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(HANSARD)

Tuesday, December 11, 2012

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, December 11, 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 21 petitions.

* * *

SAFER WITNESSES ACT

Hon. Vic Toews (Minister of Public Safety, CPC) moved for leave to introduce Bill C-51, An Act to amend the Witness Protection Program Act and to make a consequential amendment to another Act.

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

* * *

[*Translation*]

FAIR RAIL FREIGHT SERVICE ACT

Hon. Rob Nicholson (Minister of Justice, CPC) moved for leave to introduce Bill C-52, An Act to amend the Canada Transportation Act (administration, air and railway transportation and arbitration).

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

* * *

[*English*]

COMMITTEES OF THE HOUSE

VETERANS AFFAIRS

Mr. Greg Kerr (West Nova, CPC): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Veterans Affairs in relation to its review of the Veterans Review and Appeal Board, VRAB, activities.

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

PUBLIC SAFETY AND NATIONAL SECURITY

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Public Safety and National Security in relation to Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act.

The committee has studied the bill and has decided to report the bill back to the House without amendment.

* * *

PETITIONS

SEX SELECTION

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, it is an honour for me to present a petition from my constituents, mainly from the town of Canora, who say that Canada is a nation that has long promoted the right to equal protection and equal benefit of the law, that preventing the birth of baby girls through sex selective abortions is an affront to dignity and the equality of women and girls and that sex selective abortions have denied millions of girls in Canada and throughout the world a chance to be born because they are girls.

The petitioners call upon the House of Commons and Parliament assembled to condemn discrimination against girls through sex selective abortion and do all it can to prevent sex selective abortions from being carried out in Canada.

INTERNATIONAL TRADE

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I have two petitions today.

The first petition is from a group of Canadians who are very concerned about the government's discussions with the European Union in regard to a free trade agreement. The concern stems from the fact that they believe the European Union is seeking domestic changes that will limit our sub-federal governments, our provinces, to procure freely and openly in their own areas. They are also concerned about the impact on drug procurement plans.

The petitioners request that the federal government, the provinces and the territories immediately cease negotiations with the EU until all of these problems can be resolved.

PENSIONS

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, the second petition has to do with the change to the age of eligibility for old age security. Canadians want the age of eligibility returned to age 65.

ABORIGINAL AFFAIRS

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I have two petitions to file this morning.

The first petition is signed by hundreds of people, particularly aboriginal people, all over Saskatchewan who are objecting to the provisions in Bill C-45 that directly impact upon first nations and aboriginal people.

The petitioners request that the Government of Canada set aside Bill C-45 until due consultation and informed consent is given by those who would be directly impacted by it.

MOTHERWELL HOMESTEAD NATIONAL HISTORIC SITE

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the second set of petitions, signed by literally thousands of people all over Saskatchewan, express deep concern about the government's funding cutbacks affecting the Motherwell Homestead National Historic Site.

The petitioners call upon the government to reverse that decision, to maintain the commemorative integrity of the Motherwell Homestead National Historic Site and provide sufficient funding for this historic site, which is so important to the agricultural heritage of Saskatchewan, so that it can be properly maintained.

41ST GENERAL ELECTION

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I rise to present a petition signed by some 600 citizens who want to draw the attention of the House to the election fraud that occurred during the 2011 federal election about which we know more and more.

The petitioners point out that, due to fraudulent practices, election results have been affected. They request the Government of Canada and the Prime Minister to call an independent, fully empowered commission of inquiry, preferably a royal commission, alongside the Elections Canada investigation in order to determine exactly what happened.

I applaud Tara and Jonathan who worked hard to get all of these signatures, some 2,000 of them. They will also be presented by colleagues in other parties. This admirable grassroots initiative is raising awareness about an issue that speaks to the vulnerability of our democracy to the combined threat of communications technology and unscrupulous people.

The NDP remains committed to finding solutions to fraudulent election calls, like these petitioners.

● (1010)

[*Translation*]

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, I have the honour to present a petition on the same subject in both official languages.

This petition asks the government to create a royal commission in order to determine whether the Canada Elections Act or other Canadian laws were violated during the 2011 election campaign and to protect the integrity of our electoral process.

[*English*]

What is key for these citizens is to know if the democratic right of some Canadians to vote was suppressed because some people mislead them on the day of the election.

MOTOR VEHICLE SAFETY

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I have two petitions to present today. The first is with respect to side guards on large trucks.

The signatories to this petition call upon the Government of Canada to introduce a regulation under the Motor Vehicle Safety Act requiring side underrun guards for large trucks and trailers to prevent cyclists and pedestrians from being pulled under the wheels of these vehicles.

PUBLIC TRANSIT

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, the second petition is with respect to a national public transit strategy.

The signatories to this petition call upon the Government of Canada to provide a permanent investment plan to support public transit, to establish federal funding mechanisms for public transit and work with all levels of government to provide sustainable, predictable, long-term and adequate funding.

PENSIONS

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have a petition to present today signed by residents of Winnipeg North.

The petitioners are asking the government not to diminish, in any way, the importance and value of Canada's three major senior programs, the OAS, the GIS and the CPP, and to ultimately allow individuals the ability to retire at age 65 as opposed to increasing the age to 67.

[*Translation*]

GATINEAU PARK

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, the petition that I am presenting pertains to the protection of Gatineau Park.

Gatineau Park is one of the most visited parks in Canada. It is home to approximately 90 endangered plant and 50 endangered animal species. The boundaries of Gatineau Park are not recognized in Canadian law. Sections of the park can be removed or sold without parliamentary review or approval.

The residents of Canada who signed the petition are calling on the House of Commons to adopt legislation that would give Gatineau Park the necessary legal protection to ensure its preservation for future generations.

[*English*]

CANADA REVENUE AGENCY

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I am honoured today to table a petition signed by over 1,600 residents protesting the closure of the Whitehorse Canada Revenue Agency office. I would like to send special thanks to Carol Church for putting this petition together.

Cuts to CRA are affecting northern communities. Closure of the Whitehorse tax office will mean a thousand kilometre trip to the closest CRA point of contact. Seniors, young families and business owners depend on this office for assistance.

The NDP asks the federal government to reconsider its reckless cut. Unlike the Conservatives, we actually listen to Canadians' concerns. That is why Yukoners have entrusted us, the official opposition, with this important task instead of their MP.

[*Translation*]

41ST GENERAL ELECTION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, today, I have the honour to present a petition in co-operation with the hon. members for Saint-Laurent—Cartierville and Toronto—Danforth in a non-partisan way.

We have petitions from Canadians pertaining to the electoral fraud that occurred during the last election.

[*English*]

I have over 600 petitions here from the Toronto area. The petitioners are seeking a full independent investigation. Without making allegations as to who was behind it, we know something untoward occurred in 2011 and we want answers.

[*Translation*]

GATINEAU PARK

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I am presenting a petition signed by about 100 Canadians who are calling for the adoption of legislation that would give Gatineau Park the necessary legal protection to ensure its preservation for future generations.

[*English*]

THE ENVIRONMENT

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I have four petitions to present today.

The first petition is from petitioners who are very concerned about climate change. They want to ensure that adaptation is also taken care of. Adaptation is not cost free but it yields benefits, so they are requesting the Government of Canada invest in resources and programs in modelling and in expertise of climate adaptation.

● (1015)

EXPERIMENTAL LAKES AREA

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the second petition is from citizens who are concerned about the cancelling of the Experimental Lakes program. They would like to have that reversed.

PENSIONS

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the third petition is from citizens who are very concerned about the changes to the age of eligibility for old age security. They see that as a fundamental increase in inequity in our society.

THE ENVIRONMENT

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the fourth petition is from citizens who want to ensure that we do not have supertankers carrying oil off the coast of the north Pacific.

PUBLIC TRANSIT

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, I have two petitions to present.

The first petition, which is very important to my riding, calls on the Government of Canada to enact a Canada public transit strategy. The petitioners believe it would benefit not only the environment but would lead to a huge improvement in the quality of life for Canadians who spend hours and hours sitting in their cars on their way to work and on their way home.

ROAD SAFETY

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, my second petition refers to safety, which I am surprised is taking so long.

The petitioners are asking us to harmonize our safety standards with ECE regulation No. 73, which requires side guards on all trucks and trailers in Europe. If we had that here it would add additional safeguards for cyclists.

The Speaker: There are still several members rising to present petitions and we only have about five minutes left, so let us have very brief summaries.

The hon. member for Parkdale—High Park.

PUBLIC TRANSIT

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I rise to present a petition calling for a national public strategy. The Board of Trade in Toronto says that the lack of transit is a $6 billion drag annually on our GDP.

The petitioners are calling for an investment support plan for public transit.

ROAD SAFETY

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the second petition is about cycling safety. We recently had the tragic death of Tom Samson, a public school teacher at Parkdale Public School and Jenna Morrison. The implementation of a policy for side guards on trucks could well have prevented Ms. Morrison's death. Therefore, the petitioners are asking for that.

[*Translation*]

GATINEAU PARK

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, I will be brief. I have the honour to present a petition to support the protection of Gatineau Park.

TRANSPORT

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, I have the honour to present a petition regarding transportation in Canada.

PUBLIC TRANSIT

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I have the honour to present two petitions.

The first pertains to the national public transit strategy that the hon. member for Trinity—Spadina is trying to have implemented.

ROAD SAFETY

Mr. François Choquette (Drummond, NDP): Mr. Speaker, the second petition concerns side guards for trucks on our shared roads.

I myself am a cyclist, and this is something that could help improve road safety for pedestrians and cyclists.

CHILD PORNOGRAPHY

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I have two petitions to present.

[*English*]

The first petition is from the Catholic Women's League of St. Luke's Parish. It is signed by hundreds of people from the West Island who want changes to eradicate pornography content on the Internet, as well as the sexual exploitation of children.

[*Translation*]

PENSIONS

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, the second petition is from the Congress of Union Retirees of Canada. Thousands of Quebeckers are asking the government to keep the eligibility age for old age security at 65, to improve old age security benefits, to improve Canada pension plan benefits and to increase Canada pension plan benefits.

GATINEAU PARK

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I will try to be brief, but petitions ensure that Canadians are heard in the House.

I have three petitions to present this morning. The first concerns the possibility of enacting legislation to protect Gatineau Park so that all future generations can enjoy it as much as I do.

PUBLIC TRANSIT

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, the second petition concerns the national public transit strategy. Canada is the only OECD country that still does not have a transit policy.

CYCLING SAFETY

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, the third petition concerns the installation of truck side guards in order to protect cyclists and pedestrians from preventable accidents.

HOUSING

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I have three petitions to present today. The first concerns the fact that 1.5 million families have difficulty finding a place to live. The petitioners are asking the government to support the bill to adopt a national housing strategy introduced by my colleague, the member for Saint-Hyacinthe—Bagot.

● (1020)

[*English*]

CYCLING SAFETY

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): The second petition is in English so I will say it in English. It is about cycling safety. It calls upon the federal government to take up its responsibility to set standards.

PUBLIC HEALTH

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, the final petition is in support of my Motion No. 400, which calls upon the government to ensure rural equality for waste water management.

[*Translation*]

TRANSPORT

Mr. José Nunez-Melo (Laval, NDP): Mr. Speaker, I am honoured to present two petitions in the House today. The first petition has to do with the national transit strategy.

CYCLING SAFETY

Mr. José Nunez-Melo (Laval, NDP): Mr. Speaker, the second petition has to do with the safety of cyclists and vehicles on the road.

GATINEAU PARK

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I am pleased to present a petition today calling on the government and the House of Commons to pass legislation that will give Gatineau Park the necessary legal protection to preserve it for future generations.

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I am also presenting a petition regarding the need to give Gatineau Park legal protection to preserve it for future generations.

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 1017 and 1036.

[*Text*]

Question No. 1017—**Hon. Gerry Byrne**:

> With regard to the Atlantic Canada Opportunities Agency (ACOA): (*a*) since August 1, 2012, what is the total amount disbursed to the Director General of Operations for Prince Edward Island (PEI) for (i) travel expenses, (ii) hospitality expenses, (iii) travel status benefits; (*b*) since August 1, 2012, what is the total cost incurred and the amount disbursed in relation to official language training for ACOA's Director General of Operations for PEI; and (*c*) has ACOA provided authorization of any amount of funds in relation to (i) the examination of the employment of the Director General of Operations for PEI by the Public Service Commission of Canada (PSC), (ii) the judicial review of the order of the PSC in that matter and, if so, what is the amount which has been authorized, and what is the amount which has been disbursed to date?

Hon. Bernard Valcourt (Associate Minister of National Defence and Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie), CPC): Mr. Speaker, insofar as the Atlantic Canada Opportunities Agency is concerned, and with respect to (a) on the amount disbursed to the director general of operations for Prince Edward Island, since August 1, 2012, no funds have been disbursed for (i) travel expenses, (ii) hospitality expenses, and (iii) travel status benefits. With respect to (b) regarding the official language training for ACOA's director general of operations for PEI, since August 1, 2012, the total cost incurred is $3,979.00 and the total amount disbursed is $6,064.00 for the full third quarter calendar year, and the director general of operations is no longer receiving training. With respect to (c)(i)(ii), the response is no.

Question No. 1036—**Mr. Mark Adler**:

> With regard to the Income Tax Act, has the government calculated what would be the annual fiscal impact of making all non-refundable tax credits within the Act into refundable tax credits and, if so, what is this projected annual fiscal impact?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, refundable tax credits are akin to expenditure programs delivered through the tax system and have long been used in very limited circumstances. In the majority of circumstances, expenditure programs are often a more appropriate way to direct funding to certain individuals and businesses, since programs can be designed and administered in a manner that facilitates targeting to achieve a specific goal. The government treats these measures as spending programs in the public accounts.

Preliminary estimates suggest the cost of converting existing non-refundable tax credits for individuals into refundable tax credits would be greater than $11.5 billion in 2013. Note that this represents a lower bound estimate, as it assumes that only the unused value of the non-refundable tax credits currently claimed would be refunded.

A number of other factors could contribute to substantially increasing the cost of converting existing non-refundable tax credits into refundable tax credits. These include the fact that the cost does not account for a potential increase in the take-up of existing non-refundable credits.The cost of refundability would also be greater in the early years of such a policy, since credits that are currently allowed to be carried forward to future years, such as amounts for education, textbooks, and tuition, as well as the charitable donations tax credit, would be claimed in the year the costs were incurred. Moreover, the cost could increase significantly depending on the parameters for refundability. As an example, there are 5.6 million children in Canada of ages up to 14 years old, who in the majority of cases will not have employment income. If a refundable basic personal amount could be claimed in respect of these children, providing a refundable amount of $1,623 per child, the cost of refundability could potentially be in the range of $9 billion higher.

In the corporate income tax system, tax credits are provided to encourage businesses to engage in certain types of activities or to invest in certain regions. Businesses, incorporated and unincorporated, are permitted to offset income tax otherwise payable with non-refundable investment tax credits. When a corporation has more non-refundable tax credits than tax owing in an individual year, the unused value of the tax credits can be carried back three years to refund tax paid in past years, or be carried forward 20 years to offset tax otherwise payable in future years. The principal objective of this carryover system is to improve fairness and smooth out the impact of business cycles. In addition, a component of the scientific research and experimental development, SR and ED, tax incentive program and the Atlantic investment tax credit is refundable for smaller businesses.

It is estimated that making non-refundable investment tax credits refundable for all businesses would cost at least $1.7 billion in 2013. Note that this represents a lower bound, as it assumes no behavioural response. In deriving this estimate, five non-refundable investment tax credits were examined, including the scientific research and experimental development tax incentive program, the Atlantic investment tax credit, the apprenticeship job creation tax credit, the child care spaces investment tax credit, and the corporate mineral exploration and development tax credit. Furthermore, if the value of the unused investment tax credits being carried forward was fully refunded in 2013, there would be an additional one-time cost to the federal government that is estimated to be $10.8 billion.

The annual cost of refundability would likely be greater than this $1.7 billion static estimate, as refundability may change how corporations respond to investment tax credits. For example, the non-refundable SR and ED tax credits encourage companies to locate other profitable activities and associated jobs in Canada, since any tax on these activities is reduced by the value of the SR and ED tax credits. Extending SR and ED refundability to large multinational corporations could result in fewer related activities and less taxable income in Canada. Moreover, new corporations with little or no expectation of earning future profits in Canada would also likely be formed to take advantage of refundability.

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, furthermore, if Questions Nos. 1021, 1026, 1027, 1028, 1032 and 1033 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 1021—**Mr. Francis Scarpaleggia**:

With regard to Public Safety Canada, what grants and contributions under $25,000 did it award from January 1, 2011, to the present, including the recipient's name, the date, the amount and the description?

(Return tabled)

Question No. 1026—**Mr. David McGuinty**:

With regard to Parks Canada, what grants and contributions under $25,000 did it award from January 1, 2011, to the present, including the recipient's name, the date, the amount and the description?

(Return tabled)

Question No. 1027—**Mr. David McGuinty**:

With regard to Natural Resources Canada, what grants and contributions under $25,000 did it award from January 1, 2011, to the present, including the recipient's name, the date, the amount and the description?

(Return tabled)

Question No. 1028—**Mr. David McGuinty**:

With regard to the National Capital Commission, what grants and contributions under $25,000 did it award from January 1, 2011, to the present, including the recipient's name, the date, the amount and the description?

(Return tabled)

Question No. 1032—**Hon. John McCallum**:

With regard to the Royal Canadian Mint, what are the details of all consultations it has made or conducted, since January 1, 2011, concerning the composition or weight of coins and their use in coin-operated devices, including the details of all such consultations with municipalities, giving the name of the municipality, the date on which it was consulted, and the means by which it was consulted?

(Return tabled)

Question No. 1033—**Hon. John McKay**:

With regard to the Department of National Defence, what grants and contributions under $25,000 did it award from January 1, 2011, to the present, including the recipient's name, the date, the amount and the description?

(Return tabled)

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, lastly I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

MESSAGE FROM THE SENATE

The Speaker: I have the honour to inform the House that a message has been received from the Senate informing the House that the Senate has passed the following bill to which the concurrence of the House is desired: Bill S-12, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations.

GOVERNMENT ORDERS

[*English*]

STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed from December 7 consideration of the motion that Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the second time and referred to a committee, and of the motion that the question be now put.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I am honoured to rise after many of my colleagues have spoken in the last few months to Bill C-15 on military justice.

In 2003, the Right Hon. Antonio Lamer, who was the former Chief Justice of our Supreme Court, presented his report containing an independent review of the National Defence Act. That report contained 88 recommendations pertaining to military justice, the Military Police Complaints Commission, grievance procedures, the Provost Marshal and so on.

The bill is the legislative response to these recommendations. Thus far, however, only 28 recommendations have been implemented in legislation, regulation or by a change in practice.

In 2010, Bill C-41 was introduced to respond to the Lamer report, and in essence this bill is similar to Bill C-41 that came out of committee in the previous Parliament. The amendments carried over include court martial composition and military judge security of tenure.

However, other important amendments—and it is really important that we all be aware of this—that passed committee stage at the end of the last parliamentary session did not end up in the bill. These include the following three NDP amendments that I will mention.

First, the authority of the Chief of the Defence Staff in the grievance process: This was amended clause 6 in Bill C-41, responding directly to Chief Justice Lamer's recommendation. That is not here.

Second, changes to the composition of the grievance committee to include a 60% civilian membership: This was an amended clause in Bill C-41. Again, this is not in Bill C-15.

Third and finally, a provision ensuring that a person who is convicted of an offence during a summary trial is not unfairly subjected to a criminal record: This is amended clause 75 in Bill C-41. This last amendment from Bill C-41 that did not reappear in the bill will be the main focus of my own remarks.

The NDP will be opposing the bill at second reading. However, we do hope that some of these shortcomings that I will be emphasizing, and have been emphasized by some 50 or 60 of my colleagues in the House, will be looked at seriously. The practice of committees of the House will vary somewhat in this case, I hope, and some amendments will come back at third reading.

● (1025)

[*Translation*]

I want to clarify that the amendments to Bill C-15 do not adequately address the injustice of summary trials. Summary trials are by far the most used military tribunal within the military justice system. The purpose of a summary trial is to deal with minor military-related offences. The objective is to quickly deal with alleged offences within the unit, so members can be returned to active service as quickly as possible, which helps promote and maintain discipline within the unit.

In his brief, Colonel Michel Drapeau stated that the summary trial was the most frequently used disciplinary method to deal with offences committed by Canada's military personnel. In 2008-09, 1,865 cases in total—96%—were resolved through summary trial, while only 67 cases—4%—were heard through court martial.

[*English*]

The amendments in Bill C-15 do not adequately address the unfairness of summary trials. Currently a conviction of a service offence from a summary trial in the forces can result in a criminal record. Summary trials are held without the ability of the accused to consult counsel. There are no appeals, there are no transcripts of the trial and the judge is the accused person's commanding officer.

This reflects an undue harshness when certain members of the forces who are convicted of various minor service offences end up with a criminal record, leave the service at some point and enter into society, with a criminal record and everything we know that can imply for their prospects, whether it is looking for jobs or advancing in the educational sphere. The fact that people have criminal records can sometimes be looked at when they want to upgrade their education.

Some of the minor service offences include insubordination, quarrels, disturbances, absences without leave, drunkenness and disobeying a lawful command. These, by definition, could be extremely important matters to military discipline, as we can imagine, every one that I have just listed. Discipline and efficient functioning of a military unit has to be at the very core of how the military functions, and we can see how these could be of great instrumental concern to the military. However, they are not worthy of a criminal record, I suggest.

Bill C-15 makes exemptions for a select number of offences if they carry a minor punishment, which is defined in the act, or a fine less than $500. These would no longer result in a criminal record. This is to be welcomed, but my point is that the recommendations in Chief Justice Lamer's report and the NDP amendments in Bill C-41 have to be taken seriously. We have to go further.

What we propose, by increasing from 5 to 27 the number of offences that would be exempt from a criminal record after summary conviction, responds to a very serious need in the military to hear that society, outside the military, understands the incredibly tough job people expect of members of the military and the pressures they are under that can often lead to summary conviction trials. People also want to welcome them back into society without the burden that is the worst kind of send-off for their service to our country—namely, a criminal record.

A criminal record can make life after the military very difficult, to put it mildly. It can make getting a job, renting an apartment and travelling very difficult. Imagine having a criminal record and trying to travel to the United States these days. A lot of Canadians would be shocked to learn, frankly, that people who bravely serve our country can get a criminal record from a system that lacks the due process usually required in civilian criminal courts.

I have spoken to my colleague from Repentigny, who has had some experience in the military. He spoke in the House, not by way of a speech but by way of several interventions, and I want to put the interventions on record as part of my speech so they can be integrated into a broader theme.

First, the member for Repentigny stated:

> My experience has shown me that soldiers are subjected to conditions that are extremely different from what is experienced in the civilian world.
>
> People are encouraged to join the Canadian Forces in order to gain experience and come out with some incredible tools. I made mistakes, minor ones. It happens to everyone. For example, you go before a superior officer and get charged, fined, patted on the back and told not to do it again. That is part of life's lessons. We are talking about young people who enlist at the age of 18, 19 or 20 and who need guidance. I do not think that providing guidance for minor offences involves encouraging young people to join the Canadian Forces, exposing them to extreme conditions and handing them a criminal record on their way out. That does not work.

In another intervention, my colleague from Repentigny had the following to say:

> For the last 10, 15 or 20 years, professionals, members of the military and experts have been requesting changes that should be made.
>
> These amendments were brought forward and agreed to during the previous Parliament. Everyone agreed. Now the Conservatives are proposing half measures by saying that they are going to send the bill to committee for review, but they are not giving any guarantees.

I presume he means any guarantees that they actually will modify in light of common sense.

Finally, the member for Repentigny said something that I think is indeed disturbing, if what he says is true, and I believe it to be true. I spoke to him yesterday to confirm that *Hansard* is correct. He stated:

> Mr. Speaker, being an ex-member myself, I have seen trials that colleagues and friends have gone through and the impact they can have to ruin careers and leave people looking at the military in a certain way but not necessarily understanding the system. I have seen summary trials put onto military personnel in such a way that they were used as a training tool. I think there is a serious problem with this.

That is the understatement of the century.

● (1030)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, what is in fact evident is the need for change. We have seen this over the last number of years with members of the forces and different stakeholders coming to the House and suggesting that we need to modernize the military justice system. It is somewhat disappointing that the government is not taking a larger step to move forward on the issue.

Having said that, the principle of the bill ultimately does merit our support of the bill going to committee, where hopefully it can be amended to make it a stronger bill. If we do not support its going to committee, does the member not think that would send the wrong message to members of the forces and others, that we do not support the principle of making needed changes they want implemented?

Mr. Craig Scott: Mr. Speaker, I completely understand the dilemma any party has faced in deciding whether to support bill in principle or oppose it and hope that things can be pushed through at committee.

My experience so far in the House is that at the moment, the way committees are working, very little that opposition members propose in going to the heart of problems with bills ends up being addressed. We have to look at that in advance. We cannot simply say there is a general principle that we support and that there are also serious flaws that we hope to work out at committee. We will work at committee, but these serious flaws undermine the very purpose of the bill.

● (1035)

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I thank my colleague for his very informative speech.

It is rather outrageous to learn that the Conservatives are once again disregarding every recommendation made by the opposition parties and every one of their proposed amendments.

Could the hon. member say more about the fact that 96% of cases are handled with summary trials, which result in criminal records, and that the members are not entitled to a lawyer or an appeal? This creates an even greater injustice and makes it even more difficult for those members to make their case.

[*English*]

Mr. Craig Scott: Mr. Speaker, I ask the member to forgive me, but it is too early in the morning for me to respond in French this morning without having a coffee.

There is another issue, which is not just what happens in the summary trials but how we get to the summary trial. With summary trials, by and large a member of the forces is presented with this semi-nudge-nudge-wink-wink option in cases where he or she is supposed to be able to choose between an indictable and summary offence. It is understood that the member is expected to choose the summary offence and take it like a man, excuse me for saying, and then simply reintegrate into his unit.

There is a great scene in the second episode of the series *Band of Brothers* showing exactly that process, where a commanding officer expects a subordinate simply to cave in and accept summary conviction proceedings. The subordinate actually resists, signs off and says that he wants an appeal and to go to court martial.

The number of subordinates who have that kind of backbone to resist a commanding officer in those circumstances has to be minuscule. Therefore, it is not just the issue of what happens, the lack of counsel and everything else, but how the person gets there. There is no real choice in so many contexts, and they are expected to simply knock themselves over into the summary conviction process.

[*Translation*]

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I am pleased to rise in this House today to oppose this bill. It is a particularly glaring example of how this government thinks it has a monopoly on good ideas and that no one else has any, especially not the opposition.

Our party has long been calling for changes to ensure greater justice for members of the Canadian Forces. There is no denying that this is the fundamental principle behind this bill and our discussion. Why should a soldier, who is a citizen like anyone else, not have access to a fair and balanced justice system where human dignity is a priority? Whether we are soldiers or not, a person's career choice should have no bearing on the level of justice he or she can expect to enjoy. It is that simple. Changes have to be made.

Unfortunately, this bill does not go far enough and contains measures that are sometimes inappropriate. I would like to point out that it provides for greater latitude in sentencing and introduces new sentences, such as absolute discharge, intermittent sentences and restitution. It makes changes to the membership of the court martial panel according to the rank of the accused, and to the summary trial limitation period and the option of waiving the limitation period at the request of the accused. The responsibilities of the Canadian Forces Provost Marshal and the delegation of the Chief of Defence Staff's powers as the final authority in the grievance process have also been changed.

In light of all these changes, there are questions that must be asked. How is this of benefit to the simple soldier, who needs recourse to a justice system that does not penalize him unduly and does not jeopardize his future after his military career? The proposed changes may even strengthen some of the powers of certain senior levels in relation to the ordinary soldier. We must be sure that our constituents can benefit from measures needed to defend themselves in these situations. The bill appears to be a step in the right direction toward greater standardization of the military justice system. However, it does not address the key issues in reforming the summary trial process and the grievance system and strengthening the Military Police Complaints Commission. These are three things that would give greater strength to ordinary soldiers in our Canadian Forces.

We have supported updating the military justice system for a long time now. Members of the Canadian Forces are subject to extremely high disciplinary standards, and they deserve a justice system that is subject to standards that are just as high.

Nevertheless, we will oppose Bill C-15 at second reading, as it contains a number of shortcomings, which, we hope, will be discussed in committee if the bill is passed at second reading, something that is very likely, given the majority held by the Conservative government. Here are the major amendments that we are proposing.

● (1040)

The amendments to Bill C-15, for instance, do not deal adequately with the injustice of the summary trial process. Currently, a conviction at a summary trial in the Canadian Forces leads to a criminal record. Summary trials are held even though the accused are unable to consult with counsel. There is no appeal, nor is there a transcript of the trial.

Furthermore, the trial judge is the accused person's commanding officer. This is too harsh for some members of the Canadian Forces who are convicted of minor offences. These minor offences include insubordination, quarrels, misconduct, absences without leave, drunkenness and disobeying a lawful command.

We must be very careful, because it is obvious that soldiers, like us, have good days and bad days. They are subject to a great deal of pressure and stress, particularly in combat situations and other difficult situations. It is also perfectly normal that soldiers, who are often very young, should commit minor offences. I am not saying that people are not very smart when they are young, but they may be a little more adventurous and resist authority a little more. It is normal for people to go through this stage of life. Penalizing a soldier who has committed a minor offence by saddling him with a criminal record seems completely unreasonable. We must be absolutely sure that measures are put in place to determine whether or not an offence is a serious one.

Bill C-15 also provides for an exemption so that certain offences will no longer be included in a criminal record, if there is a minor punishment under the act or a fine of $500 or less. That is not necessarily a bad thing. That is one of the positive aspects of this bill, but in our opinion it does not go far enough.

Last March, when Bill C-41 was considered in committee, the amendments proposed by the NDP called for the list of offences that could be considered to be minor to be extended to 27 from five. The question is therefore what is considered to be a minor offence or a major offence. In our opinion, too many offences are considered to be major. The list of offences considered to be minor should be extended to 27 from five, which is entirely reasonable.

In addition, the amendment proposed by the NDP called for the list of sentences that can be imposed by a tribunal without the offender having a criminal record to be extended as well, with the addition of a severe reprimand, a reprimand or a fine of up to one month of basic pay or other forms of minor punishments. I reiterate: one month's pay.

In speaking with my military constituents, I have realized that they are not wealthy. There is no point in pretending otherwise: an average soldier who is not an officer does not get the highest pay in the world. Their pay cannot be compared in any way with a member of Parliament's pay. Fining someone a month's pay is a harsh punishment, particularly when they have a young family to feed. Soldiers often have young families. We have to acknowledge that this is a severe punishment.

As a final point, I will stay on the subject of that amendment, to complete my comments in that regard. That amendment was an important step forward for summary trials. However, since it was not incorporated into Bill C-15, we want it to be included again.

A criminal record can make life after a military career extremely difficult. Having a criminal record can make it very hard to get a job, rent an apartment or travel abroad.

● (1045)

We ask soldiers to make the transition between military life and civilian life, but if they commit a minor offence, they have a criminal record. That is completely illogical.

In conclusion, a bill about military justice has to take into account the fact that our soldiers are also citizens who deserve justice.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I had the privilege to serve in the Canadian Forces. I question the member in regard to his reference to minor offences. He talked about things such as not showing up for work. Having been in the military, not showing up for work is something that is taken quite seriously.

There is quite a difference between military life and civilian life. In civilian life, if one does not show up for work, one could get fired. However, if one is in the military and does not show up for work, there is much more of a consequence.

