemployed find new jobs with skills that are in demand today and will be in the future.

* * *

• (1505)

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Madeleine Dubé, Minister of Health of New Brunswick.

Some hon. members: Hear, hear!

[English]

POINTS OF ORDER

ORAL QUESTIONS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in light of the answer given by the Prime Minister today to my questions with respect to the testimony in the public accounts committee, I wonder if I could have unanimous consent to read the relevant section of the testimony in that committee into the record.

The Speaker: Does the hon. member for Toronto Centre have unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[English]

SAFER RAILWAYS ACT

The House resumed consideration of the motion that Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the third time and passed.

The Speaker: There are five minutes left for the hon. member for York South—Weston. I am sure he would appreciate all his colleagues leaving the chamber if they need to carry on conversations so the House can hear what he has to say.

The hon. member for York South—Weston.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I appreciate this opportunity to continue my discourse on Bill S-4.

As I suggested earlier, the new Bill S-4 contains some amendments to the environmental protection portion of the bill which would give more power to the minister to enforce environmental protection. As I started to say earlier, one of the things that gives residents in urban areas, and in particular in Toronto, significant worry is the exhaust from diesel trains.

New York City is 104 years ahead of Canada because it banned fossil fuel-burning trains from Manhattan Island in 1908. Since that time, only electric vehicles have been permitted to operate in Manhattan, to the point where engines actually have to be changed on the way in. That has resulted in a much cleaner and more manageable environment in the city of Manhattan.

The citizens of Toronto would like the same courtesy. As such, they are pushing GO Transit in particular but ultimately all the other train operators, CN, CP and VIA, to use electric vehicles wherever possible.

I note that environmental regulations are currently stronger in the United States than they are here and I hope the minister will make Canadian railroads adopt tier 4 standards for all their engines in 2015, as is the case in the United States.

Government Orders

The other piece of safety worry for residents in the city of Toronto is derailments. One only has to witness the kind of destruction that takes place in adjacent areas when there are derailments.

In the city of Toronto rail corridors traverse significant residential populations. The rail industry requested that this bill be amended to allow it to have some say over how close houses can be built to the rail corridor.

In Toronto the rail corridor is being moved closer to homes by the rail company itself. It beggars belief that it would actually do this, but that is happening. In one case, CP Rail expropriated the backyards of several homes in order to move its rails 20 feet closer to the homes. If a derailment occurs in that piece of my riding, the devastation will be unimaginable.

Therefore, what does the rail company do? It is now building a crash barrier for protection, but it will not protect the homes. The crash barrier will be between two sets of rail corridors so if a crash happens, CP freights will not damage CN and VIA rails, but nothing has been built to protect the homes. The bill should provide the minister with the power to look into this. Why are we protecting against a crash if the crash happens toward the rail corridor rather than toward the homes?

A school is right on that rail corridor. The play yard is literally five feet from the rails. When that was criticized, the rail company said that people should not build schools so close to a rail corridor. The trouble was the school was there first and the rail company just did not know that.

One cannot talk about rail safety without saying something about the deteriorating infrastructure of our railway system. My colleagues in the NDP from coast to coast see rail service being closed for safety reasons as a result of deteriorating tracks and a lack of adequate maintenance. Clearly, track maintenance is an issue in rail safety. Significant investment needs to be made in rail infrastructure across Canada, not only to improve rail safety but to continue to provide, and hopefully expand, rail service both in terms of passenger service as well as freight service.

Passenger and freight services were closed recently in the Gaspé and on Vancouver Island as a result of deteriorating rail infrastructure. These services were handed to the local authorities by the big rail companies in what was almost an unfit state. The local authorities do not have the funds to keep them up the way the rail companies did. Therefore, we need federal action to create rail safety on these and other such rail corridors.

● (1510)

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I very much appreciate my colleague's words. I particularly appreciate the last thing he said, when he spoke about something that is of enormous concern to people in my riding: the fact that the railway has deteriorated to the point that it no longer offers its services. The train no longer goes to Gaspé, and that is of enormous concern to us. The federal government is not stepping up to provide us with the assistance and improvements that are needed to get the railway back in service.

I would like to ask my colleague what the government could do and how the bill that is before us could be improved so there would be significant improvement in terms of the deterioration of railway services everywhere in Canada.

[*English*]

Mr. Mike Sullivan: Mr. Speaker, the Railway Safety Act on its own would merely determine that a railroad had become unsafe, but that having been determined, I think it is incumbent upon the federal government to determine the best mechanism for reinvigorating it or making that section of rail useful again to the public

. In the case of the Gaspé and in the case of the Vancouver Island passenger rail service, both of those corridors are now owned by small local community groups. They are not owned by the big powerful rail companies, which handed them off knowing that they were in a deteriorating state. The federal government needs to assist with the maintenance of these rail corridors financially. I am not suggesting that it needs to pay all of it, but when a rail corridor is owned by small local municipalities, there needs to be a sharing of that responsibility federally, provincially and locally, and there needs to be some recognition by the government that those infrastructure improvements are for the good of Canada and for the good of those communities.

● (1515)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, in northern Ontario many communities, including the city of Sudbury, were created when the rail line came through back in the 1800s, so rail has been an important economic link for most Canadian communities right across the country from coast to coast to coast. It linked coast to coast to coast for many of us.

Now we have seen the government not investing in the infrastructure to support rail and we have seen the safety of rail service decrease. We have lost rail in northern Ontario, which could be the life hub for many to get from community to community. Passenger service has stopped because rail has become so unsafe. There is not enough infrastructure in place. I know my hon. colleague has spoken to that. I would like to hear his comments and hear what we can do to continue to make rail safe and get people using the trains once again.

Mr. Mike Sullivan: Mr. Speaker, it is a very good point that rail actually built this country in large measure and opened up cities like Sudbury. The community that I come from, Weston, owes its size and diversity in large measure to the fact that the rail corridor was encouraged to come through the town back in 1852, with the building of a huge trestle over the Humber River. That trestle is still in existence. The original brick and the original pillars at the bottom of that trestle are still there, exactly as they were placed in 1852. They just do not build them like they used to.

However, the member's point is about what the government needs to do to encourage the use of passenger and freight rail as the medium of choice for travellers. For passenger rail, the service has to be frequent, convenient, on time and reliable. That currently is not always the case.

Government Orders

Certainly in a place like northern Ontario, where it is difficult to get around by any other means, rail is essential. In the case of freight rail, we have to realize that it is the way we have to move. We have an undertaking to reduce our greenhouse gas emissions by 75% by 2050; that is not going to happen unless we move a lot of our goods transport away from trucks and onto trains. The only way we are going to manage all of that is if the current government is part of the investment into our rail system in Canada.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member made a great deal of reference to communities. Because of many things that could happen as a direct result of the presence of rail lines, some of the most significant vested interest groups are the communities built around these lines.

We would argue ultimately that we have to ensure all stakeholders are involved, including the different levels of government, as well as industry as a whole in order to protect those industries.

Does the hon. member see anything in future legislation of this nature that would enable some sort of structured system that would allow for that consultation in the name of protecting our communities?

Mr. Mike Sullivan: Mr. Speaker, in the discussion leading up to this amendment to the Railway Safety Act, there were a lot of consultations with a lot of stakeholders, including community groups, transport activists, unions and other interested stakeholders, including the railroads.

That is a good sign for the government. In the minority Parliament that preceded this one there was a sense of collaboration that was necessary in order to make the bill into the best bill it could be at the time.

These bills generally get reviewed every five years; it has been six years since this review was started, so we really should have been starting the review of the bill last year. I do not know when a review will be started, but there are always improvements that can be made to safety.

There is a need for voice recorders in the cabs of all the locomotives and a need for positive train control. Those things should be a part of the government's agenda; they are not; currently, but we can certainly hope that we and the communities we are talking about will put enough pressure on the government to make this part of its agenda going forward.

• (1520)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, because of its shortsighted vision of northern Ontario, the Liberal Party in Ontario is cutting back the Ontario Northland Railway, which connects a lot of northern Ontario regions to southern Ontario. It will be dismantling that railway. It will cut it off and put more buses and more transport trucks on the road.

Could the hon. member tell us how this will affect not only the communities but also the people who are using the highways in northern Ontario?

Mr. Mike Sullivan: Mr. Speaker, the demise of the Ontario Northland is something that should be prevented. The Ontario Northland is a vital part of the north's transportation infrastructure.

Northern Ontario is subject to bad weather for nine months of the year, maybe ten, and highways are just not safe. They are not the safe way to get around in northern Ontario. By getting rid of the Ontario Northland, we are removing a safe option for the transportation of people and potentially of goods. It should not close.

The Conservative government should be looking at rescuing the Ontario Northland from the ravages of the Ontario Liberal government.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I will be splitting my time with the fabulous member for Vaudreuil-Soulanges.

I am happy to participate in the debate on Bill S-4. I would like to congratulate a couple of my colleagues. The first is my colleague from Western Arctic. He prefers to be called the member from the Northwest Territories rather than Western Arctic, but indeed his riding is in the western Arctic. I would also like to congratulate the member for Trinity—Spadina, who has been working on this transport file for quite some time, along with the member from the Northwest Territories. In the last Parliament she was very adroit in making sure that many of the suggestions that ended up in the bill were amendments to previous legislation to make sure we actually came forward with a transport bill that addressed the safety concerns of the passengers on VIA and the workers who have to travel on those trains. They are the locomotive engineers, the brakemen, et cetera, who deserve, especially today on International Workers' Day, the safest place to work we can make for them. It is an obligation that I think we all share.

We are pleased to see that the bill contains slightly over 80% of the things we would have like to have seen, although obviously there are a few other things that we would like to see in it.

It strikes me as ironic as I look through the history of where things were at over a number of years. A report that was called the advisory panel's final report was published. The actual title of the report was "Stronger Ties: A Shared Commitment to Railway Safety". I thought it was quite striking to use that title of "Stronger Ties". I was a train spotter growing up in Glasgow, and we knew more about trains than we knew about anything else. The ties lying on the railbed keep the rails firm and make sure that those rails do not come apart. It is the ties, as they call them, that hold the rails at an exact space apart and prevent the rails from being flimsy and coming apart, or the spikes from leaving and so forth. I thought this report in 2007, "Stronger Ties: A Shared Commitment to Railway Safety" was rather ironic in that it took almost five years to get us to where we needed to be in 2007.

We are looking at what has been requested from workers and from passengers, which is a safe railway system. The railway system in our country is indeed a safe system; however, as in every system, there are always things we can do to make it safer. That is what New Democrats have been pushing for, not only in this Parliament but in past Parliaments. They have been pushing to ensure that those who travel by rail have safe passage and that those who work on the rail will go to work and come home safely. As we know, there have been episodes when that did not happen.

Government Orders

The train that leaves my municipality in Niagara and takes itself through the Niagara Peninsula to Toronto, as was pointed out by my colleague from Trinity—Spadina, derailed just outside of Burlington. It was an absolutely tragic accident, but as my colleague pointed out, one that was preventable. If the 2007 report, “Stronger Ties”, had been implemented with the suggestions that my colleagues from Western Arctic and Trinity—Spadina had suggested, that accident might indeed never have happened. Three men might not have lost their lives and three families might not be suffering the loss of fathers, husbands, sons, uncles and brothers. They might have still been with us. Unfortunately, that is not what happened.

Therefore, in memory of those three men who lost their lives in that derailment in Burlington, we need to do everything within our capacity to ensure that it does not happen again.

The trains are perhaps being operated a little faster than they should be, so when they come to a switch and change tracks, it is a dangerous moment. Switching to a different track is hazardous, and speed is a very critical aspect.

• (1525)

However, there are mechanisms. We do not need to reinvent the wheel, so to speak. When it comes to health and safety, we can have mechanisms that, if the train is approaching the switch too quickly, it can be automatically slowed down to ensure it makes the switch appropriately and does not come off the rail, as we saw in Burlington.

It is unfortunate that is not part of the bill but it should not stop the bill. In my view, it would not be something that would be an impediment to voting for this but it needs to be thought about in the future. We need to do this in a more comprehensive way. We may never find out what happened in that derailment because those three gentlemen are no longer with us to tell us what happened. The passengers are not sure what happened either, as they were in the carriages behind, not in the locomotive, and no one in the locomotive can tell us exactly what happened.

This is a transport system that carries large numbers of people and, in some cases, carries more people than an airplane might. However, in an airplane we have voice recorders in the cockpit to tell us what the pilot and co-pilot are saying at all times during a flight. In the case of a crash, heaven forbid but there have been some over time, we now have a voice recorder and a data recorder that can actually help us to understand what happened and, just as important, help us understand how to avoid it. That is the crux of it. If we had had a voice recorder in that locomotive in Burlington and in others that have crashed, especially when we saw loss of life and have no independent witnesses who were in control of the locomotive, we could have then pieced together exactly what happened. We would have known what they were saying at that moment or the moments leading up to it? What could they have told us to ensure that the same thing would not happen again?

That is a critically important piece of information that is missing in the safety bill, which is unfortunate. I would look to the government, hopefully, to ensure that gets done in the very near future but we do want to ensure this safety legislation gets passed. Ultimately, it is about taking people on the rail lines. As my

colleagues have pointed out, there are literally hundreds of thousands of people who travel by rail across this country.

I had the great privilege, when I was younger, of spending some time in the lovely city of Edmonton while at the University of Alberta. I travelled there by train. However, unbeknownst to me, being a young person who had not travelled the breadth of this country, it took 54 hours to get there, which is a remarkably long time. It is two days-plus, but that is the breadth of the country. I must admit that, although I was a student at the time and did not have one of those luxurious cabins people may have today on the train, it was a pleasurable journey travelling across this country by rail, not only because of what I saw of the country but because of the service that was committed to us as passengers on that particular rail passage.

For those of us who enjoy trains, which many of us do, when it comes to travelling by rail we have many lessons to learn from places around the world and in this country where we see light rapid rail systems, whether it is in Vancouver or in downtown Toronto.

In fact, if we look back to Niagara, where I live, in the riding of Welland, it was a number of years ago, before I was born, when people could travel by rail from Lake Erie to Lake Ontario. We cannot do that today. One hundred years later and we cannot get from Lake Erie to Lake Ontario by rail. I know members will find this hard to believe but up until about six months ago people could not do it by bus either. I congratulate the Niagara region for implementing a regional bus service but we can just think if it had kept those railbeds. We could actually have taken a train from Port Colborne in my riding all the way to the riding of the hon. member for St. Catharines in the north and get from one lakehead to the other. Would it not be an amazing thing to think that we could do it, not for the first time, but again? We did it over 100 years ago.

• (1530)

Folks went by train to see their families if they were living in the north or the south end of the peninsula, never mind the places that my colleague from Sudbury was talking about. When one is in the north and is isolated, then rail it is. When we think about communities in the north where rail is their mode of transportation, their of getting materials and supplies in and how they move people, we need to continue to support rail, not only from a safety perspective. My friends in the Ontario legislature need to keep the Ontario Northland open because that is a crucial link to the northern part of this province. Therefore, I would send the message to Mr. McGuinity that he should keep the ONR open.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I thank my hon. colleague for Welland for his wonderful and eloquent speech on rail and rail safety and the importance of rail to northern Ontario, but most important, to the country.

As I told my colleague from York South—Weston earlier, rail built this country. I once worked a summer swinging a sledgehammer for one of the large railways. I really learned what manual labour was all about when I did that. I tip my hat to the men and women who do that day in and day out.

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Unfortunately, as the member said, we are losing the ONR. It is a provincial decision but we are losing the ONR in northern Ontario. We really hope the government there changes its mind and keeps the ONR open, but we have seen more and more of the small communities that are linked with rail lose that service if a foreign company does not come in and buy that rail to operate it.

We have seen the current government not invest in rail, which means the rail lines have started to deteriorate and we cannot have passenger service. Freight service is starting to disappear. Would it not be a wise idea for the government to start investing again in infrastructure like rail to ensure safety and transportation?

Mr. Malcolm Allen: Mr. Speaker, I could not agree more with my colleague from Sudbury. It is amazing what happens when we let a rail system go. Once we decommission that particular mode of transportation to that community, it is not much longer after that the rail line is gone.

I can attest to what is happening in Niagara. There is a trail in Niagara that allows people to walk around the entire peninsula. It is a wonderful trail and a deserved trail for the residents but, unfortunately, it is on a vacant railbed. All the tracks have been pulled up and it is now a walkable trail, which is a marvellous activity for folks to do. However, if the company were to decide to reinstall the tracks, it could not as the railbed is now gone and therefore it could not be done.

My colleague talked about this sense of how communities interact and how people get back and forth. When I was in Scotland last year, my cousin asked me why I did not go to downtown Glasgow. I told him that I would drive down but he said that I should not drive but that I should take the train. He lives in East Kilbride, a community outside of Glasgow but not that far. Lo and behold, people can take the train as if it is a bus. It has about five stops along the way and within 25 minutes it arrives in downtown Glasgow. It goes back and forth every 25 minutes and it is packed with commuters. People do not need to go into a big town. That is a convenience for someone who is close to a big town.