Is the member, on behalf of the New Democratic Party, trying to say that the punishments or dispositions for not showing up for work should be similar to civilian life?

Mr. Mathieu Ravignat: Mr. Speaker, clearly there are conditions that are specific to the military that need to be taken into consideration. However, the level of decision-making power, where it is and the recourse that soldiers have to ensure there is no exaggeration in the use of that power against them, needs to be rebalanced. This is the balance I was referring to and the balance that concerns me. For now, I think it is tipped in favour of excessive punishment and that needs to be considered.

● (1050)

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, first, I would like to commend my colleague for his question.

The NDP is in favour of improving and modernizing the military justice system. However, as my colleague mentioned, we feel that Bill C-15 is flawed and does not go far enough. In his opinion and in that of many members who participated in the debate, it is important to correct the inequities in the summary trial system.

Could the hon. member comment a bit further on that?

Mr. Mathieu Ravignat: Mr. Speaker, I would like to thank my colleague for her question.

Basically, the NDP wants to ensure that there will be changes to the summary trail system and the definitions of major and minor sentences. We think that the list of minor sentences could be lengthened, and we are wondering whether all the minor sentences have to result in a criminal record.

In my opinion, the suggestions that we made are completely reasonable. Unfortunately, the government is unable to accept that the opposition could have something reasonable to propose. The government is not humble enough to accept that the bill could be improved with the input of the legitimate representatives of the people.

[*English*]

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, as we know, Bill C-15 was preceded by Bill C-41, in which numerous amendments were made and passed by the then parliamentary committee. However, these amendments are not seen in the current Bill C-15.

Why on earth would we, in a previous Parliament, make good changes to a bill and then overlook them in the current session?

Mr. Mathieu Ravignat: Mr. Speaker, it is hard to answer that question.

Bill C-45 had 420-odd pages of measures and hardly a single amendment was accepted. If someone writes a 425-page book and gives it to an editor, they are likely to have at least one change every 10 pages, if they are lucky. If that person is an author, they probably have even more.

There is some kind of blind confidence in the legislative, mystical power of the Conservative government that somehow it has the answer to absolutely everything. However, if I think about it, maybe it does not care about making good laws. Maybe the government just cares about the four years it is here, and damn the future. I think the onus—

The Deputy Speaker: The hon. member has exceeded his time, substantially.

Resuming debate. The hon. member for Halifax.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, we cannot really talk about Bill C-15 unless we talk about the Lamer report. Contrary to some of my colleagues across the floor it is not the "Lay-mer" report, it is actually the Lamer report.

In 2003, the Rt. Hon. Antonio Lamer, who is a former chief justice of the Supreme Court, presented a report that made recommendations on how we could improve our Military Police Complaints Commission. Looking at that report and then looking at Bill C-15, I can say with confidence, as many of my colleagues have, that the NDP will vote against Bill C-15.

Bill C-15 is a step in the right direction. The NDP absolutely acknowledges that. However, it does not go far enough. I can only imagine the bill will get through second reading and get to committee because the Conservatives will vote in favour of it. When it does get to committee, I am very hopeful that we can bring in some witnesses and talk about how to improve the bill and what kinds of amendments we should make to it to make it stronger and to actually implement the recommendations that were in the Lamer report.

What kinds of amendments would we want to see? When we are looking at Bill C-15, the NDP takes the same approach as former chief justice Lamer took in his report . I will read from the summary because there is a nice set-up in the summary of the report. It says:

> While not entirely without room for improvement, it is my conclusion that the military justice system is generally working well. However, the grievance process, also a subject of Bill C-25, unfortunately is not. The large number of outstanding grievances—close to 800 at last count, some outstanding for ten or more years—is unacceptable. As a result, I have made many recommendations to ensure that grievances are dealt with much more quickly and in a fair and transparent manner.

This set-up for the report is the same kind of balanced approach that the NDP is trying to take to the bill. We do believe, very much so, that the military justice system is working well. However, there are flaws and when there are flaws, and perhaps more importantly when there are solutions or fixes for those flaws, we must act to implement those changes.

There are important reforms in Bill C-15 and the NDP does support the long overdue update to the military justice system. However, there are important measures that need to be included in the bill and without these measures being included, the bill is incomplete. If the bill is incomplete, it is something that we should not support.

I will start with the grievance process. I will refer directly to the Lamer report. Chief Justice Lamer wrote that although the grievance process that was created seems to be sound on its face, in theory, the way that it actually operates has not been sound. That is really important. We need to pay attention to the way things play out in real life, not just how they look on paper.

He pointed out that grievances still caught in the process after 10 or 12 years are not unheard of and those of two or more years at the level of Chief of Defence Staff seem to be the norm. He further pointed out that many grievers complained that they were not advised as to the reasons for their delays or where their grievances were in the grievance process. Therefore, the Lamer report recommended new measures to end these unacceptable delays, reduce bureaucracy and ultimately increase transparency.

His first recommendation in this section was that the Chief of Defence Staff must be given the power to delegate decision making in respect of all grievances to someone under his command and control, except those that may have significant implications for the Canadian Forces.

Members will remember that this recommendation came out in 2003 and here we are in 2012. This flaw still exists for some unimaginable reason. As I said earlier, when there is a flaw we have to act to correct that flaw, particularly when we have solutions. This is a very solid recommendation and I do not understand why Bill C-15 would not take into consideration something as basic and simple as this. This is not a recommendation that creates bureaucracy and red tape or requires money or even thinking outside the box too much. It is a pretty straightforward recommendation. Therefore, I do believe it is incumbent on us to act and to make sure that Bill C-15 would include a sound recommendation such as this, because the flaw still exists.

● (1055)

The Chief of Defence Staff presently lacks the authority to resolve any and all financial aspects arising from a grievance, in direct contradiction to the recommendation of the Lamer report. Despite the fact the Minister of National Defence at the time agreed to this recommendation, there have not been any concrete steps over the past eight years to implement this recommendation.

It is worth pointing out that the bill has appeared in different incarnations and at committee in other Parliaments. The NDP did propose an amendment to this effect at committee when the bill was called Bill C-41. The consensus at the table was that it was a sound recommendation and the NDP will fight to include a similar amendment in Bill C-15.

At committee I will watch with great interest the testimony and discussion around the reform of the summary trial system. Here, I will say that I am proud to represent the riding of Halifax, a military town, as I am sure members know. It is the home of Canada's east coast navy. Although I meet members of the Canadian Forces every day in their role as service members, I also meet them and their families in and about the community, because they are not separate from the community. They are not separate from us. Rather, they are like us and part of our community. They are our neighbours and hockey coaches. Their families are in our schools and they volunteer there. They are part of who we are as the community of Halifax. We therefore come to know them and their families quite well and understand the incredible sacrifices their families make because one or both parents are serving. It is not easy to be a military family.

I have visited the military family resource centre in Halifax a few times and have had great discussions there. I heard first-hand from spouses about the difficulties of having their partners away for so long and not having control over that process. They are constantly moving, so even doing some things that we might think simple, such as buying or selling a house, causes great stress and often it is just one parent who has to do that. The kids have to adjust to new schools, find new friends, and figure out their new community as they move around. They undergo a lot of stress and pressure and really do sacrifice a lot because one or both parents serve in the Canadian Forces.

Then imagine a forces member going through all of these sacrifices with their families and at the end being released with a criminal record. Can we imagine how difficult that would make post-service life, and how hard it would be to get approved for an apartment or find a job outside of the Canadian Forces? That is a distinct possibility because the way the system is set up now, quarrelling or making a disturbance or even being drunk are considered summary offences. The person could end up with a criminal record because of these charges. God forbid that people in the rest of Canada, or perhaps even people here in the chamber, should end up with a criminal record for drunkenness.

While the bill does change that fact, the NDP would like to expand the list of minor offences because a lot of them are not worthy of a criminal record. If one thinks about the impact these minor offences would have on families and the community if considered cause for a criminal record outside of the Canadian Forces, they are unfair and unjust. If we talk to other organizations in the community they would agree that this is something that needs to be reformed. Therefore, I will watch the discussion on this subject at committee with bated breath.

● (1100)

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I did listen to the hon. member's speech but am struggling to understand where she is coming from. She seems to have itemized some of the shortcomings of the past, many of which are addressed by this piece of legislation. Most of the recommendations of the former Chief Justice are being addressed in this legislation.

Why is the member's party opposing the amendments in the bill that would actually ensure that convictions for minor service offences would not constitute offences for purposes of the Criminal Records Act? I keep hearing the opposition raise this point. Further to that, the Minister of National Defence has indicated that he is willing to bring in the very amendment to clause 75 of the bill that the hon. member referenced to ensure that it mirrors the amendment passed by committee in the last Parliament.

Why are those members holding this important piece of legislation up?

● (1105)

Ms. Megan Leslie: Mr. Speaker, I thought that was a fair question by my colleague until his last line, because the NDP is not holding up this legislation. We are trying to have an informed debate about the bill.

I will answer by going back to the start of my speech. If we know there are flaws in a system and know what the solutions are, then we must first act to fix those flaws because we have the solutions. Second, it follows that if all of those solutions are not being put forward, then we should not support a bill unless it is complete, and this legislation is not complete. If I am to do my job as a member of Parliament to try to present the best public policy I can, it has to be complete.

I do not know why the government would present an incomplete bill. There were 88 recommendations in the Lamer report and I do not know why we would not go through with them when the Minister of National Defence at the time said they were good recommendations. I do not know why the government comes forward with an incomplete bill. Therefore, we have to vote against it at this stage, but we will work to improve it at committee.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, far from me trying to defend the Conservatives, who have made serious mistakes in not going far enough with this legislation, the NDP is sending a very confusing message. The member showed this in her opening comments, when she said this was a positive first step. That is also how we see it, a positive first step recognizing there is a problem. Since 2003 it has been known that there is a serious need for greater equity in military justice. The principle of the bill seems to move in that direction.

Where it is confusing from the New Democrats' point of view is that they do not support the bill going to committee when they have voted for other bills for which they have wanted more amendments brought to committee. All I would do here is to cite Bill C-43, the immigration bill.

There again seems to be inconsistency from the NDP but now on this issue, and it would be nice to get some clarification why those members will not support the bill's passage to committee.

Ms. Megan Leslie: Mr. Speaker, my colleague should know better. He should know that the Conservatives have said time and time again, "Trust us, trust us, once we get it to committee, because this legislation is only the first step...." The Liberals were successful in getting Bill C-45 split out to different committees and they think that was a big win, but not one single amendment was passed at those committees. The Liberals should know most of all that "Trust us" does not cut it. We need action.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am pleased to rise today to participate in the debate on Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts.

I do believe that bringing the military justice system more in line with the civilian justice system is a step in the right direction. However, there are some key issues where the bill falls so far short that it is impossible for me to support it at second reading.

I will quickly highlight the key issues. The bill falls short when it comes to reforming the summary trial system, reforming the grievance system and strengthening the Military Police Complaints Commission. Those three areas are critical when we go back to first principles with respect to military justice.

I would remind members of a speech made by my friend and colleague, the NDP defence critic, the member of Parliament for St. John's East. I think he articulated the challenge best in his opening remarks on this bill. He reminded us that it was important to have a good look at our whole military justice structure because there were a number of problems that needed to be resolved.

Military justice needs to fit in with our entire justice system. We need to ensure there is conformity between the kinds of laws we have in relation to military justice, as well as our general justice system, certainly in terms of the fundamental principles of law. We need to understand that there are differences between military law and our general legal system, and there are good reasons for that. The military justice system recognizes the relationship between the justice system and discipline within the military. There is a significant importance to discipline in the military.

This is what the author of the only significant legal text in Canada used in law schools, Michel Drapeau, has said about the importance of discipline in military law:

> Few professions are as dependent on discipline as is the military. Discipline is fundamental to military efficiency, cohesion, esprit-de-corps permitting commanders to control the use of violence so that the right amount and type of force can be applied in exactly the right circumstances, the right time and the right place. At the personal level, discipline ensures also that in times of great danger and risk, the soldier can and will carry out orders even if his natural instinct for self-preservation and fear tells him otherwise. Likewise, group and individual discipline ensures adherence to laws, standards, customs and values of civilian society, even during combat operations.

He went on to say that discipline was integral, not only to the maintaining of an efficient armed forces but also to ensuring that the rule of law predominates within the military, particularly when engaged in great peril and danger in combat.

Military discipline is important for two reasons, not only for maintaining discipline so that when someone violates the law there is quick action and a speedy response to breaches of disciplines, but also because there may well need to be procedural differences available in the military context. Nonetheless, it is also extremely important that when engaged in combat there always be an adherence to the rule of law.

Our country certainly wants a military force and troops who are capable of carrying out their use of force in a lawful manner, regardless of the circumstances of grave peril that others take. Therefore, we say that the military justice system does not only exist to punish wrongdoers but it is also a central part of command discipline and morale.

Here in Canada, we have a voluntary military and the military justice system must be seen as equitable and fair. Otherwise, we will not only have a justice problem but we may very well also have an operational and recruitment problem. We must recognize that people who volunteer for military service have a right to know that they will be treated fairly.

Therefore, we must emphasize the justice side as well as the military side. We want, expect and need a high level of morale in our system among our troops and we demand loyalty, but that is a two-way street and the system must be seen as being fair.

That is the crux of my concern with Bill C-15 as it is before us today. Yes, it finally takes steps to update the military justice system but it does not go far enough in recognizing that the members of the Canadian Forces who are held to an extremely high standard of discipline, in turn deserve a judicial system that is held to a comparable standard.

I will now speak to the three issues that I referenced at the beginning of my speech. I hope I will be able to address each one in some detail, although I am always dismayed by the fact that we only get 10 minutes in these debates to address issues as important as this one. Nonetheless, I will give it a whirl and I will try to be a concise as possible.

● (1110)

I will talk first about reform to the summary trial system. The amendments in Bill C-15 simply do not adequately address the unfairness of summary trials. Currently, a conviction of a service offence from a summary trial in the Canadian Forces may result in a criminal record. Summary trials are held without the ability of the accused to consult counsel, there are no appeals or transcripts of the trial and the judge is the accused person's commanding officer. This causes undue hardships on certain members of the Canadian Forces who are convicted for very minor service offences.

For example, some of the minor service offences include insubordination, quarrels, disturbances, absences without leave, drunkenness and disobeying a lawful command. These could be matters that are extremely important to military discipline but they are not worthy of a criminal record.

Bill C-15 makes an exemption for a select number of offences if they carry a minor punishment, which is defined in the act, or a fine less than $500, to no longer result in a criminal record. This is one of the positive aspects of the bill but it does not go far enough.

At committee stage last March, NDP amendments to Bill C-41 were carried to expand this list of offences that could be considered minor and not worthy of a criminal record if the offence in question received a minor punishment. The amendment also extended the list of punishments that may be imposed by a tribunal without an offender incurring a criminal record, such as a severe reprimand, a fine equal up to one month basic pay or another minor punishment. This was a major step forward for summary trials. However, this amendment was not retained in Bill C-15 and we want to see it included.

A criminal record can make life after the military very difficult. Criminal records can make getting a job, renting an apartment and travelling very difficult indeed. A lot of Canadians would be shocked to learn that the people who bravely serve our country can get a criminal record from a system that lacks the due process usually required in civilian criminal courts.

A similar unfairness persists with respect to the grievance system. The way the system currently works, the grievance committee does not provide a means of external review. Currently, it is staffed entirely of retired Canadian Forces officers, some only relatively recently retired. If the Canadian Forces Grievance Board is to be perceived as an external and independent oversight civilian body, as it was designed to be, then the appointment process needs to be amended to reflect that reality. In other words, some members of the board should be drawn from civil society.

Our NDP amendment provides that at least 60% of the grievance committee members must never have been an officer or a non-commissioned member of the Canadian Forces. This amendment was passed in March 2011 in Bill C-41 but was not retained in Bill C-15. It is important that this amendment be included once again in this bill.

Finally, I will briefly touch on the third point related to the strengthening of the Military Police Complaints Commission. Bill C-15 would amend the National Defence Act to establish a timeline within which the Canadian Forces provost marshal will be required to resolve conduct complaints, as well as protect complainants from being penalized for submitting a complaint in good faith. Although a step forward, we in the NDP believe that more needs to be done to empower the commission.

Care has not been taken to provide the Military Police Complaints Commission with the required legislative provisions empowering it to act as an oversight body. The Military Police Complaints Commission must be empowered by a legislative provision that will allow it to rightfully investigate and report to Parliament.

I will conclude by summarizing all of these issues in one sentence. Systems that impose significant penalties on individuals require increased procedural protections and surely we can all agree that the brave men and women who serve our country deserve nothing less.

● (1115)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, my colleague made reference in her comments to past amendments that were proposed to a previous but very similar bill. Given that we have another opportunity now to, in long overdue fashion, correct a real injustice for our men and women who serve in the military, could she offer an opinion as to why the government would not be willing to include amendments to the bill that it was clearly willing to do in a previous Parliament? Could she offer an explanation as to why this might be?

Ms. Chris Charlton: Mr. Speaker, I appreciate the question from my colleague, although it always terrifies me when one of my colleagues asks me to get into the head of a Conservative member of Parliament. It is not a space where I am very comfortable, I have to say.

However, the member is absolutely right. When this bill was last before committee, the New Democrats participated in that process in a very constructive way. We moved amendments that the government deemed to be appropriate and, in fact, very helpful to strengthening the bill, and yet, when the Conservatives reintroduced the bill, which is now Bill C-15, none of those amendments that they agreed to not that long ago are in the current bill.

I heard the member opposite ask a question to the member for Halifax a little while ago, asking us why we were so reluctant to trust that the committee process could work once again. He wanted to know why we did not trust the minister that those amendments would be adopted again. If the minister adopted those amendments once, why are they not in the current version of the bill we are debating here today? Clearly, the Conservatives have no intention of adopting those amendments again or they would be in the text as we have it before us today.

I must say that trust is something that we are not particularly long on in this House at the best of times, but when we actually have on the record the government's refusal to strengthen a bill in a way that it agreed to earlier it takes these issues of trust to a whole new low level, unfortunately.

● (1120)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I will pick up on the last point that my friend raised. I was looking through the iterations of this bill over its lifetime because this is just the current form. As members have heard, it has been introduced a number of different times by the current government and in various forms by other governments. On two occasions, the Conservatives killed it themselves, this high priority they had for the military. Once was through prorogation and another time was through an early, and one could say illegal, election call, because the law of the land at the time said that elections had fixed dates. The Prime Minister ignored his own law, a law that he brought in.The bill was killed twice by the Conservatives. It then went through the committee process , which is how this place is designed, and it was improved dramatically to provide support for our men and women in uniform.

Is it good faith negotiations for the Conservatives to flip the clock back to the previous broken version of this legislation of not providing that support for our troops, and for the minister to get up, having known the amendments were there, and say that it is all well and good but we need to pass this thing through quickly, which the Conservatives try to do,and that they will fix it at committee? Is this a government that is actually interested in working with other parliamentarians to get something done, or is it some other iteration of a government that just says "thou shalt" to Canada's Parliament and expects everyone to just fall into step?

Ms. Chris Charlton: Mr. Speaker, I commend the member for Skeena—Bulkley Valley for an excellent question. He is, of course, our House leader of the official opposition so he is in daily negotiations with the government and knows better than any of us how futile those negotiations often are.

For me, one of the really surprising parts of the Conservatives' lack of willingness to co-operate on a bill as important as this one is that often we hear the rhetoric from the Conservatives that they support the troops, that they support the brave men and women who serve our country. However, whenever the rubber hits the road, the Conservatives actually let those men and women down. We certainly have had lots of debates in this House about, for example, benefits to veterans. We know how poorly our veterans are being served by amendments made by the Conservatives to programs that those veterans have counted on.

Now we are seeing it for active men and women in the military as well. The kinds of sentences that the current military justice system may impose on some of our servicemen for very minor infractions will give them a criminal record. We need to remind ourselves of what that criminal record will do. It will make it more difficult for people to get a home, to rent a place, to get a job and to travel abroad. Is that really how we want to thank members of Canada's armed forces for the service that they do for our country?

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with some pleasure I enter into this debate because both on form and substance the New Democrats have pointed out what often fails the government on the process that has been used on this very important bill.

As my colleagues have said, the official title of Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, allows for some improvements that are long overdue with respect to the men and women who serve in the Canadian Forces when they face any kind of charges or penalties and how those are then carried out by court martial or other services that the Canadian Forces provide. That is what the act seeks to do.

As I said in my question to my friend from Hamilton, this is not the first time the House has seen the bill. We have seen it a number of times. In the two most recent presentations of the bill, it was by the Conservatives' own hand that the bill was killed, once through prorogation, when the Prime Minister was worried much more about his job than the jobs of Canadians. By proroguing Parliament, the government clearly knew it would wipe out all legislation that was on the table at the time. That was the consequence of the Prime Minister's action. That was his choice and his choice alone.

The second time the bill was introduced into Parliament it was killed by a second act of the Conservative government. That was forcing an early election upon Canadians, breaking the Conservatives' own fixed election date laws.

I remember back in the Reform Party days when the Conservatives believed in a reformed Senate, for example, rather than stuffing it full of one's friends and cronies, which, by the way, the Conservatives have also done. The Reform movement that came predominantly out of the west, but also from Ontario and other parts, believed in the idea that fixed election dates were important. It took some of that enormous power away from the sitting government to determine when the election would be called because that was fundamentally an undemocratic power that the government, under our system, held. Therefore, fixed election dates were promoted and campaigned upon.

I remember the Minister of Justice campaigning upon this as something very important for Canadians to rely upon and that the government would introduce legislation that would allow Canadians to know when the next election would be called and that it could not be manipulated by the sitting government to play to its favour.

I remember the member for Peterborough, the Parliamentary Secretary to the Prime Minister, also talking about the importance of having that assuredness so democracy would be given a fair shot every time, that every party and all Canadians would know when the next election would come.

That was inconvenient for the Prime Minister. He wanted an election at a different time, so he called it early and killed this exact legislation for a second time.

Most recent the government actually tried a tactic, a trick if you will, Mr. Speaker, in the House that tried to force and extend the hours of sitting so Parliament would suddenly sit all night to get through debate on the bill because it was now in such a panic over these reforms that were so essential.

The undemocratic tendencies of the government have been well documented. The Conservatives have introduced more motions of closures and shutting down of debate than almost any government in Canadian history, which is passing strange to Canadians. After all, they have that coveted majority they narrowly won in the last election. We would think, with having the most votes in the House, it would allow them a certain level of maturity and calm on that side, to not have to abuse Parliament's rules to constantly invoke closure, time allocations and shutting down debate in Canada's centre of democracy in Parliament.

Yet the Conservatives get impatient. They get frustrated. They get a little incompetent from time to time and that incompetence then forces them to hit the panic button, shut down debate one more time and then try to blame somebody else for their own failures.

On Bill C-15, we have talked a bit about the process that we have reached on this point. One last note on that, and it has been well made but it has to be driven home for my Conservative colleagues who ask us why we simply cannot trust them. They have said that the Minister of National Defence and the Minister of Public Safety have made comments and that those comments should hold that they will fix the mistakes still in the bill.

It gives us pause because we went through that process as good members of Parliament, going through the committee stage, hearing the witnesses that came forward. We rely upon expert testimony on this side. We rely on people who are actually professionals and base their testimony on science and things like evidence.

● (1125)

I know the Conservative government has a certain allergic reaction to facts and figures being presented before it, but we relied on key testimony in making amendments to the legislation, which I will get into in a moment. These amendments were absolutely critical to improving the safety and certainty of our men and women who served in our services throughout Canada and around the world.

In relying on those expert witnesses, we found that there were some fundamental failures as the legislation was then put and we amended the bill. Parliament is supposed to make legislation better by finding the mistakes, look for corrections and fix them.

You will know that, Mr. Speaker, through your experience and vast knowledge of this place. I think you are regularly voted by your colleagues as one of the most, if not the most, knowledgeable members of Parliament consistently. You are even getting cheers from the Conservative benches and a standing ovation from the minister.

However, when legislation is done poorly, to then go back and correct the legislation is both very expensive within Parliament, with the amount of time we have to spend to fix it, and it can also be very expensive in human terms for the Canadians who are affected by bad legislation and rules. Therefore, could there be anything more serious than what happens under a court martial situation? If the rules and guidelines that are meant to both serve the defence and prosecution are badly designed, as they are in the bill, then clearly that will have some real human impact.

The Conservatives and the minister have said that we should not worry as they will make those corrections, which were already made a year or year and a half ago. However, it is confusing and concerning to us that the Conservatives have promised to fix a bill that was already fixed.

When the Conservatives reintroduced the bill for the third or perhaps fourth time now, all those improvements that were made last time around were suddenly gone. It is as if they pulled the old broken one off the shelf and reintroduced it. We are confused because we fixed that old broken one and made it better for the Canadian Forces, our troops and the process for any allegations that might be made.

The government said that it agreed with all those changes, but it did not put it in the legislation. The Conservatives so much agreed with the changes that they would reintroduce them into the legislation when the bill went to the committee stage. What lunacy is that? That does not make any sense at all.

One has to wonder. This is coming from a government that is going through the final stages of its second omnibus bill this year, which is a massive piece of legislation that traditionally ranged from 15 to 20 pages and affected 3 to 7 pieces of legislation. However, the Conservative omnibus bill affects upwards of 60 to 70 different laws of Canada all in one bill and sometimes strips the law down to virtually nothing, as was done to the environmental assessment. It takes out key pieces of the Fisheries Act such as habitat protection, which suddenly does not matter when it comes to protecting Canada's fisheries.

The massive omnibus bill two had to fix the mistakes made in the spring omnibus bill one, which the Conservatives rushed through the House. They did that by shutting down debate and invoking time allocation. They rushed things through and got it wrong. Now we are back taking up Parliament's time with the fixes to their first mistakes, and they have done this repeatedly.

I remember the Internet snooping bill. Canadians will remember this one well because it was so badly explained by the Minister of Public Safety. He said that we should support this bad legislation that the government had and allow the police to look at one's email traffic and whatever website one happened to be looking at without any judicial supervision at all.

I am sure the Minister of Justice had some pause when he saw the drafting of the legislation. The basic idea of invasion of one's privacy requires that there be some sort of oversight, that the police cannot take the discretion to go into a home, business or someone's email account without some judicial oversight. However, the Minister of Public Safety said to us that we were either with this bad legislation that allowed people to snoop into our emails and websites or we must be with the child pornographers.

My goodness, if there has ever been a lesson on how not to convince the public of one's initiatives, it was done by that minister, and the bill seems to have disappeared.

Therefore, on key things such as taking out more minor offences that are now in this judicial system, the grievance committee that is obviously flawed because it does not have enough civilian participation, the Military Police Complaints Commission that does not have enough oversight with these new powers that are given, on the substance of the bill, the Conservatives got it wrong again.

Of course the New Democrats will stand up when Conservatives get it wrong. The New Democrats stand up often because it is often that Conservatives get it wrong.

● (1130)

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, it is interesting to see the NDP skate on this bill, mentioning words like “bad rules”. I am not sure if the member is aware of the report of the second independent review, done by former Chief Justice LeSage. I will quote quickly from it. It states:

> It is also significant to note the comment of former Chief Justice Lamer who stated, "Canada has developed a very sound and fair military justice framework in which Canadians can have trust and confidence". I proceed, as did former Chief Justices Dickson and Lamer, from the premise that the military justice system is sound, but some modifications will assist in ensuring its continued strength and viability.

Those modifications are in the bill. However, the underpinnings of the system have been found by three former justices to be sound. Does the hon. member want to insert his judgment over that of former Chief Justices Lamer or LeSage in finding that the underpinnings are somehow not sound, when this has been judicially studied and found to be sound?

He uses words like "bad rules". No, these are good rules and Bill C-15 improves the rules. Why is the NDP holding up this legislation?

● (1135)

Mr. Nathan Cullen: Mr. Speaker, what we are holding up is the bad process the Conservatives use time and time again to introduce legislation.

Because my friend asked a substantial question, allow me to offer up my specific concerns and those that have been shared by my colleagues. On the minor offences list, which have been introduced by the government in this iteration, this tries to take those minor offences out so men and women in the forces do not end up with a criminal record through this process. The list is not exhaustive. This is a problem that we raised the last time with the government and the government in fact agreed in some measure, but then backtracked. We have no idea why. As this legislation is designed, it still creates the scenario that men and women charged with minor offences, by anyone's determination, could potentially still end up with a criminal record that would prevent them from having that full and free life they deserve to have after their service in the military. That is one concern.

The grievance committee is a second concern. It was a recommendation from Lamer in those 88 recommendations, saying that if we wanted to move toward something that was more in line with the civil courts then we would actually need to have not just Canadian Forces members on the grievance system panel. That was a recommendation the Conservatives said they agreed with, yet it does not exist in the legislation.

Therefore, on real substance, not just process, we are confounded that the Conservatives do this from time to time. A report will come, say from an auditor general, or a judge, or a panel that they struck will present its recommendations, and the minister will get up and say that they agree with the recommendations. One would then infer that they would then put those recommendations into law. That has not happened and we do not understand why. It does not serve our Canadian men and women who so valiantly serve our country, so let us do them justice in the justice system that they work under.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I would like to thank the hon. member for Skeena—Bulkley Valley for his speech.

I would just like to make a comment at this point. I was not here during the previous Parliament, and so I was unable to contribute to the amendments to Bill C-41, which was before the House at that time. Nevertheless, I am shocked to hear what happened to Bill C-41 when the House returned and reintroduced it as Bill C-15 without the amendments that were submitted and adopted by the committee.

Like most of my colleagues, I am quite concerned about what can happen in committee, despite the government's claim that it is open to amendments. That is what my committee was told in the case of a number of bills, unfortunately, but as we heard this morning, most bills were not passed with amendments. I am shocked to see that the government does not want to work with the opposition parties as it did before.

I just wanted to make this comment to my colleague.

Mr. Nathan Cullen: Mr. Speaker, I will make a brief comment.

I remember a comment made by the Leader of the Government in the House of Commons. Before we tabled our amendments, he said that it would be impossible to vote for the amendments, regardless of what they were. That is a strange thing to say without having any information or without having seen the amendments.

It is also strange that the government acknowledged that a bill was improved after we did our job, but it introduced a new bill without taking into account our work and the amendments. That is arrogance.

It is so dangerous when a government thinks that it is absolutely right in all cases. I think that is a problem. It certainly is for Canadians and for members of our military as well. I thank my colleagues for their questions.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, it is an honour to speak after my colleague, who gave an excellent speech, not only on the substance of the bill, but also on its form and the Conservatives' process of introducing omnibus bills, proroguing Parliament and not respecting the work of parliamentarians. We are being repeatedly gagged: over 30 gag orders in a year and a half.

This highlights how the majority Conservative government is undermining the health of our democracy and respect for the work of parliamentarians. This bill is yet another example of that. In a way, the government is not respecting the work of parliamentarians because we are being asked to redo something that was already done once before.

I really liked the analogy that it is as though the government took the previous version instead of the new version of the bill out of the photocopier. The government figured it was no big deal, that it would all be sorted out in committee, since it would ask parliamentarians to redo what their predecessors had already done. It is a waste of time. The Conservatives are used to wasting money. Now, they are wasting time.

Before outlining all our concerns with this bill, I would like to make something clear. When we discuss justice or correctional systems issues that affect people's lives, we must not underestimate the importance of these debates and discussions in our society.

Mr. Speaker, you are more aware of the repercussions of the justice system, whether civilian or military, than many people here. Today we are pleased to be discussing the military justice system that affects the men and women who serve in the Canadian Forces.

We New Democrats believe that some elements that are not in the current bill should be there in order to improve the bill and respond to the legitimate hopes and aspirations of the people in our armed forces. The men and women in our armed forces serve under extremely strict and severe rules of discipline. We understand why that is, of course. However, it is important that they have an equally strict justice system that is functional and well managed in order to ensure that justice is done, that they are not victims of inequity and that the consequences do not follow them into their lives after they leave the armed forces.

Most people join the armed forces when they are quite young. It is not often that someone my age signs up. Thus, they are in the prime of life when they finish their service. They will need to continue working, to find a job and housing, and perhaps they will want to travel or study abroad. But under the current system, there are consequences from offences that are minor, but serious within the Canadian Forces, which we acknowledge. And that can leave its mark—it has been discussed to some extent—such as a criminal record that will complicate their lives.

We are aware of that, and I think that many Quebeckers and Canadians would be shocked to learn that people who risk their lives, their safety and their health while serving their country could be penalized for the role they have played. If they committed a similar offence in civilian life, the consequences and the price to pay would be less significant. That needs to be said. We must discuss this so that Canadians and Quebeckers have confidence in the military justice system. At this time, major improvements are needed in order to respect the sacrifices being asked of the men and women who serve in our armed forces.

In our opinion, the key issues in reforming the system are the issue of summary trials, which we will come back to; the existing grievance system; and the need to strengthen the powers of the Military Police Complaints Commission. This is not our only request for strengthening the powers of certain commissioners or officers; I am spending my days arguing in favour of more powers for the Chief Electoral Officer, but that is another topic.

● (1140)

There is a lot of background to Bill C-15, which we are studying today. We have been considering this matter and trying to find ways to improve it for some time now. In 2003, Antonio Lamer, a former chief justice of the Supreme Court of Canada, tabled a report on his independent review of the National Defence Act. The Lamer report contained 88 recommendations on military justice, the Military Police Complaints Commission, the grievance process and the roles and powers of the Canadian Forces Provost Marshal. Bill C-15 is the response to those recommendations. However, only 28 of them were included in the Conservatives' bill. What happened to the other 60? They suddenly disappeared with a wave of the magic wand by the Conservatives, who feel they are not necessary. However, we think the recommendations contain important ideas on necessary improvements to the military justice system.

Bill C-15 is the latest version of a bill that is part of a long legislative saga. Let us not forget bills C-7 and C-45, which died on the order paper when Parliament was prorogued in 2007 and an election subsequently called in 2008. The prorogation that killed Bill C-7 was caused by the Conservative Prime Minister, who was afraid his government would be overturned by legitimately elected parliamentarians democratically representing the citizens of Canada. He therefore chose to shut down Parliament rather than step up to his responsibilities.

In July 2008, Bill C-60 came back with a vengeance, simplifying the structure of courts martial and establishing a method for choosing the kind of court martial most consistent with the civilian justice system. In 2010, Bill C-41 was introduced as a response to the 2003 Lamer report and the 2009 Senate committee report. It contained provisions respecting military justice issues, such as sentencing reform, military judges and committees, summary trials, court martial panels and the Canadian Forces Provost Marshal, and certain provisions respecting the Military Police Complaints Commission.

Bill C-15 is essentially similar to the version of Bill C-41 that the Senate committee introduced in the last Parliament, of which I was obviously not yet a member. The amendments made to it include some aspects that were already there, whereas others have been forgotten along the way. It is as though Tom Thumb left some pebbles along his path but lost a few.

Some ideas in the amendments introduced by the NDP are thus not included in Bill C-15, and yet they are important: provisions respecting the authority of the Chief of Defence Staff in the grievance process, which is a direct response to a Lamer report recommendation; changes in the composition of grievance committees so that they include more civilians—we have to open the door and welcome people who have a different perspective, outlook or viewpoint than those of people who have come directly from the Canadian Forces because we believe that would help strike a balance—and provisions guaranteeing that a person convicted of an offence in a summary trial is not unfairly subject to a criminal record. Once again, we are being forced to do a job that has already been done.

The bill contains many important reforms. There is a silver lining because there are some good measures in the bill. In fact, improvements have been made. However, we believe that we must do much more to ensure that members of the Canadian Forces have a good justice system. For these reasons, the NDP will be voting against Bill C-15 at second reading stage.

Important work remains to be done, including reforming the summary trial system. Amendments made to Bill C-15 do not do enough to correct the injustice of summary trials. At present, a conviction results in a criminal record. Summary trials are held without the accused being able to consult counsel. There are no appeals or transcripts of the trial, and the judge is the accused person's commanding officer. We believe that this ignores the principles of natural justice that are features of legal systems around the world. The fact that the commanding officer is the judge can sometimes cause problems with the impartiality of his judgment and ruling.

Minor offences, such as insubordination, quarrels, misconduct, and absence without leave, do not warrant the harsh consequences of a criminal record. We believe that, to be fair to our soldiers, we have to improve the bill. We hope to work with all members to ensure that justice can finally be done for the people working in the Canadian Forces.

● (1145)

[*English*]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I have been having some problems listening and it is not because my ears do not hear. I understand the member might have difficulty counting. My understanding is that he claims only 29 of the recommendations made by the late Chief Justice Lamer have been implemented by the government.

The facts speak differently. I wonder if the member could comment on that. Specifically, there were 88 recommendations made from the 2003 report, but 81 of these recommendations were accepted by the government. In fact, 29 have been implemented already, either through other legislation, regulation or policy changes. I understand that 36 are currently contained in Bill C-15.

What the member is saying is obviously an accounting error. I know the NDP, as a rule, make a lot of accounting errors because they spend much more money than is actually available through taxes from Canadians. Could the member just stick to the facts and comment on the fact that of the 88 recommendations made, 81 have actually been implemented in some way, either through legislation, regulation or are in other bills? Could the member comment on that in particular?

● (1150)

[*Translation*]

Mr. Alexandre Boulerice: Mr. Speaker, I thank my colleague for the question.

He is trying to clarify the debate and the discussion. I would just like to point out that my colleague said that we claimed that only 29 recommendations are included in Bill C-15. In fact, we said that only 28 recommendations are included, not 29. I can understand why he might have the number 29 in mind, but that has to do with a whole other debate and has nothing to do with the military justice system.

This bill is short on measures that would ensure that our soldiers are treated properly. Things were forgotten along the way because the Conservatives are not doing a good job. This is another example of their incompetence. They cannot seem to keep their eye on the ball and work diligently at every stage.

We think important changes are lacking, including changes to address summary trials and their repercussions and minor offences that result in criminal records. Strengthening the Military Police Complaints Commission is also very important to us, as is reforming the grievance system in order to allow civilians to become members of this very important board.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, once again I want to commend the hon. member for Rosemont—La Petite-Patrie for all the work that he does, but especially for his speech today.

We owe members of the Canadian Forces a great deal of respect. My colleague addressed many procedural aspects, which affect many things.

I would like to know what impact having a criminal record has on the life and future of Canadian Forces members when they return to civilian life.

Mr. Alexandre Boulerice: Mr. Speaker, I would like to thank my colleague for his good question.

I would like to point out that, just because, today, I represent the people of Rosemont—La-Petite-Patrie, where there are not very many members of the armed forces, that does not mean that these soldiers' fate, their future and their living and working conditions are not of great concern to me, not only as a member of the NDP but also as someone who comes from Saint-Jean-sur-Richelieu, where a military base and the military college used to be located.

I have therefore lived in a community where many people were members of the armed forces. I want to ensure that all members of the armed forces living in Quebec and other parts of the country are not prevented from progressing in their careers and are not forced to carry the heavy burden of a criminal record just because they got into an argument or were insubordinate once out of anger.

I think that the consequence is much too serious. We have to enable these people to have a new life afterward and help them be in a position where they can find a job and a place to live or travel the world if they so desire.

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I am sure people will say that the NDP members ramble on, always saying the same things in their speeches on Bill C-15, but we have not finished repeating ourselves. We want to make our voice heard.

I am very pleased to be taking part in this debate on Bill C-15, which I believe says a great deal about the values the Conservative government has chosen to promote and those it has decided to disregard. When a country claims to establish democracy and social justice in foreign countries, it is interesting to see how the government of that country treats its citizens.

And it is all the more interesting to see how this government decides to treat those who defend its citizens. Unfortunately, I believe this bill neither respects the men and women in uniform who defend this country nor represents Canadian values. Although it would be a good opportunity for the Conservatives to enter the 21st century, once again, they have missed the boat.

Bill C-15 is not new to this House. It is a response to a report by a former chief justice of the Supreme Court of Canada, the Right Hon. Antonio Lamer, who in 2003 made 88 recommendations in his review of military justice. The Conservatives have accepted 28 of that number. Military justice was also the topic of a report by the Standing Senate Committee on Legal and Constitutional Affairs in 2009 and has been the subject of many bills: C-7, C-45, C-60 and C-41, all of which died on the order paper.

It is unfortunate to have to say it, but the Conservatives do not surprise me. They have gotten into the habit of taking half-measures by introducing half-finished bills to impose their ideological agenda on all government bodies. I would never say these kinds of things if they were not true. I repeat, only 28 of the 88 recommendations in the Lamer report were accepted for the purposes of this bill.

Even worse, the Conservatives knowingly disregarded all the work done by the Standing Committee on National Defence. The bill's title has changed, but its objectives remain the same. So why forget in 2012 work that was done in 2011? With the Conservatives, it is the myth of Sisyphus: we always have to start over, again and again.

The way the Conservatives use our institutions never ceases to astonish me. We have everything we need to conduct a discussion and come up with proposals that are more in line with what Canadians want. Unfortunately, the Conservatives prefer to squabble in the House rather than conduct a healthy debate. If that were not the case, why would they have rejected the NDP's amendments to Bill C-41, a forerunner to Bill C-15? The truth is that, in committee and in the House, the Conservatives only hear one voice: their own.

However, the government has every interest in listening to the NDP on this matter, if it wants to avoid making a serious mistake. I want to focus on one point regarding Bill C-15 that I find particularly annoying: summary trials. The Minister of National Defence claims Canadians know that the military justice system treats those who serve them fairly and in accordance with Canadian standards and values. It is all well and good to say that, but when the facts do not support the allegations, it is better to say nothing.

So let us talk about Canadian values. Aside from empty rhetoric, I wonder where those values now stand. There is a very useful document that we can refer to in these kinds of situations: the Constitution. In 1983, this country included in its Constitution a passage on the rights of military members. It states that, like all Canadians, they are entitled to a fair trial, represented here by a court martial.

In spite of the Constitution, the Lamer report, the Senate report and numerous recommendations by the NDP, the Conservatives have retained summary trials. But what is a summary trial? It is a judgment rendered by an immediate superior officer without a public trial, without any written record of the proceedings and without any right to counsel, and it automatically results in a criminal record.

● (1155)

Even minor offences result in a criminal record. When they leave the military, people convicted in this way may have trouble finding a job or a place to live.

Is that any way to thank those who defend us, by throwing them out into the street for a minor offence?

This is no exaggeration. In 2008 in 2009, 96% of military offences were prosecuted by summary trial. This is the armed forces, and a firm hand is called for. Our military members are used to strict discipline and expect to be treated strictly. That is why the NDP proposed that harsh penalties be applied, such as imposing fines and docking pay, but there is quite a difference between that and handing out criminal records for being 10 minutes late.

The military members who serve this country deserve all our consideration. They are career military people who know the responsibilities inherent in their choice of occupation. We no longer have conscription. It is time we recognized that fact. They are in the armed forces because they are concerned about defending all citizens and are prepared to make major personal sacrifices. The least we can do is treat them fairly.

Summary trials have been abandoned in Great Britain, Ireland, New Zealand and Australia. Why should Canada insist on continuing this old tradition?

The NDP believes this bill is headed in the right direction by further harmonizing the military justice and the civilian justice systems. However, it does not address key issues involved in reforming the summary trial system and the grievance system or in reinforcing the Military Police Complaints Commission.

I have met veterans in my riding who are proud of the work they have done. Every year, we honour them on Remembrance Day. However, perhaps the best way to thank them would be to give those who follow in their footsteps a little more respect.

Ultimately, I believe that the Conservatives have missed an opportunity with Bill C-15. They are delaying Canada's entry into the 21st century.

● (1200)

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I thank my colleague for her passionate speech.

The many flaws of Bill C-15 speak to the fact that there is still a great deal of injustice. That is why we will be opposing this bill.

As we have said from the beginning, many amendments proposed by the NDP and several of Justice Lamer's recommendations were rejected. For example, the government rejected the amendment to make the military grievances external review committee an independent and much fairer body. In fact, it is not an external committee because its members are commanding officers. The NDP suggested that at least 60% of the committee's members be civilians who have never been a Canadian Forces member or officer.

Can the hon. member tell us why the NDP asked that these civilians sit on the committee? Would this be fairer? Would it be a more independent process?

Ms. Francine Raynault: Mr. Speaker, I thank my colleague for her question. It is important for the people who judge soldiers to be independent; they should not be former soldiers. Some of the members could be from the Canadian armed forces, but at least 60% of the committee members should be civilians who have never served in the military.

In my opinion, this would make the military justice system fairer. It goes without saying that military personnel are familiar with military law and all the regulations. They know all about military life. Therefore, it is very important that the military grievances external review committee include many civilians.

[*English*]

Hon. Julian Fantino (Minister of International Cooperation, CPC): Mr. Speaker, I would like to ask the hon. member if she can identify anywhere in the independent reports of former chief justices Dickson in 1997, Lamer in 2003 or LeSage in 2012 where they said that the summary trial system was constitutionally deficient or fundamentally unfair. I ask if she can identify her source of information or any authority.

● (1205)

[*Translation*]

Ms. Francine Raynault: Mr. Speaker, the source is important, but what is vital is that the soldiers be judged according to the severity of their actions, and that they not have a criminal record because they argued or drank too much.

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I thank the member for Joliette for her excellent speech.

Among the amendments that we made to Bill C-41, we proposed expanding the list of offences that would be considered minor and would not automatically lead to a criminal record. We expanded the list from 5 offences to 27. As examples of severe reprimand, we made suggestions such as a fine equivalent to one month's salary and other minor punishments.

My colleague from Joliette spoke a lot about the severity of the punishment in relation to the minor nature of the offence, which would not be justified in civilian law. Could she speak more to this type of offence?

Ms. Francine Raynault: Mr. Speaker, the severity of the punishment must be in proportion to the offence, but we must not punish people exceptionally, causing them to lose their visa, for example, and not be able to travel internationally or have a hard time finding a job, housing or friends, perhaps.

These people could be marked for life because of a minor offence. I know soldiers who went to Afghanistan or elsewhere and had a very hard time readjusting when they came back. So if they make a mistake because they are suffering as a result of a trauma, for example, are we going to punish them even more?

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I am pleased to have this opportunity to speak to Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts. This very important initiative, which deserves our full attention, has been under consideration by the House since 2007.

What I find most regrettable is that the bill responds to only one-third of the recommendations made by former justice Lamer. He had raised some very interesting issues that need to be addressed to ensure a fairer and better military justice system for those who proudly defend and represent our country.

During recent minority governments, the House supported the amendments tabled by the NDP. However, after reading the bill, I realized that many of these recommendations had been left out, including important ones concerning the powers of the Chief of Defence Staff in the grievance process, changes to the composition of the grievance board so that 60% of the members would be civilians, and a provision that would ensure that a person convicted at a summary trial would not be unfairly subject to a criminal record. These are important amendments that are critical to the reintegration of veterans into civilian life once their tour of duty is over.

Even though the bill does contain some worthwhile ideas, I am afraid that I must oppose it given that it does have several major shortcomings that we must address.

For example, I am concerned about the summary trial provisions. Sentences imposed on accused persons have enormous ramifications, especially when they result in a criminal record. Given that the accused person is only entitled to a trial without the possibility of consulting with counsel and without any appeal or trial transcript, and given that the judge is the accused person's commanding officer, I highly doubt that such a trial can truly be fair to the accused person. Although it is extremely important to me that the behaviour of our Canadian Forces members be above reproach, I think that saddling an individual with a criminal record that will stay with him when he returns to civilian life is too harsh a provision.

People still have much to contribute to their communities once their career in the military has ended. A criminal record can make it difficult for them to secure employment, rent an apartment or travel abroad. I want to make myself clear on this. While I do believe that a person should be punished for breaking the rules, he should not be saddled with a criminal record that could ruin his life.

While I am on the subject, I would like to point out one of the positive provisions in the bill. People convicted of certain offences are handed a sentence that no longer results in a criminal record. Personally, however, I think the bill should go even further and exempt more offences. Last March, at the committee stage, the NDP recommended that a total of 27 offences be on this exclusion list, and not just the five originally listed. I suggest that this amendment be included again, as it constitutes a major step in the right direction.

In my view, we need to take a closer look at the long-term implications of creating criminal records for Canadian Forces members. I am convinced that my constituents would be shocked to learn that shortcomings in the system could ruin the lives of people who have committed minor offences, when they have given their all for our country.

I am also concerned about the independence of the grievance process. At present, the board does not allow for an external review. To my way of thinking this board should be perceived as an external, independent civilian body and changes need to be made to the appointment process.

The NDP had suggested that at least 60% of the board members be civilians. This amendment was adopted in March 2011 when Bill C-41, an earlier version of this bill, was before the House. However, it was left out of Bill C-15.

I am very disappointed that an initiative aimed at lending greater transparency and legitimacy to such an important process has been left out when we had agreed earlier to include it.

I also feel the same way about a proposed amendment to grant more powers to the Chief of Defence Staff when it comes to dealing with financial considerations arising from grievances. I will continue to fight for the inclusion in the bill of these two forgotten amendments.

And finally, the Military Police Complaints Commission should, in my opinion, be granted more powers to conduct legitimate investigations and report back to Parliament.

I would like the members of our military to have a transparent and fairer justice system, where the consequences are more balanced when members return to civilian life and where those responsible for imposing sentences and reviewing grievances have the powers they need to ensure that justice is delivered diligently and effectively.

● (1210)

I have spent a considerable amount of time talking to veterans in my riding of Terrebonne—Blainville about issues that are important to them. Unfortunately, many of them live isolated lives with depleted means. It breaks my heart to see people who fought bravely for our welfare and freedoms forgotten in such a way.

I met with them last February when I led a round table discussion on poverty among seniors. I was completely flabbergasted when they told me they were forced to choose between housing, food, drugs and transportation because of their meagre pensions. Is this what we want for all of our seniors, including our brave veterans? I do not believe so.

I believe we can offer them more security and some hope that they can live out their lives more comfortably. I would like to mention at this time three agencies in my riding that are doing amazing work with veterans. They are the Amicale des vétérans de Terrebonnne, the Royal Canadian Legion Branch 208 in Sainte-Thérèse and the NATO Veterans Organization of Canada. The primary goal of staff, volunteers and members of these organizations is to provide a meeting place for military veterans and retired police officers.

Since 1945, the Royal Canadian Legion, Branch 208, in Sainte-Thérèse, has provided veterans with a location where they can meet, talk and have fun. The Legion supports our war heroes by providing them with advice and assisting them in their dealings with the government so that they are treated with dignity. It also helps educate future generations about their heritage and our history, in order to keep our collective memory alive.

For more than 60 years now, the Amicale des vétérans has served veterans through meetings, discussions and entertainment. The agency is involved in the community by associating with other veterans' organizations in order to enhance the services provided, thereby contributing to the members' well-being.

For its part, the NATO Veterans Organization of Canada works in a number of areas with former and active members of the Canadian armed forces, the RCMP and the merchant navy. Its goal is to ensure recognition for the contribution of members of the Canadian armed forces, the RCMP, the merchant navy, the North Atlantic Treaty Organization, NORAD, the United Nations and other multilateral and bilateral institutions. Its actions make it possible to perpetuate the memories and deeds of members who lost their lives in the service of Canada. It provides support and contributes to the welfare of all its members, their families and their dependents. It fights to promote the interests of all veterans, brings together all those who have served and co-operates with other veterans' organizations with comparable aims and objectives. By establishing regional organizations, the NATO Veterans Organization hopes to reach as many veterans as possible.

We are fortunate to have organizations that, despite limited resources, work to help and support our veterans.

With this bill, we as parliamentarians have an opportunity to offer those serving in the military a better justice system that may have a positive impact on their personal and professional lives after their military career. We must go even further and adapt their military reality to suit the life they will be facing once their military service has ended.

Our serving members and our veterans deserve a military justice system that is fair and proportionate. They deserve the best because they give us their all. On their behalf, I am asking this House to assess the NDP's proposals and show the same courage that they showed for us. Let us have the courage to make the amendments that are needed to give them a better military justice system, a system that they deserve.

● (1215)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, what has become fairly clear is that we have an interesting bill before us in Bill C-15. In principle, the Liberals support it. We would like to see it go to committee. We hope the government will move amendments.

What is equally clear is that NDP members do not want to see the bill go to committee. They oppose the bill. I have watched the debate for a number of days and it is interesting how many members of Parliament from the New Democratic Party have stood to speak to the bill. Because they are opposing the bill, I do not want to limit their ability to speak. However, I find it interesting.

Why has the NDP put up so many speakers in opposition to this bill, but when it came to the budget bill, which is probably the most significant piece of legislation the House deals with in any given year, I think it only put up one speaker?

Why so much opposition to Bill C-15 and very little opposition to the budget bill, which has a much more profound impact on all Canadians?

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, that is an odd question.

I do not know what the Liberal member has against debates in the House. I know that the Conservatives have a problem with debates, but it surprises me to hear that the Liberals have a problem with them as well.

The hon. member is criticizing the fact that we are discussing a bill, doing our job, considering amendments, giving our opinions and having a discussion, when that is what we are supposed to be doing. I think it is perfectly normal to rise in the House to discuss a bill. It is our duty as parliamentarians to do so.

[*English*]

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I thank my colleague from Terrebonne—Blainville for her excellent speech. It was interesting that she spoke about the veterans in her riding. When we as MPs can come to the House and speak about those in our ridings who would be affected by the laws we are passing, it adds to the debate.

A lot of Canadians do not necessarily realize that what we are talking about in the House right now does affect our heroes, our military combatants, our veterans, *nos anciens combattants*. She really brought that into the speech. Therefore, I would ask her to expand a bit on how a *casier judiciaire* would affect those in her riding, given that a lot of the recommendations in the Lamer report were not implemented by the government.

How would that affect her veterans in her riding or the—

● (1220)

The Acting Speaker (Mr. Bruce Stanton): Order, please. The hon. member for Terrebonne—Blainville.

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I thank my colleague for her question.

First, I would point out that the Lamer report included 88 recommendations regarding military justice, the Military Police Complaints Commission, the grievance process and the Canadian Forces Provost Marshal. Bill C-15 is the legislative response to those recommendations. However, only 28 of the 88 recommendations are included in the bill, which means the bill is inadequate. A report outlines problems, but the government was unable to translate those recommendations into measures in a bill.

What is more, as far as my colleague's other point is concerned, a criminal record has an impact on the veterans who gave everything for their country. When they transition to civilian life, we want them to be able to find work and housing. A criminal record could severely hinder their chances of finding suitable employment during their transition to civilian life after serving their country so proudly.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, seeks to address problems with military justice under the National Defence Act. It follows up on the 2003 report by the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, and the 2009 report of the Standing Senate Committee on Legal and Constitutional Affairs.

In Canada, we have a separate military justice system that includes military tribunals, and this is not a unique situation. Under the National Defence Act, there is a code of military discipline that includes specific military offences and all offences under the code or any other federal legislation. This code of discipline applies to members of the Canadian Forces. The system has evolved significantly since the Canadian Charter of Rights and Freedoms came into force, because some provisions violated the fundamental rights of our men and women in uniform.

Military justice must be a part of Canada's justice system as a whole. We must ensure that military justice laws are consistent with other laws in our broader justice system, at least when it comes to the fundamental principles of law. We need to understand that there are differences between military law and the rest of the legal system, and with good reason. The military justice system recognizes the relationship between the justice system and discipline within the armed forces.

Discipline is very important in the army. I will quote an expert in military law, retired colonel Michel Drapeau, who is a lawyer in private practice and has considerable experience in the military. He is also the author of the only significant military legal text in Canada, an annotated book on the military aspects of the National Defence Act. It is quite a useful source of information. This is what Mr. Drapeau says about the importance of discipline in military law:

> Therefore, discipline is integral not only to the maintaining of an efficient armed forces, but also to ensuring that the rule of law predominates within the military, particularly when engaged in great peril and danger in combat.

The military justice system is important for two reasons. It serves not only to quickly and severely punish those who break the law or disobey the rules of discipline but also to allow recourse to different procedural rules in the military context. Furthermore, it is extremely important that everyone adhere to the rule of law when engaged in a combat situation.

Our country certainly wants its troops to be capable of using force in a lawful manner, regardless of the circumstances or great peril they might face. As a result, the military justice system does not just exist to punish wrongdoers; it is also key to command, discipline and morale.

The reform of the military justice system set out in this bill is problematic. First, there is the summary trial process or, rather, the possible consequences of a summary trial conviction. This makes a big difference. According to the Canadian Forces' own information, which is available on their website, the summary trial is by far the most important and most commonly used form of service tribunal. When a solider is accused of a service offence, a summary trial is the simplest way of dealing with it.

● (1225)

The other advantage of the summary trial process is that it allows problems to be resolved within the unit. The trial is usually presided over—and this is important—by a superior officer. Right now, a summary trial conviction can result in a criminal record. We are talking about a trial before a superior officer who, by National Defence's own admission, does not need any legal training, where no lawyers are present, and that can lead to a criminal record for soldiers.

What is more, there is no transcript of the trial. The consequence is too severe for disciplinary measures. A criminal record will make life difficult for our soldiers when they return to civilian life. A criminal record is a barrier to finding employment, renting a place to live and even taking a week's vacation in the United States.

The bill does contain a few good things. It defines offences that will be considered minor and therefore will not result in a criminal record. However, when the previous bill, Bill C-41, was examined in committee, the NDP proposed that the list of minor offences be expanded from 5 to 27.

Let us be honest: offences such as insubordination, quarrels, misconduct, absence without leave, drunkenness and disobeying an order warrant disciplinary action but not a criminal record. The Minister of National Defence himself told the committee studying the former Bill C-41 that:

> ...the summary trial system strikes the necessary balance between meeting the unique disciplinary needs of the Canadian Forces and the needs to respect the rights of individual members of our military.

I think he is right, but his bill does not achieve this balance. Colonel Michel Drapeau, a military expert, agrees that summary trials are problematic. He said:

> I strongly believe that the summary trial issue must be addressed by this committee. There is currently nothing more important for Parliament to focus on than fixing a system that affects the legal rights of a significant number of Canadian citizens every year. Why? Because unless and until you, the legislators, address this issue, it is almost impossible for the court to address any challenge, since no appeal of a summary trial verdict or sentence is permitted. As well, it is almost impossible for any other form of legal challenge to take place, since there are no trial transcripts and no right to counsel at summary trial.

A number of countries have already made changes to their military justice system to better regulate summary trials. These countries, which have a lot in common with Canada, include Ireland, Great Britain, Australia and New Zealand. We must also make changes, and the sooner the better.

Many Canadians would be surprised, and probably shocked, to learn that the people who have served our country with such valour can have a criminal record under a system that does not have the procedural regularity that is ordinarily required in the civilian criminal courts. They would be horrified to see the kind of problems this can cause in careers and lives post-military.

The government already does not give veterans the services they deserve, so we should at least be fair to the people who are serving the country right now.

● (1230)

[*English*]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, having had the opportunity to listen to the member, I want to make a couple of comments.

First, the former Supreme Court of Canada Chief Justice Brian Dickson actually examined the summary trial system, which the hon. member has an issue with, and stated:

> The requirement for military efficiency and discipline entails the need for summary procedures. This suggests that investigation of offences and their disposition should be done quickly and at the unit level.

The Supreme Court of Canada and the previous Chief Justice have agreed that the summary procedure is necessary and appropriate in this case. Indeed, Chief Justice Dickson at the time and Justice Lesage confirmed that the summary trial system was constitutionally valid and would withstand anything. Hence, I am wondering why the hon. member would bring that forward.

The hon. member said as well that the summary trial was not reviewable. To the contrary, it specifically is reviewable. The offender is informed at the time of sentencing that he or she has the right to have the finding or sentence reviewed. Moreover, an assisting officer is assigned to the offender, and if the offender is sentenced to detention, that detention is actually suspended until it is reviewed.

Therefore, what the hon. member is suggesting is in fact not the case, and I wish she would comment on that and get the facts straight.

[*Translation*]

Mrs. Djaouida Sellah: Mr. Speaker, I listened closely to the question from the member opposite.

I think that summary trials are not very fair when it comes to certain offences under the Code of Service Discipline. The NDP has asked for the list of offences to be increased from five to 27, if I am not mistaken.

The member opposite just reiterated what I said. These summary trials are held before a commanding officer of the Canadian Forces. We think that makes the process subjective.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the NDP members have made it clear that they oppose the bill and do not want to see it go to committee. They made that point amply and clearly. We appreciate that and would encourage them to continue to debate the bill despite their opposition.

Having said that, I would point out that some of her colleagues talked to the principle of the bill, with one in particular saying it was a step in the right direction.

The government has been negligent in bringing forward and passing legislation to address the whole issue of military justice. Members of the forces have been waiting a long time. We have been waiting a long time. Given the amount of time we have been waiting to see the bill pass, why would the NDP oppose the bill even going to committee? We in the Liberal Party would like to see amendments to the bill, but—

The Acting Speaker (Mr. Bruce Stanton): Order, please. We have limited time, with just five minutes for questions and comments. I appreciate that all hon. members wish to participate, but try to keep your questions and responses to about a minute, if you can, and then more of your colleagues will have the opportunity to do so.

The hon. member for Saint-Bruno—Saint-Hubert.

● (1235)

[*Translation*]

Mrs. Djaouida Sellah: Mr. Speaker, I thank my colleague for the question.

The NDP would like to take the necessary time to study the bill at each stage of the process. We need more time to discuss it.

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I want to thank my hon. colleague for her excellent speech. I would also like to address the bill's shortcomings.

It is essential for the people who serve us, who serve our country and protect us and serve in the military to be respected and entitled to acceptable conditions. This bill does not do that.

I would like the hon. member to explain why we are still here today discussing the holes in Bill C-15.

Mrs. Djaouida Sellah: Mr. Speaker, I want to thank my brilliant colleague for the question.

The NDP cares a great deal about the post-military life of those who have served in the Canadian Forces. We would not want certain offences to result in a criminal record. Everyone knows that having a criminal record does not really help soldiers in their return to civilian life.

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, I am pleased to speak today to Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts.

In 2012, and it will soon be 2013, modernizing the military justice system has become an urgent matter. While the military justice system should not be a carbon copy of the civilian justice system, the two systems must be harmonized more.

In that light one could say, reluctantly, that Bill C-15 is a step in the right direction. The NDP has long been in favour of updating the military justice system. Yes, Bill C-15, in its present form, brings us a little closer to where we want to go. But the problem is that it sets its sights so low that we must oppose it at second reading.

It is like a marathon where someone just runs the first kilometre and then says they have run the entire marathon. But a marathon is 42 kilometres, not one kilometre. The Conservatives are doing something like this with Bill C-15. They are telling everyone, "mission accomplished", rather like a certain American president a while ago, although it is not the case.