We can just imagine what it is like for those who are further away in remote communities whose service is only rail. We need to ensure we enhance the service, not diminish the service. We need to ensure that those residents have the same attributes as those of us who live closer to big cities continue to get. That is why the ONR cannot be lost and we must keep it.

• (1535)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I was interested in my hon. colleague's comments on the issue of safe rail and the importance of rail. He talked about the Ontario Northland Railway, which is a perfect example of the government ignoring the importance of rail for years, ignoring public safety and ignoring the benefits while the rest of the world is moving ahead and building railways.

I would like to ask the member what he thinks about the fact that in Ontario we have a government that is so blind that it takes a public asset, public transit, and decides that an entire region of the province just does not merit that kind of basic level of service.

Mr. Malcolm Allen: Mr. Speaker, I could not agree more with my colleague from Timmins—James Bay. The Ontario Northland is a

critical link for folks who live in northern Ontario, just like any other rail line is when it comes to folks who live in remote areas. It is not a federal matter but it is absolutely critical that we stand up for the Ontario Northland. I know my friends from Timmins—James Bay and Sudbury will be doing that, as will we who live in the south be doing.

We need to send a message to the Premier of Ontario that he must not close the Ontario Northland. It is a crucial link for those who live in the north. That is what needs to stay and we are committed to ensuring that it does stay.

[*Translation*]

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, I am going to take a break from these rather technical discussions to talk a little about philosophy. I would submit that we sometimes have to look to philosophy to light our way and our common future.

We are considering a bill that deals with railway safety. The railways are inextricably connected with the building of this country. They are the key factor in the marriage of diverse regions that we call Canada.

[*English*]

Canadians and members of this chamber will know that any marriage that is successful is based on trust. It is the essential element of any good relationship. When one loses that element of trust, that foundation, no matter what we build on top of it, the relationship will crumble.

Many will say that we are past the days of railways and have moved on to other more flashy, more attractive means of transportation. We must not forget that railways are still a foundation of our nation and of our economy. Canadians need to trust that rail will always be there.

This bill is an important part of building Canadians' trust in our railways. I want to turn to the issue of trust in terms of the presence of rail rather than the security.

[*Translation*]

Too often, in the past, railway service has been a favourite spot for making cuts. In 1981, Prime Minister Trudeau made cuts to popular VIA Rail lines. His government reduced the operations of VIA Rail, a crown corporation, by 40%. When the Mulroney government came to power it restored the services that had been cut. However, heavy rail traffic resulted in one of the most tragic accidents in Canadian history: the collision of a VIA Rail train with a CN train in Hinton, Alberta. Twenty-three people died. That is one of the reasons behind the bill we are considering today.

Cuts were made to VIA Rail in 1989, 1994 and 2003.

Canadians love the train, but they think service is not as reliable as it should be. To restore confidence, there have to be investments and improvements in terms of administration.

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• (1540)

[English]

I return here to the analogy of a marriage in the specifics of the bill before us. In any marriage, people make vows, usually with the intention of creating a bond that will last a lifetime. In the day to day, people make negotiations and compromises. Now the vows, negotiations and compromises do not mean very much if one of the parties does not intend on enforcing or following the rules.

That is why those provisions in Bill S-4, which touch upon enforcement, are important. Time will tell if the judicial penalties are effective. I believe it is important to pass this bill as soon as possible but I must admit to a bit of skepticism that it will solve all railway safety problems.

I believe the government's work in this area is not over and we will see in the years to come what other measures will be necessary. There are many tools in building trust so that Canadians feel safe about their railways. Mandatory voice recorders in locomotives, for instance, would be a beginning.

Another thing that would be helpful is separating out elements of budget bills so that proper debate and discussion could take place about security. Instead, the government goes on with its infantile method of putting everything into an omnibus bill and then claiming that we vote against particular provisions.

I will return once again to the marriage analogy. It is like the government is a cheating spouse and we, the opposition, who want to make this work, just want to search through the credit card records to find the hotel where our partner made a dalliance. Instead, we get flooded with all the household bills and office papers and are told that we are never supportive. It is bad faith.

The government should accept criticism where criticism is due instead of using this infantile "You voted against it" line. Canadians are intelligent. They see through this kind of politics.

[Translation]

As well, we have heard rumours that VIA Rail is going to be privatized. We often hear this government, and in particular the minister, proclaim that they do not interfere in the affairs of a private company. We can therefore expect this legislation to be meaningless, since it is coupled with that ideology of non-intervention in regulation of the private sector.

I am still skeptical about the effectiveness of enforcing a law like this. The government has already shown that it is powerless against the private sector. We hope it will change its mind in the case of railway safety. I would remind the minister that it is the job of government to provide services to the public, for the public welfare, and that this must be done responsibly. Sometimes the government does not believe in its own laws, as was the case with the 1988 Public Participation Act.

[English]

The minister has said before:

Railways are the backbone of our economy. As such, they are an important part of our history and our future. It is our shared responsibility to ensure they remain safe.

We in the NDP certainly agree.

I would like to conclude by talking about something important to many people in my home town of Saint-Lazare. It touches regulation directly.

Presently we do not have a mechanism which would get municipalities and rail companies to sit together and discuss issues such as vibrations caused by the speed of trains as well as a panoply of other issues. I have spoken with citizens and with rail company officials. They both tell me that they would like to see a mechanism through which dialogue could take place and that the federal government could play a role in this process. Bill S-4 does not have this provision.

[Translation]

These issues, the relationships between the municipalities and rail companies, directly affect the ridings of Vaudreuil-Soulanges and Glengarry—Prescott—Russell. The head of operations at VIA Rail, Mr. Marginson, indicated that there are 98 level crossings between Coteau and Ottawa.

Currently, companies are forced to contact private landowners if they wish to close a level crossing. The government must play a role to avoid the kind of conflicts and economic repercussions that are often the result of these disputes.

We all have the tools we need, but what is lacking is the political will to use them, because of this government's ideology and its belief that the state should not intervene.

• (1545)

[English]

I quote Mr. Cliff Mackay from the Railway Association of Canada, who said this about Bill C-33, the earlier bill:

Increased proximity between rail operations and everyday life in our communities across Canada is a risk factor that must be addressed to improve rail safety. We believe that Bill C-33 can be strengthened in this area. At the centre of these concerns involving proximity between railway lands and municipal development is the wide variation that exists across Canada with respect to land use planning regulations... Bill C-33 is silent on this issue at this time.

Unfortunately Bill S-4 remains silent on this issue as well.

We will support the bill but, as I said before, there are places where it could be improved.

Recommendation 34 that was made would require a process of consultation, which would have been an effective tool in reducing use conflicts and in turn increasing safety. Education campaigns are fine, but they rarely do the whole job.

Cliff Mackay also said:

We believe that one of the most efficient ways of improving railway safety in this area is to give the Governor in Council the power to make regulations respecting notices that should be given to railways regarding the establishment of a local plan of subdivision, or zoning by-law, or proposed amendments thereto, where the subject land is within 300 metres of a railway line or railway yard. We believe the 300 metres is a distance that makes sense from a safety point of view.

In terms of jurisdictional questions of this quote, they do it already in the air, not exact, for air infrastructure. Why not for rail? I admit maybe 300 metres is excessive. It could be less, but it was not really even discussed in a serious way, either as Bill C-33 or in its present incarnation, as Bill S-4.

For Pete's sake, all the companies were asking was that municipalities send a notice of when they were going to make changes that would fall within the area of this rail corridor. They were not even asking for any sort of decision on these questions. Those companies are forced to go to 10 provinces and 3 territories to negotiate an agreement with each one. It could be so much more simple and effective. That is what good governance means. It means the federal government takes its role seriously in bringing the country together.

In the future I hope the government will move from merely being a force for awareness of these issues to being a responsible public administrator that ensures that marriage between Canadians and their railway lines remains healthy for generations to come.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to pick up on one of the points the member made on communities. Individuals also have a role to play in the issue.

The member has made reference to the vibrations trains cause quite often in communities that, at times, can lead to foundation issues and so forth. I had the opportunity to work with residents who had contacted me when I was an MLA. Citizens can contact their elected officials and the rail lines if they feel there is an issue that is important for the community to deal with. Generally speaking, and in particular case, CP was very accommodating in listening. We responded and were able to fix the problem by putting in a buffer wall of sorts.

Therefore, citizens have a role to play in this. Would the member care to comment on that?

Mr. Jamie Nicholls: Mr. Speaker, I too have had similar instances where citizens have approached me, particularly about the vibration issue. I admit that we do have recourse. I have spoken to CP several times and we have had a response.

However, I have to admit that this process for all parties, the citizen, municipality, myself and the railway company, appears to be ad hoc. There is no formal process for these claims. The railway company has its process, the municipality has its process and when we are contacted by our citizens, we have a process too. Each member in the House will have a different process.

I am talking about finding a mechanism, a formal process, where we can deal with these issues in a more efficient way rather than the ad hoc way it is done now. We do that through regulation, the idea of good governance and being a responsible public administrator.

I believe that in the future we will probably need a formalization of this process so every citizen can feel satisfied that there is a process in place that they can go through to have their concerns addressed.

• (1550)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, in general the NDP supports the bill because it would improve the oversight capacity of the Department of Transport. It would

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strengthen the department's enforcement powers, enhance the role of safety management systems, clarify the authority and responsibility for the Minister of Transport, expand the regulation-making authority and clarify the process for the rule making by railroad companies. These are good reasons to support the bill.

If there were ways to improve the bill, could the member tell me what would they be?

Mr. Jamie Nicholls: Mr. Speaker, I do not want to give the impression that I do not support the bill. It has been in the House for a long period of time. I believe other members have mentioned that the review process for a bill is about five years and this bill has been before the House in different incarnations for more than five years.

One of the things that was brought up at committee when the bill was known as Bill C-33, as I had mentioned to the member for Winnipeg North, was asking municipalities to give a formal notice to railway companies of any changes in land use planning in a set corridor. This would avoid a lot of the problems that are created when developments happen next to railway lines.

My area is primarily agricultural. In the process of change, certain areas go through rezoning and where farms were next to the railway, condo developments sometimes get built. However, the people who move into these condos all of a sudden complain about train noise and things like that. This could be nipped in the bud if there were a formalization of the process where a municipality would give notice to railway companies to say that it intended to make changes in land use.

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, I will be sharing my time with the member for Timmins—James Bay.

I am pleased to rise in the House to share my support, along with so many of my colleagues in the NDP, for Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act.

[*Translation*]

This bill seeks to amend the Railway Safety Act in order to improve the Department of Transport's oversight capacity by requiring that railway companies obtain a safety-based railway operating certificate indicating compliance with regulatory requirements.

The bill strengthens the department's enforcement powers by introducing administrative monetary penalties and increasing fines.

The bill also enhances the role of safety management systems by providing for the identification of an executive who is legally responsible for safety and for protecting railway company employees who voice serious safety concerns against reprisals.

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The bill also clarifies the authority and responsibilities of the Department of Transport with respect to railway matters, expands regulation-making powers, and clarifies the process for rule making by railway companies.

As my NDP colleagues have said, it is clearly a positive and long-awaited bill. I know that in the last Parliament, my NDP colleagues, the critics and those who are very familiar with the railway industry file fought hard not only to improve safety, but to urge the government to act in order to develop a safer rail transportation system for all Canadians.

• (1555)

[English]

As I noted, we in the NDP support the bill, but we also wish these changes had been implemented before and that there was a real understanding of the sense of urgency to ensure rail safety in our country.

In discussing the well-being of rail transport, the safety aspect is critical and we must act on it, but that is only one side of the coin. While we have seen the government hesitate and delay when it comes to making these critical implementations, it has actually acted in a way that serves to weaken our rail system.

VIA Rail funding is being cut by almost \$200 million, as indicated in the last budget, something that I and my colleagues in the NDP believe is a crying shame. We all know how critical rail transport is to our country, to ensure our urban areas and our rural communities stay connected. We know how critical the maintenance of the rail line is when it comes to not just transporting people but also goods across our country. As we see VIA Rail, an institution that belong to Canadians, an institution we are proud of, receive such major cuts in funding, the only thing we can conclude is there will be a reduction in both services and quality of services.

This is not the first time this has happened. Unfortunately, in recent decades federal governments, the Liberal government previously, and now the Conservative government, have turned a blind eye to rail service in Canada. I know this well from the region of the country that I come from, having been born and raised in Thompson, Manitoba. Many people notice that on VIA Rail map the only line that goes straight north in the west is the one that reaches up to Churchill, and it goes through my hometown of Thompson.

We know that years ago, when the Liberals privatized the line, it had already needed repair for some time. Of course, we were hoping the government would do the right thing and invest our own taxpayers' money to fix such a critical link between our communities. In fact, it chose to privatize it, sell it out to an American company, a company that has taken far too long to make the kinds of commitments to maintenance required on the track.

There have been some signs of hope with respect to the work of this company. Federal and provincial partnerships have supported the work along the way. At the end of the day, the fact that the government privatized this line leaves it out of our hands. What that essentially means is a reduction in the quality and dependability of service for people in a part of the country who do not have more choices than to use the rail service.

I am honoured to represent people who live and work on the bay line in communities like Ilford, Thicket Portage, Pikwitonei, War Lake First Nation, which are between Thompson and Gillam, and on to Churchill, and actually have no all-weather roads. People in these four communities I just mentioned depend entirely on the rail service for getting back and forth to medical appointments, making sure they have foods coming into their communities and making sure they can bring in materials to build homes and infrastructure in their communities.

This is no small issue. This is the only link for these communities. It is deeply disturbing to see the way in which the government has turned its attention away from communities, not just in my riding but in rural Canada in general, when it comes to rail service.

I would like to note there are a number of other communities I represent in northern Manitoba that are also isolated. I have heard from many people, whether they are in Oxford House, Garden Hill or Berens River. I have heard from elders who know what it was like for communities that were isolated to receive the rail line. These communities that are still isolated are asking what some of the options are, so they can have year-round sustainable transportation, something like a rail service.

I have to say that in many cases they have lost hope, given the government's reluctance to come to a solution with respect to the needs they have for transportation. Fortunately, we have a provincial government that has stepped in and made a real commitment in partnering, especially with the southern first nations for the time being, in building an all-weather road. However, the same cannot be said for the federal government in building sustainable transportation. Fundamentally, as the federal Conservative government pulls away from rail transportation in rural Canada, it is pulling away from the quality of life rural Canadians ought to have.

When we speak of something like VIA, community owned railways or producer cars that communities may own as well, these are things that belong to all of us. What we are saying is the federal government should be there to work with communities, our urban centres and everybody around the table to ensure we have a dependable rail service, quality rail service and safe rail service.

I would like to point out that whether it is on its actions on the Wheat Board or its continued effort to cut away from the basic services rural Canadians need, the government is turning its back on rural Canadians, many Canadians who see rail as the way to the future.

I would say in closing that I am proud of the work our party does to stand up for not just rail safety but rail service in general. I hope we can send the message loud and clear that when it comes to representing rural Canada and Canadians who believe in rail service, we in the NDP are the ones doing it.

• (1600)

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, the member believes in rail safety so much that her party voted against every major investment our government has made in rail safety. If the NDP did not think our budget this time around got the job done, it not offer a single amendment in that direction.

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I hope the member opposite is not suggesting for a moment that VIA is somehow unsafe. It got a four out of five ranking in an independent panel study, which looked into rail safety in Canada, for having a very highly integrated safety culture. We made record investments in the stimulus period to help it renew its fleet. The member voted against that, by the way.

The member knows full well that, with the completion of the stimulus projects, it requires less money being sent to VIA than in the last two budgets. That is not a cut; that is the end of stimulus.

I would like to ask the member, if this bill needed more for rail safety or needed to be improved, why is it that her colleague sitting over shoulder, the vice-chair of the committee, gave consent along with all the other NDP members to pass this bill in its entirety in less than 10 minutes with not a single amendment. Let the member explain that one.

Ms. Niki Ashton: Mr. Speaker, I wish the member across would show the same kind of passion when it came to actually standing up and investing in rail service in our country in a meaningful way.

There was a \$200 million cut to VIA Rail, and yet the member across claims to be a champion for rail service. I know the government is averse to facts, but that is exactly what we are seeing here.

Let us take the case of rural Canada, for example. Coming from western Canada and having had the chance to sit down with so many people who live across the Prairies, I see a real concern about what the government is doing in terms of cutting back on rail service, the impact of the dismantling of the Wheat Board on short-line rail, producer cars and the breaking down of linkages that rural communities depend on.

I would like to see the member turn to his colleagues and show that same kind of fervour in convincing them to invest in the rail service we all believe in.

•(1605)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the member's comments on what I want to focus some attention on. The member represents the Churchill area. It is an area in which I have had opportunity to raise, on a number of occasions, concerns in regard to the rail line and the impact, such as on the Wheat Board and so forth. We have talked about economic development with the rail lines, and how important that is.

My question is on something that I had asked a previous member of her party, and that was in regard to the New Democratic Party's position or policy with regard to the nationalization of our railway. What is the position of the New Democrats? Do they see that as something they are in favour of? If the member would not mind answering, I would really appreciate it.

Ms. Niki Ashton: Mr. Speaker, I would like to bring my colleague's attention back to what we are discussing here today.

The member mentioned my riding in his question, and I appreciate that. The more attention to Churchill, the better. Unfortunately Churchill is going through some very difficult times as a result of the government's dismantling of the Wheat Board and the Minister of Agriculture and Agri-Food's insulting commitment of \$25 million to

hopefully inspire grain companies to ship through Churchill, something that is a complete farce.

What I would say is that I am proud that our party has always stood for public services and ensuring that when we have something like VIA Rail, a crown corporation that we believe in, we recognize that it is there to be invested in to the benefit of all Canadians. The threat of privatization under the government is a very real one. Unfortunately the Liberals got the ball rolling on that one in a big way. We have seen the impacts, a decreased quality of life in many parts of rural Canada and an unwillingness of young Canadians to move to or move back to rural Canada.

What we are saying is that the way to do it is to stand up for a critical service in all ways, safety and funding. I am proud we are doing that.

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MESSAGE FROM THE SENATE

The Acting Speaker (Mr. Barry Devolin): I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed the following bill to which the concurrence of this House is desired: Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

This bill is deemed to have been read the first time and ordered for a second reading at the next sitting of the House.

* * *

SAFER RAILWAYS ACT

The House resumed consideration of the motion that Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the third time and passed.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, it is always a great honour to rise in this House and speak on behalf of the people of Timmins—James Bay, a region that exists because of the railway.

It is also important to talk about this bill on safer railways at a time when we have so many issues facing railways in Canada. It is clear that if we look at the simple test for whether government has vision, whether government understands the issue of infrastructure, whether government has a forward-looking vision, we look no further than rail. Rail has been the kicking dog of Liberal and Conservative governments looking to squeeze it, to undermine it, to so-called privatize it, and we have seen a continuing loss of service while the rest of the world moves forward with smart high-speed rail.

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Just this past February, when the VIA Rail train derailed at Burlington, we had three people killed and 42 passengers injured. We see the \$200 million in cuts that are coming to VIA Rail now under the Conservatives. We see the undermining of rail links in important jurisdictions across rural Canada like Churchill, Manitoba. We see the government's complete lack of interest in the importance of a high-speed rail corridor that would connect Windsor to Quebec City through our densest populations and allow people who are pretty much trapped because of the density of traffic in the suburban regions of this country to be able to move at a reasonable rate.

However, nowhere do we see it more than in the deliberate dismantling of the Ontario Northland railway by a government that, if we look up "myopic" in the dictionary, there Dalton McGuinty would be. Let us talk about the Ontario Northland as an example of the failure of federal and provincial governments to address railway services. I know he is a good friend of the Minister of Foreign Affairs, but I hope the Minister of Foreign Affairs does not mind my castigating his friend in the House of Commons.

The story of the Ontario Northland is interesting because at the turn of the last century Queen's Park had zero interest in the land that was north of the French River. It did not have any desire to spend a dime on it until it found out that Father Paradis and the Oblates were bringing francophone settlers over Lake Timiskaming to settle into Ontario and suddenly the good Orange Protestant burghers of Queen's Park were outraged. They had to find a way to get anglophones up into land that was being settled by francophones. That was the only time they ever wanted to spend money in northern Ontario. So they decided they would push a rail line north of Lake Timiskaming.

However, as the workers were getting to Lake Timiskaming, at mile 103, they hit the largest silver deposits that had ever been found there. They were found by railwaymen, Fred Larose, Mr. McKinley and Mr. Darragh. Suddenly Queen's Park thought that maybe there was a use to northern Ontario and that it would go up and find all the resources it could and take them out. That has been pretty much the colonial relationship between northern Ontario and southern Ontario ever since.

It transformed the economy of Ontario, in particular Toronto. Toronto was a sleepy backwater at the time of the silver rush in Cobalt. However, so much investment money was coming in from the United States and from London that they needed a place to set up, so they set up in Toronto because the train line got them within six hours of the biggest rush since the Klondike. That ease of access on the train transformed economic development, so Toronto established itself and it still has that claim today as the largest centre for international capital for mining exploration in the world. That started from that rail line.

Out of Cobalt, the prospectors went north. They went to Val d'Or in the east and as far as Red Lake in the west because they knew there was a value to the land. So the Ontario Northland railway was set up as a development corridor and all the communities were built along that.

Now fast forward 100 years and the Ontario Northland still plays that important role. It is not just with trains, not just with buses. We have the role of telecommunications to isolated small communities

that would otherwise pay exorbitant rates so they are now under Ontario.

A few weeks ago, we had a flood in Fort Albany up on the James Bay coast and the flood separated the community from the mainland. People were contacting me and saying they had run out of food. They needed to get food up there, so we spoke with the Cochrane food bank and we managed to secure 1,200 pounds of food to get into Fort Albany, and we did that through my office.

• (1610)

The question then was how to get 1,200 pounds of food to Fort Albany in the middle of the flood crisis. We called Ontario Northland and said, "We need you to move 1,200 pounds of freight to help this community in need". Ontario Northland said, "Get it to the freight yard in Cochrane tomorrow. We will get it to Moosonee. That is the end of the rail line; from there, you figure out how to get there". We managed to work with Air Creebec and we got it in.

When we asked Ontario Northland, it was not even a question of whether they would get paid to help one of our communities in northern Ontario. They did it as a public service because they are there for the public. I want to commend the excellent work that Ontario Northland did in that situation, as they have done time and time again in the past.

The rail plays an important role, and it is fascinating that the Liberal government in Ontario has decided that public transit is something it does not invest in if it is rural public transit, that it is not right to subsidize public transit if rural people use public transit. In an urban area it is implicitly understood that there will be some kind of support, because public transit is not about making profit, it is about offering a public service.

We see the McGuinty government exaggerate the numbers. Every time there is an investment in the Ontario Northland, it claims that is a subsidy. How could anybody run a province if they figured that every time they had to make an investment, they were somehow subsidizing the province, subsidizing the people? The fact is that this is an investment, just like highways. Governments never say they are subsidizing the highways.

However, work needs to be done to ensure safe corridors, because we have had accidents on the Ontario Northland railway. South of Temagami about 12 years ago, acid tankers overturned. We need to invest just as we need to invest in roads, yet there seems to be a double standard that says it is okay to invest in highways—even though there is not much investing in highways in northern Ontario—but it is not okay to invest in freight.

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In northern Ontario, on the Ontario Northland Railway, we are moving thousands of tonnes of freight a day and we are moving passengers. It plays a unique role. Beside that, we have two-lane traffic running through some of the roughest rock cuts in Canada, and it happens to be the Trans-Canada Highway. It is the trucker route across Canada. In January, I do not know how many times I have sat at North Bay, unable to go north because some poor driver has hit a rock cut or hit passengers, yet beside it we have a perfectly safe rail system

The government's solution is that it will save a few bucks somehow along the way by getting rid of that rail service and putting the freight and the passengers onto the two-lane ribbon of moose pasture that runs through northern Ontario. Somehow that will be more efficient.

Perhaps most galling was Mr. McGuinty's assistant in northern Ontario, Rick the anti-minister of northern Ontario Bartolucci. Their explanation is that the reason they are cutting out the development corridor and allowing it to be cherry-picked by the private sector, who will take this or that but leave the rest to fall apart, is that they will reinvest it in health care.

Northern Ontarians has seen a lot of dubious mining deals over the years. They are not saps and they know that people in Kirkland Lake, Cochrane, Iroquois Falls, Timmins, New Liskeard, Englehart or North Bay who are getting cancer treatments have to go down on the train to get medical services. I do not know how many families I have seen on the Ontario Northlander with a sick child going down to SickKids for cancer treatment. They can travel on the train because it is at least comfortable for the family.

Dalton McGuinty tells us, "Do not worry. We are going to put those sick kids on a bus, and you are going to get better service."

People in the north know better. They remember how just last year the ONTC—and I do not blame it for this, because it was getting no support for offering public transit in the north—was actually trying to save money by excluding going into some of the most major communities on the route because the ONTC does not have enough money to serve the public.

When we talk about development of the rail lines and talk about safety, it is about an investment. It is fascinating that the McGuinty government is looking to rip up the rails and ditch the Northern Ontario Development Corporation at a time when the Ring of Fire is about to be developed.

•(1615)

The Ring of Fire will be the largest mining development perhaps in the last half century, perhaps in the last century. The fundamental question is this. Getting access to this ore comes from rail, so if they are going to rip up the lines and get rid of the development corridor, is this all about a plan to take unprocessed ore and ship it off by truck to China?

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the opportunity to say a few words in regard to the member's comments.

The hon. member seems to focus his attention on the Ontario Liberal government. The NDP in the province of Manitoba, I can

assure the member, has no better an approach at dealing with rail line abandonment or improving rail line services to people who live in northern Manitoba.

One could talk about the impact of the Wheat Board on the community of Churchill, which is dependent on the rail line. The NDP Government of Manitoba was truly quiet on it.

I think it is important to recognize that all three levels of government have a role to play in rail line safety. That means there needs to be co-operation from the federal government, provincial governments and municipal governments in order to deliver better, safer rail line services. That is what this bill is all about.

I wonder if the member can comment on how important it is for governments to work together in order to provide better-quality rail line service across the country.

•(1620)

Mr. Charlie Angus: Mr. Speaker, I would like to invite my hon. colleague to Liberal Ontario. He would probably go back and sing the praises of the New Democratic government in Manitoba, because if one has lived under Dalton, it is something that my hon. colleague across the way would agree with.

Hon. John Baird: That's true. Never have I heard something more truthful.

Mr. Charlie Angus: Mr. Speaker, I am not trying to make this an issue of partisanship. This is not about being partisan. This is about the facts, and the fact is that at the provincial level we are dealing with a myopic government that does not understand the need for investing in infrastructure. It thinks it can just walk away and infrastructure will magically take care of itself. Its real message is that it figures it can just walk away from it and the people of northern Ontario will just shut up and take it, just as they are supposed to take it every time Queen's Park pulls out another service.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to commend my colleague from Timmins—James Bay. He certainly represents his riding quite well. I am sure his constituents are quite happy with the member.

The member referred to "Rick the anti-minister of northern Ontario Bartolucci". He made the announcement about the cuts to Ontario Northland hundreds of kilometres away from Ontario Northland's headquarters. He made the announcement in Sudbury instead of North Bay.

Why does my colleague think this minister would make such an important announcement so far away from the headquarters of Ontario Northland?

The Acting Speaker (Mr. Barry Devolin): Order. Before I go to the member for Timmins—James Bay, I would like to remind all hon. members that the matter before the House is Bill S-4, which deals with certain matters. I would encourage all hon. members to make their comments relevant to that, and the questions as well.

The hon. member for Timmins—James Bay.

Mr. Charlie Angus: Mr. Speaker, thank you for that excellent intervention, because we are talking about rail safety, which means fundamental investment in order to ensure safety.

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I do not want to talk about whether Mr. Bartolucci has invested in safety or not. I like the man; Rick is a good guy. However, he would not even come into the communities that are affected and are worried about rail safety.

I would invite Rick Bartolucci to come with me to North Bay, Englehart or especially Cochrane to see how well the McGuinty lack of investment in northern Ontario is going down.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I will be splitting my time with the member for Scarborough Southwest.

I thank the House for the opportunity to speak on this matter as the NDP critic for high-speed rail between Quebec City and Windsor. The dream is eventually to connect with Detroit and Chicago. Rail provides our future with an incredible opportunity, and I will come back to that in a minute.

I want to note a number of important things with respect to Bill S-4 that are important in terms of jurisdictional changes in updating and modernizing the act. These changes are important not only in terms of Canada's overall economy but also in how they relate to people in our constituencies.

In relation to a rail issue taking place with CP right now, I would like to thank Mary Reaume and Mary Kavanaugh in Windsor. I am pleased as well to note Robert Taylor and Randy Marsh from CP and councillor Allan Hoberstadt and staff person Ian Bawden. These individuals have agreed to meet to work on a rail noise, vibration and flooding issue.

I would like to talk a little about that, because modernizing the act would provide a little more accountability, and hopefully more co-operation will take place with respect to rail issues.

We were able to get funding from the Let's Get Windsor-Essex Moving fund to separate a grade on Howard Avenue in Windsor. This is a fund for border infrastructure improvements. It is a very busy area, and there were a lot of issues with regard to pedestrians and with trucks and cars backing up.

A proper process was not in place or it was missed somehow in the planning process, and residents suffered repercussions when the grade separation took place. Consequently, residents living behind on Memorial Drive have been subjected to flooding, noise, vibration changes—a whole series of things. They have submitted a petition asking for a panel to look into this. I would like to thank those residents for their patience. Perhaps we can identify this with a meeting coming up.

It is important to note that rail was the birth of the country in many respects and is still important daily to our constituents. Companies need to be held accountable and changes have to take place.

We are going to see the macroeconomics of the importance of rail in the future with the opening of the Panama Canal. A lot of goods will be coming in through the Port of Montreal and Halifax. It is anticipated that a lot of these goods will be shipped on the rail system as we transfer them into the midwestern United States. That country does not have deep enough ports, and the ports are not as attractive as what we have on the east coast.

The safer railways act review is really important. I was a former transport critic, and we held many hearings at committee and looked at everything on this issue from safety management systems to the necessary infrastructure requirements. We have the romantic notion of rail being part of our past, but it is really going to be much more for our future.

It is important to note high-speed rail as well. The Railway Safety Act would modernize some of the issues with respect to high-speed rail, and that would be very important.

We all heard about how the recent tragic VIA incident took place. I wish to send my condolences to the families and to those who were injured.

The rest of the world is moving forward with investments in high-speed rail. Many G8 countries are doing that. Canada is the only G8 country that does not have high-speed rail. We are the only ones who have been left out of the equation. Modernizing the act is important, but at the same time we need funding allocation.

I have been working on the Quebec City to Chicago run. Last year I went to Michigan and met with officials of a department there. I wrote a letter to Kirk Steudle of the Michigan Department of Transportation inquiring about what is happening on the American side, because tens of millions of people live along the Quebec City-Chicago corridor. This would provide us with an opportunity for great urban planning as well as for improving the environment and bettering our economy.

I asked Mr. Steudle what his department is doing. He replied that improvements are being made that would eliminate a series of choke points, thereby relieving congestion and resulting in an increase in speed to a maximum of 110 miles per hour. The long-term vision also includes doubling the number of daily round trips in the Detroit-Chicago corridor.

● (1625)

There are rail tunnels that connect Canada and the United States. There are two in Windsor. We did have passenger rail between the United States and Canada through this corridor in the past. However, it stopped in the 1930s. We still have that infrastructure today available to us. It is exciting that the tunnel for passenger rail service is available again.

Improvements include: the Kalamazoo - Dearborn Service Development, for \$200 million; the Ann Arbor Station Project; and the Midwest Corridor Regional Equipment Pool, where another \$268.2 million was awarded to purchase 48 more passenger rail cars.

I want to quote Kirk Steudle, who was appointed director of the Department of Transportation for the state of Michigan. He states:

It is our understanding that the investments being made in high speed rail service in Michigan will prompt similar projects and studies in Canada, which would allow expansion of the high speed corridor from Chicago-Montreal. Improved and expanded service along this corridor will enhance our economic competitiveness, promote energy and environmental efficiency, and support interconnected communities by providing a more reliable passenger rail service.

MDOT looks forward to working closely with you to bring new investment to our region.

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Sadly, I have seen the department of transportation on this side cut \$200 million from VIA Rail. The United States is going in exactly the opposite direction. It sees the merit of this project. It is open to it and wants to connect to this corridor. It sees the bigger vision. Imagine, we could have Chicago, Detroit, Toronto, Montreal, Quebec City, and maybe eventually extend the improvements to Ottawa. We could have good passenger rail service around this corridor. This would be an economic investment that is critical at this point in time.

I proposed what I think is a modest strategy similar to the Detroit corridor. The Minister of Transport could convene a special working group. It has been done before with the Canadian Automotive Partnership Council. I think it is important to lay out the strategy behind this. The CAPC model not only brought in the auto manufacturers, it also brought in the union, the dealers, the parts people, the tool and die/mould makers, the entire automotive chain. The CAPC laid out a business plan and a measurement system for how to deal with our auto sector.

Sadly, the government has not convened a major meeting of this kind in two or three or four years. It has only had some executive meetings. It is sad because that is a model that I could envision. I was hoping the minister would take that up and would bring in the cities.

I have had a chance to meet with Mayor Fontana of London. He is interested. The mayor of Quebec City is interested. The mayor of Windsor has been supportive. A number of municipalities would provide opportunity and guidance with regard to this project. Then, on top of that, we would have the railways, CP Rail, CN Rail and VIA Rail, and other groups that could look at the overall business plan with regard to passenger rail and rail issues. They could look at the things that are preventing some of the improvements from taking place, and get them out of the way.

The goal is, and this is what they are doing in Michigan, to improve the overall line. It is really critical to eliminate some of those things, whether they be separation grades or improvements to the lines so they can go faster. Michigan is buying some lines, and those municipalities will know the problems and weak spots. It would be very important for us to get them together and look at the costs and how we make the improvements. That would be a positive way to approach things.