No, Bill C-15 is not a finished product, far from it. It ignores too many of the recommendations in the 2003 report by former chief justice of the Supreme Court Antonio Lamer. In his report, Justice Lamer made 88 recommendations to improve military justice. Bill C-15, which is one of the legislative responses to the Lamer report, only retains 28 of the 88 recommendations. That is certainly not enough for something as important as reforming the summary trial system and the grievance system, and strengthening the Military Police Complaints Commission. This bill does not measure up.

In the previous Parliament, we worked in good faith with the party in power in order to improve the previous version of this bill, Bill C-41, as much as possible. In committee we proposed a number of amendments that were mostly adopted. The government could live with the amendments we had proposed at that time. We arrived at a compromise on several elements of the bill, but Bill C-41 died on the order paper.

When the current session began, we got a surprise. The main amendments that the NDP had proposed and the government had accepted had disappeared from the new version of Bill C-41, now known as Bill C-15. The amendments we had worked on together, most of them based directly on the recommendations in the Lamer report, had disappeared, as if by magic.

Among them were the amendments concerning the authority of the Chief of Defence Staff in the grievance process and that of the grievance board. At present, the Chief of Defence Staff lacks the authority to resolve the financial aspects arising from a grievance. That flaw was pointed out by Justice Lamer in his report.

As for the grievance board, we had suggested that at least 60% of the members should be civilians who had never served in the Canadian Forces, which would have helped a great deal. It was logical. If the objective was to have the Canadian Forces Grievance Board perceived as an external, independent body, then it would have to include a good proportion of civilians. As we know, one plus one makes two, or at least I think it still does.

However, the government decided not to include this suggestion in Bill C-15. One other element of this bill, which we studied carefully before deciding whether or not to support it, is the whole issue of reforming the summary trial system.

● (1240)

In our opinion, Bill C-15 does not respond adequately to the injustice of summary trials. Canadians should be aware that, at present, a member of the military who is found guilty of a minor offence such as insubordination, drunkenness or misconduct will be given a criminal record. That criminal record, of course, follows the member into civilian life after the Canadian Forces. We understand the need for the army to enforce strict discipline but this kind of sanction for minor infractions is really too severe.

We must also remember that the way guilt is determined in the military is very special. In the summary trial system the judge is the accused person's commanding officer. The accused has no right to appeal and no access to a transcript of the trial. In short, the system is very harsh and particularly so for those accused of minor offences.

As I said in the beginning, Bill C-15 is not completely bad. Among other things, it offers some relief for the problem I have just outlined, the injustice of military members getting a criminal record for minor offences. But, once again, Bill C-15 does not go far enough.

During consideration of Bill C-41 in committee, we proposed extending the list of minor offences to 27. In Bill C-15, the number of minor offences is just five, which is not nearly enough. Let us be clear: we realize that the military justice system has to be different than the civilian justice system. But that does not mean we should turn a blind eye to its flaws. A criminal record is a serious stain on a person's file. It is an impediment to getting a job, renting an apartment, travelling and so forth.

For people who proudly served their country to end up with a criminal record because of flaws in the military justice system is outrageous. I am sure that Canadians agree with us on that. Let us not forget that these people serve our country and are entitled to a fair justice system that will allow them to return to civilian life without completely destroying their future.

I am ready to take questions.

● (1245)

[*English*]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, this is the third time I have listened to members from the NDP bring forward what I would characterize as misinformation. That is the only way I can characterize it.

We do, indeed, have the facts. The only fact we seem to agree on in this particular case is that former Chief Justice Lamer made 88 recommendations in his 2003 report. That should lend a lot of credence to this. It is independent from political purview, from a person who has a great legal track record and actually made recommendations. Eighty-one of those recommendations were accepted by this government. That is clear from all the information, if we look at it. Twenty-nine have been implemented already through legislation, regulation or policy changes; 36 are contained in Bill C-15; and the remainder that have been accepted by the government are pending implementation through regulation or are under study to find out the best way to implement them.

That is very clear. We know that. Why do the opposition NDP members continuously suggest that is not the case? They are misrepresenting the facts on how many have been accepted by the government and how many have actually been implemented.

[*Translation*]

Ms. Nycole Turmel: Mr. Speaker, I thank my colleague for his question and comments.

If my colleague would agree to make changes to the bill in order to ensure that the amendments that we proposed and that were adopted during the previous Parliament are automatically incorporated into this bill, then our party might be willing to support these recommendations.

As things stand now, they are not in the bill, and that is why we cannot support it. We want to ensure, among other things, that a person filing a grievance or making representations has access to his or her file and the transcripts, which is currently not the case.

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I thank my colleague for her speech, and I want to read directly from the Lamer report for my question to her.

The Lamer report says, to end unacceptable delays:

> The Chief of Defence Staff must be given the power to delegate to someone under his [or her] command and control decision-making in respect of all grievances...

It also recommends:

> A task force composed of senior members of the Canadian Forces should be created with the sole responsibility of resolving the backlog of grievances at the Chief of Defence Staff Level within a year of the tabling of this report....

This report was tabled in 2003 and we are now in 2012, and these recommendations are not in Bill C-15.

Earlier, I spoke about the fact that we cannot support bills that are incomplete, and if this bill is incomplete, why would the Conservatives not put in these sections of recommendations that were made by former Chief Justice Lamer?

My question to my colleague is: Does she agree that these are fundamental aspects of the report's recommendations that should be in this bill?

Ms. Nycole Turmel: Mr. Speaker, yes, I agree that Mr. Lamer's strong, and long, investigation looked at the problems with military justice, and he was thoughtful in his recommendations.

It is important to listen and look at the money that was spent at the time, as well as the time of the people who were tasked with this, and make sure that the amendments proposed reflect what was presented at the time.

I believe that if the Conservative government wants to listen to our recommendations and amend the bill, then we could achieve something that is good for our military. It is important to recognize the value of these people who represent Canada.

● (1250)

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, it is an honour and a great pleasure for me to try to put in my two cents' worth today in this debate on Bill C-15.

I have studied labour relations. I have also worked as an employee representative in grievance procedures. In my field of studies, I also did human resources management. I have been on the employer side and the union side. So I have been on both sides.

I am going to try to show why it is extremely important that we have a fair and equitable system for our soldiers for handling grievances relating to all the various disputes that arise between them and their superior officers and their institution, the Canadian Forces.

We have a bill that amends eight acts: the Access to Information Act, the Criminal Code, the Financial Administration Act, the Privacy Act, and others.

This bill is in fact 60 pages long. That is almost modest, compared to what we have been used to getting from the government for some time now.

To begin, let us do a review of part of the history of this bill.

In 2003, the Right Hon. Antonio Lamer, former chief justice of the Supreme Court of Canada, submitted a report on the independent review of the National Defence Act. He is not just anybody. He had much to say about judgments concerning grievances that had gone to the labour court, the Court of Appeal, and ultimately the Supreme Court. The Lamer report contained 88 recommendations concerning the military justice system, the Military Police Complaints Commission, the grievance procedure, which I will address at greater length today, and the Canadian Forces Provost Marshal.

Bill C-15 is the legislative response to those recommendations. However, only 28 recommendations have been incorporated into this new version.

Bill C-15 has appeared in several forms over the course of its history.

First, we had Bills C-7 and C-45, which died on the order paper when Parliament was prorogued in 2007—I think we know it is the practice of the Conservatives to cut off debate—and the 2008 election was called.

However, in July 2008, Bill C-60 made a comeback, simplifying the structure of courts martial and establishing a method for choosing the type of court martial that would be most consistent with the civilian justice system. That was precisely the objective that should have guided the sponsors of this reform and Bill C-15. That should be our goal: harmonization with the civilian justice system.

In 2009, the Standing Senate Committee on Legal and Constitutional Affairs considered Bill C-60 and made nine more recommendations to amend the National Defence Act.

In 2010, Bill C-41 was introduced to respond to the 2003 Lamer report and the 2009 Senate committee report. Provisions relating to the military justice system were included, such as provisions relating to sentencing reform, judges and military boards and committees, summary trials, the court martial panel and the Canadian Forces Provost Marshal and certain provisions relating to the Military Police Complaints Commission.

Essentially, Bill C-15 is similar to the version that came out of the Senate committee in the last Parliament. The amendments carried forward include the composition of the court martial panel and the appointment of military judges during good behaviour until the age of retirement.

Since I was elected, in May 2011, I have spent time on many occasions with soldiers of all ages, whether at Remembrance Day ceremonies with our courageous Canadian Legion members or at various meetings with soldiers and cadets in my region. I have met courageous, dynamic people who are very proud of their military profession.

However, when the time comes for them to return to peacetime life, these soldiers' lives can be full of surprises and sometimes twists. All of them, the generations who lived through the major wars—the world wars, the Korean War or the Vietnam War—and other generations who have worked hard on numerous peacekeeping missions in the Middle East, in Africa, in Europe, or more recently in Iraq, Darfur and Afghanistan, deserve not only our admiration, but also our respect, for doing their duty.

● (1255)

That is why they deserve justice, a justice system in which they will be able to see themselves as individuals who are part of today's modern society.

All these brave men and women have proudly carried the colours of our Canadian flag and staunchly defended the democratic principles we hold dear. Sometimes, however, and it must be said, the aftermath has left its marks, and sometimes they are heavy marks. When they come home, their life in our industrialized society begins, where the economy is what matters above all else. In this modern civilization, social status, acceptance by others, often comes from a person's job and of course the pay associated with it, but also, everything depends on an academic background or wide-ranging experience here and there in the real world. Soldiers do in fact have an extraordinary background when it comes to understanding giving and duty. They are capable of great effort and courage.

And then, soldiers return to work in civilian life. This is why I focus on this when I talk about grievances in the military system and the consequences of those grievances. Whether or not it is appropriate, a candidate for a position that is available in a business is judged, most of the time, against objective criteria, I hope, but sometimes the candidate is assessed in a way, and let us not be afraid of the words, that may be more subjective. And so a little notation here or there about a minor problem during the person's military service or in the performance of their duties during missions can sometimes become a major wrongdoing in the eyes of an employer who decides to make use of this workforce, which is so important to manufacturing and industry, but also to the service sector. That is why the NDP is truly disappointed that some of the amendments it proposed to Bill C-15 have not been incorporated.

I would like to mention the amendments concerning the authority of the Chief of Defence Staff in the grievance process. These amendments were a direct response to a recommendation by the Right Hon. Justice Antonio Lamer, the former chief justice of the Supreme Court of Canada. There are also the changes to the composition of the grievance committee so that 60% of its members would be civilians to make it more objective and to ensure that the grievance process is not conducted strictly by the military. Finally, there is the provision to ensure that a person convicted of an offence during a summary trial is not unfairly subjected to a criminal record. All too often, this criminal record will scare employers who need this labour force. As I mentioned, this workforce is important not only to the future of that business, but also to Canada's future.

As I already said in my speeches here, do not ask what this country can do for you, ask what you can do for your country. Those words are from John F. Kennedy, but they still apply. It is often said that Canada is a land that needs workers. The doors are open. We welcome them. However, we must not create problems for these applicants, for this workforce that is essential to our country's future. Believe me, Mr. Speaker, this kind of situation can seriously undermine a soldier's return to civilian life and his career after the military.

We need this workforce. Yet in this world, they will be subjected to a grievance system essential to justice and to fairness in the handling of disputes. Why not have harmonized the military and civilian justice systems in this respect? It would have been easy to do. This grievance adjudication system is even recognized by the Supreme Court in several decisions.

Bill C-15 on the reform of the military justice system should be based on the fundamental principles of law and justice on which our country was built. It is essential to put things back in place within National Defence and to give that department the means to adapt to the modern workplace, to the 21st century.

Still, the NDP believes this legislation is a step in the right direction—really—to bring the military justice system more in line with the civilian justice system. Other steps will have to be taken, and we hope the government will listen to our amendments.

● (1300)

May justice be done.

[*English*]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I have listened, but again and again I hear the same misrepresentation of the facts. Indeed, I think all members here would agree that 81 out of the 88 recommendations made by Chief Justice Lamer have been accepted by the government, and have been implemented or are on their way to being implemented.

The member and others from the NDP have stood up consistently and said, "They do not deserve criminal record" or "They should not have a criminal record" or "The criminal record follows them". It is not about "them". If they have committed a crime, they should be identified with a criminal record. Canadians should have the ability to have someone supervise them for a period of time. Criminals should pay a price as a consequence of their actions.

Is the member suggesting that these people, if they commit a crime, should not have a criminal record and that Canadians should not be protected through some form of supervision on an ongoing basis? That is what he seems to be saying.

The member continuously brings forward the disappointment that the NDP members have in relation to their amendments not being adopted by the government, so the NDP members are going to take their baseball and bat and go home. I know the member is disappointed, but he is not in government.

Is the member suggesting that people should not receive a criminal record if they do a crime? That is what he seems to be saying.

Mr. Jean Rousseau: Mr. Speaker, if we were in government, we would do things differently, certainly in a more human way.

I do not agree with the member's assertion. It is obvious that what we are trying to do is to change the system so that when military members come back to society they can adjust.

[*Translation*]

They can adjust to civilian life. We certainly do not question the military justice system in the case of serious offences. Today, we are not dealing with serious offences but with minor offences that could have a very unfortunate impact on the future civilian life of military personnel.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I congratulate the member for Compton—Stanstead, a very compassionate man. Since his riding neighbours mine, I have worked with him on a number of occasions. I have a very simple question for him.

As he pointed out, having a criminal record can create a lot of problems for job seekers. We are talking about military justice. People who served in the Canadian army end up with a criminal record, even though their justice system is not as fair as that of other Canadians. Having access to a fair and equitable court of law is a constitutional right, and members of the Canadian Forces do not even have that fundamental right.

In light of his previous job experience, could my colleague comment on the repercussions this could have? Does he think that soldiers should have the right to a fair court of law, like other Canadians?

Mr. Jean Rousseau: Mr. Speaker, I thank my colleague very much for his question.

It is obvious that for grievances and disputes, it is important to be represented fairly. Our charter states that we must be represented by counsel or a representative who can help us through the court system, whether it is a court that handles grievances or a labour tribunal.

However, the military system does not respect this element of justice, this fundamental right. That makes no sense. If we want to modernize the military justice system, one of the first things we should ensure is that soldiers are fairly represented in the case of a judgment or a grievance. That is essential.

As we have said, minor offences are sometimes put in their file and they will end up with a criminal record for perjury or for offending an immediate superior. I have seen cases in which a young man, on the ground, yelled at his boss. There was a grievance, but it did not become a criminal record.

There is a double standard and it makes no sense.

● (1305)

[*English*]

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to speak today to Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts.

At this stage, I am opposed to the bill but, as always, I will keep an open mind and watch how it progresses through the various stages. As we have waited a long time for these reforms, we need to ensure we get them right, which is what I will speak to today.

I thank the MP for St. John's East for all his work on the bill, as well as for preparing us for these debates. He really does Newfoundland and Labrador credit.

I will take a moment to speak to the value of our armed forces personnel and to recognize their service and sacrifice. We are talking about a fairly detailed bill that would amend a lot of little clauses in other bills, including the National Defence Act, but we also need to recognize the service that the armed forces give in general. Many of my family members have served in the armed forces. I admire their professionalism and discipline. We are also addressing a very small portion of those who have served so proudly in the armed forces with this bill.

Every time I get a chance to speak to defence or military aspects of government policy, my mind drifts back to my great uncle, F.R.W. R. Gow, who was a commander in the Royal Canadian Navy working for military intelligence. Sadly, he died in service in November 1942 on the same day as my birthday, which always brings him to mind on Remembrance Day and during occasions such as this. Because of that, and when I think of my other relatives who have served in the armed forces, as well as all of the great veterans in my constituency, Remembrance Day is the most important day of the year for me as it marks the reason that we celebrate all of the other holidays. We should keep that in mind as we move through these bills to ensure we do the best we can for those who serve us so well.

Before I speak to the details of the bill, I will talk about a few other laws and policies surrounding the military, many of which are far from perfect. For example, with respect to recognition of those who have served in the past, I have been working in my office with a constituent who served in the Korean War who has not yet received official recognition for his sacrifice despite numerous appeals. This gentleman is t past 90 now and it is time to ensure that we recognize all of those who have served Canada in the past. We have taken some steps in Burnaby to recognize Korean War veterans. We have a beautiful Korean War memorial in Central Park in Burnaby. However, individual recognition is also crucial and I will continue to work on behalf of my constituent for that recognition.

This whole idea of lump sum payments for injured veterans is really abhorrent to me and goes against how we should treat those who have given so much.

I will now move to Bill C-15. It was introduced in response to a 2003 report tabled by the right hon. Antonio Lamer, the former chief justice of the Supreme Court of Canada, concerning his independent review of the National Defence Act. In my mind, this is a housekeeping bill but an important one as it would adjust current laws concerning military justice. As we can tell from the title of the bill, it is not just the National Defence Act that would be altered but it is also consequential acts. Therefore, the bill would make broad-sweeping changes to a number of different pieces of legislation.

The Lamer report contained 88 recommendations pertaining to military justice, the Military Police Complaints Commission, the grievance process and the provost marshal.

The bill has seen many iterations since the Lamer report was tabled. It is important to keep in mind that in response to the 2003 Lamer report, Bill C-41 was introduced in 2010 and has been the subject of much of the discussion today.

● (1310)

The bill outlined provisions to military justice, such as sentencing reform, military judges and committees, summary trials, court martial panels and a number of other institutions and procedures. More important, during the debate on Bill C-41, we submitted a number of amendments during that committee stage, which have been talked about, but many of the amendments that were agreed to at that committee are not in the current version of the bill, which is why we are objecting.

The amendments include the following: the authority of the Chief of Defence Staff in the grievance process, responding directly to Justice Lamer's recommendation; changes to the composition of the grievance committee to include 60% civilian membership; and a provision ensuring that a person who is convicted for an offence during a summary trial is not unfairly subjected to a criminal record. I will return to these points through my speech, but as it stands, we can talk a little about the good parts of the bill.

Bill C-15 would provide greater flexibility in the sentencing process. It would provide for additional sentencing options, including absolute discharge, intermittent sentences and restitution. It also would modify the composition of a court martial panel according to the rank of the accused person. It would modify the limitation period applicable to summary trials and would allow an accused person to waive the limitation periods. It would clarify the responsibilities of the Canadian Forces provost marshal and it would make amendments to the delegation of the Chief of Defence Staff's powers as the final authority in the grieving process.

For those positive few points I have pointed out, I believe Bill C-15 is a step in the right direction. It would bring the military justice system more in line with the civilian justice system. However, it does fall short on key issues that we have pointed out over and over again and that we will take pains to do it again today and in the future. The issues it falls short on include reforming the summary trial system, reforming the grievance system and strengthening the Military Police Complaints Commission.

I will speak to two of these shortfalls in more detail, beginning with the military grievances. At present, the grievance committee does not provide a means of external review. Currently, it is staffed entirely of retired CF officers, some only relatively recently retired. If the CF grievance board is to be perceived as external and an independent oversight civilian body, as it was designed to be, then the appointment process needs to be amended to reflect that reality.

We believe that some members of the board should be drawn from civil society. In fact, our NDP amendment provides that at least 60% of the grievance committee members must never have been an officer or a non-commissioned member of the Canadian Forces. This civilian oversight process is something common in other government institutions, including, for example, CSIS, which has a civilian body appointed to oversee its procedures. Therefore, this seems to be an entirely reasonable request that we have put forward in the past and will continue to press for. The amendment was passed in March 2011 in Bill C-41 but was not retained in Bill C-15. Therefore, it does seem that there are at least some on the other side of the House who agreed, at least at some point, that there should be some civilians present in this oversight process. We think it is important to see this amendment included in the bill.

I will now to strengthening the Military Police Complaints Commission. Although what is included in the bill is seen as a step forward, we believe that more needs to be done to empower the commission. The complaints commission must be empowered by a legislative position that allows it to rightfully investigate and report to Parliament. Transparency is key here.

We oppose the bill at second reading because we do not think it is complete. There are key amendments missing that had been agreed to in the past and have not been included in this form of the bill. We ask that they be included. We ask that we do as well by our military personnel as they do by us.

● (1315)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, a number of NDP speakers have risen and, in succession, have talked about how they support reform in principle but that they feel that there are amendments that should be made to the bill but have not been made yet. That is why we send bills to committee. That is why Parliament has a committee process. One would think that the NDP, which often makes process arguments here in the House of Commons, would support moving to the next step of the process, which is to advance the bill to committee.

I am pleased that the bill will be moving toward committee with the strong support of this government. Since we have brought it forward in the last number of Parliaments, it is time to get it done. We would like to see the NDP supporting it at least to go to committee. Its argument today does not seem rational.

Mr. Kennedy Stewart: Mr. Speaker, I doubt there is a Canadian out there who would disagree with us that civilian oversight in these days is crucial for all kinds of government institutions and that is why we support it and why we will keep pushing for it.

What I do not understand is why members on the opposite side, who supported this amendment before, have now dropped it. That causes us a bit of concern.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the government makes reference to the NDP members not necessarily being rational on the bill. Some might say that they are just being stupid on the bill.

At the end of the day, there is a difference between the three parties. The Conservative Party is prepared to push the bill through, not recognizing the importance from the Liberal Party's perspective of improving the bill. The Liberal Party supports the bill in principle and would like to see it go to committee with the hope that those amendments will be approved. We have had assurance from the government that it will bring in some of those amendments. Then there is the NDP that wants to kill the bill outright. It does not want the bill to go to committee and that is the reason it will be voting against it.

Why does the member not recognize the importance of the issue to members of our forces and others and, at the very least, change his mind, vote in favour of it and allow it to go to committee? If he does not support it after committee, then he can vote against it.

Mr. Kennedy Stewart: Mr. Speaker, that is pretty rich coming from that end of the House.

The report was tabled in 2003. When the Liberals were government, they had ample time to put these things through. It is their foot-dragging that has led us to this debate here today.

We will strongly support the amendments that we put forward and were agreed to in the past, and hope that the government will do the right thing and make those amendments in due course.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I would like to make a comment about my colleague's speech and about the questions he was asked in this House.

The hon. member for Winnipeg North told us that it is completely ridiculous not to support this bill at second reading, when the Liberals did exactly the same thing with Bill C-42, the Enhancing Royal Canadian Mounted Police Accountability Act. They said that the Conservatives would never agree to any amendments and it was foolish—that may not have been the exact term they used—to believe that they would. Yet, now, they are saying the complete opposite.

I am shocked to see that the Conservatives are not respecting the work that was done by parliamentarians during consideration of Bill C-41 in the last Parliament. Does the hon. member really believe that any work could be accomplished in committee?

If amendments are going to be accepted, why are the amendments that were agreed to in the previous Parliament not already included in this bill?

[*English*]

Mr. Kennedy Stewart: Mr. Speaker, it really does seem that the current culture of this Parliament is that amendments that we suggest are rarely, if ever, accepted. It is important for us to stick to our guns and to force the government to do the right thing in this case, and that is what we will do.

[*Translation*]

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I am pleased to speak today to Bill C-15, the Strengthening Military Justice in the Defence of Canada Act, which amends the National Defence Act and other Acts.

This bill responds to the 2003 report of the Honourable Antonio Lamer, former chief justice of the Supreme Court, and the May 2009 report of the Standing Senate Committee on Legal and Constitutional Affairs. It is important that we have a good look at our whole military justice structure because there are a number of problems that need to be resolved.

Military justice needs to fit into our overall justice system. We need to ensure that our military justice laws are consistent with other laws in our general justice system, particularly when it comes to the fundamental principles of law. It is important to understand that there are differences between military law and our general legal system, and for good reason. The military justice system recognizes the relationship between the justice system and discipline within the armed forces.

Michel Drapeau, a retired Canadian Forces colonel and military law expert, had the following to say before the Standing Committee on National Defence:

> I strongly believe that the summary trial issue must be addressed by this committee. There is currently nothing more important for Parliament to focus on than fixing a system that affects the legal rights of a significant number of Canadian citizens every year. Why? Because unless and until you, the legislators, address this issue, it is almost impossible for the court to address any challenge, since no appeal of a summary trial verdict or sentence is permitted.

Mr. Drapeau is a lawyer in private practice and has considerable military experience. His advice is worth its weight in gold and must be followed, which does not appear to have been the case here.

The bill provides for greater flexibility in sentencing, establishes new sentencing options—such as absolute discharge, intermittent sentences and restitution—makes changes to the composition of a court martial panel according to the rank of the accused person, makes changes to the limitation period applicable to summary trials and allows an accused person to waive the limitation periods. The bill also clarifies the responsibilities of the Canadian Forces provost marshal and makes amendments to the delegation of the Chief of the Defence Staff's powers as the final authority in the grievance process.

When Bill C-41 was before the House, we referred it to the Standing Committee on National Defence where our party tried to do two things. First, we tried to ensure that the procedures in the military justice system were effective and consistent with the need for the timely resolution of disciplinary matters in some cases. Second, we also tried to ensure, to the extent possible, respect for the protections under the Canadian Charter of Rights and Freedoms. In other words, we did not want an efficient military justice system to trump the fundamental principles of justice just because the people in question are in the military.

Although Bill C-15 is similar to Bill C-41, important amendments adopted at committee stage at the end of the last Parliament have not been included in Bill C-15.

To no one's great surprise, these rejected amendments include the NDP amendments concerning, first of all, the authority of the Chief of Defence Staff in the grievance process—clause 6 as amended in Bill C-41. By the way, this was a direct response to a recommendation in the Lamer Report. They also concern changes in the membership of the grievance board so that 60% of the members would be civilians—clause 11 as amended of Bill C-41—and of course the provision ensuring that a person convicted of an offence at a summary trial would not be unfairly given a criminal record—clause 75 as amended of Bill C-41. This is very important.

When Bill C-41 was debated in the spring of 2011, the long hours of debate between the parties appeared to be leading toward a positive breakthrough. It makes me wonder why the Conservatives did not keep the amendments the NDP proposed in Bill C-15.

By excluding these amendments from Bill C-15, the Conservatives are undermining the important work done by all the members of the Standing Committee on National Defence, including their own colleagues, as well as the recommendations made by the representatives of the Canadian Forces during the last Parliament.

● (1320)

Many significant reforms were proposed in this bill. The NDP has long supported a necessary update of the military justice system. Canadian Forces members are subject to extremely high standards of discipline and they deserve, of course, a justice system of equally high standards.

That is why the NDP and I will oppose Bill C-15 at second reading. There are a number of shortcomings in the bill and we hope they will be discussed in committee if Bill C-15 is passed at second reading. This is probably what will happen, given that the government has a majority.

In terms of changes to the summary trial process, we believe that the amendments to Bill C-15 do not adequately address the unfairness of summary trials. At present, a summary trial conviction at the Canadian Forces results in a criminal record. Summary trials are held without the accused being allowed to consult counsel. There is no appeal and no transcript of the trial. Furthermore, the judge is the accused person's commanding officer. This is too severe for certain members of the Canadian Forces who are convicted of minor offences.

These minor offences include insubordination, quarrels, misconduct, absence without leave, drunkenness and disobedience. I agree that this is probably very important for military discipline, but it does not warrant a criminal record. I think everybody is in agreement on this point.

However, Bill C-15 provides an exemption so that certain offences, if there is a minor sentence determined by the act or a fine of less than $500, will no longer lead to a criminal record. In our view, this is a positive element in the bill. However, we believe the bill does not go far enough, unfortunately.

At committee stage, last March, the NDP proposed amendments to Bill C-41. These amendments included extending the list of offences, from five to 27, that could be considered minor and that would not result in a criminal record if the offence in question received a minor sentence.

The amendment also extended the list of sentences that could be imposed by a tribunal without being included in a criminal record. Such sentences include a severe reprimand, a reprimand, a fine equivalent to one month's salary and other minor penalties. This was an important breakthrough in terms of summary trials. However, as this amendment was not retained in Bill C-15, we are not prepared to give our support to the bill. We want this amendment to be included again.

A criminal record is not a small thing, as they say. Having a criminal record can make life after a military career very difficult. It can make it very difficult to obtain a job, to rent an apartment or to travel. Many Canadians would be shocked to learn that the members of the military who so bravely served our country may have a criminal record because of flaws in the military justice system.

I would now like to talk about reforms to the grievance system. At present, the grievance board does not allow for any outside review. In theory, the Canadian Forces Grievance Board should be viewed as an external, independent civilian body. Right now, the board members are retired members of the Canadian Forces, some of whom are very recently retired members of the military. In terms of a guarantee of objectivity, to my mind, this is hardly ideal. In fact, the NDP amendment suggested that at least 60% of the members of the grievance board must not be former officers or former members of the Canadian Forces, in order to guarantee a little more objectivity in cases of this kind.

With regard to the authority of the Chief of Defence Staff in the grievance process, contrary to a recommendation in the Lamer Report, the NDP believes that the lack of authority of the Chief of Defence Staff to resolve financial issues arising from grievances is a major weakness in the military grievance system.

Since the Lamer Report came out, no concrete action has been taken to implement the recommendation, even though the recommendation was approved by the Minister of National Defence. In my view, we must all ask questions and we must study the bill in a little more detail, become aware of the opinions of those concerned and work with the official opposition.

● (1330)

[*English*]

Hon. Julian Fantino (Minister of International Cooperation, CPC): Mr. Speaker, could the hon. member comment on the reference made by Mr. Justice LeSage on the issue of criminal records with respect to summary trials? He stated:

> However, regarding the constitutionality of the summary trial process, I am satisfied, as was former Chief Justice Dickson, that "the summary trial process is likely to survive a court challenge as to its constitutional validity".

Would the member like to comment about her source of information or the basis for her beliefs?

[*Translation*]

Ms. Marie-Claude Morin: Mr. Speaker, I always find hon. members' questions somewhat funny.

We are not talking about the opinion of a judge or anyone else; we are talking about human rights. We are also talking about people who, because of a trial system, do not enjoy the same rights as ordinary citizens, even though they too are full-fledged citizens.

So, as I was saying, there is work to do. Experts should be consulted and, perhaps, the amendments that were proposed for Bill C-41, and that were very logical, should be accepted. The government actually supported them, and also the Minister of National Defence. Therefore, we should move forward on this issue and stop relying on an archaic system.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I want to congratulate my colleague on her speech on Bill C-15.

We often hear the Liberals say that, on this issue, we are delaying things a bit. We said—and my colleague stressed that point—that amendments had already been proposed and accepted by all committee members, including the minister. Later on, the government came back with a bill that excludes all these amendments and, somewhat blindly, Liberal members are supporting the government on this issue. As for us, we have taken a different position.

I wonder if my colleague could elaborate on her experience and on our confidence in this government when it comes to accepting our amendments.

Ms. Marie-Claude Morin: Mr. Speaker, I thank the hon. member for his very relevant question.

In fact, since this government got a majority, it has been very difficult to work with it. This is unfortunate because that is what we would like to do in proposing amendments. We recognize that there are some positive things in the bill, but we also recognize that some changes are necessary. All we are really asking for is to be involved.

The Conservative government should also remember that while it may have a majority, not all Canadians voted for it.

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I want to thank my distinguished colleague from Saint-Hyacinthe—Bagot for her excellent speech. She gave an accurate picture of the situation as it relates to Bill C-15 and military justice.

It is really important to respect the people who have served and who continue to serve our country and all Canadians through their work. The hon. member spoke well of a real problem with Bill C-15, namely the grievance committee. I wonder if she could elaborate on this problem with Bill C-15.

Ms. Marie-Claude Morin: Mr. Speaker, I thank the hon. member for giving me the opportunity to elaborate on this issue.

As I pointed out in my speech, this committee is made up of members of the military, people who are sometimes the immediate superiors of the accused. This takes away some objectivity and creates a problem. Every citizen has the right to a fair and objective trial, and that includes our military.

As the hon. member mentioned, it is important to remember that most of these people risked their lives for our country, for us, for Canadians and for our freedom. Therefore, it is important to recognize that these military people are full-fledged citizens and have the same rights as we do.

* * *

● (1335)

[*English*]

BUSINESS OF THE HOUSE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, there have been consultations and I believe you would find agreement in the House for the following motion:

> That, notwithstanding any standing order or usual practice of the House, the third reading stage of Bill C-37, an act to amend the Criminal Code, may be taken up in the same sitting during which the report stage of the said bill is disposed of.

The Acting Speaker (Mr. Bruce Stanton): Does the chief government whip have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed consideration of the motion that Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the second time and referred to a committee, and of the motion that this question be now put.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, it is my pleasure to speak to Bill C-15 on the military justice system, which is long overdue.

This discussion of a person's collective and individual rights is fascinating. On the one hand, in the military it is critically important to have discipline and an efficient process for that, while keeping morale high. That why there is a different system of justice in the military.

We understand that it is important to ensure that everyone respects the law and that the military maintains a just, peaceful and safe society, its top priority. That is why a military justice system needs to be fast, flexible and portable.

Presently, 96% of the disciplinary cases result in a summary trial, with the other 4% being courts martial. I am mostly interested in talking about the summary trials and the individual rights of soldiers and fairness.

The amendments in Bill C-15 do not adequately address the unfairness of the summary trials. Right now, for a minor offence, a soldier could end up having a criminal record. However, in a summary trial, a soldier does not have access to counsel, there is no appeal process, there is no transcript of the trial and the judge is the accused person's commanding officer.

Very minor offences, whether a quarrel, small disturbance or absence without leave, could be matters important to military discipline, but I am not sure they are worthy of a criminal record. A criminal record for a soldier leaving the military could mean that he or she would have difficulty getting credit from a bank, buying a house, or being hired in any number of jobs.

Bill C-15 proposes exemptions from a criminal record for a number of offences carrying minor punishments or fines of less than $500, as defined in the act. We support these exemptions, but the list does not go far enough. There is another list of very minor offences that should be exempt from a criminal record.

As for the grievance process, there is a grievance committee but no external review. Presently, it is staffed entirely by retired Canadian Forces officers. We believe that the grievance committee should be external and have independent civilian oversight. Soldiers do not have the right of appeal, but they do have a grievance process. Therefore, it is important that the grievance process be fair and independent so there is no chance of a miscarriage of justice.

We believe that at least 60% of the grievance committee's members should be civilians, with a fresh eye on the situations before them. However, even though an amendment to the previous Bill C-41 was passed, unfortunately it was not retained in Bill C-15.

● (1340)

The other flaw in the military grievance process is that the Chief of Defence Staff right now has no authority to resolve any financial aspect arising from a grievance. We know there was a report by Brian Dickson and Chief Justice Antonio Lamer saying that it was important to give the Chief of Defence Staff the authority to resolve any financial aspect. At the time, the Minister of National Defence agreed with this recommendation. Yet after eight years, there have been no concrete steps to make sure this becomes part of the law. We moved an amendment passed at report stage of the old bill, but unfortunately it is not included in this new bill.

The other aspect is that we have to give the Military Police Complaints Commission the framework and ability to rightfully investigate and report to Parliament. Right now there is no legislative provision empowering it as an oversight body. We believe that also needs to be part of this bill.

At the moment the National Defence Act, through Bill C-15, has a timeline in which a complaint can be resolved through the Canadian Forces Provost Marshal. It protects complainants from being penalized for submitting a complaint in good faith. That is important, because whistle-blower protection needs to be in place for everyone, including soldiers.

In summary, we believe that Bill C-15 is a step in the right direction to bring the military justice system more in line with the civilian justice system. However, there have to be some key amendments to reform the grievance and summary trial systems and to strengthen the Military Police Complaints Commission.

As members know, this bill has been in front of us, first through Bill C-7 and then through then Bill C-45, which died because of prorogation in 2007 and the election in 2008. We are eager to see Bill C-15 become law, with substantial amendments. If not, then we cannot support this bill. I hope that when this bill goes to committee there will be more discussion of it.

Finally, I want to quote Michel Drapeau, who said:

> —the summary trial issue must be addressed by this committee. There is currently nothing more important for Parliament to focus on than fixing a system that affects the legal rights of a significant number of Canadian citizens every year. Why? Because unless and until you, the legislators, address this issue, it is almost impossible for the court to address any challenge, since no appeal of a summary trial verdict or sentence is permitted. As well, it is almost impossible for any other form of legal challenge to take place, since there are no trial transcripts and no right to counsel at summary trial.

That was an open statement by a retired Canadian Forces colonel and expert in military law on February 28, 2011. I hope we listen carefully to these experts who are experienced in military justice, and that we move forward to make sure there is discipline, efficiency and high morale while also respecting the individual rights of all soldiers and all Canadians.

● (1345)

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, with respect to the summary trial system and the opposition's claim that it is not constitutionally fair, could the hon. member tell us any of the former chief justices who have reviewed the system and ever said that?

Ms. Olivia Chow: Mr. Speaker, it is true that members of Canadian Forces are not entitled to a trial by jury of 12 persons, which is what the charter provides, but we are not asserting that a provision of the charter needs to be part of it, and at no point in my speech did I talk about the need for inserting the charter. Because of the unique needs of military discipline and efficiency, the finding at trials by general courts martial are determined by a panel of five military members. They swear an oath to carry out their duties according to the law. The court martial panels are different but not necessarily unconstitutional.

Having said that, however, I believe it is important to make sure the court martial system is entrenched in law and the Military Police Complaints Commission is given the legislative provision so it can be empowered to act as an oversight body.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am not too sure if the member has actually been given speaking notes from the New Democrats. The New Democrats are in fact voting against the bill going to committee. When she talks about it being a step in the right direction, when she talks about moving forward, it would seem to contradict what the NDP is proposing to do.

Let there be no doubt that the NDP wants to kill the bill. New Democrats want to defeat the bill and that is the reason why they are voting against the bill. The Conservatives are quite content to pass the bill through, promising that they will make some amendments. The Liberal Party is saying it would have been much better to have the broader report addressed, but in principle we support it going to committee.

On the one hand the member says that it is a good first step. Why would she vote against a bill in principle, which the stakeholders, such as members of our Canadian Forces, would like at the very least to see go to committee? Why would she deny them the opportunity to have it go to committee?

Ms. Olivia Chow: Mr. Speaker, Bill C-15 is trying to bring the military justice system more in line with the civilian justice system. I have already said that it is a step in the right direction, but it does not go far enough, which is why we are opposing it. If it passes, of course we will make the amendments at committee.

However, it does not address the key elements that I said very specifically: that the authority of the Chief of the Defence Staff in a grievance process must respond directly to Justice Lamer's recommendation; we have to change the composition of the grievance committee to include 60% civilian membership; and that there has to be a provision to make sure the person who is convicted of an offence during a summary trial is not unfairly subjected to a criminal record. Those are the key elements that I believe need to be in place for justice to be served.

● (1350)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I would like to put a question to my colleague, who clearly explained the flaws in the summary trial system.

I would like to get more information and ask her if she agrees that we should reform the system to ensure it is fair and equitable, as it is for all other Canadians.

Indeed, when we go to court, we are entitled to legal counsel and we appear before an impartial judge. However, in the case of summary trials, the accused is not even entitled to legal advice. Worse still, sometimes the judge is the immediate superior of the accused. He is the individual who, in the hierarchy, is supposed to give the orders.

So, could my colleague explain why it is important that people who serve our country in the Canadian Forces be entitled to a fair trial?

[*English*]

Ms. Olivia Chow: Mr. Speaker, it is unfortunate that it has been so long since Justice Antonio Lamer presented his report in 2003. Only 28 of his recommendations were implemented in legislation. He made 88 recommendations. That is why we want to make sure his report is implemented properly in its entirety. Of course there should be a right to consult counsel, and appeal and be able to have a grievance process that is fair.

That is why we are insisting that 60% of the composition of the grievance body would be civilians so that it has a different perspective. We understand the importance for morale and discipline and we understand the importance of speed. That is why we believe there should be a separate military justice system.

The Acting Speaker (Mr. Bruce Stanton): Resuming debate. 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.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): The vote will be deferred until tomorrow at the end of government orders.

Statements by Members

INCREASING OFFENDERS' ACCOUNTABILITY FOR VICTIMS ACT

The House proceeded to the consideration of Bill C-37, An Act to amend the Criminal Code, as reported (without amendment) from the committee.

The Acting Speaker (Mr. Bruce Stanton): There is one motion in amendment standing on the notice paper for the report stage of Bill C-37. Motion No. 1 will be debated and voted upon.

MOTIONS IN AMENDMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP) moved:

Motion No. 1

That Bill C-37 be amended by deleting Clause 3.

Mr. Speaker, before I begin, could you give me some indication of how many minutes I will have?

The Acting Speaker (Mr. Bruce Stanton): Yes, my apologies to the member for Saanich—Gulf Islands. Ordinarily, we will let members know about how much time they would have before another rubric in the day's business comes upon us. The member will have approximately three minutes now and, of course, the remaining seven minutes for her remarks when the House next resumes debate on the motion.

The hon. member for Saanich—Gulf Islands.

● (1355)

Ms. Elizabeth May: Mr. Speaker, in speaking to Bill C-37 at report stage, I propose to speak to the portions and the importance of providing support for victims in my first three minutes and then return in my second period, of seven minutes, to the problems I have with this bill.

Overall, I think all of us will agree that victim services provided by provinces and territories need to be expanded and improved. The title of this bill, increasing offenders' accountability for victims' act, may gild the lily somewhat. This is of course a victim surcharge, which is applied at the time of sentencing. However, I completely concur with the words of Sue O'Sullivan, the Federal Ombudsman for Victims of Crime, in her most recent report in February of this year, "Shifting the Conversation", that we do need to substantially improve services to victims in this country. It was her recommendation that led to much of this bill.

One of the areas where we particularly need to help victims is not one that comes up in this legislation, but it is a move that is supported by the Federal Ombudsman for Victims of Crime, and it is one that I want to highlight in my brief opening statement.

I want to highlight it because members on all sides of this House should get behind a measure that we desperately need, and that was encapsulated in something called Lindsey's law, which has not been brought forward yet. It actually relates to a tragic circumstance that happened to one of my constituents. The daughter of my constituent, Judy Peterson, went missing 20 years ago this year. My constituent has never been able to find out what happened to Lindsey, but it has led her on a crusade to find a way to create a database for the DNA of missing persons that could be cross-referenced to crime scenes. Everybody involved in victim services, whom I can find, thinks this is a worthy effort.

In fact, we can go back into the records of anytime the House of Commons has dealt with it. The House of Commons Standing Committee on Public Safety and National Security, in 2009, looked at this issue of a DNA identification act and supported it. It was also supported in the Senate Standing Committee on Legal and Constitutional Affairs. Unfortunately, to this point it has not been brought into law. I should mention as well that even more recently the police chiefs of this country, when they were meeting in Nova Scotia in August of this year, confirmed that they believe we need to create a database for the DNA of missing persons to be cross-referenced to crime scenes. This would be of enormous value to victims, and yet it is missing in this bill.

I will return to the subject of Bill C-37 after question period.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Saanich—Gulf Islands will have seven minutes remaining for her remarks and the usual five minutes for questions and comments when the House next returns to the motion before it.

Statements by members. The hon. member for Ahuntsic.

STATEMENTS BY MEMBERS

[*Translation*]

NATIONAL POLICE OFFICERS RECRUITMENT FUND

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, in June 2007, Canada had over 344 street gangs with about 12,000 members in 166 urban and rural centres and aboriginal reserves. Those numbers are not getting any lower.

In Quebec, there are about 50 major street gangs with over 1,250 members. The vast majority of them are in Montreal. The magnitude of the problem has led to the creation of four joint squads in Quebec City, Gatineau, Laval and Longueuil, as well as the establishment in Montreal of the Eclipse squad, which is made up of 46 police officers. This represents a $92 million budget over five years for Quebec, including about $37 million for Montreal, the epicentre of the street gangs phenomenon.

At a time when Montreal's criminal world is in turmoil with the return of the Hells Angels, the Mafia's internal war and the driving ambition of street gangs, this government found a way to eliminate the Eclipse squad.

Ridicule never killed anyone, but it can hurt a lot.

* * *

[*English*]

QUEEN'S DIAMOND JUBILEE MEDALS

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, it is with great privilege that I stand in this place to recognize all those I presented with Queen Elizabeth II Diamond Jubilee Medals on November 16 in Medicine Hat.

I would like to congratulate Graham Abela, Martha Andrews, Algirdas Arelis, Jimmy Bonora, Kaylin Bradley, Rickie Evans, James Forbes, Christopher Gerbrandt, Don Girling, Doug Heine, Lawrence Henderson, Ryan Jackson, John John, Matt Klimaszewski, Annetta Lozo, Bruce Martin, Keith Martin, Paul Mast, Kenneth Montgomery, Mickey Moore, John Reynolds, David Rozedba, Ted Sherring, Evelyn Stall, Kevin Swanson, Mollie Webster, Frank Wetsch, the late LeRoy Wilson and, last but not least, Joseph Yarrow.

They have made their families, friends and communities very proud.

* * *

● (1400)

[*Translation*]

CONSERVATIVE PARTY OF CANADA

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, the Conservative government keeps increasing the provinces' tax burden. In the past year and a half, we have seen the Prime Minister impose a new formula for health transfers, which means a loss of over $36 billion for the provinces.

The Conservatives also decided to once again impose prison sentences for minor offences thereby increasing the number of inmates who will end up in provincial prisons. Yet there is no financial assistance to accompany their new policy. Once again, the provinces are being left to fend for themselves.

But it does not stop there. As a result of the new regulations that restrict access to employment insurance, many claimants are being forced to turn to social assistance, which places yet another burden on the provinces, since they are responsible for managing this program. And that is not to mention the negative impact this is having on the economy of the regions, which have been hard hit.

I could go on, but my time is short. So let us simply hope that this government will listen to reason in 2013.

* * *

[*English*]

ONTARIO SCHOOLS

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, as members from Ontario will know, there is a labour dispute between teachers and the provincial government that is disrupting children's educational experiences.

Two years ago I had the privilege to meet Erica Boer when I presented her with an award for her outstanding leadership. Last week, I received a letter from her expressing her frustration with the current situation. She wrote:

> I am appealing to you to do anything in your power to fix this situation and bring a resolution that will return these extremely important extra-curricular activities back to our high schools.... We are the future of this province and deserve to have a voice.... It only takes one person to make a difference.

This issue is outside of federal jurisdiction, but what I can do as an MP is to call attention to it and ask the premier and the unions to stop using children as bargaining chips. I also want to congratulate Erica for taking the initiative to be the change she wants to see. She is correct that it only takes one person to make a difference, but I want her to know that she is not alone.

* * *

RESIDENTIAL SCHOOL SURVIVORS

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, this weekend I had the honour to join Grand Chief Ben Silliboy and Chief Rod Googoo for a special ceremony in Waycobah First Nation. A monument and exhibit were unveiled to commemorate those who were forced to leave their community to attend the Shubenacadie Indian Residential School, where many of them suffered unnecessary and unspeakable abuse.

The chair of Canada's Truth and Reconciliation Commission, Justice Murray Sinclair, travelled to Waycobah for the ceremony. He spoke movingly to the survivors who brought this project to life so that the children of the community could understand and learn from their stories. Justice Sinclair also spoke of the power of forgiveness and reconciliation.

Inscribed on the monument outside Waycobah school are these words by the late revered Mi'kmaq poet Rita Joe:

> I lost my talk
> The talk you took away....
> Let me find my talk
> So i can teach you about me.

On behalf of the entire House, I commend the residential school survivors from Waycobah for finding their talk so that they can help teach us, as a nation, the power of forgiveness and reconciliation.

* * *

SUSAN WELLS

Ms. Kellie Leitch (Simcoe—Grey, CPC): Mr. Speaker, I rise today to pay tribute to the memory of an exceptional woman, a community advocate, a dedicated volunteer and an outstanding role model for all Canadians: Ms. Susan Wells. A tireless social worker for Collingwood and an ally for those less fortunate, Susan was tragically killed while on her fourth aid mission to Tanzania where she was working to improve the lives of children and youth in extreme poverty.

Susan was a kind and generous spirit. Her commitment to others never wavered. She put others' needs ahead of her own, fighting for mental health resources and education here at home and abroad. Raised in a loving family with a tradition of family service and community service, Susan worked to strengthen other families. She exemplified the best of Canadian values: compassion, empathy and a sense of responsibility.

It was Susan's quiet leadership that brought educational opportunities, health care and sustainable income to third world nations. In Ecuador, she assisted in medical aid. In Tanzania, she created scholarship funds. She helped build orphanages and she worked toward a drop-in centre for street children.

Beyond these admirable traits, Susan was a treasured daughter, sister, aunt and friend to many. Let us formally recognize Susan and let her life serve as an inspiration to other Canadians who work courageously to make their communities and our world a better place.

* * *

[*Translation*]

THE ECONOMY

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, John is the very image of the future of the public service. He is young, vibrant and passionate, and he has a world of opportunities in front of him. Then, out of nowhere, he receives a letter telling him that his job is in jeopardy. Everything is turned upside down. Will he be able to keep the house he just bought with Julie? Will he be able to get married as planned? Just to be careful, he cancels his plans.

He has passed his exam and gone through an interview, but he is still waiting, because all of his colleagues are just as qualified as he is. Will he keep his position? Will an equivalent position open up? Will he have to leave or find a new career?

John does not know. What he does know, however, is that he has lost his drive and his world of opportunities is lost. He is now consumed by doubt.

John is a fictional character, but the hardships I described are very real, because the Conservatives' policy is wreaking havoc. During this holiday season, I want all of us to remember that policy must benefit the people above all.

Happy holidays to everyone.

* * *

● (1405)

[*English*]

REGIONAL DEVELOPMENT

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, this past Friday marked the completion of the Eastern Ontario regional networks fibre optic backbone. The backbone project involved the installation of a 5,500 kilometre fibre optic cable, which has vastly improved Internet access to Eastern Ontario.

This $170 million initiative was supported through investments from the federal, provincial and municipal governments, along with money from the private sector. The network provides world class, high-speed broadband access to an estimated one million residences and businesses in the region and will stimulate economic growth in Eastern Ontario.

On behalf of the Eastern and Northern Ontario caucus, we extend our thanks to the Eastern Ontario Wardens' Caucus and Jim Pine, CAO of Hastings County, on this great accomplishment, which has come in on budget and on time to meet current and future needs and to further unlock the economic potential of Eastern Ontario.

UNIONS

Ms. Eve Adams (Mississauga—Brampton South, CPC): Mr. Speaker, today, while dues-paying union members are hard at work doing their jobs, their union dues are paying for people to occupy my constituency office. None of the occupiers live in—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Mississauga—Brampton South has the floor.

Ms. Eve Adams: Mr. Speaker, none of the occupiers live in the great riding of Mississauga—Brampton South. I will not be intimidated. I will be supporting Bill C-377 in order to open up the books of unions to see what they are spending money on.

On that side of the House the NDP is quite cozy with its friends, the big union bosses. On this side of the House, Conservatives will stand with those hard-working, union dues-paying members who are demanding greater accountability from their union bosses.

* * *

[*Translation*]

INNOVATOR OF THE YEAR AWARD, 2012 CANADIAN TOURISM AWARDS

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, tourism is one of Canada's most important service exports. This industry generates annual international trade revenues of more than $15 billion and must rely on the creativity and innovation of tourism leaders to hold its position in a highly competitive market.

Nordik Spa-Nature, a business located in my riding, Pontiac, epitomizes this desire to innovate. It is with great pleasure that I rise in the House to offer my warmest congratulations to Martin Paquette and Daniel Gingras for winning a 2012 Canadian Tourism Award in the Innovator of the Year category.

Nordik Spa-Nature is considered to be the largest spa in North America and is an important regional and international attraction. With the recent improvements to the spa, I am certain that it will enjoy lasting success.

Congratulations to the entire Nordik Spa-Nature team.

* * *

[*English*]

MACKENZIE-PAPINEAU BATTALION

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, 2012 marks the 75th anniversary of the founding of the legendary Mackenzie-Papineau brigade. Nearly 2,000 Canadian volunteers went to defend the democratically elected government of Spain against the fascist forces of Mussolini, Franco and Hitler's Condor Legion.

I am proud to say that the fourth largest contingent came from Timmins—James Bay. They were led by Nilo Makela, who quickly became the battle leader of the Mac-Paps. Makela, along with other Finnish Canadians, formed the legendary Illka-Antikainen machine gun company, and his death in 1938 devastated the Mac-Paps.

Nearly 50% of the Canadians who fought never returned from the battlefields or the firing squads of Franco's Spain. Those who came back were often treated as enemies, but not in Timmins, where they were rightfully recognized as heroes.

On this anniversary we say, from the mines of South Porcupine to the barricades of Barcelona: *No pasarán*!

* * *

● (1410)

UNIONS

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, I am pleased to announce that our Conservative government has eliminated a $1 million slush fund for the Customs and Immigration Union.

It is outrageous that taxpayers were paying big union bosses to tweet about their radical leftist causes de jour, instead of standing up for front-line officers. Shockingly, CIU bosses have taken the government to court today to get their slush fund back. They have also brought forward a laundry list of new spending demands at taxpayers' expense.

Workers in Canada are forced to pay hundreds of millions of dollars in dues to union bosses, who then spend it on illegal donations to the NDP, violent student protests in Montreal, ritzy hospitality and support for Quebec separatists.

Workers deserve to know how their money is spent. That is why I will support the union transparency bill, and let me say on behalf of workers in my community, I will continue to fight for their free choice and for their rights.

* * *

HUMAN RIGHTS

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, yesterday, on the occasion of International Human Rights Day, I had the privilege of giving out the Queen's Diamond Jubilee Medals at a ceremony in my riding that also expressed solidarity with human rights heroes around the world.

These heroes include: Malala Yousafzai, whose advocacy for equal rights has inspired us all; Maria Lourdes Afiuni, Venezuelan judge detained for exercising her judicial independence; Eskinder Nega, Ethiopian journalist imprisoned for critiquing the Ethiopian government; Nasrin Sotoudeh, imprisoned Iranian lawyer who, together with the imprisoned Baha'i, symbolize the struggle for human rights in Iran; Liu Xiaobo, Chinese Nobel Peace Prize laureate, imprisoned for exercising his free speech; and Sergei Magnitsky, the Russian lawyer tortured and murdered in detention for exposing the culture of corruption in Russia, whose colleague, Bill Browder, is in Ottawa today as part of the mission to bring those responsible to justice.

I ask all members to join in an expression of solidarity with these courageous individuals on the front lines of the struggle for human rights and justice in the world today.

THE ECONOMY

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, the Canadian economy is on the right track.

Just yesterday, Standard and Poor's stated that Canadian authorities have a strong track record in managing economic and financial crises and delivering economic growth. Standard & Poor's also stated that Canadian governments have demonstrated an ability and willingness to implement reforms to ensure sustainable public finances over the long term.

Our Conservative government remains squarely focused on what matters to Canadians: jobs, economic growth and our long-term prosperity. On the other hand, the NDP is working to impose a job-killing carbon tax on Canadians that would raise the price of gas, food, electricity and everything else. Such a tax would be devastating for our economy and for Canadian families.

Canadians made the right choice by electing our strong Conservative government.

* * *

[*Translation*]

NATIONAL DEFENCE

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, to say that the Conservatives are bad managers does not do justice to the magnitude of the F-35 fiasco.

In the past, the Prime Minister liked to puff out his chest and say that his government signed the F-35 contract.

On November 3, 2010, the Prime Minister said, and I quote: “It would be a mistake to rip up this contract...”.

In January 2011, he said that he found it “disappointing” and “sad” that some members of Parliament seemed to be “talking openly about cancelling the contract”.

It is funny but, today, with the estimated cost at an astronomical $46 billion, he seems a little less obstinate.

He is now siding with those he once accused of not liking our troops. That is a bit hypocritical.

In order to resolve this matter, the Prime Minister should admit that the Conservatives' management of the F-35 file was disastrous, that the only solution is to start over, and that the Minister of National Defence must finally assume his responsibility.

That is what the NDP is calling for. Meanwhile, the Prime Minister is asking one of his members to repeat the same talking points 13 times.

* * *

[*English*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mrs. Stella Ambler (Mississauga South, CPC): Mr. Speaker, the hustle and bustle of the Christmas season is in full swing. My constituents are hanging lights, putting up their trees and buying gifts for their friends and loved ones.

Sadly, a dark cloud looms over this holiday season. The threat of a $21 billion NDP carbon tax would mean that future holidays would not be so bright. If the NDP leader gets his way, in future it will be more expensive to let those lights shine bright, more expensive to get a tree and higher prices for all Christmas gifts.

I take this opportunity to pledge to my constituents that our Conservative government and I will never let the NDP leader get his Christmas wish of imposing a $21 billion job-killing carbon tax on Canadians.

ROUTINE PROCEEDINGS

● (1415)

[*English*]

NEW MEMBER

The Speaker: I have the honour to inform the House that the Clerk of the House has received from the Chief Electoral Officer a certificate of the election and return of Mr. Murray Rankin, member for the electoral district of Victoria.

* * *

NEW MEMBER INTRODUCED

Mr. Murray Rankin (Victoria, NDP): Murray Rankin, member for the electoral district of Victoria, introduced by the Hon. Thomas Mulcair, the Leader of the Opposition.

ORAL QUESTIONS

[*English*]

FOREIGN INVESTMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, last night the Conservatives voted unanimously in favour of an NDP motion to clarify the rules around foreign takeovers, so this question is quite simple.

Will the Prime Minister now follow through on that vote, respect the will of the House and propose amendments to the act?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government already did just that last Friday in terms of clarification. Markets have reacted very positively to that. I think Canadians understand.

Canadians do not want the position of the former Liberal government, which was to rubber-stamp all foreign investments. They certainly do not want the position of the NDP, which is to be opposed to all such investments. Canadians want a balanced and reasonable approach that protects our country's interest.

[*Translation*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, what have the Conservatives done? Their Minister of Natural Resources admits that the Nexen deal would never go through today as it is contrary to the interests of Canada and does not pass the net benefit test for Canada.

How can the Prime Minister look at us today and say that the government has already clarified things, when his Minister of Industry spent yesterday saying that he himself did not even know what "exceptional circumstances" meant? Let us be clear: if amendments need to be made, this is where they are made. They have to take responsibility for their actions!

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I said on Friday, the Nexen transaction is acceptable. However, increased ownership in the oil sands by foreign governments is not acceptable for the government. We have a balanced position. It is not the position of the former Liberal government that approved every investment, nor is it the position of the NDP that opposes every investment; it is a balanced position that protects the interests of the Canadian economy.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, it was acceptable on Friday, but it was not acceptable on Monday or Tuesday. We must therefore assume that it is only acceptable on Fridays. That must be the definition of "exceptional circumstances": it means on Fridays.

Let us talk about what this House has been asked to do—the government was all for it just yesterday, let us see whether it can remain consistent from Monday to Tuesday—to clarify the definition of net benefit, to include reciprocity, increase transparency, and hold public hearings: yes or no?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, allow me to explain this once again for the benefit of the NDP leader.

[*English*]

As we said on Friday, we have accepted the Nexen transaction, which does not, in and of itself, raise the spectre of foreign government control of the oil sands. However, we have been very clear that we are concerned about that trend. The trend will not continue and future transactions of that nature are not likely to be approved by this government.

This is the position that markets, Canadian industry and Canadians have widely supported. They support it because they trust the government to take a balanced approach that will both encourage investment and protect Canadians.

* * *

[*Translation*]

NATIONAL DEFENCE

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, transparency is woefully lacking in the F-35 file as well. Yesterday, it became evident that the Conservatives are digging in their heels and becoming mired in a public administration fiasco. The way to get the best plane at the best price is to put out a call for tenders. First, the Conservatives must determine what Canada needs —for example, an aircraft than can operate in the Arctic—then, they should award the contract to the lowest qualified bidder.

Will they change their minds, follow basic rules of public administration and tender the contract?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has already announced that it intends to follow a seven-point plan to review all the details of this transaction. This is obviously very important for the future of Canada's military. It is vital that the fighter planes be replaced at the end of this decade. We are working very hard to ensure that the Canadian Forces get the best plane.

[*English*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, instead of following their seven-point program, the Conservatives should inspire themselves with twelve-point programs and start by admitting they have a problem.

There has been fear-mongering about the F-35s, saying that there would be great losses for Canadian companies and yet this is the only major military procurement in recent history where there are zero guaranteed industrial regional benefits.

Why is the government insisting on proceeding with a company that has not even signed a contract to guarantee industrial regional benefits for Canada? What has been given so far is less than 1%.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has taken into account the findings of the Auditor General and that is why we are proceeding with a detailed seven step action plan.

In terms of there being no industrial benefits, as I have said before, there are hundreds of millions of dollars of contracts that have been let out to Canadian companies in the development of the F-35 aircraft. In fact, in the greater Montreal area, there is Héroux-Devtek, Pratt & Whitney and Alcoa Howmet all doing work on this very plane.

I suggest the member, during the Christmas break, go and visit some of those workers in his area.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, given the now inflated price that is being discussed by KPMG and others with respect to the F-35, vastly greater than any price ever admitted to by any member of the front bench of the Conservative Party, I wonder if the Prime Minister could explain to Canadians why he is not going to competitive bid for a replacement for the CF-18s.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, first, I would not begin by accepting the preamble of that question. There are a range of issues that have been raised by the Auditor General and others. I believe that the seven step process that has been outlined by the government and by the Minister of Public Works addresses these very issues.

What we want to do obviously is ensure that, for the best price, we get the plane that will fulfill the needs of the Canadian air force, of the Canadian military, when the CF-18 fleet begins to reach the end of its lifespan at the end of this decade.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have heard government members talk about $9 million and I have even heard them admit to $16 billion. I have heard those two figures admitted to. I have never heard them admit to $20 billion, $26 billion, $30 billion, $40 billion or $46 billion. They have concealed the real costs from Canadians from the beginning. Why no competitive bid?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is always possible to say that something will cost more if one keeps lengthening the time span in which one is doing the analysis. In any event, as we have said before, the Auditor General has raised concerns about the costs and that is why we have asked for a thorough examination of those costs. The government will be reporting on those matters in due course.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the Prime Minister just admitted that the government's cost calculations do not reflect the real cost. That is the opinion of the Auditor General and the private sector.

However, the question remains: why is the government replacing the CF-18s without going for the best price and the best value? That is the question. What is the government's response?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I obviously do not accept the preamble to this question. The Auditor General had doubts about the estimates provided by National Defence. For that reason, we created a panel of experts to examine these costs in detail. Naturally, we will make this information public in the near future.

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FOREIGN INVESTMENT

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, CNOOC spilled enormous amounts of oil into the South China Sea and never said anything about this environmental disaster for 30 years.

Despite this rather dismal environmental record, the Minister of Industry seems to believe that we can rely on China to protect Canada's environment.

Can the minister tell us what environmental protection measures are in the agreement signed with CNOOC?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the NDP is at it again. On one side of the House, the Liberals would like to accept virtually any investments without examining them very closely, whereas the NDP wants to block everything. These two extremes are at EI ends of the spectrum.

Fortunately, Canadians can rely on a responsible government with a reasonable and balanced approach. That is what people have said. Canada is open to investment, but it is not about to sell out to foreign governments. The reaction of the markets and Canadians in general would appear to support us.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, if I have properly understood his response, the minister is saying that the information is available but that it is impossible for him to give it to us. He is basically telling us to ask China. That may be his vision of transparent government, but it is not ours.