Once I conclude, I really hope that the government and the minister rethink their decision and take advantage of this opportunity for economic development and environmental development along the corridor with Michigan. That would be a real benefit to all of us. It would be an economic issue championed by municipalities, the province and the federal government.

• (1630)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member talked about looking at rapid transit and the potential of rapid transit in many of our municipalities. He highlighted one area where there is a great deal of support to move ahead and look at the possibilities, such as feasibility studies.

The bottom line is that for many of the municipalities we are talking about in that Toronto corridor, there is great merit.

I would ask the member, when looking at rail line safety, to look at the whole concept of a high-speed corridor. It is something that, ultimately, could even be incorporated into future amendments. We want to ensure that it is done in such a way that it preserves the integrity and safety of rail lines.

Mr. Brian Masse: Mr. Speaker, I agree, I think it can be. However, I think it becomes a larger issue. When looking at that corridor and high-speed rail, we could also be protecting, for example, farmland and other types of areas where there is urban sprawl. We would have development along the corridor through strong urban planning. It would become a natural attraction to live and work along the corridor, and use the corridor. For example, we can look at how many people now commute from Kitchener to Toronto.

Improving our rail safety, whether through the act or improvements for VIA passenger rail, would also improve our capabilities to protect our other infrastructure, such as the 400 highway system which gets pounded by excessive car and truck traffic. I would look to see the benefits there as well.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, I appreciate the member opposite's intervention about high-speed rail. However, since Bill S-4 is about a safer railways act, I wonder if the member has any comments on the requirement for a rail operating certificate.

• (1635)

Mr. Brian Masse: Mr. Speaker, no, I do not.

The Acting Speaker (Mr. Barry Devolin): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Scarborough—Rouge River, Pensions; the hon. member for Beauharnois—Salaberry, Asbestos; the hon. member for Davenport, Housing.

Resuming debate, the hon. member for Scarborough Southwest.

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, I would like to congratulate my colleague for his tireless leadership on the rail issue, his involvement in the rail caucus and everything he does to try to improve rail and rail safety in the country.

It is certainly a shock that today a country as vast as Canada still does not have a high-speed rail link. We are even having trouble speaking about a higher speed rail, which would involve getting rid of level crossings in some of the corridors. This would help to improve rail safety.

With its far-flung population centres and vast land mass, Canada is unique in its geography. As such, our railways have always been an integral part of how we connect with each other across this massive country. Railways are not just a means of transportation, they tie us together at a much deeper level, as many of the speeches today have done, in particular, the member for Timmins—James Bay's speech just a while ago.

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I know a great number of members in the House, myself included, rely on VIA Rail as a means to getting to and from our constituencies. In just the one year since I was elected I have already travelled over 25,000 kilometres on our rail network.

Railways are used every single day by thousands of people and it has been this way for hundreds of years now. The benefit of railways are clear. Trains are substantially more fuel efficient than motor vehicles when it comes to moving passengers, and especially cargo, over great distances. Of course, by potentially electrifying rail lines, greenhouse gas emissions could also be reduced in the coming years.

Despite the shortcomings of safety regulations, travelling by train is still roughly five times safer than using a car. It is still the main mode of transportation for Canadian goods. With 70% of all freight in our country shipped by rail, it is literally the backbone of our economy. Every interruption to our rail network comes at great cost to our economy. Rail lines provide crucial links to our biggest trade partner, the United States, and of course also connect to our ports in Halifax, Vancouver and Churchill, to provide access to important overseas markets for Canadian companies.

In large urban centres, commuting by rail is a vital component of our public transit networks, helping to get millions of Canadians to their workplaces every single day. VIA Rail connects to our country's most vibrant cities, carrying more than four million passengers a year. It could do a lot more with more government support.

The Railway Safety Act was implemented in 1989. It sets out a regulatory framework to address, for railways under federal jurisdiction, matters of safety, security and environmental impact. Transport Canada has noted that the Canadian rail industry has changed significantly since the act was amended in 1999. Operations have become increasingly complex and traffic is growing rapidly.

The department points out that in February 2007, the minister of transport, infrastructure and communities launched a full review of the operation and efficiency of the Railway Safety Act through an independent advisory panel. According to the department, the findings indicated that although the Railway Safety Act is fundamentally sound and efforts have been made to improve rail safety, more certainly needs to be done. The advisory panel's final report, *Stronger Ties - A Shared Commitment to Railway Safety*, published in November 2007, included 56 recommendations for the improvement of rail safety, some of which require further legislative changes to the Railway Safety Act. Then in 2008, the Standing Committee on Transport, Infrastructure and Communities issued its own report, which included an additional 14 recommendations.

On February 26, 2012, a VIA Rail train derailed in Burlington, Ontario, killing three VIA employees and injuring 42 passengers. We are still in the early stages of investigation but the indications would seem to suggest that speed and a lack of signals inside the train may have played a role. The crash reinforced what the NDP has long said, that although railways in Canada are relatively safe, tragic accidents can and do still occur. These preventable accidents should be avoided at all costs.

The federal government has a key role to play in the effort to make train travel safer. Federal initiatives, like Bill S-4, would go a long

way toward making train travel safer for passengers and rail employees. However, other initiatives, like the NDP's call for positive train control and calls for the Conservatives to reverse their cuts to VIA Rail and transport safety programs, including rail safety, would also help to create a safer rail system.

• (1640)

While we applaud the eventual passage of Bill S-4, it is unacceptable that the bill and the important provisions it contains has taken so long. Now more than ever we need to see these changes realized. The NDP welcomes the bill and we see it as a step forward for Canada's rail safety. However, it is time for the Conservative government to take action and satisfy the long-standing demands from the independent experts at the Transportation Safety Board. More talk is not what we need. Action is what we want.

By the time the bill is passed, it will have been five years since the recommendations of those experts were first published. That is too long when making changes where safety is concerned. Canadians are demanding that we make the railway safer and we are more than happy to oblige.

We are happy to see the bill before the House, but it is a pity that it has not been a priority of the Conservative government, the government that likes to boast that it is the champion of the safety of Canadians. Let it try to say that to the families and victims of the derailment in Burlington, or to the families who lost their homes in St-Charles-de-Bellechasse in 2010.

The safety of Canadians is important. The bill is needed for railway workers, passengers on the trains and people who live near railway lines. It is also important to our economy, as I said before. Every disruption to the rail network potentially affects millions of dollars worth of goods and time.

The government likes to advocate for smaller government and for getting the government out of everyone's business. Large oil companies and their employees, the shippers that use the rail lines, citizens who live near the railways and passengers who travel by train would all disagree. They understand that government does have a role to play. It has a role to play as a regulator and protector to ensure the safety of all Canadians. It is a shame that it has taken the Conservative government so long to provide this measure that would ensure safety is enhanced, and it could go further.

Unfortunately, in the ideological zeal of the government, safety and well-being are often left to free market forces to decide. The government expects industry to regulate itself, but that rarely happens and so unnecessary accidents and tragedies occur.

I would like to now focus on some propositions we have made since the bill was introduced.

The first proposition from our party is that the government should not cut safety from its budget. The upcoming budget would cut money that could go toward safety. The parliamentary secretary mentioned that the amount of money spent on something should not be the measure of its effectiveness. Yet the people who enforce safety regulations and who have developed new safety systems need to be paid. They need to be remunerated for their work and it is not work that anybody can do. It takes experts to do this work. We cannot shortchange them. Nor can we cut corners in this area. When corners are cut on safety, we see the results. People who work in the transportation sector say that it jeopardizes safety. The government cannot say it defends safety on the one hand and then cut safety with the other.

We also ask that the proposed cuts of \$200 million to VIA Rail be reversed. VIA Rail has challenges and it needs to implement certain systems.

The NDP would like positive train control implemented in Canada. It was done in the United States. In California there was a tragic accident in 2008 and the leaders decided that positive train control should become part of the system. There are positive benefits to implementing it. Yes, it is costly, but there are companies in Canada that contribute to this technology. Therefore, investing in this technology to improve safety would also be an investment in our economy. It would stimulate the innovators who contribute to positive train control and other technologies that make our railways safer.

We would also like to see voice recorders in locomotives. This would help to find out what happened when things went wrong. When there is an accident, it is in the interest of everyone to find out the full story of what happened so things can be improved in the future.

We must always be vigilant in working to ensure that we never take our hands off and that we are always working to ensure that life becomes safer for Canadians as they travel, going about doing their business and contributing to the economy.

• (1645)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member brings up a good point in terms of how frequent we should be looking at railway safety and bringing in legislation necessary to make changes. The last time it was done, prior to this bill, which is yet to pass, would have been during Jean Chrétien's era back in 1999. A great deal has changed since then.

The Conservatives have dropped the ball. Given the type of support that the bill has received, there is no reason why this legislation did not get passed years ago. Many of the measures being proposed were in fact known and well-established even a few years ago.

How often should the bill be reviewed? Should it be reviewed every four or five years? Does the member have any thoughts on that?

Mr. Dan Harris: Mr. Speaker, the member mentioned that it had taken a little while. As I said in my speech, it has taken five years from the time the recommendations came out to the point we are now with this bill. With the support from all sides, one wonders if it

Privilege

could have passed in a minority Parliament that existed for the last several years, and I think it would have. It probably would have been one of those bills that all sides of the House could have looked to proudly and said, "This is how minority governments work when we work together". Unfortunately it was not a priority for the government and it did not happen.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, this bill was in the last Parliament and I will point out that the NDP did not have much zeal to pass the bill at that particular time, but it did have zeal to cause an election that caused the bill to die.

To the issue of voice recorders, and I know the member has raised the issue, unions have been clear that they have some difficulties with the idea of voice recorder technology being implemented on trains precisely because the issue has not been settled at this point about who would have access to the voice recorders. The point is well taken that voice recorders can have some positive impact.

However, is the member suggesting that the government should make a decision that the other partners in rail safety, the unions and the companies, have not arrived at a solution on yet? Is he suggesting the government should move ahead with that right now and mandate the technology, or should he wait until the working group has first resolved that issue so the government can then move ahead on it?

Mr. Dan Harris: Mr. Speaker, I would suggest the government take a vastly different approach than it is taking with practically every other labour issue that has come up since the Conservatives were elected in May 2011. We look at the workers at Canada Post and at Air Canada. The government shows absolutely no respect for labour and for labour agreements that have been negotiated. Therefore, we would say that the negotiations have to take place, we have to treat all of the stakeholders and parties with respect and come to an agreement on the issue.

We have voice recorders in airplanes. We can certainly implement them in a way that respects all sides and where that information would only be used in the strictest of circumstances, and privacy laws would apply.

* * *

[*Translation*]

PRIVILEGE

ALLEGED INVASION OF PRIVACY

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I rise today in the House to respond to the question of privilege raised yesterday by my hon. colleague from Westmount—Ville-Marie.

To begin with, I thank my colleague, the member for Skeena—Bulkley Valley, the House leader of the official opposition, for having risen yesterday, as well as the hon. member for Richmond—Arthabaska, who, despite being unfamiliar with the facts, also spoke.

Privilege

Without further ado, I want to offer my sincerest apologies to the member for Westmount—Ville-Marie for the loss of the items that were intended for him. The mistake was entirely mine and I unequivocally acknowledge this now. I wish to make amends to the member as soon as possible. I also want to say that despite the comments made by the member for Westmount—Ville-Marie, it was an honest mistake, made in good faith.

The incident occurred more than two months ago now. I learned about it last Thursday, when my assistant informed me of an email received from a member of the staff of the member for Westmount—Ville-Marie who had contacted my office to inquire about a lost parcel.

After personally conducting all the checks—I even went back to my riding office in Montmorency—Charlevoix—Haute-Côte-Nord to inquire about the entire incident—I can confirm that it was indeed an honest mistake, made without malice or any intent to harm or cause prejudice to another person. I repeat: it was an unfortunate mistake for which I accept full responsibility.

The facts are as follows: the parcel in question, which was addressed to my colleague but mistakenly delivered to my office, was opened by a member of my staff who failed to notice that the parcel was not addressed to me and did not take the trouble to verify the addressee. As my colleagues know, we all receive many letters and parcels, and as everyone will understand, not every piece of mail is necessarily examined carefully. However, that is no excuse.

I also note that the email referred to by my hon. colleague may have added to the confusion. It read, and I quote, "We received the parcel on the member's behalf." The member in question was me. A member of my staff still believed, until yesterday, that the parcel had been addressed to me.

The objects in the package were mistaken for promotional items, such as we all receive at our offices and do not always know what to do with. I usually distribute those kinds of items to the people of Montmorency—Charlevoix—Haute-Côte-Nord. Unfortunately, that is what happened to the items addressed to the member for Westmount—Ville-Marie.

I note in passing that the member for Westmount—Ville-Marie never tried to contact me directly to clarify the matter. The first time he addressed me was in the House on a matter of privilege. I believe this misunderstanding could have been resolved more quickly if he had reached me directly at the earliest opportunity.

Whatever the case may be, I admit that I am entirely at fault in this matter, but I deny any suggestion that this was a wilful act committed out of pettiness or spite. I formally apologize to the member and to the charity affected by this misunderstanding.

To show my willingness to make amends, I formally undertake before this House to pay all costs incurred to rectify the situation. I also promise to make a personal donation to the charity those items were supposed to benefit.

• (1650)

[*English*]

The Acting Speaker (Mr. Barry Devolin): The Chair thanks the hon. member for that and I believe this may bring this matter to a close.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, although I appreciate the sentiments that have been offered by the member, I know the member for Westmount—Ville-Marie was quite concerned, as was the Liberal caucus, in regard to it. I would like to take this opportunity to advise the Speaker that at some point I believe the member for Westmount—Ville-Marie might want to provide additional comment.

Concern was expressed yesterday in regard to the contents of the package which, from what I understood, was toy shuttles meant for a fundraiser for children. I think people can make the association of it being a shuttle, given the former background of the Liberal House leader.

At this point, I would suggest that we leave it for the member for Westmount—Ville-Marie to report back. We believe it is of a fairly serious nature. It involves not only the opening, but also the consuming of the contents of a package, as opposed to opening it, finding out that it is not ours and then returning it. That would have been more understandable as an innocent event.

I would like to continue to leave the matter open. Let us wait for the Liberal House leader to respond to the member's statement.

• (1655)

The Acting Speaker (Mr. Barry Devolin): Before others rise on the same point of order, maybe the House could agree that the hon. member for Westmount—Ville-Marie ought to have the opportunity to review the statement made a few moments ago and, if he feels it necessary to further pursue the matter, that it would be left to him rather than to others in this place.

The hon. member for Welland on the same point of order.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, in hearing my colleagues I can appreciate the comments of the member for Winnipeg North.

However, Mr. Speaker, after we had heard the member speak, I heard you say that closes the matter. Therefore to be fair, I believe my colleague from Winnipeg Centre was really no longer involved in the point that the member for Westmount—Ville-Marie was talking about. It seems at that point in time this becomes a matter of debate because clearly you had said after the intervention by my colleague that you felt, from the Chair, that this matter was now settled. Therefore I would suggest that perhaps this matter is now settled.

The Acting Speaker (Mr. Barry Devolin): The Chair would like to reiterate what I said a couple of minutes ago, which was that I think the best course forward is to allow the hon. member for Westmount—Ville-Marie to review the statement that was made, and that the hon. member has the right, at any time, to bring forward a point of privilege in this place, and that rather than members speaking on behalf of others, we could proceed and we will see where this takes us. We will put it in that context.

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The hon. member for Gaspésie—Îles-de-la-Madeleine.

* * *

[*Translation*]

SAFER RAILWAYS ACT

The House resumed consideration of the motion that Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the third time and passed.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, thank you for your intervention, which I found very fair.

With respect to Bill S-4 and rail safety in Canada, this bill is certainly of interest to my constituents. We have a railway that is over 100 years old. It has an unusual history that I will share with my colleagues in a moment or two.

On the one hand, the government says that it wants to improve rail safety in Canada, but on the other, it wants to privatize Canadian railways. I do not know how the government can square those two objectives without considering the fact that Canadians railways have been neglected and have deteriorated to the point that rail service to some of the regions has been cancelled.

We have been waiting quite some time for a bill of this scope that can improve rail safety. However, we must also work together to ensure that our railways do not deteriorate. A railway's safety cannot be assured if the rail line itself has deteriorated to the point where trains can no longer travel on it.

In Canada, for instance, two railways have deteriorated to such an extent that trains no longer use them. I am referring to the Malahat railway on Vancouver Island and the Baie-des-Chaleurs railway, which no longer travel on the rail lines. This is precisely because the railways were left to deteriorate to the point where passenger safety could no longer be guaranteed and commercial goods could no longer be transported on these rail lines.

Some communities are now in a precarious situation because they depended on the railway, the tourism it created and the goods it transported. These communities no longer have access to the railway because the government drags its heels when it comes time to ensure the safety of the railway. The communities affected by these deteriorations are now in dire straits. They are no longer able to do what the Conservative government is proposing that they do and that is to take over. Remote communities are told not to worry because they can restore the railway themselves. There are also told that legislation will be passed once they have finished restoring the railway.

I am sorry, Mr. Speaker, I forgot to mention at the beginning of my speech that I would be sharing my time with the hon. member for Notre-Dame-de-Grâce—Lachine, if I may.

The bill the Senate is proposing today on improving the safety of our railway is meaningless if the railway has deteriorated and the means are not in place to restore it. By the way, I am a little disappointed in everything the Senate proposes, regardless of the bill, but that is another issue.

The Conservatives would have us believe that privatization is the answer to just about all Canada's problems, but this privatization will not work.

In the Gaspé, a consulting firm was hired to assess the condition of our railway and to determine what it would take to restore it. The cost of upgrading our railway was estimated to be \$93 million. The government is saying that the municipalities in the Gaspé are supposed to find \$93 million to repair their railway. That does not work. They cannot do it.

Furthermore, the government sold them on a project in 2006 when it told them that their section of the railway would be privatized, the ownership transferred to the municipalities and a co-operative of municipalities would be created and would be responsible for the work to be done. At the time, CN and its allies did not conduct a real assessment of the government's needs and trotted out any old figure.

● (1700)

They said it would cost \$19 million to restore our railway. That was not the case. Today, five years later, we see that \$93 million is required. There is a \$73 million deficit to make up in order to restore our railway. We asked the Conservatives whether they were prepared to help us improve our railway, and the answer we got was total silence. We got no answer.

The communities in the Gaspé, and it is apparently the same on Vancouver Island, depend on their railway. It is a job creator and a wealth generator. It is worth a lot more than the \$93 million that has to be found in order to restore it. It creates jobs and it means that tourists can come to our region and spend money. It makes it possible for new businesses to set up and have a safe and effective shipping service. But we do not have the money to restore it.

We want to get serious and enact a bill that says safety is the primary concern. Safety is important, but people still have to be able to use the railway. But it has closed down. I am very happy for this bill to be passed, but the railways outside the major centres are going to be left behind, and that is not going to change. They are going to continue to deteriorate. The government has privatized them. It no longer believes in railways for remote regions and it is abandoning them.

Now it is deciding to focus only on railways in urban areas. I am very happy about that, but even there, the Conservative government is abandoning us. Certainly there is no money in places outside urban areas. The Conservatives are not prepared to give us a hand. We do not have the money to hire people ourselves and buy the resources that are needed to improve our railway.

I would like to give the House an idea of how the railway stands in the Gaspé. The railway network in the Gaspé is a section that is unique in Canada. It is 202 miles long, and it is probably the section with the most bridges anywhere in Canada over the same distance. There are 93 bridges in 202 miles. That is why our railway is so expensive. It has been let go and our bridges have been allowed to deteriorate. That is why we have no VIA Rail service today. We have a "VIA Bus".

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The railway in the Gaspé is supposed to be class 3 track. Trains are not supposed to exceed 45 mph, which is about 70 km/h. At present, trains go over some bridges at 5 mph. That is why VIA Rail no longer wants to go there, because it has become ridiculous. Not only do the trains travel at 5 mph, but they cannot brake on the bridges. If they do, even at 5 mph, the bridge could collapse. This is really very disturbing. It is very important that money be invested so the railway is brought up to standard.

It is all well and good to pass legislation that is, in theory, very useful to Canadians, but if the Conservatives are not prepared to allocate the appropriate resources, at the end of the day, this bill is worthless. This bill is more theoretical than anything else. It needs to go much further than what the Conservatives are proposing. We need a real national transportation plan, a plan that improves transportation for Canadians and that sees it as a given that the environment must be protected, in short, a green plan. That is what we need, a cost-effective plan that generates jobs and wealth.

For the time being, I do see that happening. I am waiting for the Conservatives to propose something appropriate.

• (1705)

[English]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I am happy to finally see the rail safety bill at this stage. I know that it has been many years and many people, including members of our party, have fought to pass this legislation. We know it is not perfect but anything that makes rails safer for our workers and passengers can never be a bad thing.

As we do have some time to speak to this bill, it is important to highlight some of the issues that are missing in the legislation for the future. This bill is an important first step that everyone wants to see but it is not the final one.

The Transportation Safety Board has had a wish list for some time, and it should come as no surprise that one of the safety issues needed is positive train control. This will improve both passenger and freight trains. Voice recorders are essential on airplanes and naval ships but not on trains. Without voice recorders, we have a hard time knowing exactly what went wrong. The TSB has been clear about this since 2003 and it is now 2012.

Did we leave this out of the rail safety bill because the United States does not have this regulation? That is what we heard in the committee. Is the government afraid of creating a regulation that will keep our people safe just because the Americans do not have the same rules as we do?

Every time there is an accident, we do not know what happened. We cannot get to the bottom of it because there are no voice recordings. The voice recorders are essential to train safety. They should be reviewed by independent safety experts so that the employees do not feel that they are only in place to spy on them in their place of work. The minister has supported the idea of voice recorders on trains, as does the Department of Transport.

When this law is passed, it will be important to continue to move on rail safety to ensure every Canadian is protected. It will put more emphasis on safety management systems, or SMS. This is not a bad thing when we first look at it. SMS provides a nice check when it

comes to ensuring that all the safety inspections are done. However, I do have a worry, not with the concept but with the implementation.

The bill's amendments have allowed for a discussion between employers and their union in the development and implementation of SMS. This is a good thing. I sit on the committee for transport, infrastructure and communities and I have the Dorval Airport in my riding. So I get to see many transport issues.

SMS has been implemented in the airline industry and, if they are working properly, they are a great thing. What has been happening, however, is that the safety management system takes over the job of real inspectors. The workers have alerted us that they have less access to planes since the takeover of safety management systems.

With the passage of this bill, we, as legislators, must always be aware of the problems with implementation. There is little sense in creating unnecessary regulations that only detract from rail safety.

As I will repeat several times for the benefit of my colleagues, the companies and the workers, this bill must be passed but we must remain vigilant to the problems that could arise. We cannot rely too much on the paper checks. Safety management systems cannot be used to take jobs away from workers. That would comprise safety and defeat the purpose.

The bill does not mandate research and development which could be helpful in creating new ways to make rail even safer. Although it is nice to see that the bill will encourage introduction and use of new technologies under the rules, it still comes down to implementing positive train control which all sides agree will be a good idea, employers and workers alike.

Railway companies can be forced to implement positive train control today under the act, so I trust that we will come together in this House and ensure that we improve the safety of our trains even more.

Finally, we will get to see punishment for those companies that break the law. The only possibility for punishment for these offending companies was prosecution. That method of punishment takes so much time and costs a lot of money to the taxpayers, which makes it basically ineffective for many violations. Civil aviation and varying modes of transportation already have monetary punishments for violators, which have given those industries extra tools to improve compliance.

• (1710)

Now we are bringing in punishment for offenders who violate the act. Punishment is not the only way to improve safety. We must ensure that the trains have all the safety features they need.

After many years and many passages through this House, it is time to do the right thing and pass this into law. My speech is to remind all of us that this is just a first step and not the end of the race. Rail safety is something serious and should be taken seriously. We must work together on protecting all Canadians. I look forward to the passage of the bill.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I did catch the beginning of the member's comments when she indicated that her party would support this. She would like to see the bill ultimately moved forward but thought that it could have been done at an earlier time.

I think most Canadians recognize and share the concerns that all parties have expressed in terms of seeing this particular bill passed because we recognize the importance of rail line safety.

Does the member anticipate that the bill will pass today or at what point in the future?

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, this bill must be passed today. As I said, we have been waiting for long enough. I should point out that there are still problems with this bill. It is important for us that the bill be passed as is, but we must not stop there. Improving the bill in 2012 is no reason to rest on our laurels and revisit the issue of railway safety in only five years' time.

Other things need improving right now. We must not wait too long to act.

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, the members of the Bloc Québécois will vote in favour of Bill S-4. This is no surprise, I agree. We have before us what I would call an apple pie bill, meaning that it is good and that everybody likes apple pie. Nobody is against motherhood and apple pie. So, obviously, the Bloc Québécois is in favour of rail safety.

Bill S-4 amends the Railway Safety Act in order to encourage rail companies to create and maintain a culture of safety, particularly—and I come back to the specific areas in the bill—by strengthening rail company safety; by protecting employees who raise safety concerns and by requiring that an executive from each rail company be legally accountable for safety.

The bill also enables the government to penalize offenders with tough new monetary penalties and enhanced legal penalties.

The amendments also seek to improve the oversight capacity of the Department of Transport by, for example, requiring companies to obtain a safety-based railway operating certificate indicating compliance with regulatory requirements. The amendments also clarify the authority and responsibilities of the Minister of Transport with respect to railway matters.

Why would anyone be against that? Still, it is easy to tell rail companies to be safe, but if the government does not help them, if it just stands by watching important branch lines deteriorate over time and complaining about the resulting danger, then it is not part of the solution; it is part of the problem.

This government and its predecessors are to blame for the appalling state of our rail network—particularly in Quebec. For

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example, on Wednesday, January 18, 2012, there was an article by Radio-Canada—which will no longer be able to question the authority of the Cartman government if the Minister of Canadian Heritage and Official Languages's new code of conduct comes into force.

The title of the Radio-Canada article was “The Gaspé needs \$95 million to save its railway”.

I will read this very short article:

Residents and elected officials are rallying to maintain the Gaspé's railway network, particularly the Matapédia-Gaspé line.

A series of actions, which will be put in motion over the coming weeks, were announced on Tuesday at a press conference in New Carlisle.

Members of the Société du chemin de fer de la Gaspésie or SCFG, which is owned by municipalities in the region, need an investment of \$19 million a year to repair the rail line and improve safety.

A study conducted by the SCFG...that was released in December found that an investment of between \$93 million and \$100 million is needed to maintain and repair the 320 km of track between Matapédia and Gaspé.

During the protest that was held at the New Carlisle station...SCFG management gave [the governments in] Quebec City and Ottawa an ultimatum.

Without a commitment from the governments, the Matapédia-Gaspé line could be shut down completely by March 31 [2012]. Already, VIA Rail passenger trains have not been travelling on this line since December 21. For safety reasons, VIA Rail is transporting its passengers by bus to Gaspé.

The president of the SCFG and mayor of Gaspé, François Roussy, is aware that a request for \$95 million in funding is significant; however, the funding is vital to the survival of the railway. “We must use every means available to us to mobilize our governments,” he told a group of residents and elected officials...

[Meetings have been held.] Members of the SCFG want to meet with Premier Jean Charest and with the Minister of the Economic Development Agency of Canada for the Regions of Quebec as soon as possible...to let them know how difficult it will be to encourage private investment in the region without a railway that is in good repair.

[The minister], who is also the federal Minister of Transport, Infrastructure and Communities, responded to the needs of the SCFG on Tuesday. He indicated that he could not commit to granting the request at the moment, but he promised to look into the matter.

It took VIA Rail ending service to the people in the Gaspé to get even that wishy-washy answer from the minister.

How can the government justify the fact that it is dragging its feet when it comes to assuring the safety of VIA Rail passengers, yet it is threatening the workers at that company with special legislation, because a strike could hurt the economy?

● (1715)

The closure of a section, the dilapidated state of the network, believe me, that is what is really hurting the economy. It is easier for this government to abandon workers than to help railroad users.

We will vote in favour of the bill, because we believe that the rail network is essential to the Quebec economy. Furthermore, if the Conservatives were to propose bringing in a high-speed train between Quebec City and New York, the Bloc Québécois would support it.

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However, the fact that we are voting in favour of this bill does not mean that we necessarily support the Conservatives' way of doing things, which involves forcing others to pick up the tab for its own failings. That is typical. They ignore rail safety for years and then threaten to fine any businesses that use these unsafe networks.

Thus, the federal government needs to follow through on its desire to tighten safety rules and make available the funds that railway companies so desperately need in order to maintain the railway network, particularly in the Gaspé.

I would like to reiterate that the Bloc Québécois will support the bill. Thank you for the time given to me here today.

• (1720)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to ask my Quebec colleague a question.

The premier of Quebec is a Liberal, as is the premier of Ontario. In Ontario, the Liberal provincial government is not doing anything to improve the state of railways in the rural regions of northern Ontario.

I would like to ask my colleague whether he believes that the same thing is happening in Quebec with that province's Liberal premier.

Mr. Jean-François Fortin: Mr. speaker, the Quebec provincial government has already confirmed financial assistance, although of course it is not as much as is required. Approximately \$17 million may be forthcoming. However, as you just heard, the total amount needed in the short term to maintain and repair the rail line to make it safe is approximately \$95 million. By saying that it would make a financial contribution, the Quebec provincial government has shown where it stands.

Nevertheless, we are still waiting for answers from the Minister of the Economic Development Agency of Canada for the Regions of Quebec. It is high time for the federal government to say something and to come to the assistance of railway networks, particularly in the Gaspé.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to thank my Bloc colleague for his comments. I too support this safer railways bill, which is very important for Canada.

[English]

I make the point now only to say that I think the House is moving to a place where we may have wanted to be some time ago. Members are prepared to see the bill pass. I just wanted to add my words of support for the bill. I think the House is perhaps unanimous.

I turn to my friend in the Bloc and ask him if he has any additional points.

We do need to ensure that rail safety is a priority. This is a very important bill, even if it is a housekeeping bill. I hope that, once it is passed, we can move on to look at the other issues that have come up in debate about improving access to rail, passenger rail, improving the freight lines and potentially moving Canada into the 21st century of rail travel through high-speed rail. However those are all points that go beyond the legislation before us.

[Translation]

Mr. Jean-François Fortin: Mr. Speaker, I would like to thank my colleague from Saanich—Gulf Islands for her very apt comment.

We have indeed reached a point where all parties in this House agree on passing this bill. I believe that it is important to improve safety, as my colleague mentioned. There is no doubt about it. Earlier, I alluded to apple pie. Who can be against apple pie?

We need to move on to the next step. The bill must be passed. But I wish to reiterate that it is important for the government to have a clear policy that will provide the railways, no matter where in Canada they might be located, with funds to maintain costly infrastructure, because the railways are invaluable from the environmental, sustainable development and transportation standpoints, whether we are talking about transporting goods or passengers. What is needed is a clear investment policy for the railway network across Canada.

[English]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

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

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

Hon. Gordon O'Connor: Mr. Speaker, I ask that you see the clock at 5:30.

The Acting Speaker (Mr. Barry Devolin): Is it agreed?

Some hon. members: Agreed.

PRIVATE MEMBERS' BUSINESS

• (1725)

[English]

CRIMINAL CODE

Mr. Parm Gill (Brampton—Springdale, CPC) moved that Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment), be read the second time and referred to a committee.

He said: Mr. Speaker, I am thrilled to have this opportunity to share with the House the important measures introduced in Bill C-394, an act to amend the Criminal Code and the National Defence Act (criminal organization recruitment). The focal point of Bill C-394 is to protect Canadians, especially our youth, by making the act of criminal organization recruitment, or in other words gang recruitment, an offence under Canadian law.

All of us can agree that our youth are our future. This is a statement that holds no partisan or political undertone. Each one of us in the House and every Canadian would agree that our youth will define the trajectory of the country and that trajectory will be determined by the types of opportunities our youth are given.

Young Canadians today have a sense of vulnerability about them. There are challenges that all youth face. My three young children constantly remind me, as a parent, how important it is to provide for their safety and to protect them from any real or imagined dangers. Like every parent, I want the best for my children. I want them to be given every opportunity to succeed. To do this, I strive to create a safe environment in which they are free to grow and explore their potential.

Unfortunately, not all kids or teenagers get to experience the life they deserve. Sometimes the pressures to fit in or join a certain group are just too overwhelming, leaving youth vulnerable to those who might exploit their desire to belong. In a 2008 publication, the RCMP found that street gangs in Canada are increasingly aggressive with their recruitment tactics. In a disturbing trend, these criminal organizations are targeting youth under the age of 12 and as young as 8 years old.

These ruthless gangs pursue our vulnerable youth for several reasons. They know that those falling within this age range cannot be formally charged with a criminal offence. They also know that our youth can be easily pressured to participate in a variety of criminal activities. Our innocent and most vulnerable citizens are being manipulated, coerced and at times forced to embark on a life that no Canadian should ever experience. Gangs exploit our children by forcing them to participate in criminal activities such as drug dealing, robbery, theft and prostitution.

When I had the opportunity to speak with current and ex-gang members who led recruitment initiatives, they told me of a world that knew no boundaries. For instance, gang members will use drug addiction to manipulate potential recruits to take part in criminal activities that support the gang. This means that children, young kids who should have been playing soccer in school yards, are carrying weapons, drugs and money. In the eyes of gangs, these youth are dispensable and easily controlled.

It is worrisome and heartbreaking that Canada's most violent criminal organizations actively recruit youth and teenagers. How can we as a nation sit by and watch this happen?

I remember vividly what the director of the Regina Anti-Gang Services told me as we sat side by side in a small room among hardened gang members seeking to exit that lifestyle. She told me that, once recruited, these innocent children and teenagers were lost to the streets of the city forever. Promising young lives would vanish into the criminal culture forever. What makes this lifestyle so deadly is that leaving a gang is next to impossible.