As we all know, the Conservatives' record on protecting Canadian jobs when there are foreign takeovers has been disastrous. Just ask the former employees of Stelco.

Could the minister tell us what job protection measures are in the agreement signed with CNOOC?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, again, my colleague knows full well that when the decision was announced, CNOOC had made significant commitments in terms of governance, trade policy, compliance with the law and long-term economic engagements with respect to economic growth and employment.

That is what foreign investments can give us. The NDP's philosophy is to block any type of investment and to be against any form of free trade. It is an irresponsible and imbalanced approach, like the Liberal approach, which would accept anything without any detailed analysis. Ours is a balanced approach—

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

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, there are still no answers.

The Prime Minister's improvised press conference last Friday demonstrated how the Conservatives are mismanaging foreign investment. The CNOOC takeover approval, coupled with the Canada-China FIPA is a dangerous mixture. CNOOC will have unprecedented rights in Canada and now it is entitled to national treatment, meaning it has carte blanche to expand in Canada, including buying up oil sands leases.

Why is the government trying to cover up the real impact of the Canada-China FIPA? Why is it giving CNOOC special and expanding access to the oil sands?

● (1430)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, that is not true. Once again, the NDP, with its philosophy about blocking everything, is trying to mix up the people.

Regardless of any bilateral agreements that we have, each investor who intends to invest in Canada must be compliant with the Investment Canada Act. It is as simple as that.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the minister seems to have problems explaining this. Perhaps the Prime Minister could give it another try. He failed yesterday.

The doublespeak does not change the fact that the botched $15 billion Nexen decision is more clear evidence of Conservative mismanagement. In fact, Conservative sources are saying that the government sold out on the Canada-China FIPA. Now it has given a blank cheque to CNOOC. Most Canadians and even many Conservatives do not agree with the government on CNOOC.

Why is the government being so incompetent and so irresponsible?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, that is not true. On the contrary, investors who intend to invest in this country must comply with the Investment Canada Act. It is as simple as that.

Once again the NDP is trying to mix up everything because it has a blocking everything agenda in terms of investments.

We have a balanced approach that is strong and solid. We have clarified the guidelines but once again the NDP does not seem to understand. Fortunately, however, the markets and Canadians get it.

* * *

NATIONAL DEFENCE

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, FIPA is not the only agreement the Conservatives do not seem to understand. Yesterday, the Prime Minister fear-mongered about F-35 related contracts being ripped up. To paraphrase a prominent columnist, this is either culpable incompetence or deliberate misrepresentation.

Denmark, a tier 3 partner just like us, is using an open competition to replace their F-16s. The Dutch, also a JSF partner, are also going through a competitive process in response to their AG's report.

Why are the Conservatives still fear-mongering and misleading Canadians?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we have set up the National Fighter Procurement Secretariat to ensure that there is maximum transparency and due diligence in the decision leading up to the replacement of our CF-18s. That work also includes the independent oversight of a former Canadian auditor general, Denis Desautels.

At this point, no money has been spent on the purchase of any new aircraft. That will not happen until we get updated cost estimates that have been independently verified and until we do a full options analysis.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, the Conservatives have forgotten what this is actually about. It is about getting the right aircraft at the right price with the best industrial benefits.

The Prime Minister reverts too easily to old habits, such as sole source deals behind closed doors. Backroom deals and public misrepresentation seem to be the instincts of the government.

The democratic instinct would be openness, transparency and a real competition to replace the CF-18s. Why not that?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, the National Fighter Procurement Secretariat has been set up to manage this process and ensure there is due diligence in the decisions leading up to replacing our CF-18s, and, as I said, that includes independent oversight from a former Canadian auditor general.

In terms of the options analysis, as we have stated, the statement of requirements will be set aside and a full options analysis will be done. Until the full evaluation of that work is done, the government will not take a decision.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, it was not so long ago that the Minister of National Defence was insisting that the total cost of the F-35s was going to be $9 billion. Anyone who said differently was simply making up numbers. The minister also said that we did not need a bidding process because the F-35 was the only alternative if we wanted to give our troops the best equipment possible.

If he still thinks that giving Lockheed Martin the contract without a bidding process is the right thing to do, he needs to stop hiding behind the Minister of Public Works and Government Services and stand up and explain himself.

[*English*]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we have set up the National Fighter Procurement Secretariat, which is managing this process on behalf of the government. It includes independent oversight from two members, including a former Canadian auditor general.

At this point, the government has not spent any money on the acquisition of any aircraft. We will not be making a decision until a full options analysis is done and until we have updated cost estimates of the F-35.

● (1435)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, either the Minister of National Defence does not see fit to explain or the Prime Minister no longer trusts him and would prefer that he remain seated.

The Minister of National Defence fought tooth and nail to defend the decision to purchase the F-35, even going so far as making unfounded attacks on our support for our troops. At one point, the minister even said that, if we did not purchase the F-35s immediately, we would no longer be able to defend Canada or honour our NATO commitments.

The Minister of National Defence's F-35 fiasco has been disavowed, but he is still minister. Will he finally live up to his responsibilities?

[*English*]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we have set up the National Fighter Procurement Secretariat to manage this process in response to the concerns that the Auditor General had.

At this point, no money has been spent in the purchase of any new aircraft and no money will be spent until our seven point plan is implemented, including updated cost estimates of the F-35 and a full options analysis to replace our CF-18s.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I guess it is long past the time when the Minister of National Defence can stand up and defend his actions on the F-35 fiasco. That minister once said, "If this procurement is cancelled so another competition can be held, it will cost taxpayers a billion dollars and will create an operational gap for the air force in the future".

In 2011, the Prime Minister even said that lives might be lost or at risk if the F-35 was not sole sourced.

Will the minister or the Prime Minister either defend these statements or else apologize to Canadians for these outrageous comments?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, after the concerns raised by the Auditor General, our government put in place a secretariat to manage the process of replacing our CF-18s and, in particular, to respond to his one recommendation. His one recommendation was that the Department of National Defence bring forward updated cost estimates for the F-35.

Until we have those updated numbers and until we do a full options analysis, the government will not move forward in a decision to replace our CF-18s.

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CITIZENSHIP AND IMMIGRATION

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, in my riding, we are trying to help a 12-year-old girl from New Delhi. Both of her parents have died. She is being looked after by an ill grandmother in India. Her adoption by her Canadian aunt has been approved but we are told the wait to bring the little girl to Canada could be as long as five years.

Conservative financial incompetence has resulted in a system that lacks any compassion for this 12-year-old girl who now has to wait five years for a better life. Will the minister fix this now?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I am not exactly sure what the question relates to. If it is to a particular immigration case, I would encourage the member to raise it with me privately, because, of course, she will know that I cannot discuss individual cases publicly without a privacy waiver.

Our government has streamlined the process for the adoption of children from abroad by allowing them to be naturalized from abroad. The process for approving foreign adoptions has sped up, in many cases, by as much as three years.

She should also know that we need to be very careful not to process foreign adoptions unless we are absolutely sure that all of the bases have been covered so that we can avoid bringing children over who do not have the consent of their parents to be adopted.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, the Conservative government has closed the citizenship and immigration office in Kingston and the Islands. If one wants assistance, now there is call centre, except only a fraction of the calls get through to the remaining agents because of the cuts. If one needs forms, one has go online—but not through the community access program, which has been cut. Families have to wait longer for service.

The Conservative government's incompetence has led to a debt of over $600 billion and now it is cutting services on the backs of immigrant families. Is that fair?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, it is actually to the contrary. The shameful legacy of the Liberal Party with respect to immigration was a backlog of nearly 900,000 people waiting for seven to eight years for a decision on their applications in all of our programs. Thanks to this government's action plan for faster immigration—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. Minister of Citizenship and Immigration has the floor.

● (1440)

Hon. Jason Kenney: Mr. Speaker, thanks to this government's action plan for faster immigration, we have managed to substantially reduce the Liberal backlog and now many of our programs are moving toward processing new applications just in time.

I should also mention that we have tripled our investment in settlement services for newcomers and cut in half the Liberal right of landing fee for new permanent residents.

[*Translation*]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, in my riding, voters often come to our office crying because they have to wait so long to be reunited with their families. It is because of the Conservatives' financial incompetence—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Markham—Unionville.

Hon. John McCallum: Mr. Speaker, it is because of the Conservatives' financial incompetence over the past five years that the processing time for family class immigration files has doubled from 12 to 23 months.

Why do my constituents have to endure such long wait times?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, if I were one of the member's constituents, I would cry too.

I must say that the hon. member is completely wrong. We decreased processing times for family sponsorship applications for parents and spouses. Under the Liberals, it took seven years to make a decision on parental sponsorship cases. Now, it takes three and a half years.

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the Minister of Human Resources is telling people to line up to file their claim for employment insurance benefits while at the same time, she is eliminating front-line services at Service Canada. She is also denying the unemployed the right to appeal decisions in person at the social security tribunal. This is shameful.

What is a person living in a remote area like the Mingan region where there is no ready access to the Internet supposed to do? Is this merely another way for the minister to deny EI benefits to persons who are entitled to them?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, what we are trying to do with the employment insurance system is to help people find a new job. We are offering them training to develop the skills that are needed in today's job market as well as those that will be needed down the road. We inform them of job openings in their region in their particular field in order to help them find another job. This is good for them and for their families.

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, the EI reforms introduced by the Conservatives will have a devastating effect on regional economies and seasonal employment. That is why the Union des municipalités du Québec is strongly opposed to these reforms.

My question is for the Minister of Transport. If he were still the mayor of Roberval, would he stand to see his community being targeted in this manner and unemployed persons being denied their fundamental rights?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our priorities are job creation, economic growth and long-term prosperity. Along with employers, we have created almost 900,000 new jobs here in Canada. That is why we need to see these unemployed workers in the labour market, and that is why we are helping them to find jobs for which they are qualified in their own geographic region. We are helping them to find work.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, the minister's reforms to employment insurance are making no one happy. Even some of her colleagues here in the House, like the hon. member for Moncton—Riverview—Dieppe, are not satisfied with this reform.

It was because of her botched reform that the minister had to do an about-face on the working while on claim pilot project. Now the minister is abandoning her war against the people of Cape Breton and reinstating the EI claims of hundreds of people who were victims of a witch hunt by Service Canada.

Instead of admitting her errors and backtracking all the time, will she consult the NDP and workers before making decisions?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, that is why we made the changes. During the consultations we held in all parts of the country, Canadians told us there was a need for changes in the employment insurance system because some parts of the system were saying no to people who wanted to work. Employers needed the talents and skills of Canadians, but the system was preventing them from working. We made these changes to help families, workers and the economy.

● (1445)

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, now that the minister has reversed herself on working while on claim and has been forced to stop picking the pockets of eligible Cape Bretoners, she has to stop tinkering at the margins and fix the broken EI system.

There is no shame in admitting a mistake. The shame is continuing down the same path when one knows it is wrong. Will the minister now stand in the House, acknowledge the problem and commit to fixing it?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, that is exactly what we are doing. We are streamlining and automating the processing so that the unemployed get their cheques and payments much quicker.

However, we are going beyond that. We are helping those Canadians find new jobs. We are helping them get the schooling and training they need for the requirements of the jobs of today and tomorrow. We are helping them get back to work. We are doing it sooner and taking away the disincentives that existed in the previous system preventing them from taking those jobs.

We are fixing the system for the benefit of Canadians. I do wish that once in a while the NDP would support those efforts.

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THE ECONOMY

Mr. John Williamson (New Brunswick Southwest, CPC): Mr. Speaker, it is easy to overlook the role that sound public policy has in building a strong economy. Our government is focused on job creation, growth and long-term prosperity. Since July 2009, Canada has created nearly 900,000 net new jobs, the strongest growth record in the G7.

This did not happen by accident and despite ongoing global economic turbulence, Standard and Poor's today reaffirmed Canada's AAA credit rating, joining Moody's and Fitch by again giving our country a top score.

Could the Minister of Finance update the House on our economic record?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, along with reaffirming Canada's top credit rating, Standard and Poors praised Canada for its "strong track record in managing economic and financial crises and delivering economic growth". The report added that our government has demonstrated an ability and willingness to implement reforms to ensure sustainable public finances over the long term.

While we are focused on growing Canada's economy, the Liberals have no plan and the NDP is pushing dangerous economic schemes and higher taxes, the last thing Canadians—

The Speaker: The hon. member for Halifax.

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THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, last Friday's Supreme Court ruling underscores the importance of ensuring that the polluter pay principle is put into action when it comes to contaminated sites.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Halifax has the floor now.

Ms. Megan Leslie: The taxpayers of Newfoundland and Labrador will be on the hook for over $100 million in environmental cleanup costs because they have to get in line behind AbitibiBowater's creditors.

This gap in bankruptcy legislation leaves taxpayers on the hook for industry pollution, so what will the Conservatives do to address this problem?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, that is an excellent question. First of all, Canadian companies, and Canadians in general, are subject to some of the strictest environmental laws in the world when it comes to maintaining their operations, right from their environmental assessments through to their operations and the mitigation of their sites at the end of the day.

Our government has invested well over a billion dollars in our federal contaminated sites action plan. We will continue to make those investments, but will also continue to carry forward our prioritization plan as a part of it, getting the most toxic sites cleaned up first and working through the list from there.

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LABOUR

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Conservatives are taking a page from the Republicans in the U.S. by attacking the rights of workers. After their back-to-work legislation and attacks on pay equity, the Conservatives are now pushing Bill C-377 through, even though it is highly flawed and violates the Constitution.

[*Translation*]

The Canadian Bar Association told us in committee that it violated the Constitution, specifically the right of association.

Can the Conservatives soft-pedal their partisan actions for two minutes and refer the file to the Supreme Court before violating constitutional rights and provincial jurisdictions?

● (1450)

[*English*]

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 confess that it makes me feel bad to hear such distress and desperation in the voice of the hon. member, even now at Christmas time. It is a festive season, but for some reason the NDP seems so stressed out that it accepted $340,000 in gifts, not Christmas gifts but illegal gifts from the unions and now its members realize that transparency is upon them and that we are going to find out how all of this money that these unions forcefully take from workers is spent. The NDP seems so worried about that. Thou doth protest too much.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, when something is illegal, the RCMP comes into your office, the way it did with the Conservatives.

The Conservatives' fable about the electoral fraud changes so often and has become so outrageous that I think the parliamentary secretary will get a diploma in the creation of conspiracy theories.

Now their party's lawyers are saying they are not guilty, since there is no one left who remembers not voting because of the fake phone calls. That is a tacit admission that they were behind the trickery.

Instead of trying to protect someone—who knows who—in their headquarters, will the Conservatives side with the victims of this fraud and support the NDP in beefing up the law?

[*English*]

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, this NDP front group scoured six ridings, which had 350,000 voters in them, and could not find a single voter who would claim to have been prevented from voting in the election. In fact, one of the NDP activists, or the so-called Council of Canadians activists, who came forward actually had to drop out of the case because she did not even live in the riding she was contesting.

This is nothing more than an attempt by union bosses to finance a junk lawsuit at the expense of Canadian workers. We will not stand for it.

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41ST GENERAL ELECTION

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, let us get back to reality.

The Conservatives are in Federal Court once again for breaking electoral laws. They refuse to explain why their lawyer stonewalled Elections Canada for 90 days, refuse to admit that the investigation now includes over 56 ridings and refuse to say what happened to the RMG evidence. The Conservatives' CIMS database contains every voter contact, fundraising surveys, and even mail outs from the Hill and, yes, information on sending people to the wrong polling locations.

Are we really to believe that this gold mine of information just vamoosed, disappeared? Why the cover up?

The Speaker: I did not hear anything in that question that touched on the administrative responsibility of government. I see the hon. parliamentary secretary rising, but I do urge members that if they have something in their preamble, they do have to tie it back in to where the government has responsibility.

The hon. parliamentary secretary.

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, the question was out of order, but in the spirit of Christmas time, I will be generous enough to answer it.

The hon. member made reference to the NDP front group that is bringing this case forward. Of course, two of the leading financiers of the whole operation include one CUPW, which donates to the NDP front group. It also sent six delegates down to an anti-Semitic conference in Brazil just a few weeks ago, where that conference called for the liberation of a convicted murderer and terrorist. Another one is CUPE, which gave $50,000 in illegal union money to the NDP. That is the kind of company they keep over there.

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EMPLOYMENT INSURANCE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, yesterday the human resources minister said that "we recognize that services are not what we want them to be". That would be like Gary Bettman saying, "Boys, we're having a little trouble getting the season started".

When she took over, 21 days was the time limit to get cheques out, 80% of the time in 21 days. Now people are waiting five and six weeks. She has gutted her department because of the fiscal incompetence of the government, but the problem is that she does not care. Just like Bettman does not care about the fans, she does not care about vulnerable Canadians.

When is she going to wake up and realize that Canadians are being hurt?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we recognize that we want to improve the system. We always want to improve the system. That is why we are investing in new systems that will be more efficient, more effective and that will speed up the processing.

If Liberals were truly concerned about helping the vulnerable, they would have voted to support investment in these things. They would have voted for some of the tax breaks that would help people, like the working income tax benefit and the extension of EI benefits to help the unemployed. Instead, they voted against the unemployed.

● (1455)

HOUSING

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, yesterday I asked the government when it would address the situation of the Native Inter-Tribal Housing Co-Operative in London West. The minister's response was that it was a provincial responsibility. Well, it is not.

The urban native housing program is a CMHC program. For this co-op, there are 26 agreements under phase 1 and 2 of the program, all coming to term at different times in the next 3 years.

If the agreements are not renewed, many people now living in subsidized units in this co-op and others may lose their home and face homelessness. Again, when will the government act?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, because we believe that all Canadians should have safe, secure and affordable housing, we have invested in supporting some 600,000 families receive affordable housing.

CMHC provided mortgage subsidies that were below market prices for the duration. We do provide extensive funding to the provinces and territories because we believe they are best positioned to know how to support the efforts in affordable housing according to the needs in their area. That may include rent subsidies for projects such as these.

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THE ENVIRONMENT

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I am honoured to rise in the House today and represent the people of Victoria.

Against the wishes of many residents, Conservatives recently approved a mega-yacht marina in Victoria's inner harbour. A planned environmental assessment was cancelled, yet another victim of last spring's omnibus budget bill.

When will Conservatives stop ignoring the people of Victoria and start consulting with them?

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, I welcome the member for Victoria to the House of Commons. He may not be here for a long time, but it will be a good time.

The big picture is our economic action plan has made Canada a leader in troubled global times. Canada has the lowest debt burden, by far, of all the G7 countries. We have created almost 900,000 net new jobs. We are governed by the best Prime Minister and Minister of Finance in the world.

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SEARCH AND RESCUE

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I think our new member will be here for a long time.

Some hon. members: Hear, hear!

The Speaker: Order, please. The hon. member for New Westminster—Coquitlam has the floor and I would like to hear the question.

Mr. Fin Donnelly: Mr. Speaker, the chiefs of the Vancouver police and fire departments have written to the Prime Minister urging him to reverse the plan to shut down the Kitsilano Coast Guard station.

The chief of police has consulted with other experts and says that the long response times will be longer and that the level of service will be negatively impacted.

Why are the Conservatives stubbornly defending this reckless decision and putting lives at risk?

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, these Coast Guard changes value lives and livelihood above all else.

As I have said in the House before, changes to the Coast Guard will have no impact on our ability to provide the world-class excellent service that Canadians and mariners have come to expect.

There are more Canadian Coast Guard assets in Vancouver harbour than in any other harbour across the country.

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PUBLIC SAFETY

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, our government is committed to giving police forces the tools they need to keep our streets and communities safe.

After a serious crime, the thugs and criminals who make up street gangs across the country are able to intimidate witnesses into silence. This can become a huge barrier to police taking dangerous criminals off the street and putting them behind bars where they belong.

Could the Minister of Public Safety please tell the House what our Conservative government is doing to ensure an effective and reliable witness protection program?

● (1500)

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I was pleased to introduce the safer witnesses act. This bill improves processes for secure identity changes, broadens the prohibitions against information disclosure and extends the amount of time emergency protection may be provided to witnesses.

As Chief Blair of the Toronto Police Service said:

> In Toronto, we have seen the fear caused by intimidation and the threat of retaliation...We support the government's initiative as a valuable step in protecting public safety.

ETHICS

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, for years Elections Canada was forced to fight legal battles with the Conservatives over the in and out scandal. Do members remember that? In the end, the Conservative Party pleaded guilty as charged, shredding the credibility of the parliamentary secretary, who said for years that rules were followed, the same guy who ran a calling company that did not comply with CRTC rules, but he now throws it all at others.

Now Conservatives are again using legal tricks to cover up election fraud.

Will the government amend the Election Act so the Conservatives behind this massive fraud end up behind bars, exactly—

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

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, what amazes me about the Liberal Party is not just its general hypocrisy, it is that it chooses certain members of its caucus to rise and make allegations of ethical impropriety.

That is the same member who got caught taking money in violation of House rules to pay for her housing, money that she had to pay back. Now the Liberals invite that member to stand in the House, wag her finger and lecture everyone else. I do not think so.

* * *

[*Translation*]

HOUSING

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, the negative impact of not renewing long-term agreements—

Some hon. members: Oh, oh!

The Speaker: Order. The member for Hochelaga has the floor.

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, we are already seeing the negative impact of not renewing long-term social housing agreements.

For example, the agreements with the Native Inter-Tribal Housing Co-operative in London are about to expire. If the government does not renew these agreements, a number of low-income aboriginal families in London will literally end up homeless. This is one of the first real-life examples of the impact of ending the long-term agreements.

When will the minister renew the agreements so that these aboriginal families do not end up on the street?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the government is currently subsidizing more than 600,000 affording housing units because it believes that Canadians should have affordable and secure housing.

The CMHC offers mortgages at good rates. I must also point out that we give a lot of money to the provinces and territories to help them provide affordable housing.

[*English*]

FOREIGN AFFAIRS

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, despite efforts by the international community to engage Iran on its nuclear program, the regime continues its refusal to comply with international obligations, cooperate fully with the International Atomic Energy Agency or enter into meaningful negotiations.

The government of Iran is the most significant threat to global peace and security in the world today. As evidenced by the town hall meeting in West Vancouver last Saturday, Canadians are increasingly concerned about these things.

Would the parliamentary secretary please update the House on recent steps taken by our government to put pressure on the Iranian regime?

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, today our government announced new sanctions against the Iranian regime, including the listing of an additional 98 entities, ratcheting up the pressure on those who support Iran's nuclear program, such as the Iranian Revolutionary Guard Corps and the Basij paramilitary organization.

These measures align Canada's sanctions with those adopted by our allies and partners. We will continue to work with them to address the urgent need to bring pressure to bear on the Iranian authorities.

* * *

● (1505)

[*Translation*]

TELECOMMUNICATIONS

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, thousands of Canadians have difficulty using the Internet service to which they should have access.

Internet service that is too slow or too expensive because of inadequate telecommunications infrastructure is preventing entire sectors of our economy from expanding.

People living in rural areas want a firm commitment and specific schedule regarding development of the network.

When will the Conservatives unveil a real plan that provides affordable high-speed Internet service to rural areas?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the NDP's hypocrisy in this matter is rather ironic, especially in light of the fact that we have introduced the broadband Canada program, which has provided high-speed Internet access to more than 200,000 households. Moreover, we have announced the 700 MHz auction rules. Our policy is to increase competition and provide better access for rural areas.

The NDP voted against Broadband Canada, a concrete measure that we implemented. It is shameful that it is now asking such questions.

SPORT

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, sport may well have evolved, but the same cannot always be said for mindsets.

One great example of that is the Canadian speed skating federation, which, instead of investing in developing a promising, well-known athlete, is forcing this athlete to make a choice: school or funding, but not both. Olympic gold medallist Mathieu Giroux is being deprived of precious training resources.

Does the Minister of State for Sport support this completely outdated approach? Will he intervene to ensure that athletes are able to pursue their studies without being penalized, or will he wash his hands of the situation, as Dimitri Soudas of the Canadian Olympic Committee did?

[*English*]

Hon. Bal Gosal (Minister of State (Sport), CPC): Mr. Speaker, we want our athletes to succeed at the world level. These decisions are best left in the hands of national sports organizations that are responsible for preparing our athletes for competition. Our government is proud to support our national sports organizations at record level funding.

GOVERNMENT ORDERS

[*English*]

INCREASING OFFENDERS' ACCOUNTABILITY FOR VICTIMS ACT

The House resumed consideration of Bill C-37, An Act to amend the Criminal Code, as reported (without amendment) from the committee, and of Motion No. 1.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, just before question period I was speaking to the reasons why I have grave concerns about Bill C-37. I earlier explained that this legislation is titled the increasing offenders' accountability for victims act. It is not a separate act at all. The bill would amend the Criminal Code and these amendments deal with the issue of surcharges and fines that would be paid.

These amendments to the Criminal Code would deal with only one thing, and that is the fine, a surcharge put on someone who has been convicted of a criminal offence. The current surcharge is 15% of the amount of any fine that is assessed against someone at the point of sentencing. This act would double that to 30%. That is, in and of itself, not a concern of mine. It is important that we have adequate funds for victim services.

Just to clarify for anyone who is watching, these fines do not actually go to the victims but to provinces and territories, which are supposed to use those funds for victim services. This is different from the category of restitution, where convicted individuals actually provide funds directly to the victim of their crime. This is a general pot of money that is supposed to go to victim services. I note that some of the witnesses before committee had concerns that we did not know how tightly a province or territory tracks those funds and applies them to victim services, but that is not the thrust of most of what I want to talk about today.

On top of doubling the fines from 15% to 30%, these amendments to the Criminal Code would also create an automatic $100 fine in the cases where no particular fine has been levied. Anyone guilty on summary conviction would have $100 levied, and anyone guilty of an offence punishable by indictment would have an additional fine of $200 if no fine had been levied by the judge.

This would get to a very difficult area. I am very supportive of victims of crime, as the Green Party, and I think every member in this House is supportive. We know that even a relatively small criminal event is traumatic in a victim's life, and the more severe events can be catastrophic in one's life, so it is not for lack of concern. However, one looks at the question of who is victimized in society and where all the victims are. Not all the victims are outside of our prisons; some of them are inside our prisons. This is the point I raise, based on testimony that was heard before committee on November 1 from Kim Pate, who is the executive director of the Canadian Association of Elizabeth Fry Societies.

With your permission, Mr. Speaker, I will read into the record some of what she said. She said, in part:

> ...the majority of the women—91% of the indigenous women in prison, 82% of women overall—have histories of physical and/or sexual abuse, talking about a victim surcharge to assist victims, when these women end up in custody largely because of the lack of resources in such other parts of the community as social services and health care, particularly mental health....

She goes on to say:

> The Parliamentary Budget Officer has estimated that it costs $343,000 per year to keep one woman in federal custody, and provinces range, depending on the range of services and what is costed in, from a minimum of $30,000 of cost up to in excess of $200,000. When we're talking about those kinds of costs, to jail someone for non-payment of either a fine or a victim surcharge seems counterproductive at best.

The essence of this is to suggest that when we remove judicial discretion, which is the essence of this bill, Bill C-37 would do two things. It would double the percentage that would be paid as a victim surcharge fine, from 15% to 30%; and it would impose an automatic $100 on summary conviction and $200 at indictable offence. The other most important ingredient that this bill would do would be to completely remove judicial discretion to waive these charges if it is, in the opinion of the judge, a situation where undue hardship would be occasioned due to the circumstances of the accused.

Our current Criminal Code includes these words under subsection 737.(5):

> When the offender establishes to the satisfaction of the court that undue hardship to the offender or the dependants of the offender would result from payment of the victim surcharge, the court may, on application of the offender, make an order exempting the offender from the [surcharge].....

This judicial discretion would be completely removed under this act. The only judicial discretion that would be allowed is judicial discretion to increase the fine.

● (1510)

However, we need the ability to look at the accused and wonder if they, in the circumstances of their lives, have been victims of crime themselves. I think of the case of Ashley Smith, for example. All of us who watched what happened to that young woman recognized that she was less the actor in a criminal act and more, through a series of horrific errors, a victim of incarceration and the impact from incarceration that ultimately led to her death. Had someone in her circumstances—and it would have been a much better circumstance—been released from prison and then at the same time been told she still had to pay that fine, where would she find the resources? How would she go on? Would she then end up having a counterproductive result, as the Elizabeth Fry Society says to us?

I want to close with the advice of the Canadian Bar Association. It says:

> In our view, the proposed changes to increase victim fine surcharges beyond the reach of a greater number of people will lead to more defaults and more incarceration of the poor, and prevent judges from using their discretion to ensure a just result.

This legislation does not meet its objectives. Those who are victims of crimes should have access to adequate resources, but this is not the way to go about it.

● (1515)

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, as is often the case, the hon. member for Saanich—Gulf Islands has an unusual ability to integrate details that many of us miss within a much broader context of social and legal implications. I learned a lot from what she just said. It concerns me as well.

I would like her to take this a bit broader and talk not about the impact of victims within prison walls but about their families and what implications there might be for actually increasing the cost to society in a variety of ways.

Ms. Elizabeth May: Mr. Speaker, that has been a concern of a number of the witnesses who testified before the committee. If a fine is levied against individuals for a relatively minor offence and they lack the ability to pay, it essentially could recriminalize them and prevent them from being able to care for their dependents. That was one of the grounds we would now repeal, that a judge could have concern for whether there was undue hardship on the perpetrators of the crime, or on their families.

I remember this well. I was thinking of it earlier when the member for Cape Breton—Canso spoke of the progress that has been made by the Mi'kmaq people of Waycobah. Years ago, I remember reading the story in the paper of the criminal conviction of a young man from Whycocomagh, nearby, for the theft of a pizza from the local store. It was "theft under". It was punishable by summary conviction. He had jail time, and under this new law he would also be immediately fined $100, for which there would be absolutely no recourse. That is a mistake. It would do damage to families, it would do damage to the individuals involved and it would add nothing to the overall health and wellbeing of our society.

Mr. Bruce Hyer: Mr. Speaker, I have been concerned for quite a while that even when there is legislation that most of us agree with, like this—all of us want to see adequate protection and, if necessary, compensation for victims—the members of the government virtually never vote for any amendments to any of their legislation. They apparently feel that they have it perfect. The hon. member for Saanich—Gulf Islands may want to add to my comment that I hope this is one time that they will consider a small amendment to an important piece of legislation to prevent a big error and to improve the legislation.

Ms. Elizabeth May: Mr. Speaker, I would also like to urge that we could, at report stage, make amendments. In this case, as in most cases, we have seen efforts made at committee. I want to particularly note that the former minister of justice, with whom I have worked on this file, who is currently the Liberal member for Mount Royal, has worked very hard on this as well and sees some of the same issues that I see.

Victim services are not advanced if we create more people in prisons. I completely support increasing the fine. I completely support that we track the funds and make sure they are going from provinces to victim services. However, it certainly is wrong to remove judicial discretion. Only a judge, having watched an accused in a proceeding, having tested the evidence, and at the point of sentencing, has the ability to look at the accused person and decide whether applying the fine would be in the interests of public security and safety, or counterproductive.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I listened to the member's comments with interest. However, there are many aspects of this program that she failed to mention, such as the fine option program that is available in virtually every province and territory of the country. There are other systems in place where it is not available. Someone tasked with paying a victim surcharge can pay it off with community service or the like.