As I mentioned earlier, I had a chance to speak with several former and current gang members. I sat beside a young man, a mere 19 years old, who had been a gang member for more than seven years. When I looked at him, I saw a kid. However, as we got deeper into a discussion about his past, there was nothing in his life that resembled that of a youth. He was recruited into a gang at a very

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young age. Instead of school, friends, family and sports, he was robbing drug dealers, attacking rival gang members and selling drugs on the streets.

● (1730)

This was a kid who excelled in a criminal organization because that was the only life he knew. I cannot help but picture his work ethics allowing him to lead an extraordinarily successful law-abiding life. Now he is battling a drug addiction and because he is seeking to exit the gang, he constantly looks over his shoulder fearing for his life. He told me that no matter what one does, one is never really out of the gang.

The people he recruited into the gang have experienced the same thing as he did. He looked me in the eye and asked, "By recruiting others into the gang, how many lives did I ruin? How many families did I hurt? And how many people have experienced pain at my hands?" What type of life is that for a young person?

We see lives being shattered by gangs, families destroyed and our community safety placed in jeopardy. As a father, I fear the presence and power that a gang wields over a community and its most vulnerable citizens. As a member of Parliament, I know there is more that we can do.

In 2006 CSIS estimated that the number of street gang members under the age of 30 was approximately 11,000. The report cautioned that the number would continue to grow rapidly over the coming years.

In the Peel region, which my family and I call home, the number of gangs has exploded in the last few years. In 2003 there were 39. Today there are well over 110 street gangs within our neighbourhoods. This means that more people live in fear, more young people are targeted and more violence is used.

Gang members in Canada have a blatant disregard for the safety and well-being of those around them. For instance, in some communities, families are afraid to leave their home or let their children play outside. Gangs also pose a significant risk for law enforcement officers. The increase in gang recruitment has far-reaching and systemic effects on our country as a whole. Our safety, security and well-being are placed in jeopardy.

The purpose of Bill C-394 is twofold.

First and foremost, we are seeking to further protect our youth and communities by criminalizing the act of gang recruitment. Far too many communities in Canada are facing a gang problem. It is vitally important that we maintain the security and safety of our neighbourhoods, streets and families.

By tackling gang recruitment, we can help reduce the number of innocent and vulnerable citizens who would otherwise be lost in this dead-end lifestyle forever. It is about protecting our children, neighbourhood and future. Criminal organizations use fear, intimidation and violence to advance their objective and grow within a community. This behaviour can no longer be tolerated.

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Second, Bill C-394 is designed to provide law enforcement officers with additional tools to address gang recruitment. I had the opportunity to meet with numerous stakeholders across Canada to discuss this issue. The valuable insight we gained was used in the development of the bill. We spoke with several law enforcement officers who praised the bill's direction, scope, focus and resourcefulness.

The 2002 Canadian Police Survey on Youth Gangs, conducted under contract to the Solicitor General of Canada, was the first of its kind in the country. This landmark study identified some startling figures. Of 264 Canadian police services surveyed, 57% believed that the youth gang problem was getting worse. Most concerning was the fact that 44% reported that youth gang members had established a relationship with larger organized crime groups.

The common theme that we witnessed while meeting with law enforcement officers was that the more tools they had to fight what they called the "war on gangs", the better the outcome could be. Bill C-394 has taken that request and seeks to augment current efforts.

● (1735)

Youth gang membership has and will continue to grow in the country if we sit back and do nothing.

Restorative and preventive approaches complement other justice responses to criminal activity, but they cannot replace them. Bill C-394 is focused on addressing the criminal actions that allow a gang to proliferate, strengthen and grow within our communities. We are tackling the criminal conduct that is destroying our youth's lives and placing others in jeopardy on a daily basis.

With this being said, I am strongly committed to supporting a balanced approach to gang recruitment by advancing preventive and education-based programs across this country. We are focusing on bolstering our law enforcement, legal and justice system to respond to the increasingly aggressive gang recruitment strategies that are ongoing.

Bill C-394 would allow our justice system to appropriately hold those who would recruit individuals into a criminal organization accountable for their devastating actions. By doing so, we will be able to take these dangerous criminals off our streets for good. This not only maintains the safety and security of our communities, but it offers the opportunity to severely inhibit a criminal organization's growth.

When I spoke with the president and CEO of the Boys and Girls Clubs of Winnipeg, he told me a story that exemplified the need for this proposed legislation. At one of their inner-city club chapters, gang members will wait under the parking garage directly behind the building. Their sole purpose for being there is to engage those leaving the Boys and Girls Club in hopes of recruiting them into their gang, a targeted strategy that is not a coincidence.

This example highlights the reality that our youth in our communities face. Education and prevention programs are only a part of our response. We need to provide our justice system with the ability to respond through legal action.

Imagine for a moment if these children, youth and teenagers were empowered to report those trying to recruit them. Imagine if our

community members knew that something could be done about gang recruiters who operated in their neighbourhood. It would empower communities to take action.

Today, we have an opportunity not just as members of Parliament, but as Canadians, to come together and make a difference in our neighbourhoods. I urge each member to view the bill for what it is: an important new tool in our criminal justice system that will benefit families, communities and future generations.

It is time that we take back our streets from criminal organizations that are increasingly tightening their grip on our freedoms, safety and security. It is time we take a stand so every child, teenager and adult can experience the life that they deserve to live.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, adding more and more minimum sentences to the Criminal Code slowly but surely deprives judges of their discretionary power when it comes to sentencing.

Can my colleague tell me why the government insists on taking this direction that has been roundly criticized by countless legal experts?

[English]

Mr. Parm Gill: Mr. Speaker, as I mentioned, a very detailed consultation was done on this private member's bill before it was introduced. I travelled across the country. I spoke to thousands of parents, stakeholders, law enforcement agencies and boards of education. The bill was developed with everyone's input.

I do not believe there is anything that we can do which will not help our young children, our youth, our future, in order to protect them. Whether that is minimum mandatory sentences, judges do have the discretion to use that for a maximum prison time of up to five years. In terms of youth under the age of 18, I believe it is essential that we have minimum mandatory sentences to hold these criminals accountable for their action. They are destroying our youth and ultimately our future.

● (1740)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, this is a serious issue in the province of Manitoba. I am sure many Canadians are concerned about it. During the nineties there was very little marginal gang-type activities. It was not until the turn of the century where the numbers really started to increase. Today, unfortunately and sadly, gang-related activities are estimated somewhere between 2,000 to 3,000 in the province of Manitoba, which causes a great deal of concern. It is one of those issues that is of great concern to my constituents and we have tried to make this a priority issue.

When looking at trying to deal with gangs, the best way to deal with them and gang recruitment is to try to provide alternative activities for those individuals who I would classify as high risk and are susceptible to being recruited by gang members. This is really where the government has dropped the ball.

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Therefore, to fight gang recruitment activities, I would suggest that one of the things the government really has to put more emphasis on is to try to find those alternatives to keep kids and young people out of those situations. He made reference to the boys and girls clubs as one example, which was a somewhat sad story.

Mr. Parm Gill: Mr. Speaker, I am all for alternative measures, but the problem is those measures alone do not solve the problem. There are criminals whose sole purpose or objective is to target youth. These are repeat offenders. They are doing this over and over again and they are destroying our youth.

Therefore, I feel it is absolutely necessary that we give these tools and resources to our law enforcement officers as well as our justice system so they can hold these criminals accountable for their actions.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, from the outset, I can say that the NDP will vote in favour of Bill C-394 at second reading, but that does not mean we are signing a blank cheque. We will study Bill C-394 at length in committee with the help of expert witnesses, and we will do a comprehensive clause-by-clause review in committee and make any necessary amendments.

I am pleased to speak today to Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment). This private member's bill amends the Criminal Code in order to create a new offence related to organized crime: criminal organization recruitment.

There is currently a set of rules in the Criminal Code that prohibit criminal organizations: participation in activities of a criminal organization, commission of an offence for a criminal organization and instructing a person to commit an offence for a criminal organization. The bill being debated in the House today seeks to add a fourth offence to the Criminal Code: the recruitment of an individual to join a criminal organization, as defined by the Criminal Code, for the purpose of enhancing the criminal organization's ability to facilitate or commit a criminal offence.

With this bill, my hon. colleague hopes to put the brakes on recruitment by gangs. Gangs are criminal organizations that have operated in a number of Canadian provinces for decades. They exist in Quebec, Nova Scotia, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. They are flourishing and must be condemned in no uncertain terms.

The configuration of gangs is changing, and more and more young people are joining these criminal groups. Gangs target young people, especially those from disadvantaged backgrounds who have family problems. Gangs also target girls and have been observed recruiting in prisons. Consequently, the make-up of gangs can vary. Therefore, I congratulate my hon. colleague for introducing this bill, which is a first step in solving the problem of gangs.

Public safety is a priority for the official opposition, and we always take a great interest in analyzing bills that will amend the Criminal Code. However, although I acknowledge the legitimacy of the bill sponsored by my hon. colleague, I must admit that I find the penalty for this new offence to be inappropriate.

The bill sets out a five-year maximum sentence and a six-month mandatory minimum sentence for recruitment of a minor. The very principle of a mandatory minimum is open to criticism from a legal perspective because it deprives the judge of discretionary power, which is a basic tenet of criminal law. The penalty set out in this bill would, once again, encroach on the judge's sentencing powers.

Enhancing the legal arsenal for gang suppression is important, but it is not enough to solve the gang problem and minimize their impact on society. Prevention and suppression always go hand in hand, and we support programs designed to help young people in cities with a gang presence so that our society can enable everyone to develop in a positive way.

I think we should support work done in collaboration with various stakeholders to curb this situation. By way of explanation, I would like to quote Louis Lacroix, the project manager at the Centre of Expertise on Juvenile Crime and Behavioural Disorders and coordinator of the Programme de suivi intensif de Montréal:

● (1745)

Each of us was doing good work in our individual areas of expertise, but no one was successfully addressing the street gang problem. American studies show that coordinated approaches in the community are more successful than when we all work in isolation.

Various projects were therefore created in a number of provinces and the following stakeholders participated: the federal government through the National Crime Prevention Centre, schools, associations, the music industry, foundations, banks, municipalities, the legal community, correctional services and the police. It is important to put forward these initiatives, and it is up to the government to promote them.

It is also essential to be able to give front-line police officers financial and human resources. However, it seems that the current government has failed in this responsibility and has not taken into account the suggestions made by professionals who deal with gangs every day. This time, I would like to cite the comparative report on types of intervention used for youth at risk of joining a street gang, released in 2011.

[A] meeting of the Canadian Association of Chiefs of Police, or the CACP, in 2009 produced the recommendation that a national anti-gang strategy be developed. The national strategy would ensure the "constant allocation of police resources" to deal effectively with the phenomenon....To date, this strategy has yet to be adopted.

One thing this shows is that the present government is refusing to fund municipal front-line officers, and this shows a glaring lack of vision on the part of the government when it comes to public safety.

The Conservatives may be showing the will to combat criminal organizations, including by making it an offence to recruit people into gangs, but they are not completely meeting the needs and expectations of our fellow Canadians.

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In January 2011, the Conservatives announced a dramatic cut to the Youth Gang Prevention Fund. At the time, the NDP responded forcefully, pointing out the significant benefits of the prevention programs implemented under that fund. Thanks to the NDP, the Conservative government backpedalled a few months later and announced that the funding allocated to the program would now be permanent.

The Conservatives have also disappointed the provinces in the case of the allocation of funding under what was called the Police Officers Recruitment Fund for the provinces to recruit front-line police officers. The fund was created in 2008 and will end in 2013. Once again, the Conservatives have failed to keep their promise.

Canadians expect the members of this House to take reasonable measures in order to meet their expectations: to be able to live in crime-free, violence-free communities. This bill is one solution to the problem of individuals being recruited by gangs, but it is not the only solution. An approach that strikes a balance between punishment and prevention must always take precedence when it comes to public safety, and aiming for that balance is the way to ensure that Canadian society is more harmonious.

• (1750)

[*English*]

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, while the debate this evening is on Bill C-394 and criminal organization recruitment, it reflects and, indeed, invites initial comment on the overall approach to criminal policy by the Conservative government in general.

In this bill, we see the problems of this generic approach to criminal law, namely, that everything is a matter for the criminal law even if there already exists an offence in the Criminal Code on this issue, that the only way to address these criminal matters is through the prism of punishment and that the best approach to punishment is through the use of mandatory minimums.

Frankly, this is a variance with long-standing principle, policy and an evidence-based approach to criminal justice. The government's preoccupation with this type of legislating is not only somewhat disingenuous but also ineffective, wasteful, prejudicial, constitutionally suspect and, simply put, bad public policy.

I realize that colleagues in this place may be somewhat surprised that I am beginning with this type of approach and perspective. However, I believe that as a chamber, given this whole approach to policy-making, that we must take a step back and gain some perspective on what we are doing.

I know the government is very quick to pounce on these types of critiques and to label those who make them, be it the Liberal Party, others or myself, as being soft on crime. We all have a shared commitment to combatting crime. The issue is how we combat it, whether we are smart and effective on crime or whether we are in a situation where we are simply legislating for the sake of legislating and sending a signal as if we are tough on crime when in fact the very subject matter may already be present in the Criminal Code.

If one looks at the legislation, it proposes to punish anyone who "recruits, solicits, encourages or invites a person to join a criminal organization". This offence would become the new section 467.11 of

the Criminal Code, but, and this is the important point, enhancing the ability of a criminal organization is already a crime under the Criminal Code.

Section 467.11 of the Criminal Code, the very section to which this bill adds a subsection, clearly states:

Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this or any other Act of Parliament, knowingly, by act or omission, participates in or contributes to any activity of the criminal organization is guilty of an indictable offence....

I have no problem with legislation that sometimes seeks to make a necessary clarification to the law or to enhance the law, but what is being suggested here is that somehow without this bill there will be no offence with respect to gang recruitment. Yet recruitment previously was one of the issues on the minds of the legislators themselves in this House, as evidenced by the fact that when enacting section 467.11 in 2001, the then-minister of justice, Anne McLellan, said in this place upon the introduction of what is currently in the Criminal Code, in order to reference that this was already anticipated and then implemented as law:

We know that successful recruitment enhances the threat posed to society by criminal organizations. It allows them to grow and to more effectively achieve their harmful criminal objectives. Those who act as recruiters for criminal organizations contribute to these ends both when they recruit for specific crimes and when they recruit simply to expand the organization's human capital.

Thus, the express provisions of the proposed participation offence make it clear that the crown does not, in making its case, need to link the impugned participation, in this case recruitment, to any particular offence. In fact, these words could have been spoken by the introducer of this particular bill because that particular section in the Criminal Code already covers what this bill purports to do, as reflected in the words of the then justice minister at the time. Indeed, this is the current state of the law.

• (1755)

Section 467.11 of the Criminal Code goes on to note that in the prosecution of an offence under subsection (1) it is not necessary for the prosecutor to prove that, and it goes through a whole series of factors which, for reasons of time, I will not enter into here. If one looks at the offence, one will see that it already covers that which this bill purports to do.

I do not therefore wish to dwell on some of those technical points of law. Suffice it to say that the behaviour the new offence seeks to criminalize is something already criminal under another provision of the Criminal Code. Whatever act that would give rise to this proposed section would also likely be criminal under another section, such as the offences relating to counselling, aiding, abetting, conspiracy and the like.

As such, Bill C-394 is both duplicative and arguably duplicitous as well, duplicative in that it essentially repeats what is already in the Criminal Code and somewhat duplicitous in that it is being presented as if this were our only option with respect to combatting gang recruitment and as if there were no present offence that deals with this issue before us, and that those who will oppose this piece of legislation are again somehow soft on crime or do not care about street gangs and the like.

As I mentioned in my introduction, Conservative crime policy is regrettably all about punishment, yet we should be seeking to prevent young people from joining gangs to begin with. This involves an understanding and appreciation of the serious initiatives that need to be taken with respect to education, social services and the like, in order to allow people to stay in school for as long as they can to provide them with employment opportunities, so that young people are shown that there are alternatives to gang life.

Yet this would involve, and this is the core of my remarks here this evening, addressing the underlying causes and concerns relating to gang crime: housing, poverty, income inequality, employment, minority inclusion and access to education, and an understanding of why young people join gangs.

There are no young people in Canada contemplating gang life because they believe there is no offence against it or their recruitment in the Criminal Code.

There are plenty of offences in the Criminal Code, an ever-expanding list that has grown tremendously with the adoption of Bill C-10, and yet these do very little to address the root causes and concerns of crime. In fact, many of them will only lead to an increase in crime.

Here I am speaking in particular of mandatory minimum penalties, something which Bill C-394 seeks to add to the Criminal Code in the matter of gang recruitment. While I have spoken many times in the House on this point, once again one finds an ignoring or marginalizing of the evidence with respect to the fallout of mandatory minimums.

Simply put, not only do we know that mandatory minimums do not deter crime, rather they tend to increase crime both within prisons, which become schools for crime, and outside prisons. They do not deter crime. This is not my conclusion. This is a conclusion reached by studies the world over and even our own justice department here in Canada.