These surcharges that we are talking about are $100 for a summary conviction and $200 for an indictable offence. We are not talking about onerous fines, nor will people go to jail for non-payment unless they refuse and are in contempt of court.

● (1520)

Ms. Elizabeth May: Mr. Speaker, the Supreme Court of Canada has held that an offender should not be imprisoned for non-payment. However, to someone who has no money, $100 might as well be $1,000 or $10,000.

In the class of those people most likely to be imprisoned, there are people for whom the application of these fines represents the kind of challenge that will prevent them from getting back on the road. That is why the Canadian Bar Association has urged that changes be made to this legislation. The Green Party joins them in that quest. I hope we will find a way to reintroduce judicial discretion at many more points throughout our criminal law system.

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

I declare Motion No. 1 defeated.

Hon. Ed Fast (for the Minister of Justice and Attorney General of Canada) moved that Bill C-37, An Act to amend the Criminal Code be concurred in at report stage.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: No.

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

Some hon. members: Yea.

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

An hon. member: Nay.

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

I declare the motion carried.

The Deputy Speaker: Pursuant to an order made earlier today, the House will now proceed to the third reading of the bill.

Hon. Ed Fast (for the Minister of Justice and Attorney General of Canada) moved that the bill be read the third time and passed.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to rise today for the third reading of Bill C-37, the increasing offenders' accountability act. The bill proposes amendments to the victim surcharge provisions of the Criminal Code, which would address longstanding issues with the operation of the victim surcharge.

I am also pleased to say that Bill C-37 was reported back to the Standing Committee on Justice and Human Rights without any amendments.

All members of the House who believe that responsibility for crime begins with the offenders who commit those crimes should applaud the reforms included in the bill. Bill C-37 is not a long bill, nor are the amendments it proposes overly technical or complicated. However, we must not be misled into thinking that the proposed amendments are not of vital importance. Indeed, Bill C-37 is a small bill that will have a big impact. It will have an impact on offenders, who will be held accountable for their actions, and it will have an impact on victims of crime who need services to help them recover from their victimization.

The current victim surcharge provisions in the Criminal Code have not met their intended goals. The requirement for an offender to pay a victim surcharge dates back to amendments made to the Criminal Code in 1988. Ten years later, amendments to those original provisions were proposed in the report of the Standing Committee on Justice and Human Rights entitled, "Victims' Rights —A Voice, Not a Veto".

The government response to that report described the original victim surcharge provisions as having two goals. First was to make each offender accountable in a small way to victims of crime as a group. Second was to generate revenue for victim services. The government response to the committee's report also noted that the original victim surcharge provisions had fallen far short of expectations. The amendments to the victim surcharge provisions that followed in 2000 also failed to address problems with the operation of the victim surcharge. How do we know this? The victim surcharge is still not being applied in all appropriate cases and it is not generating the revenue that it should for victim services.

There are two very important consequences that flow from the problems with the victim surcharge provisions. The first is that offenders are not being held accountable for their actions. Currently, a sentencing court may exempt an offender from paying the victim surcharge if it will cause undue hardship to the offender or the offender's dependants. However, overly high waiver rates have revealed that the victim surcharge is not being imposed as it should. The victim surcharge is being routinely waived without the required supporting evidence showing that it would cause undue hardship to the offender or the offender's dependants.

The money from the victim surcharge is used by the province or territory where the offender is sentenced to fund services for victims of crime. This is how the first goal of holding offenders accountable to victims of crime as a group is intended to be met, by having each offender contribute a small amount to victim services in their province or territory. As many offenders are inappropriately exempted from paying the victim surcharge, it is clear that this goal is not being met.

The second consequence flowing from the problems with the current surcharge provisions is that revenues from the victim surcharge have never realized their potential. The provinces and territories have reported this problem since the victim surcharge provisions were first created. Therefore, we also know that the second goal of the victim surcharge, that of generating revenue for victim services, has not been met either.

This is why we introduced Bill C-37, to ensure that for the first time the victim surcharge would meet its goals. Bill C-37 would address the problems with the victim surcharge provisions in the Criminal Code in three ways. First, it would ensure that the victim surcharge is applied to all offenders by removing the ability of the sentencing court to waive the victim surcharge for undue hardship. This is a crucial step in reforming these provisions.

During the committee hearings for Bill C-37, a number of witnesses testified that they considered this to be the most important element of the bill. Why? If offenders are not required to pay the victim surcharge, then no amount of reform in this area will be able to effectively address the problems with these provisions. Therefore, the first step in ensuring that the victim surcharge makes offenders accountable and generates revenue for victim services is to make it mandatory in all cases without exception.

The second step taken by Bill C-37 is to provide alternatives for those offenders who are truly unable to pay the amount owing. The victim surcharge amounts are not high, however, we recognize that there will be cases where offenders simply will not be able to make the payment.

● (1525)

Currently, an offender may not discharge the victim surcharge through a fine option program. Bill C-37 would address this by allowing offenders who cannot pay the victim surcharge to discharge the amount owing by participating in provincial or territorial fine option programs. Providing this option for offenders is a reasonable alternative that would ensure the victim surcharge is applied in all cases while allowing offenders who are not able to pay the amount owing to demonstrate their accountability for the harm they have caused to victims by performing community services associated with fine option programs. This is a fitting compromise that meets the first goal of the victim surcharge.

These two proposed amendments of removing the court's ability to waive the victim surcharge and allowing offenders to discharge the victim surcharge through the fine option programs are companion amendments. They work together to make offenders accountable.

Victims' advocates who appeared before the Standing Committee on Justice and Human Rights on Bill C-37 gave their views on offenders participating in fine option programs in cases where the offender is unable to make contributions to victim services. All agree that this is a reasonable alternative for these offenders.

The third area of reform proposed by Bill C-37 is to double the amount of the victim surcharge. Currently, the victim surcharge is 15% of any fine imposed. Under Bill C-37, this amount would be raised to 30% of any fine imposed. In cases where an offender is not sentenced to pay a fine, Bill C-37 would double the victim surcharge from $50 to $100 for summary conviction offences and from $100 to $200 for indictable offences.

At first glance, it might appear that these elements of the bill serve only the second goal of the victim surcharge: to generate revenue for victim services. However, this is not the case. In fact, this reform would serve both the goals of the victim surcharge as it would make offenders accountable to victims as a group by ensuring that the offenders contribute meaningful amounts to victim services.

As I noted earlier, the victim surcharge has not been increased since 2000. Twelve years have passed since the last increase. Twelve years have passed with victim services not receiving the revenue they expected and needed. Twelve years have passed with victims not being able to access the range of services that they require because the funding simply was not available to expand those services to meet victims' needs.

Once again, I will refer to the testimony presented by the victims and the victims' advocates at the committee hearings for Bill C-37 because they said it best. They shared their first-hand experiences about the need for victim services and how unrealized victim surcharge revenues have affected the availability of those services.

We heard about victims who had gone into debt and remortgaged their homes in order to pay the cost of their victimization. We also heard about victims who hired specialized counselling to help them deal with the aftermath of crime, but who had to pay for those services themselves because these services were either unavailable or only available on a short-term basis under provincial-territorial victim service programs.

This testimony was not offered to lay blame on provincial-territorial victim service programs. We know that those programs are staffed with dedicated individuals who are committed to helping victims and who accomplish great things with the limited resources they have. This testimony was offered to illustrate the need for more resources so that victims would be able to access the help they need without going into debt.

The increases proposed by Bill C-37 are not extreme. These are not huge sums of money. For most offenders, they would be manageable amounts. However, for those offenders who cannot pay the victim surcharge, the fine option programs would be available to discharge the amount owing.

Despite the documented need for reforms to the victim surcharge provisions and the many benefits of the approach proposed by Bill C-37, questions have been raised about the potential impact of these amendments on impecunious offenders. In fact, it has been suggested that we did not consider this issue when developing Bill C-37.

As I noted earlier, Bill C-37 proposes to amend the Criminal Code to allow the victim surcharge to be satisfied through an offender's participation in a fine option program. Despite this, it has been suggested that removing the option of waiving the victim surcharge in cases where payment could cause undue hardship to the offender or the offender's dependants would result in the imprisonment of offenders who are unable to pay the victim surcharge. Some have gone so far as to suggest that the reforms in Bill C-37 would result in a return to the debtors' prisons of Dickensian times. This is simply not true.

● (1530)

Fine option programs exist in all but three provinces. Therefore, in the majority of cases, offenders who are unable to pay the victim surcharge would be able to avail themselves of a fine option program to discharge the amount owing. Fine option programs are not offered in Ontario, British Columbia or Newfoundland and Labrador. However, all three of these provinces offer alternative mechanisms for offenders who are unable to pay a fine in full at the time of its imposition. All of these mechanisms would be available to offenders who are unable to pay the victim surcharge.

For example, British Columbia offers an offender who is unable to pay a victim surcharge the ability to make an application to a judge to have it converted to a community service. In Newfoundland and Labrador, the fines administration division provides financial counselling to debtors. The division may either enter into a final payment agreement with the offender or the court may grant an extension of time to pay fines ordered if the offender is unable to pay immediately.

Other mechanisms, such as licence suspension or revocation, are available in all three provinces to encourage offenders to pay. I should also note that any sentencing court in Canada may order a payment plan or an extension of time to pay for an offender who is ordered to pay the victim surcharge. This has always been the case and it would not be changed by Bill C-37.

Bill C-37, therefore, would ensure that there are alternatives for offenders who cannot pay the victim surcharge and this would satisfy the first goal of the victim surcharge, which is to make offenders accountable in a small way to victims.

Finally, I will mention one last point made so eloquently by victims and victim advocates at the committee hearings for Bill C-37. They noted that, over the past 25 years, the potential undue harm to offenders who must pay the victim surcharge has received a great deal of consideration. However, no one has considered the undue harm to victims from the waiver and non-payment of the victim surcharge. Their point is significant and deserves our attention.

Victims need help in dealing with the aftermath of crime. Its effects are far-reaching and may last a lifetime. Victims, through no fault of their own, find themselves in a situation where they require services to put their lives back together. Those services are essential and they require appropriate funding. The victim surcharge is one way of adding to the funding provided by the provinces, the territories and the federal government.

Through the federal victims strategy, we provide $11.6 million annually through the victims fund for grants and contributions to create and enhance services for victims of crime. This government remains committed to holding offenders accountable for their actions and to assisting victims of crime.

Ensuring that offenders pay the victim surcharge as a way of demonstrating their accountability through contributions to victim services is one way to achieve this goal. It is a goal that is supported in Bill C-37 and which deserves the support of all members of this House.

I trust that all members agree that these reforms would further our collective goal of ensuring that the victim surcharge provisions finally reach their potential.

We have waited 25 years. Victims have waited 25 years. Let us not wait any longer. The time to hold offenders accountable is now. I hope we can count on the support of all members to ensure swift passage of this very important crime bill.

● (1535)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I failed to hear any logical rationale for this proposed change, except for the fact that it is another example of the Conservatives trying to remove judicial discretion. We have seen that time after time in all fields.

If the rationale is that perhaps a woman who is raped would seek to have psychological counselling, $200 would be probably one appointment. There does not seem to be any logical reason for this except for some kind of heavy-handed punishment of those who disobey the law.

Why can there not be some degree of judicial discretion, particularly when we hear that there are so many incarcerated people who are suffering from mental troubles? Surely the logical place for this compensation is: first, for the government to finally put in enough money for victim compensation; second, to assist the court in ordering restorative justice, actual work in the community or whatever is appropriate; and third, providing assistance for victims to go to civil courts.

Mr. Robert Goguen: Mr. Speaker, I am not sure if there was a question there but, as to the logic of the bill, it is very simple. It is to provide funds for victim services.

Victims, by and large, have their entire lives disrupted and oftentimes do not have the resources to try to piece their life back together. This is an attempt, whether it be monetarily or through community services, to try to assist the community and the victims as a result of the crime perpetrated upon them.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, there is no doubt that Canadians have many concerns, victims in particular, in regard to what role the government wants to play in terms of doing more than just talking.

I will give a specific example. We have fine option programs. Some provinces have different types of programs than other provinces. There are all sorts of victim services programs. Some provinces provide different types of victim services programs than other provinces.

On that front, we have seen a vacuum or a lack of national leadership in regard to the government trying to ensure that there is some form of standards or national program that would address the issue of victim services or fine option type programs.

What would the member suggest his Prime Minister do to deal with that aspect of victims of crime?

● (1540)

Mr. Robert Goguen: Mr. Speaker, the willingness of the federal government to permit the provinces and territories to impose a fine option program suited to their needs should not be confused with a lack of leadership. It is simply recognizing the ability of the provinces to know what their needs are.

The Liberal Party has a different way of doing things. We believe the provinces are more than capable of administering justice, as the Constitution provides for the administration of justice in their realm.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, in the time that I have been in this place I have witnessed some amazing things. I have seen the opposition members oppose job creation measures. I have seen them object to low taxes. I have seen them oppose union transparency, reforms to reduce immigration wait times and responsible resource development regulation.

Does the hon. parliamentary secretary think that the opposition may also oppose these very long overdue reforms, oppose, for example, allowing people who cannot afford to pay victim surcharges to instead do community service? Does he expect that?

Mr. Robert Goguen: Mr. Speaker, I cannot surmise exactly what the opposition members will do faced with such a circumstance. We certainly know that they have opposed, by and large, just about every aspect of trying to protect the public from crime and basically standing up for victims.

However, I will leave it to the opposition members to make their decision about whether they, like most Canadians, want the government to stand up for victims and do everything possible to protect them.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I thank the hon. member for his speech. One of the concerns heard in committee was that, for many victims, the compensation program varies from province to province. I heard the response the parliamentary secretary gave earlier to the other hon. member, to the effect that the government respects the provinces' jurisdiction.

However, that is still problematic. Indeed, we heard the mother of the victim of a crime committed in Newfoundland and Labrador, who lives in Alberta. That is a rather complex system.

Therefore, I am wondering if we can get the government's assurance that a serious conversation will take place with provincial counterparts to try to have similar systems. We are all respectful of provincial jurisdictions, but it is also important to be entitled to the same services from coast to coast to coast.

Mr. Robert Goguen: Mr. Speaker, that is a good point. Of course, as regards discussions, there is a federal ombudsman for victims of criminal acts to whom one can refer or make comments and ask for some consistency in the provision of services. Also, all our counterparts, all the provincial justice ministers, meet regularly. They have the responsibility to develop best practices, based on the needs of their respective provinces.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, this may surprise my colleague, the member for Kitchener Centre, but the official opposition intends to support the bill.

Some hon. members: Bravo!

Ms. Françoise Boivin: My colleagues are applauding, and I thank them on behalf of the victims. It has long been said that the New Democratic Party is not against victims, like it or not; it is on the contrary in favour of a fair, logical and intelligent system. However, sometimes that is not entirely the case with respect to the bills introduced by the present government. I would certainly not say that this bill is perfect, since it will occasion enormous disappointment. While we support it in its current form—it is difficult to be against virtue, as my mother would say—we do have some concerns: among other things, as to whether our colleagues opposite really listened to the 14 witnesses who testified before the committee.

I take this opportunity to digress in order to thank those who served on the committee studying this bill. It may not be the case with regard to Bill C-279, which did not end well and came to an extremely disappointing conclusion, but with respect to Bill C-37, solid work was done in committee. Some extremely worthwhile witnesses explained their concerns, and the issues they had experienced.

They also highlighted what the Parliamentary Secretary to the Minister of Justice explained to us just now: that in Canada, victims of crime are unfortunately left to themselves in many cases, in a manner that differs from province to province or from territory to territory. They often spend fortunes trying to obtain reparation, which they will never receive in full, and we are all very much aware of that. They will never obtain full reparation for the plain and simple reason that when you have been the victim of a rape, for example, or a family member has been killed or kidnapped, compensation is an impossibility. Nothing can compensate for a crime of that sort. There is simply no way to achieve it. It may be possible to offer help, but that is all, and that is what a bill like this tries to do.

There is a problem with the victim surcharge which has existed since it was established in the late 1980s. The Criminal Code takes the approach that a sum can be added to the sentence. We have now doubled that sum, but I will not talk about it, because enough people have done so, and others will do so. After all these years, moreover, I agree that it is not the end of the world. However, that has been the problem from the beginning, and that is why we agreed to refer the bill to committee, so that we could actually hear some witnesses on the subject.

My question concerns judicial discretion. My colleague, the member for Edmonton—Strathcona, posed the same question a short time ago. This is somewhat worrying, because the government is constantly withdrawing the discretionary component of judges' authority. Nevertheless—I shall come back to this—I am reassured, not 100%, but rather 98%, because the Canadian judicial system will make up for Conservative mismanagement. That is more or less how I see it. It is sad to have to rely on the courts, but at the same time, the importance of victims weighed more heavily in the balance for me, and I believe the same is true of the NDP caucus and all members of this House.

However, I am not necessarily proud to see that Canadian judges have imposed a victim surcharge in only a very small percentage of cases since the system was introduced. And yet this system was designed to help victims. If it had been because the accused or the convicted individual was unable to pay, as the Criminal Code provided, that would have been different.

The burden of proof was on the accused, who therefore had to prove to the court that the surcharge was too much and that he was unable to pay it.

● (1545)

We would have had extraordinary statistics on the kind of individual who appears before our courts, but, no, the judges invariably did not impose it, and did so without explanation. That is where the problem started. The provinces expected to receive some revenue from the victim surcharge. That money goes into the provinces' victims of crime compensation funds, except in the three provinces that the Parliamentary Secretary to the Minister of Justice mentioned. One morning the provinces woke up and asked where the money from the victim surcharge was.

I also agree that this should not be the only fund. In 2003, we were told that the cost of victim damages represented approximately $70 billion. That is not peanuts. However, surcharges can only put a few hundreds million dollars in the coffers. We are still a long way off.

Victims must not imagine that this is a panacea. Passing Bill C-37 will not solve all the problems in Canada so the Conservative government, that great champion of Canadian victims, can suddenly wave around its Bill C-37. That is absolutely not enough, particularly since the vast majority of provinces and territories permitted what is called community service programs.

That is the other aspect that reminds me that some people in the correctional system are unable to pay this amount. Those inmates are unable to pay this kind of surcharge; the crime they committed has nothing to do with the argument I want to make.

The people from the Department of Justice told us that the decision in *R. v. Wu* would continue to be applied. According to that decision by the Supreme Court of Canada, no one may be imprisoned merely on the basis of inability to pay a fine. In that case, the system is okay.

However, once again I would like to shed some light on a problem with community service programs. Some groups that came to testify before the committee during consideration of the bill are convinced that, if this bill is passed, they will suddenly be able to get compensation for their damages. However, that will not happen. In the majority of cases, the offenders will not pay and will have to do community service.

As the parliamentary secretary noted, that suited some people, because they were asked whether they would be disappointed at not receiving money if the person went into a community service program. Community service programs are not just for people who have no money, but also for anyone who can do it that way. Everyone has access to those programs, provided a program is available in the region where the request is made. Some people, not everyone, said that they would prefer to have the money.

Let me take this opportunity to say that, rather than adopt victim surcharge systems such as these ones, perhaps this brilliant law-and-order Conservative government should get with the times and follow the example of various countries on this magnificent planet that are tending toward restorative justice

I see the member who introduced the bill on this matter and an example springs to mind. The case of a person who commits a crime by destroying national monuments is a very sad one. Which is harder for that person, paying $100 out of his pocket or appearing in front of a group of legion members and having to apologize?

● (1550)

Let me take a brief trip back to my childhood. When my parents punished me and sent me to my room, it made little difference to me. It gave me some peace and quiet. However, when my parents told me to go and apologize to the person I had offended, I admit that was the worst punishment for me because being compelled to admit you have made a mistake is, in a way, a form of humiliation.

Countries a little more in tune with the reality of what punishment should be, should head in that direction. They should make someone who has done something realize what he has done so that he does not do it again. The advice I have for the members opposite is to realize that always pulling out a stick and slapping people's hands does not accomplish much and that it is time to start considering other options.

All that to say that, in the context of Bill C-37, yes, it bothers me that judges are no longer granted this discretion. However, let me tell all my colleagues in this House, including my colleague from Saanich—Gulf Islands, that they were not using that discretion properly in any case. By that I mean that we have no idea why they granted an exemption to virtually everyone who appeared in court. It was as though the victim surcharge did not exist. To my mind, that is as intolerable as saying that a form of discretion is being taken away.

However, *R. v. Wu* has nevertheless had an impact. It is clear from our study in committee that the provinces and territories do not automatically impose a term of imprisonment because an individual does not pay, unless someone does it on purpose. Some will withhold driver's licences or documents from certain provinces. Some colleagues here will tell me that the most disadvantaged people we deal with do not have cars. I agree: they do not have cars, and we therefore cannot withhold their licence. However, they have other possessions that make it possible for us to make arrangements with them. The time is past when people were imprisoned for the fun of it, because they did not pay their fines.

I am repeating this because the message needs to be sent. We know that on Christmas Eve, the members opposite will be walking around saying that they have again saved the lives of X number of victims. I am disappointed to think that we have raised people's hopes and we are making them believe things that are not true. We cannot claim victory for the victims too quickly, because we have to be sure that the money that will be collected in the victim surcharge account is paid into the provincial and territorial accounts so it can be used and distributed to victims' groups.

I do not have much time left, but still, I would like to take advantage of this opportunity. At the Standing Committee on Justice, we have seen just about everything. We are revamping Canada's criminal justice system, which prompts many different questions and leaves many of them unanswered. We do not have the time to conduct all of our studies in depth. With regard to Bill C-10, we will probably be told by the courts that it was all done much too quickly, in some respects. It is the government that will have to take the fall for this.

Regarding Bill C-37, I am reasonably satisfied just the same, as almost all of the witnesses we wanted to hear from were able to appear. Regarding the witnesses we were unable to hear, it was not because we were prevented from hearing them, but rather because they were not able to travel. I know that the bill is not perfect and that it poses the same problems for my colleagues in the Canadian Bar Association and the Barreau du Québec as it does for us. This is discouraging, because we have the time. There have been no changes for 30 years, and before any adjustments are made, sometimes it is worthwhile to spend a little more time and try to get it right.

● (1555)

I enjoy working with my colleague from Delta—Richmond East, the government's spokesperson on the committee. I enjoy our discussions and this new procedure, even though it was a bit of a flop last week, which I am going to say was because everyone was tired. I hope we all come back to the committee in an excellent mood.

I would like to urge everyone to support this bill for the victims. We in the NDP made promises. We have of course heard the recommendations from the Ombudsman for Victims of Crime. That was one of the planks in our platform during the last election campaign. We will present it better when we are in power in 2015. We will make sure to compensate the victims and fill in all the gaps in what is called justice in Canada.

I would like to end by thanking my NDP colleagues. I thank the deputy justice critic, my colleague from Toronto—Danforth, my colleague from Brome—Missisquoi and my colleague from Beauport—Limoilou for their excellent work on the committee. It was a huge endeavour, and their approach was serious and scrupulous, as required by this justice issue. Mr. Speaker, you know this file, because you were the justice critic for many long years and you mentored many of us here in the House. Frequently, on this issue, we try to rise above partisan politics, because people's lives are at stake and the issue is justice.

I would be remiss if I did not thank the people on the committee, as well as the committee clerk, Jean-François Pagé, and his assistants, and especially the people from the Library of Parliament, who often work in the shadows. We never say it often enough, but they do thorough, non-partisan work at the level of seasoned university researchers. Their work makes it possible for us to meet the various witnesses who come before us in committee and to be knowledgeable about the topic.

I encourage everyone who is interested in victim surcharges and the current programs in the various provinces and territories to read the two documents that were written for the study of Bill C-37.

I would of course like to thank the people on my team—I call them "Team Gatineau"—for all the support they have given me in 2012.

On that note, I would like to wish everyone happy holidays.

● (1600)

[*English*]

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I first want to thank my colleague for what I know are extraordinarily generous comments from her about a government bill and for her support of the bill. I also want to commend her and her mother for coming up with the principle that it is difficult to oppose virtue. The first thing I thought of when I heard my colleague say so was to invite her to cross the floor, to come over to this side and put an end to all of her difficulties. She would no longer have to oppose virtue, if she did that. Failing that, if she feels she cannot cross the floor, I hope she will spread that philosophy to her colleagues on the opposition side.

I want to take a moment to brag about my home town of Kitchener, where Judge Kirkpatrick was the first judge to invent the community service order through what he called the rehabilitative remand. It has now spread across Canada. Mark Yantzi of Kitchener was the first person to invent the victim offender reconciliation program, which has now spread across Canada. I am very proud to represent my community and a party that has the right balance of prevention, rehabilitation and judicial deterrence where necessary.

I would like to ask my colleague what she found to be the most appealing provision in this excellent bill.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, first of all, I would like to settle the issue raised by my colleague with regard to my crossing the floor. First of all, my mother would refuse to speak to me if I were to do that. I became a New Democrat member of Parliament not by crossing the floor of the House of Commons, but by giving the matter serious and thorough consideration at a time when I was not a member of this House. This is a very different thing from crossing the floor of the House. My mother simply said that she would accept my decision, although she did say that she would disown me if I ever decided to join the Conservatives. I understood what she meant. That will not happen. There is no problem in that regard.

What I thought was the best thing about the bill, which does not have many clauses, was the title. I am joking with my colleague from Kitchener Centre.

In my opinion, it is high time that the surcharges were increased, because they have been at the same level for a number of years. Despite the fact that the bill eliminates the judge's discretion to not impose the victim surcharge on an offender who can prove that he is unable to pay, it does make offenders eligible for fine option programs, something it did not do before.

The judge's discretion has been removed, but access to fine option programs makes the victim surcharge subject to existing provincial and territorial legislation. If this had not been the case, we would have found it impossible to support the bill. With the implementation of this kind of measure, together with the ruling in R. v. Wu, I would be extremely surprised if anyone who is unable to pay the victim surcharge finds himself in jail.

● (1605)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member referred to the positive impact on a victim from meeting with the person who might have violated him or her in whatever manner.

I chaired a youth justice committee for a number of years, where we had the principle of restorative justice. That principle we do not hear very much about inside the House. However, it is a valuable tool and something that we need to look at and expand as much as possible to the point where the person who committed the offence will enter the same room as the victim—if the latter wants to do so. A great deal of satisfaction comes out of that as a direct result.

Could my colleague expand on the role of restorative justice? I ask because we have talked a lot about victims' services in this debate but I do not think we have heard enough about restorative justice.

[*Translation*]

Ms. Françoise Boivin: Quite so, Mr. Speaker, and that is why I referred to the concept. I know that it is increasingly popular in Quebec. As I said in my speech, some people are genuinely anxious to improve the situation.

The Conservatives often tell us that we are against victims, but that is not the case, because we want there to be no more victims. People are working hard to find ways to achieve prevention. This sometimes means working harder to fight poverty. Many studies of crime prove this, and there are specialists who spend years studying the issue, using identikit portraits. Once you have the information and you know what works and what does not work, you have to work accordingly.

In French we refer to *justice réparatrice* to translate "restorative justice". The word is apt: restorative justice effects a "repair". That does not mean that every victim necessarily wants to meet their assailant. However, there can be ways for a person to repay society for the crime they have committed so that it is more beneficial than just taking the money and putting it somewhere. Yes, it is tough. On the other hand, such programs must not be allowed to serve just to let people off the hook, like the victim surcharge.

In my riding, Gatineau, as in every riding, community organizations are struggling to deal with the increasing withdrawal from programs by the various levels of government. There are absolutely monumental gaps. These people are working miracles with next to nothing. The victim surcharge must not become the only solution for victims. That is not what it is. Let us try to find a happy medium in all this.

● (1610)

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I thank my distinguished colleague for her very persuasive speech, and I also thank the member for Gatineau, who works very hard as justice critic and vice-chair of the Standing Committee on Justice and Human Rights.

That being said, I understand from her speech that the NDP firmly supports victims of crime and their families and respects the recommendations of the Federal Ombudsman for Victims of Crime. The NDP recognizes the importance of supporting the discretion granted to judges.

The Conservatives are using this bill to show that they are the protectors of victims and families, but would they not protect them by engaging in genuine prevention? What does it mean to engage in "genuine prevention" to reduce the number of potential crime victims? Hiring more police? Strengthening the social fabric and all of that? I will let the member for Gatineau continue.

Ms. Françoise Boivin: Mr. Speaker, as I said earlier, my colleague from Brome—Missisquoi brings an absolutely extraordinary background to this subject. He has done a lot of work with young people to try to lower the crime rate. He has made a start on listing many of the solutions.

Just to come back to his introduction, I will say that we do support victims; we support the ombudsman's recommendations. We would have liked to retain that discretion, if it had been properly used by the courts, which in this case, as a rare exception, perhaps did not use it advisedly. If that is the case—since I do not want to be accused of criticizing the courts—we do not know why. There was a section in the Criminal Code, however, that said that judges had to state why they were not imposing a victim surcharge.

On the question of lowering the crime rate, there is so much to be said. As we know, it is often said that poverty can sometimes lead some people to commit certain crimes, such as some kinds of theft. In the case of certain kinds of abuse, whether it be sexual violence or discrimination, a lot of education still needs to be done.

Last week, we had some trouble and the committee went right off the rails concerning Bill C-279. This was a direct result of a failure to understand the charter and human rights. We saw supposedly educated adults dealing with this problem. We can imagine what happens when some people in society do not have the benefit of all the resources that are available to us. I will say no more, because there are other people who would like to speak.

[*English*]

The Deputy Speaker: 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 Drummond, Employment Insurance; the hon. member for Gaspésie—Îles-de-la-Madeleine, Search and Rescue.

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I am pleased to rise to speak to Bill C-37 and the question of the victim surcharge. If passed, this legislation will double the amount of the federal victim surcharge and will also remove the possibility of judicial discretion to waive the surcharge in cases where it will result in undue hardship on an offender or on his or her dependants.

I will begin by reiterating that everyone in the House supports the funding of victim services. There is no debate on this issue of indemnification. The policy question is how best to do so and even a cursory analysis of Bill C-37 reflects a deeply flawed policy approach that will have prejudicial fallout, particularly for the most vulnerable of Canadians.

Before addressing my particular concerns over the policy behind this legislation, I will make a brief mention of alternatives. The premise of the government at first with respect to this bill was that victim services needed increased funding from the federal government. We on this side of the House do not disagree. We support the direct funding of such efforts through grant making and the like. The issue is that the question, "should more money go to this?" is not the question that is before us now.

Just last week, the House voted on budget Bill C-45. Canadians may be interested to know that this legislation does not use the word "victim" even once. This is perhaps unsurprising since the budget speech did not use the word "victim" once. My point here is not to suggest that the government does not fund victim services. The point is that if the objective were truly to ensure adequate funding for such services, it would seem that the budget would be the most logical place in which to show support for this notion and through which to disburse funds on a matter that the Conservatives consistently characterize as a priority.

Regrettably, the government has not chosen to make direct funding of victim services part of its budget legislation. Instead, it has proposed to increase funding through the doubling of the surcharge amount.

Yet, as was noted at second reading, and as was further elucidated in the witness testimony before the Standing Committee on Justice and Human Rights, the doubling is not based on adequate consultations with relevant stakeholders and, in particular, provincial attorneys general. Indeed, the government has not provided any evidence-based foundation that the doubling of the surcharge is sufficient to provide sustainable services for victims of crime in all provinces and territories, which would be something that we would all seek to see.

During our first committee meeting, I raised this concern with the Minister of Justice, noting that when I was minister of justice in 2005, the then attorney general of Manitoba had recommended that the surcharge amount be raised from 15% of any fine imposed to 20%, an increase of only 5%. Recall that the bill before us today would double the surcharge amount in all cases. While I am well aware that circumstances can be expected to have changed since 2005, as has the attorney general of Manitoba, it seemed more than appropriate to ask the minister what input he had received from his provincial counterparts in this regard.