They remove necessary prosecutorial and judicial discretion, leading to pleas for lesser offences or forcing trials where there may have been none. This clogs the courts. The Canadian Bar Association has warned us that with the addition of more mandatory minimums, we may end up in a situation where more accused are set free contrary to the intention and objectives of the government's legislation to begin with simply because their charter right to a fair trial within a reasonable period of time has been violated.

Moreover, mandatory minimums will lead to further overcrowding in prisons, yet prisons in this country are already overcrowded. We have seen in U.S. court judgments that overcrowding amounts to cruel and unusual punishment.

Lastly, though perhaps most important, such sentences also invite constitutional critiques and have been struck down, as we saw recently in the Ontario courts, for being cruel and unusual, arbitrary, disproportionate, outrageous and intolerable.

While I do not have time to elaborate further, I would like to conclude by simply reminding members that criminal law should be as much about prevention as it should be about punishment. Our approach to social evils should be as much to ensure that individuals

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and groups have a viable way of avoiding that which leads them into gang recruitment through all the causes and concerns that I addressed earlier in this regard.

• (1800)

[*Translation*]

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I have the honour and pleasure of speaking in favour of Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment). It is my honour to present a bill that is of particular importance to me and that is also very important for the House of Commons.

[*English*]

This private member's bill, Bill C-394, is relatively straightforward. It has as its focus a practice that would enhance the ability of organized crime groups to engage in criminal activity; that is, the recruitment of members to join criminal organizations. The bill's sponsor, the member for Brampton—Springdale, seems particularly concerned about the recruitment of young persons to join criminal organizations.

In this regard, I strongly support his proposals and I am sure that his amendments will be met with wide support.

[*Translation*]

I urge my colleagues to vote for this bill.

[*English*]

Before going into the substance of the proposed amendments, it is important for me to provide some context regarding the state of organized crime in Canada.

According to 2011 estimates by Criminal Intelligence Service Canada, 729 organized crime groups are active in Canada. This number tends to change from year to year. The reasons for this fluctuation include changes in intelligence-collection practices, the relatively fluidity of some of these organized crime groups and law enforcement policing practices that have disrupted the activities of these organizations. Many of these groups are street gangs that are active in the trafficking of illicit commodities. Most notable among these goods is drug trafficking.

However, street gangs are also widely known to be involved in street-level prostitution, theft, robbery, fraud and weapons offences. The wide range of organized crime activity undermines community safety, interferes with legitimate economies, and costs Canadians millions of dollars each year. Furthermore, organized crime groups frequently resort to violence to achieve their criminal objectives, putting the public at risk as a result.

For organized crime groups to be successful, they must constantly ensure that they have enough members to carry on their criminal activities. When people are successfully recruited into a criminal organization, it enhances the threats posed by these groups to society at large. As the members increase, the criminal influence of those gangs or chapters of gangs is increased.

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Frequently, these groups, or individuals acting on their behalf, target young people. Organized crime groups may do so because young persons are more vulnerable and can be convinced that joining such groups will bring them money, respect, protection and companionship. They may convince young persons to engage in criminal activity by telling them that even if they get caught, the justice system will be lenient on them because of their age.

Parliamentarians, and indeed all Canadians, should be rightly concerned about this. Bill C-394 proposes to create a new indictable offence that would prohibit anyone, for the purpose of enhancing the ability of a criminal organization, to facilitate or commit an indictable offence, from recruiting, soliciting, encouraging or inviting a person to join a criminal organization. This new offence would be punishable by a maximum of five years' imprisonment. It also proposes a mandatory minimum penalty of six months' imprisonment when the person recruited is under the age of 18 years.

It is worth noting that this offence mirrors the language of the existing Criminal Code offence of participating in the activities of a criminal organization found at section 467.11. It also has the same maximum penalty. This is appropriate because recruitment is a specific example of participation. In fact, the existing participation offence has been used to address recruitment in the past.

Now, some members in the House might question the need for this stand-alone offence, given what I have just said. These same members may argue that the existing participation offence is adequate and that duplication or overlap in the Criminal Code should be avoided.

In my view, the enactment of a specific offence which explicitly prohibits active recruitment would serve a more than valuable function. It would send an unequivocal message, reflecting Parliament's intent that such conduct must be condemned, in the clearest of terms.

● (1805)

It educates the community and reflects the important principle that the law must not only be clear but must also be clearly understood. There can be no doubt that this offence would put on notice those who would seek to recruit others to join a criminal organization. One of the most important aspects of this new offence is that it would provide police and prosecutors with an additional tool and would allow them to make a determination of which offence best fits the facts of a particular case. Let me be clear. This bill would provide additional tools to law enforcement officers.

In addition to this offence, the bill proposes a number of other amendments. These amendments would ensure that the new offence would be treated the same way as the other criminal organization offences in respect of procedural, evidential and sentencing matters in the Criminal Code. As I am sure all members know, the Criminal Code contains a number of special rules in relation to organized crime. For example, in cases where someone has been charged with a criminal organization offence, there is a reverse onus which requires accused persons to show why their custody pending trial is not required. Another example is that for persons convicted of any of the specific criminal organization offences, any sentence that is imposed on them must be served consecutively to any other sentence for an offence arising out of the same series of events. So the

proposed consequential amendments in Bill C-394 would ensure that the Criminal Code is consistent and coherent in its treatment of organized crime investigations and prosecutions. I strongly support these amendments.

Before concluding, I wish to draw attention to a couple of technical concerns that I have identified with this bill and which I expect could be readily addressed through technical amendments without interfering with the objectives of the bill.

The first relates to the way the new offence is characterized. In the bill, the offence is called "recruitment of members by a criminal organization". While it is certainly true that much of the recruitment would be done by gang members, it is not strictly speaking required. That is, the offence is not limited to recruitment by gang members. This is an important distinction because we do not want an overly restrictive offence. So in order to make it clear to everyone, I would support a technical amendment to change the way this offence is described.

I would also note there appear to be some discrepancies between the way the English and French versions of the bill are drafted. For example, in the English version of the offence the words used are, "...to recruit, solicit, encourage or invite a person to join a criminal organization". In other words, the recruitment can refer to any criminal organization whereas in the French version the recruitment must be done into the specific criminal organization that will be enhanced. So as currently drafted, the English is broader than the French. Based on my understanding of what this offence is trying to do, as well as looking at the existing criminal organization offences, the French version seems to be more accurate. A technical amendment to address this discrepancy should be made. These are minor changes that I think would strengthen the bill.

● (1810)

[*Translation*]

I am prepared to debate an amendment that would clarify that intent. I call on all members of the House to support Bill C-394.

[*English*]

I strongly support this bill and look forward to working with the sponsor and all members to move it quickly into law.

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP):

Mr. Speaker, it is with great interest that I rise today on Bill C-394, introduced by the member for Brampton—Springdale. To begin with, I would like to congratulate the member on his initiative and for recognizing the fact that the gang problem in Canada is on the rise, which is a major problem that needs addressing. I would like to thank the member for giving us the opportunity to consider solutions to this problem.

To begin with, I want to make it clear that further legislation dealing with the problem of street gangs will not be a cure-all. We need to consider other solutions rather than simply throwing more legislation at the problem.

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The NDP considers it important to protect our youth from gangs and organized crime. We believe that this bill is an important and positive tool in order to stem the tide of the street gang phenomenon. That is why we included this important issue in our 2011 election platform. We are in favour of a balanced approach to public safety that relies on both prevention and punishment.

The NDP's priority is to combat gangs by adopting a balanced approach. This approach, which focuses on prevention, will help meet the expectations of Canadians, who obviously want to live and thrive in communities free of violence. We want to see as many effective prevention programs as possible because they help to prevent young people from being recruited into street gangs.

Currently, there are three offences dealing with organized crime. These offences are defined in section 467.11 of the Criminal Code: participation in the activities of a criminal organization; the commission of an offence for a criminal organization; and instructing a person to commit an offence for a criminal organization.

The bill adds a fourth offence: recruiting a person to join a criminal organization for the purpose of enhancing the ability of the organization to facilitate or commit an indictable offence. It constitutes an additional legislative tool, which is at the heart of the bill.

Although there are no major problems that prevent us from supporting this bill, I do have some reservations about imposing mandatory minimums. I must remind government members that every time Parliament has attempted to include mandatory minimums in the Criminal Code, the Supreme Court has overturned these mandatory minimums because they do not allow judges to take into consideration mitigating factors that may have come into play in the commission of the crime. I remind members that this may be a major problem. It is my hope that the government will stop imposing mandatory minimums because they are not appropriate.

We must remember that young people have a fundamental need to identify with a group and to belong. If young people do not have this feeling of belonging to their family or school, for example, sometimes they unfortunately turn to gangs in order to find a sense of belonging. Peer pressure, the desire to be protected and the need to identify can therefore influence a young person's decision to join a criminal organization.

Families and children living in poverty and unemployment, or experiencing family problems, are often more vulnerable to recruitment by street gangs. In some urban neighbourhoods, where poverty and violence are everyday facts of life, young people may feel so vulnerable that they decide to join a gang because they believe it is the only way to survive. They may see it as the only available option. Joining a gang may also look to them like an alternative to their current living situation, particularly if they are from an extremely poor environment or if they have been victims of physical or sexual abuse. Stopping gang recruitment is a way of striking at the very foundation of these gangs, which is the recruitment that enables them to continue their unlawful activities.

There are data indicating that almost half the street gang members in Canada are under the age of 18, and 39% of gang members are in

the 16 to 18 year age group. Almost half of all street gang members are under 18 years old.

•(1815)

They are also often highly ethnically diverse. Although youth gangs are primarily made up of young men, in some parts of the country, more young women are becoming gang members. As the gangs are a cross-section of many ethnic, geographical, demographic and socio-economic groups, many adolescents are at risk of becoming involved in such gangs or of being influenced by them in future.

In 2008, the statistics showed over 900 gangs totalling more than 7,000 members. Gangs made up of young Canadians are involved in many disturbing criminal activities including assault, drug trafficking, burglary, break and enter, vandalism and, increasingly, violent crimes against individuals.

There is also a disquieting relationship between many youth gangs and organized crime groups, and this increases the inherent dangers of the gang phenomenon in Canada.

Most gangs subject new members to some kind of initiation. This may consist of being beaten for a certain time by the other gang members, or it may be that most new members are required to commit crimes in order to become members of such a criminal gang. The same applies to some female members.

As is the case with most organized groups, female gang members are not really considered equal to male members. Women are more often invisible or less important, until the male members need them to commit a certain crime.

Female gang members usually participate in the same activities as male gang members. However, even though they take many of the same risks, they do not have the same status as their male counterparts. Furthermore, female gang members are often the victims of abuse such as rape and assault committed by male members of the gang. Unfortunately, male gang members can also sexually exploit them.

Gangs and criminal organizations are recruiting more and more young people, and at even younger ages. That is why we need to ferociously attack this phenomenon, in order to protect our youth.

Not only do we need to make it illegal to recruit people into gangs and criminal organizations, but we also need to strengthen and focus our efforts on youth crime prevention. Through such programs, we would be able to identify young people who might be susceptible to recruitment. It is therefore important to break down the radicalization process, so that our young people can thrive without the negative influence of these gangs.

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Beyond criminalizing recruitment, we want more resources to be allocated to crime prevention programs, especially those designed for young people. We also want police forces to have enough resources to protect our communities across the country. To do so, we must certainly work together with the provinces, the territories and communities such as the first nations.

Fighting crime has to be done in partnership with all the players in the legal sector and the social sector.

We have constantly asked for an increased investment in front-line police officers. We have also asked for more money for youth crime prevention programs. Thanks to pressure from the NDP, the government has provided funding to these programs. Nonetheless, it has refused to provide funding for front-line municipal police officers. The Conservatives have thereby let down the provinces when it comes to the police officers recruitment fund that is allocated to the provinces to recruit front-line police officers. This is a very useful program that unfortunately will end in 2013.

The Conservatives are trying to show that they are willing to fight organized crime through this bill. However, they are not fully meeting the needs and expectations of Canadians.

In conclusion, I would just like to reiterate the importance of preventive programs. The punitive approach unfortunately has its limitations, and the best way to prevent recruitment into criminal organizations is to combat poverty and all the variables that result in individuals becoming involved in organized crime.

Criminal behaviour is caused by multiple social variables. Those are what we must work to eliminate. That is how we will have the greatest effect in the battle against crime and the recruitment of young people into criminal gangs.

● (1820)

[English]

The Acting Speaker (Mr. Bruce Stanton): Order. Before I recognize the hon. parliamentary secretary to the Minister of Finance for resuming debate, I will just let her know that I will need to interrupt her about four minutes into her speech, as this is the end of private members' business for today.

The hon. parliamentary secretary to the Minister of Finance.

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I will begin by reading some of the speech that I have prepared for today. Then I want to take a moment to give some practical examples of how this would affect youth not only in my community and in the province of Manitoba but in many communities across this country.

Bill C-394 would create a new offence that addresses the practice of recruiting or encouraging persons to join a criminal organization. The person who is recruiting must be doing so in order to enhance the ability of the criminal organization to commit or facilitate the commission of an indictable offence.

Organized crime, to be successful, requires a constant stream of new recruits. These individuals replace others who have either been incarcerated or have perhaps experienced worse outcomes. New members join the ranks of an existing organization so that the group

can maintain or expand its criminal enterprises into new territories or new activities.

It is particularly disturbing when young people are targeted. In many instances the job of recruiters is very easy, because they target our most vulnerable young people. This leads me to some examples.

As members know, I have been a police officer for some 19 years with the Winnipeg Police Service, and I intend to go back to the police service. What brought me here to this House was the failure of the previous Liberal government to address the recruitment of our youth by criminal organizations, our youth being exploited into the criminal element.

The Youth Criminal Justice Act was created by the previous Liberal government. It was supposed to address this exploitation of our youth. It was supposed to address the fact that our kids were being dragged into gangs. It did none of that. In fact, it removed denunciation and deterrence from the act itself. It created an environment in which criminal organizations could easily target our kids into gangs. As a result, I as a police officer, and many police officers across this country, experienced direct recruitment of our youth through gangs providing them with incentives.

I know that the Liberal member for Winnipeg North is in the House right now. I really want him to pay attention, because it was in his area that I experienced this kind of recruitment. It was fairly common in Winnipeg following the Youth Criminal Justice Act, which was put forward by the previous Liberal government.

First, what the criminal element will do is target a vulnerable youth who perhaps does not have parental supervision, perhaps is in a low-income family, perhaps has not been able to eat, or perhaps is not going to school. The recruiters target these kids and convince them by incentives to become gang members. They would give them \$50 to go into Safeway to steal a tube of toothpaste. They would give them \$50 after that to go into a house that an adult had broken into and ask them to steal a tube of toothpaste for \$50. Then they would start to ask them to deliver packages for \$50. What is in the package? Drugs. Now the child, without knowing it, is a drug dealer. The gang member then discloses that they have this information and threatens the young person to stay in the gang and work for the gang. It is despicable.

This is what the Youth Criminal Justice Act did to the children in my community, and this bill will help us to stop that kind of behaviour. I applaud it 100%. I know police officers across the country will applaud it.

I encourage the members of both opposition parties to please consider supporting this bill. It is absolutely necessary. It will do such wonders for our youth in our communities. It is high time that we address these victims who are unnecessarily being put at risk.

● (1825)

[Translation]

The Acting Speaker (Mr. Bruce Stanton): The member for Saint-Boniface will have six minutes when the House resumes debate on the motion.

Adjournment Proceedings

The time allowed for private members' business has expired. The order will be dropped to the bottom of the order of precedence.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

PENSIONS

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):

Mr. Speaker, this winter we learned of the Conservative government's plan to raise the eligibility age for OAS from 65 to 67. This announcement goes against one of the Conservatives' own election promises, which was, "we will not cut transfer payments to individuals or to the provinces for essential things like health care, education, and pensions".

Just for the record, that can be found on page 23 of the Conservative 2011 election platform.

The Prime Minister reiterated this promise on June 7, 2011, when he stood in this very House and said, "This government has been very clear. We will not cut pensions".

Currently, there are nearly 5 million seniors collecting OAS and 1.7 million seniors collecting GIS, which means one in three Canadian seniors receive the GIS. What will this eligibility change mean to Canadian seniors? The lost income to Canadian seniors from this change will be significant. It will mean a loss of roughly \$30,000 to the poorest seniors over these two years and roughly \$13,000 over these two years for Canadians who receive only OAS.

That is a substantial loss. Unlike the CPP or private savings pillars, the OAS is a universal pension that does not depend on retirees' previous labour market participation or their participation in a registered pension plan or savings plan. In the words of the Canadian Centre for Policy Alternatives, the OAS and GIS are the "basic building blocks of the public universal system", and goes on to say, "which make up the anti-poverty part of the system".

The OAS pays a maximum benefit of \$540 per month. On an annual basis, the maximum OAS payment is \$6,481. The average monthly payment in the fall of 2011 was \$508.35.

High income seniors must pay back all or some of their OAS benefits due to a formula set by the government. Above an income of \$69,562, the OAS begins to be clawed back. Above an income of \$112,772, the OAS benefit is completely clawed back.

Because many senior women were not part of the labour force earlier in their lives, to today's seniors, the OAS and GIS are particularly important retirement instruments. Senior women are less likely than senior men to draw an income from the CPP, private pension plans, RRSPs or employment earnings. This makes universal programs like the OAS and GIS particularly important for our female seniors.

The median income for senior women is about two-thirds that of the median income for senior men. We need to be clear that the OAS

is really an anti-poverty and an equity tool used to ensure that seniors can retire with dignity and have funds to support their retirement.

It is loud and clear. The government's priority is to spend billions of dollars on corporate tax giveaways to their friends while slashing the services that Canadians rely upon. That is wrong.

Will the government listen to the expert advice it was given by the Parliamentary Budget Officer, the leader of the OECD pensions team and the head of the BMO Retirement Institute, among others.

The government should stop manufacturing a crisis to take away future benefits from Canadian seniors and keep old age security eligibility at age 65.

• (1830)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I will begin by assuring the hon. member that our government is taking action today to protect seniors of today and tomorrow.

In her original question, the hon. member spoke of young Canadians who are concerned about their financial security in their senior years. I want to point out that this is exactly the reason that we are making changes to the old age security now; to protect it and to ensure it is affordable and available for all Canadians in the future.

As pension expert, Keith Ambachtsheer, observed recently, we are facing large demographic changes that we cannot ignore. Mr. Ambachtsheer, who is the director of the University of Toronto's Rotman International Centre for Pension Management, has gone on record saying that there is a serious fairness argument that can be made regarding the future of OAS. He says:

...we can't just willy nilly put the burden on a relatively smaller cohort that's going to be 'the work force' 20 years from now and say: 'Well, you know, that was the deal back then, so too bad. We don't care that there's less of you than there is of us.'

We need to look at that relatively smaller cohort that he spoke about, the working age Canadians of the future. We already know that the ratio of working age Canadians to seniors is expected to fall. Within two decades it is projected that there will be close to two workers for every retiree. That is a stark contrast to today's ratio where there are four workers for every retiree. What will happen of course is that as this ratio shifts the younger generations will be forced to carry the bulk of the tax burden. This will hamper their ability to save and will have an adverse impact on their future and Canada's future. Younger Canadians will be carrying the bulk of the tax burden as they are raising families, paying student debts, making mortgage payments and just trying to make ends meet.

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Speaking of the future, there are a few other projections I would like to focus on. According to the Chief Actuary, the number of basic OAS recipients is expected to almost double over the next 20 years. He projects the number growing from 4.8 million in 2010 to 9.3 million when the last of the baby boomers reach age 65. When we consider these numbers in the context of our aging population needs, we need to be willing to acknowledge that change is necessary.

Canada's prospects are bright. Among the G7 countries, Canada has posted the strongest growth in employment with 693,000 jobs created since the depths of the recession.

Thanks to the strong leadership of our Prime Minister and our Conservative government, Canada is in the enviable position of having the financial flexibility to phase in these changes over a very lengthy period of time. This will ensure the maximum time for Canadians to adapt to these changes, with minimal disruption to the quality of life future generations are counting upon.

We must confront both our fiscal and demographic realities as we decide what is in our best interests moving forward.

Ms. Rathika Sitsabaiesan: Mr. Speaker, I am not sure where the parliamentary secretary and the government are getting some of those numbers. We heard from the Parliamentary Budget Officer that the OAS is easily sustainable and is actually projected to decrease in cost relative to the size of the economy in the long run.

Furthermore, these changes are really coming at the cost to Canadian youth, as I mentioned in my previous question and as the parliamentary secretary mentioned himself. Youth are already struggling to find good jobs while carrying enormous amounts of student debt, meaning that they will make less money over their lifetimes than their parents and grandparents did. Now we are forcing them to work two years longer to pay for a crisis that the government is manufacturing.

The government is not helping our youth. It is further hurting them. It is cutting from the poor to give to the rich. Since coming into office, the government has given \$72 billion in tax giveaways without a single promise or guarantee of a job.

Will the government commit to reversing the change to the age of eligibility for OAS?

• (1835)

Mr. Mike Lake: Mr. Speaker, I know the hon. member and I know her to be a smart individual but I would implore her to actually look at the math here. We have four workers paying for every retiree now. In 2030 we will have two people paying for every retiree. This is not complicated math.

By way of a parallel, maybe we can consider a house rented by four university students. If the rent is \$1,600 a month they each pay \$400 right now. If two of them leave, only two would be left to pay the rent and those two would each have to pay double, which would be \$800. When the landlord comes for her money, the NDP strategy of blocking its ears and repeatedly saying that there is not a problem will not change the fact that the cost has doubled.

Again I urge the NDP to actually look at the math behind the decision the government is taking. When it does, I am confident it will support us on this.

[*Translation*]

ASBESTOS

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, numerous studies have shown how dangerous chrysotile asbestos is to health. According to the World Health Organization, all forms of asbestos are carcinogenic and can cause mesothelioma, which is a form of cancer that surrounds the lungs, cancer of the larynx or ovaries, and asbestosis, which is a pulmonary fibrosis, and can cause plaques to appear. It is estimated that 125 million people in the world are exposed to asbestos in the workplace. Over 107,000 people die each year of a disease resulting from exposure to asbestos.

The use of asbestos has been banned in 52 countries. The vast majority of countries in the world supported the addition of asbestos to the list of hazardous substances in the Rotterdam Convention, but Canada opposed it. The WHO says that the best way to eliminate asbestos-related diseases is to end the use of all types of asbestos.

In fact, there are a number of substances that can replace asbestos today. The leading substitute substances are synthetic inorganic fibres such as glass fabric fibres or mineral-wool or glass-wool insulation. Synthetic organic fibres can also be used as insulation. These are also called chemical fibres, and are generally produced from the corresponding polymers, which are plastics.

It is worth the effort to use materials that are less damaging to our health. According to the Canadian Cancer Society, all forms of asbestos, including chrysotile asbestos, mined mainly in Quebec, cause cancer. The Canadian Cancer Society believes that "all efforts should be made to eliminate exposure to asbestos and to eliminate asbestos-related diseases." It is calling on the federal government, as well as provincial and territorial governments, "to adopt a comprehensive strategy addressing all aspects of the asbestos issue, including legislation for worker safety, supporting the addition of chrysotile asbestos to Annex III of the Rotterdam Convention, and immediately setting a clear timetable for phasing out of the use and export of asbestos."

In 2004, a report published by the Institut national de la santé publique du Québec reported over 800 cases of mesothelioma from 1982 to 1986 in Quebec, when the asbestos industry was thriving. In 2006, Health Canada warned the government and the public against the dangers of these carcinogenic fibres. The director general of the safe environments program stated, "we cannot say that chrysotile asbestos is safe. Health Canada favours the option of adding it to the list of regulated substances."

Despite all these warnings, Canada has sent over 750,000 tons of asbestos to global markets since 2006. We are the fifth biggest producer of asbestos in the world. The governments of Canada and Quebec continue to support the production of asbestos and, until recently, funded the Chrysotile Institute despite the fact that it is clear that the asbestos industry faces increasing criticism worldwide.

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Furthermore, there are human and economic impacts resulting from the use of asbestos. According to statistics published in 2010 by the Commission de la santé et de la sécurité du travail du Québec, asbestos was the new leading contributor to mortality for which compensation was paid out by the CSST. No fewer than 102 people had died following exposure to this substance, which was 17 more cases than in 2008. So things have gotten worse and not better.

The Chrysotile Institute claims that there is a way to use asbestos safely, a position endorsed by the government, but is this true? When I asked the government, in February, why it continued to support asbestos producers, the Minister of Industry replied that it was possible to use it safely. I would like to know what studies he was referring to.

● (1840)

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, Canada has promoted the safe use of chrysotile at home and abroad for more than 30 years. Canada monitors the use of chrysotile and promotes its safe use around the world. Canada does not seek to ban the mining of naturally occurring substances.

Our government said it would not ban a natural resource that is traded around the world. This government will not place a Canadian industry in a position where it would be subject to negative discrimination in a market where the sale is permitted.

Exposure to chrysotile is strictly controlled by maximum exposure limits in workplaces issued by federal, provincial and territorial governments and by restrictions on certain categories of consumer products and products in the workplace under Canada's Hazardous Products Act.

Importing countries are solely responsible for their decision to import products, such as chrysotile, and implementing appropriate measures to ensure the health and safety of their workers in using that resource.

We implemented measures to protect the health and safety of those working in the mining sector, especially workers who handle chrysotile, a long time ago.

For several years now, we have been making a distinction between amphibole and chrysotile, and we have implemented regulatory mechanisms to protect workers in this sector.

The illnesses that we are currently seeing in countries that have made heavy use of asbestos fibres are related to exposure to high doses in the past and inappropriate practices that were prohibited and abandoned in Canada in the late 1970s, more than 30 years ago.

Completely banning chrysotile is not necessary or appropriate because doing so will not protect workers or the public from past uses that have been prohibited for many years now.

Since 1988, all federal, provincial and territorial regulations on health and safety in Canada that pertain directly or indirectly to working with or around asbestos are consistent with the International Labour Organization's 1986 Convention concerning Safety in the Use of Asbestos, Convention 162.

Canada was one of the leaders in the development of this convention.

The purpose of the regulations is to prevent consumers from being exposed to products containing asbestos, the fibres of which can detach, be inhaled and thus be harmful to health.

Ms. Anne Minh-Thu Quach: Mr. Speaker, not only did the hon. member not answer my question, but he also does not seem to see anything wrong with exporting to other countries the risks associated with asbestos. That is totally irresponsible.

The government usually refers to studies done by the Chrysotile Institute. According to that institute, exposure to a limit of one fibre per cubic centimetre does not pose any risk to health. However, other studies claim that chrysotile asbestos has a shorter life span in the lungs. It is called biopersistence. All these studies have been challenged for a long time by Dr. David Egilman from Brown University, and by others who have shown that the concept of biopersistence does not apply since the fibres are never expelled from the body. Rather, they split into several multifibres, some of which can move towards the lungs.

As for asbestos cement being safe to use, promoters forget to mention that transporting and exporting the raw material presents some real risks. Moreover, developing countries that import asbestos often do not have the means to ensure the safe use of the fibre.

Instead of exporting a dangerous substance, why does Canada not become a leader in new technologies? Why, instead of supporting a dying and deadly industry, does the federal government not help asbestos producing regions to shift to sustainability and to save—

● (1845)

The Acting Speaker (Mr. Bruce Stanton): Order. I must interrupt the hon. member because time is limited.

The hon. Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec.

Mr. Jacques Gourde: Mr. Speaker, Canada has been promoting the safe use of chrysotile in Canada and elsewhere for more than 30 years.

Canada monitors the use of chrysotile and promotes its safe use around the world. Our government said it would not ban a natural resource that is traded around the world. This government will not place a Canadian industry in a position where it would be subject to negative discrimination compared to its competitors in a market where the sale is permitted.

I have two quotes from Premier Jean Charest:

The government has not changed its mind. It will continue to defend the safe use of chrysotile, a policy that should be defended.

That quote was from April 12, 2010.

Here is the second quote:

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Quebec promotes the safe use of chrysolite. That is what we do at home and that is what is encouraged throughout the world.

That quote is from January 29, 2010.

[English]

HOUSING

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, it is an honour to be here tonight to stand before you and Canadians from coast to coast to coast, especially the members of my riding of Davenport, the men and women who elected me to this place a year ago tomorrow.

The very first day of this Parliament, I rose in the House and asked the government where its housing strategy was. In particular, I asked when it would introduce a national housing strategy and, in the absence of one, whether it would like to get on side with the one we subsequently tabled in the House.

Every time I stood in the House to ask this question on behalf of Canadians from coast to coast to coast, I never received an answer. In fact, I will read the answer I received from the Minister of Finance one of the last times I asked a question on this. He said:

Mr. Speaker, what is not to love in the mayor of Toronto? He is 300 pounds of fun, self-described by the mayor. I did not make that up.

The mayor is doing a wonderful job in Toronto. He is leading the transit reform charge and is straightening out the finances of the City of Toronto. It will be the ultimate great service for the taxpayers of that city to have control of the fiscal future of the City of Toronto, which has been mishandled for a long time.

There was not a single mention of housing in that answer.

This is what happens time and time again, not just to me but to every member of the official opposition. Quite frankly, Canadians are getting very concerned about the lack of accountability and transparency of the government.

With respect to housing, the Canadian Federation of Municipalities has underlined the fact that housing is the number one issue facing municipalities, both big cities, small towns and rural municipalities. Access to affordable housing is becoming increasingly more difficult, not just for those in our society who struggle economically but also for those who were once called middle class. The government likes to say that it is on the side of working people, but the facts do not bear that out.

Approximately 1.5 million Canadians are in core housing need, of which 25% are single parent families. Time and time again we hear the government say that it is doing this or it is doing that. However, whatever it thinks it is doing, it is time for it to acknowledge and admit that its plan is not working.

We need a national housing strategy. We are the only G8 country that does not have one. How can that be good public management? How can that be a good social policy? It is certainly bad fiscal management, especially when we consider the multipliers that investments in housing bring into the economy.

The government's decisions are ideological. It is time it started working for Canadians.

• (1850)

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I am very pleased to stand here

today to answer the hon. NDP member's question. However, I have to indicate right off the bat that I am somewhat disappointed in the member for Davenport.

As he began his speech, he was very clear about reading a response from the Minister of Finance, but what he neglected to do is read his personal attack on the mayor of Toronto, Rob Ford, a personal attack that does not meet the standard that the Leader of the Opposition has set for the NDP.

Nevertheless, I intend to answer the question about housing because I and this government take this serious issue to heart. Unfortunately, that member is displaying how he takes this issue and attempts to attack other politicians with it and neglects to admit that when he does it.

I would like to first tell Torontonians that the affordable housing situation is one that has been addressed by this government in a number of ways. As I talk about the ways that housing has been addressed, I would like to reflect on the record of the NDP.

Let us think back to the economic action plan and to the historic investments that our Conservative government made in social housing that totalled roughly \$2 billion. Combined with provincial and territorial support, this joint investment in social housing allowed for the construction and renovation of 16,500 housing units for low-income families across Canada. This included over 400 construction projects for low-income seniors and persons with disabilities and over 11,000 existing social housing renovation projects. However, there is more.

Our Conservative government also invested \$150 million to renovate and retrofit federally administered social housing, supporting over 1,310 projects that helped some of the most vulnerable in our communities: single-parent families, recent immigrants and aboriginal people living off reserve. We also invested \$400 million to build and renovate housing in over 500 first nations communities. Let us not forget the \$200 million in the north to address the territories' housing needs, supporting over 200 projects.

Those are real investments, real projects helping real people and doing so right across Canada, including in Toronto. They are not empty rhetoric or theoretical strategies as suggested by the member opposite. These are real efforts, real commitments, real investments.

The Canadian Housing and Renewal Association states that Canada's economic action plan:

—addresses important needs facing people living in run-down social housing and certain groups—seniors, on-reserve aboriginals and people with disabilities—waiting for decent, affordable housing.

Amazingly, the NDP stood and voted against all of these investments. That seems rather shocking, given all of the statements that get made about supporting social housing. However, Torontonians need to know that when it comes to supporting and putting our words into action, it is this Conservative government that actually gets the job done. The NDP members stand, but they only stand to vote against social housing measures, against investments for those who are most vulnerable.

I stand here proudly, supporting the government because of the actions it has taken. I ask the NDP to start to show some compassion and some effort here. Support the measures we are putting forward. It is for the sake of Torontonians after all.

Mr. Andrew Cash: Mr. Speaker, let us talk about effort. We have tabled a national housing strategy. The Conservative government has not said a word about it. In fact, the government likes to compare us to OECD countries when it suits it. Yet this instance and others such as the national transit strategy are another glaring lack on the part of the government.

There is very little in this national housing strategy that any government could not buy into. One of the main points is that once this national housing strategy comes into law, it compels the minister to convene a meeting within 180 days. The government has 180 days to talk to major stakeholders, to the provinces, to municipalities, to those that provide social housing. It is a way for the government to do the job that Canadians expect their government to do, which is to plan and to prudently plan for the kind of housing Canadians need.

• (1855)

Mrs. Shelly Glover: Mr. Speaker, the member can play politics all he wants. That is his choice. We on this side remain focused on building a better Canada, and that includes the Toronto area.

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Only recently we introduced economic action plan 2012. Our plan includes incredibly positive developments for Canada, and especially Toronto.

Furthermore, the action plan announces the creation of Canada's first national near-urban park in the Rouge Valley in Toronto, something that has been incredibly welcomed. Listen to what Toronto city councillor Glenn De Baeremaeker had to say about it:

...to see the prime minister and [finance minister]...saying loudly and clearly that they'll protect this land is a dream come true for us.

What did the NDP and the member for Davenport do? Unfortunately, they voted against the Rouge Valley national park and against Toronto. That is unfortunate.

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:57 p.m.)

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