The minister did not provide specifics regarding amounts and percentages but did state, in response to a similar question from a colleague:

> Again, I believe this will be well received. These funds will go straight into provincial coffers, straight into the programs they have to assist victims of crime. My prediction is that this will be very well received.

● (1615)

[*Translation*]

Mr. Speaker, the minister's projections, to paraphrase him, are not an adequate consultation process.

Did he raise this issue with his provincial counterparts? When did he discuss it with the Quebec justice minister? When did he raise it with Nunavut's justice minister?

There is no need to be minister or clairvoyant to understand that these two jurisdictions have different needs. What did the provincial ministers want to know? How are these differences reflected in the bill?

[*English*]

Let us be clear. We know there are disparities. For the year 2006, the most recent year for which such statistics are available, the actual revenue produced by the federal surcharge varied drastically by region, with Quebec taking in approximately $2.2 million in surcharge revenue and Ontario taking in approximately $1.2 million. How do we account for this? How would this legislation take this into account? Indeed, I am returning to my primary question here: How was the determination made to double the surcharge? What was the evidence-based foundation for this?

On this point, I recently received an email from the former ombudsman for victims of crime, Mr. Steve Sullivan, who expressed concern to me with regard to the committee testimony at the Standing Committee on Justice and Human Rights of Ms. Susan O'Sullivan, the current Federal Ombudsman for Victims of Crime.

Mr. Sullivan was troubled by Ms. O'Sullivan's contention that her recommendation to double the surcharge amount was itself based on the recommendation of her predecessor Mr. Sullivan. However, Mr. Sullivan stressed that in 2009, during his tenure as ombudsman, he in fact recommended no such thing. Although at the time he supported removing the undue hardship defence, he stressed that he "thought then, as I do now, that it was not appropriate to double fines if judges were waiving fines because of their belief...that offenders could not pay existing fines". I only raise this to correct the record on behalf of Mr. Sullivan.

At the risk of repeating a recurring theme that I addressed during second reading, the question was raised as to when we would next be back in Parliament to raise the surcharge again. Will this be an annual parliamentary occurrence? Perhaps some provinces view the amount received currently as being sufficient. Without adequate consultation on this legislation, there is no good way to predict, which the minister said hew as prepared to do so, just how soon we will be back here debating it again and whether or not it is having a beneficial impact in the way the government so envisages.

Beyond the problematic approach to legislating without accounting for the different needs of individual provinces and territories, this legislation is seriously flawed in its presupposition that the surcharge ought to be the primary funding source in the interests of victims. Simply put, the surcharge is only imposed upon conviction. The result is that in situations where no suspect is apprehended or where no conviction is obtained because of problems with the evidence, no surcharge will ever be imposed.

There is an example I have mentioned before, but I believe it bears repeating. One of the most common crimes in our country, sexual assault, is one of the least likely to result in a conviction. Indeed, in many cases of sexual assault charges are not even pressed for a variety of reasons, including that these victims are not necessarily comfortable facing their attacker in open court. In these instances, no surcharge will be collected. How does the government propose to help these victims of crime through the mandatory collection of a surcharge if there may never be a conviction secured.

Even if there had been adequate consultation with all provinces and territories and even if this were reflected in the legislation, there would still be good reason to oppose the bill given that it removes the judicial discretion of judges to consider the undue hardship that imposing the surcharge may have on individual defenders or their dependents. Indeed, this aspect of the bill is particularly problematic and counterproductive.

As was observed in witness testimony before our committee by Catherine Latimer of the John Howard Society, this change would result in harsh financial consequences for the many marginalized members of our society: the poor, the mentally ill and low income Canadians, as well as minorities such as aboriginal Canadians, who are already grossly represented within the criminal justice system itself.

The problem is that serious consequences, including incarceration, can result in the failure to pay a court-ordered fine or surcharge. Indeed, the injustice and inequity of a mandatory financial penalty, absent judicial discretion to waive it based on an inability to pay, is not just a matter of my own opinion or the opinion of some Canadians. Indeed, it is the opinion of the Supreme Court of Canada, which stated in the case of R. v. Wu, "it is irrational to imprison an offender who does not have the capacity to pay [a fine] on the basis that imprisonment will force [payment]". In that case, the court further stated, "For the impecunious offenders...imprisonment in default of payment of a fine is not an alternative punishment — he or she does not have any real choice in the matter".

This bill puts the most vulnerable Canadians in a situation where they may have to face incarceration, not because a court has deemed jail to be the proper punishment warranted by the offence for which they have been convicted, but only because they lack the financial resources to pay the mandatory surcharge. I submit that this is prejudicial and in violation of the law as defined by our nation's highest court.

Further anticipating the consequences of this bill if it were to be adopted, we can expect it to have a disparate impact on Canadians based on their province or territory of residence. Much was made during committee of the particulars of the provincial fine option program, to which I referred briefly earlier in my remarks. Regrettably, the discussion during committee regarding these programs was particularly insufficient and demonstrated a complete lack of understanding by the government in this matter.

● (1620)

The government has defended the removal of judicial discretion to waive the surcharge by arguing that those who are not able to pay can take advantage of provincial fine option programs that allow for the disposal of an individual's surcharge obligation through work or community service. However, as I am sure the members in this place are by now well aware, such programs do not exist in Ontario, British Columbia or Newfoundland and Labrador. Moreover, where they do exist, their availability and eligibility vary drastically.

I would hope that my colleagues in this place would need no explanation as to why I object to legislation that affects Canadians in a discriminatory manner based on where they happen to reside without any reasonable justification.

However, what is particularly troubling was the lack of concern by some of my colleagues during the committee process in this regard. Indeed, one member, noting that the fine option program was clearly a matter of provincial competency, conceded that this was not something the federal government could delve into and went on to observe that it was sufficient that any province could use the funds from the surcharge to implement such a program and that, where no such program exists, other means for enforcing the surcharge might exist.

This line of reasoning, regrettably, entirely misses the point. It is irresponsible for us to pass legislation based on predictions and presumptions about what could happen. Furthermore, the lack of consistency between the provinces and territories in this regard is precisely what would result in a differential prejudicial impact.

The bottom line is that, depending on the specific province or territory, low-income Canadians who are simply not able to meet a surcharge obligation will find themselves disproportionately burdened merely because of financial status and area of residence. Ultimately, one may find himself or herself subject to incarceration for circumstances entirely outside his or her control. I submit that this is prejudicial, inequitable and unacceptable in a free and democratic society.

To conclude my remarks, let me summarize the reasons for my opposition to this legislation.

First, the arbitrariness of the proposed doubling of the surcharge amount must be rejected. The needs of victims vary substantially, as I mentioned, between the provinces and territories.

Second, we must permit judicial discretion and enable judges to consider the specific facts before them, in particular, on the undue hardship that may result in specific instances on either the offender or on his or her dependants.

Third, there are problematic assumptions underlying the government's approach to criminal justice, which considers after-the-fact punitive measures to be an effective means of achieving deterrence, completely ignoring the importance of preventive measures and the need to consider the relationship in various complex social factors in so far as they contribute to both crime and victimization. Indeed, one critical factor that is undeniably related to the problem of crime and recidivism is a cycle of poverty and the marginalization of particular segments of our society. Regrettably, the bill, as it now stands before us, would only exacerbate this problem.

I would like to briefly describe the amendments that I offered at committee, all of which were proposed with the intention of achieving the shared goal of providing support for victims of crime in all provinces and territories and in an effective, sustainable and non-discriminatory fashion. Regrettably, all were rejected, but I believe they deserve discussion here particularly as they may be relevant to our colleagues in the other place during their deliberations in this matter.

My first amendment would have restored the undue hardship defence as it currently exists, but would have implemented a requirement that the court record its reasons for waiving the surcharge in writing. This amendment was directly aimed at improving the surcharge enforcement rate without improperly infringing on the judiciary's authority to consider all the facts before it in a particular instance.

My second amendment would have enabled the court in a jurisdiction where no fine option program existed to suspend the requirement to pay the surcharge based on a finding that the immediate enforcement of the surcharge would result in an undue hardship on the offender or his dependents. This amendment, in line with the Supreme Court decision, would have maintained the mandatory nature of the surcharge in all instances and merely would have enabled the court to suspend the requirement to pay. The surcharge obligation would indeed remain in the event that the individual's financial status should change. Moreover, this amendment would have limited the court's discretion to waive the surcharge to only those jurisdictions where no fine option program was available.

● (1625)

My third amendment would have specifically addressed what I submit should be one of the underlying purposes of criminal justice policy, namely, to prevent recidivism by achieving the rehabilitation of offenders. This amendment would have provided the court with authority to waive the surcharge only in those jurisdictions where no fine option program is available and based on a finding that the requirement to immediately pay would have a negative affect on an individual's rehabilitation. Again, the surcharge obligation would remain should an individual's circumstances change.

My final amendment was intended to codify the Supreme Court of Canada's decision in Regina v. Wu, so as to ensure that no Canadian would be subject to imprisonment based on an inability to pay. To be clear, this amendment would not have interfered with the court authority to order incarceration as part of an individual's sentence when so warranted by the specific facts of the case. This amendment would have ensured that neither an individual's financial situation nor the unavailability of a fine option program in a particular jurisdiction would result in incarceration. Put simply, this amendment would have avoided the prejudicial effect of Bill C-37 while preserving its underlying purpose. Despite the fact that this principle has been clarified by the Supreme Court, my amendment was voted down.

The committee process could have produced a version of this bill that accomplished the government's intention and what I am sure is the intention of all members in this place, to ensure the support of victims of crime without prejudicing any Canadians. Regrettably, we are here today to debate the same flawed version of this bill as was sent to committee. Thus, I must oppose the bill, as it is currently written, and urge all members in the House to do the same.

In conclusion, the most effective way to support victims of crime is to propose and promote legislation that prevents victimization in the first place, that seeks to achieve rehabilitation so as to prevent recidivism upon the inevitable return of offenders back into society. Regrettably, we have yet to see justice legislation from the government focusing on prevention, rehabilitation and reintegration, and Bill C-37 would accomplish no such thing. Despite my strong support for legislation that would fund victim services programs, this bill in its current form remains ineffective and will be counter-productive, discriminatory and prejudicial. I therefore will be voting against it.

● (1630)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I understand that the member for Mount Royal is on the committee and would have heard the testimony by Dr. Irvin Waller, president, International Organization for Victim Assistance. Dr. Waller pointed out something that I took a look at when I was a chief of enforcement and worked in the environmental enforcement field.

In 1984 the United States passed an act called the Victims of Crime Act that allowed the government to go after the major corporations that violated the law in a bigger way. I wonder if the member could speak to whether he thinks it is an adequate remedy to impose $200 on a company that might bilk investors out of millions of dollars or billions of dollars, or other major corporate crimes that may cause major harm to the health and safety of Canadians.

Hon. Irwin Cotler: Mr. Speaker, I was present for the testimony of Dr. Irvin Waller. I thought it was an important piece of testimony before the committee. Dr. Waller went beyond the specifics of the surcharge issue to, in fact, recommend larger policy prescriptions. Those policy prescriptions were based on his own comparative studies in other jurisdictions, including, as the hon. member mentioned, that which exists in the United States, and he made particular reference to the importance of the use of the instrumentality of having corporate accountability involved in the indemnification of victim services.

I mentioned to Dr. Waller in the aftermath of his testimony that I would be meeting with him to further pursue this particular remedy and others that he suggested, as I took his testimony, as I say, to go beyond the specifics on the victim surcharge issue and to recommend broader policy proposals, which we should be bearing in mind.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I want to thank my colleague for his remarks. It is always a pleasure to listen to him. He is very articulate and, for the most part, very knowledgeable.

I wonder about one thing. He made a very impassioned argument on the fact that there are three jurisdictions in Canada that do not have a fine option program and he said if there are even only three jurisdictions in Canada where someone might go to jail for being unable to pay a fine, then there is a flaw in this legislation. The member is a former justice minister, a lawyer, and he is well experienced. I want to know if he is going to stand in the House and deny that there is provision in our law that absolutely prevents individuals from going to jail if there is a reason they cannot pay a fine. My understanding is that our law would absolutely not put individuals in jail for non-payment of a fine if in fact they have good reason for not being able to pay it.

I would like to hear the member deny that, if he can.

Hon. Irwin Cotler: Mr. Speaker, I am pleased that my hon. colleague found only one thing wrong with my speech and made specific reference to the fine option programs in the provinces.

We did indicate that there were three provinces that do not have it, and under the present legislation we may have a situation where we cannot come up with an option in a province that does not have it.

That was the whole question of why I said to codify the principle of the Supreme Court in the Regina v. Wu case, to make it clear that nobody would ever be incarcerated because they could not pay a fine, because the fine option program might not have been available, so that which is said to be an assumption would be made clear in the law.

That is the reason I proposed the amendment, to clarify what could end up being an uncertainty, particularly as we have removed the judicial discretion in these cases, which might have addressed and redressed such an anomaly, if it indeed occurred.

● (1635)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to thank my hon. friend from Mount Royal. Speaking earlier to my own amendment, I credited much of his work in the committee as inspiring efforts that I have made at report stage to try to change the bill.

What concerns me is the complete absence of judicial discretion. What I see is a pattern, one might even say a transformative pattern, of Canadian criminal law in removing judicial discretion. We see it through mandatory minimums. We see it here through mandatory application of fines.

I wonder if my friend, having had the experience of being Canada's justice minister, agrees that there is anything like a pattern occurring here in removing judicial discretion.

Hon. Irwin Cotler: Mr. Speaker, there is a pattern here: the imposition of mandatory minimums, which accompanies the removal of judicial discretion, increasingly suggesting a mistrust of the independence and integrity of the judiciary to be able to address these issues where they have the appreciation of the facts and circumstances in any particular case, where they can deal with the understanding of the offender, where they can address questions with respect to undue hardships and questions with regard to rehabilitation of the offender.

This leads me to the second concern. That is that the bill follows a pattern, again, of not addressing the complete spectrum of the criminal justice system, where that would include the whole importance of prevention, and not just the question of a punitive approach; where that would include the question of rehabilitation and reintegration of the offender, and again, not just a condemnatory approach; and where we would have, with respect to the process of dealing with these pieces of legislation—whether it be in the House or at committee, which is supposed to be the place to deal with this—the opportunity to propose amendments for the purpose of actually improving the bill as proposed by the government. However, they are summarily rejected, rather than being addressed, when their particular intention is to improve the very legislation brought forward by the government.

We have had situations where we have had a kind of bizarre anomaly where recommendations—and I was in that circumstance—that I made by way of amendment in committee were rejected in committee, only to be brought forward by the government afterwards on rethinking at report stage, and where the Speaker had to say at report stage that those things should have been addressed by committee, and therefore we had to go into the other place to correct this whole process and bring it back here to the House itself, when it could have been initially corrected at committee.

So the issue of process is inextricably bound up with the issue of substance.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I thank the hon. member for Mount Royal and I commend him for his work on the Standing Committee on Justice and Human Rights.

He used the word "prevention". That term is music to my ears. The NDP supports victims of crime and their families, and it supports the recommendations made by the ombudsman for victims of crime in Canada. The best way to reduce the number of potential victims is to engage in prevention.

I wonder if the hon. member could tell us how we can truly achieve prevention in the current context.

Hon. Irwin Cotler: Mr. Speaker, I agree with the hon. member on the importance of prevention. As I said, I think the bill is lacking in that respect. It is also lacking in other respects, but the justice process begins with prevention. That is why I proposed a few amendments. I mentioned those on prevention, but there were also amendments on judicial discretion, rehabilitation and reintegration, while dealing with the protection of victims.

● (1640)

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, thank you for this time, which I will be sharing with the hon. member for Manicouagan, when I will state my position on Bill C-37. I would like to tell the House that we support the increasing offenders' accountability for victims act.

This bill responds to a need expressed by intervenors and lobby groups. Even though our support is not complete, we are satisfied that such a measure will make it possible to award additional sums to victims. Our party has always had a clear position on issues relating to the judicial system. We argue for an equitable, impartial and progressive form of justice.

We believe that victims deserve all the assistance they require, and we believe that our role as parliamentarians is to support them. Criminals must take responsibility for their actions, but we must also remember that it is also our duty to encourage their rehabilitation. Bill C-37 is consistent with this logic, because it recognizes the victims' needs. It forces criminals to confront the consequences of their acts, and allows for the conversion of financial penalties to hours of community service.

The increasing offenders' accountability for victims act will double the amount of the victim surcharge and make it mandatory for all offenders convicted of a criminal offence. At the moment, if a person's goods are lost or destroyed, or if personal physical or psychological damage is inflicted or threatened, the judge may order an offender who is convicted or discharged to pay an amount directly to the victim for damages.

Currently, a 15% surcharge is added to that amount. The money is used to finance programs that assist victims of crime in the province where the crime was committed. Bill C-37 increases these amounts significantly to 30%, in order to help victims. Thus the surcharge may be $100 instead of $50, $200 instead of $100, and so on.

The bill also changes another aspect of the surcharge. At the moment, an offender may be exempt from paying the surcharge if paying it would cause undue hardship to the offender or the offender's dependents.

Bill C-37 eliminates this aspect of the current law. It permits the offender to discharge the fine in whole or in part by earning credits for work performed. The official opposition welcomes this measure, since it provides an opportunity for offenders to become involved in their communities and make restitution for their offences.

Still, the uniform application of the law is significantly limited by the absence of such programs in Ontario and Newfoundland and Labrador. Through this measure, the bill aims to make criminals more accountable for their actions and especially to help the victims of crime. We agree completely with the principle.

However, we believe that there are significant social problems associated with crime and they deserve our attention. For example, 82% of the women in prison have been victims of physical or sexual abuse. That is not an excuse for crime, but it does explain certain aspects. Similarly, poverty often has an influence on the nature and type of crimes committed, and this fact cannot be ignored.

Certainly, the bill does assist victims, and we agree completely with that. Still, it is equally important to attack crime at it roots and rehabilitate the criminals, and the government's current policies ignore these aspects, despite the advice it has received from many experts.

Rather than making massive cuts to federal social programs, the government could have attacked crime at its roots. Rather than constructing prisons to accommodate greater repression under the Conservatives' most recent measures, Canada could have been attacking crime at its roots.

We supported this bill at second reading because we agreed with its principle, but we want to work on improving some of the measures.

● (1645)

We did express some reservations about enforcement and results.

We were particularly concerned that the law might not be enforced uniformly across Canada, especially with regard to victim compensation programs. The lack of a compensation program in Ontario and Newfoundland and Labrador, as noted in this bill, limits the extent to which the government's changes can be put into practice.

Thus, the consequences of a crime committed in Montreal would not be the same as if the same crime were committed in Toronto. We cannot create a law like this and find out that some of its elements are completely non-operational in some part of the country.

Therefore, the federal authorities must sit down with their provincial counterparts to make sure there is one justice system for everyone and not a two-tier system because of a lack of structure.

At the moment, the federal program for assistance to victims of crime has a budget of $16 million, but only $3 million is being used. Over 80% of the budget envelope is not being used. Once again, it is essential that the government not limit itself to the surface aspects alone. Once the legislative process is complete, it must really work on enforcement. It is important that the money be set aside for victims of crime, but it is even more important for the victims to actually benefit from that money.

Moreover, crime costs Canada about $70 billion a year, and 70% of that is borne by the victims. In that context, it is essential that the money raised through the surcharge really go to the victims and that additional funds be provided.

We agree completely with the Federal Ombudsman for Victims of Crime, who argues for increased funding of programs for this often-neglected group of people, who are directly affected by the Conservative government's budget cuts.

I also want to use this time to call upon the Canadian government to take inspiration form initiatives outside our borders. For example, the United Kingdom and other countries are developing a more evolved concept of restorative justice for victims and for offenders. It would be useful for the Conservatives to consider such ideas seriously as they develop their policies.

The ideas of mutual assistance, mediation between the parties, reparation of the damage caused and restitution would be stressed, for the good of both victims and ex-offenders. Why could we not take our justice system to another level, and go beyond mere technocratic logic?

In conclusion, we will be supporting Bill C-37. We believe that this measure is justified, that it responds to what the community wants and that it will help victims. However, we think it is essential that this government make sure that these measures are applied effectively. We cannot allow a law not to be fair to everyone, from one province to another.

We think the government has to explore other avenues, to develop a modern, proactive system that both promotes rehabilitation and supports victims. One thing is certain: we will be keeping a close eye on how Bill C-37 is administered, and we will continue to stand up both for victims and for rehabilitation of criminals.

[*English*]

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I want to thank my colleague for her remarks and support of this great bill, with its long overdue reforms. I can see that my colleague agrees with her colleague who spoke earlier that it is difficult to oppose virtue. I can only hope that this catches on all across the opposition.

I want to mention one thing relating specifically to another Liberal colleague who spoke before her. He did not ever actually deny my assertion that our bill does not require anyone to go to jail because the person cannot afford to pay a fine. He failed to mention the specific section of the Criminal Code. It is section 734.7, which states that a "court shall not issue a warrant of committal in default of payment of a fine...unless the court is satisfied...that the offender has, without reasonable excuse, refused to pay...". Therefore, if there is a reasonable excuse, no one watching today needs to worry that anyone will ever go to jail if he or she has a reasonable excuse for not paying a fine.

Regarding the comments of the member who just spoke, I would also mention that if she were to visit the website of the Minister of Public Safety and corrections, she would find that the government has just recently sponsored a symposium on restorative justice and is sponsoring many programs across the country on restorative justice. That is just part of our balanced approach.

● (1650)

[*Translation*]

Ms. Sadia Groguhé: Mr. Speaker, I thank my colleague for his question.

I would simply like to remind the House of how important the NDP believes judges' discretion to be. There is no doubt in our minds that these powers are in fact discretionary and that it is important to ensure that the integrity of the judiciary is recognized and upheld.

On the question of the victim surcharge, obviously, as I explained, this bill unfortunately does not go far enough when it comes to prevention. This does not mean using punishment as a deterrent; we know there is the whole area of prevention and rehabilitation to be considered when it comes to crime.

As a democratic party, we can never stress this enough, and we reiterate our position on this.

[*English*]

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I want to refer to the comment by the previous Conservative speaker, who had a question for my hon. colleague from the NDP, because I do not think he understands how our legislative process works. When a new law is passed it overwrites or supercedes previous laws, unless we are talking about the Charter of Rights and Freedoms or the Constitution. We cannot change those without a much more elaborate process. However, when we have a new law with new provisions, in this case creating real doubt about what happens when a person cannot pay his or her debt, we do have a new problem.

He perhaps does not understand that the Criminal Code is simply previous legislation, and it can be changed by any bill that comes into the House and is passed.

[*Translation*]

Ms. Sadia Groguhé: Mr. Speaker, right off, I do not know whether I am the right person to answer that question. I could leave it to my colleague opposite to answer it, but I will answer.

There is no doubt that this bill focuses on victims and all the assistance we can provide for them. That is why we support it. That is not the case for victim surcharges, which are essentially intended to hold offenders accountable. I will say it again, since it is really of crucial importance: we cannot fight crime through punishment alone; there has to be an element of prevention and an element of rehabilitation, which will create a society with a justice system that is as clear and fair as possible. That is how I would answer.

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, because of my ongoing concern with shedding light on the concrete application and real impact of measures designed to address a social issue that has been identified, it strikes me as essential to introduce into this debate a number of imponderables with respect to cases that give rise to the imposition of a victim surcharge by a sitting judge in a criminal court.

At the risk of being redundant and repeating myself, I will draw upon my past experience in a legal aid office to illustrate what I am talking about. When I joined the legal aid office, one of the first concepts that I learned was the ability to pay. I had been provided with a binder showing the financial scales applicable to individuals, meaning clients, who came to our office to check whether they were financially eligible to obtain legal aid, whether for criminal or civil cases. It is one of the first concepts you learn when you begin in the practice.

When I joined the Sept-Îles legal aid office in 2007, the financial limit was approximately $20,000 to $25,000 for a person to be eligible for free services. If the amount exceeded $20,000 to $25,000, then services were still available, although a small financial contribution from the client was required. Allow me to reiterate that this is one of the first concepts you learn when you begin practising law.

When you meet a client, you need to complete a fact sheet that includes information such as principal source of income and all sources of additional earnings. These are the first things you learn. You complete the fact sheet and before meeting clients, you check it to determine whether they are eligible for services.

Even though I have been referring to this financial scale, most of my legal aid clients were of course receiving social assistance or other income security benefits. They were therefore eligible for the services provided by the legal aid office. For me, it became pretty much automatic. My employer at the time, the attorney who introduced me to practising in the trenches, instilled this reflex in me to some degree. After completing one's submissions on sentencing, one says, more often than not, "I would ask that my client be exempted from paying the surcharge because he is receiving social assistance."

Even today, although I have not been pleading cases for two years, it is still mechanical, by which I mean that I can repeat this stock phrase from memory. It was somewhat redundant, because at the end of each of my cases, I had to repeat this set phrase because most of my clients were social assistance recipients. Even when I was in private practice, I was first and foremost handling legal aid assignments. It became second nature to me.

In short, if the lawyer tells the judge that the client should be exempted from paying the surcharge upon sentencing, then the judge has to decide on the sentence applicable to the individual on the basis of that person's sources of income and ability to pay a fine. I will refer to this later and will go into the subject in more detail. I simply wanted to raise this concept.

An offender's ability to pay is the determining factor at the submissions on sentencing stage. Like the codified guidelines applicable to cases involving an aboriginal offender, judges have considerable latitude in determining and handing down alternatives to imprisonment. I will refer to the section of the Criminal Code that covers this particular case.

But we must understand that judges have some latitude when sentencing. Although it is not mandatory, the judge will still ask questions to see what sentence would be appropriate in a given case. Judges have few options, meaning that they can choose from among two or three options: either a prison sentence, a fine or community service. It always depends on the individual's willingness and ability to pay a fine.

Earlier I mentioned the Criminal Code. I will now read part of it. It is sometimes a good idea to refer to the wording of legislation, because it helps prevent mistakes. So that is what I will do. Paragraph 718.2(*e*) of the Criminal Code states:

> 718.2 A court that imposes a sentence shall also take into consideration the following principles:...
>
> (*e*) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

When I was practising law, I dealt with aboriginal offenders every day, since most of my clients were Innu and Naskapi people from my riding.

● (1655)

This paragraph in the Criminal Code indicates that the judge must make decisions regarding alternatives to a prison sentence in a given case. Obviously, this type of sentence does not apply only to aboriginal offenders, but it applies to them in particular.

The Supreme Court of Canada also ruled that an offender cannot be imprisoned for not paying a fine if he or she is truly unable to pay it. The judge has some latitude in verifying the offender's true willingness to pay.

Generally speaking, when clients, especially those receiving social assistance, are exempted from paying the fine, there may be an alternative sentence. I have seen this in some instances. Even if the client is on social assistance, he must pay the fine if the judge deems him capable of doing so. However, a schedule of payments will be established. The judge will ask how much the person would be prepared to pay on a monthly basis to discharge the fine. Simply because people are receiving social assistance or some other form of income support does not necessarily mean that they will not have to pay anything. There is always that possibility, even if the person has limited financial resources. There is always the possibility of paying a fine. I am not speaking about a surcharge, but rather a fine. First and foremost, the judge will attempt to determine whether it would be preferable for the person to do community service or to make a donation.

As for the surcharge, when the client is receiving income security benefits, the judge will tend not to require payment of the surcharge. The judge will even exempt the offender from paying it because the offender's ability to pay is already limited. The surcharge, it should not be forgotten, is above all for people who have financial assets, perhaps not considerable assets, but enough in the end to pay the surcharge.

The surcharge is mainly intended to make people accountable. It is a form of empowerment to encourage the individual to take responsibility and give back to society. That is the ultimate reason for assessing a victim surcharge.

When all is said and done, I believe that the important thing to remember is the compensation aspect of the surcharge to be paid by an offender. There is an etymological perspective here too.

The funds raised by the surcharge partly pay for services to crime victims. In Quebec, there is IVAC, the Crime Victims Compensation Act. Under this act, victims receive the compensation surcharge directly, which is enough of a reason to support this bill at third reading.

I will now move on to a brief aside to discuss crime victims compensation boards.

Lawyers, at least practising litigators, work on a regular basis with IVAC. Even in the Sept-Îles courtroom, the IVAC office was right beside the Crown attorneys' office. Most of the people working for IVAC are social workers. They attend nearly all of the hearings. I used to kid around with some of them who were more knowledgeable about law than I was after only a year, because they attended the hearings for virtually all the courtroom cases.

In short, some of the victim surcharges would ultimately be redirected to the crime victims compensation boards. These boards are extremely important. The workers there deal mainly with victims and children. If you visit, you will see some toys for children to play with. They are friendly and family oriented because there is a wide variety of victims. It is therefore essential for the funds that are collected to be redistributed. Those who ultimately have the ability to pay, those with substantial income, and those with solid financial assets who are capable of paying, should be held accountable and required to pay a higher surcharge so that the services so essential to the maintenance of acceptable social standards can be provided.

I submit this respectfully.

● (1700)

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I want to thank my colleague for his speech. I listened to what he said very carefully and I have a question for him, since he is very knowledgeable about the aboriginal population and legislation.

The majority of women who are incarcerated, 92%, are aboriginal, while 82% have generally experienced physical or sexual abuse. Unfortunately, they end up behind bars because of a lack of resources. In my opinion a societal problem is at the root of this crime problem, and the situation needs to be examined more fully.

I would like to hear more from my colleague about the aboriginal population and in particular about aboriginal women.

● (1705)

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my hon. colleague for her question.

When I stated that the majority, if not virtually all, of my clients were aboriginal, it is important to understand that where I come from, the figure is not necessarily 91%. The statistics we had at the time showed that 75% were aboriginal.

When we go and meet with inmates in the basement of the courthouse in Sept-Îles—and even in Baie-Comeau, since space is fairly limited at the courthouse in Sept-Îles—it is quite obvious to us that the inmates are primarily aboriginal. This is unfortunate, but it is also a reflection of the breakdown of the communities' social fabric. Deviant elements can be observed every day on reserves. There are nearly 15,000 Indians in my riding: Innu and Naskapi. So then, by force of circumstance, deviant behaviours can also be observed in the communities. It is most unfortunate, but this is first and foremost a societal problem that must be addressed from within.

As for the victim surcharge, it is important to understand that there were many female clients, especially in light of the number of cases of domestic violence that I handled. Many female aboriginal clients will also turn to the criminal injuries compensation board. So then, in the final analysis, increasing accountability by raising the victim surcharge amounts can only be beneficial to the healing process and the social intervention that must take place in cases of domestic violence.

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, several of my colleagues in the House have talked about how important it is for the judge to have some discretionary decision-making powers. I personally am not a legal expert, but the basis of their argument is that no two situations are identical and that therefore, the facts and the environment are not the same in every case.

Applying this premise to first nations communities, I would be interested to hear my colleague's views.

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my colleague for his question.

I mentioned section 718.2 of the Criminal Code. A provision in the code already deals with aboriginal offenders. However, I have seen a few lawyers specifically refer to this provision at the time of sentencing, when presenting their sentencing arguments. Some of my colleagues mentioned this provision. They reminded the judge that pursuant to section 718.2, the court had to take into account the circumstances and the fact that their client was aboriginal. The judge, however, is not necessarily bound by this. He must look at whether a sanction other than imprisonment can be considered.

However, there are limitations. At some point, an individual must be held accountable. In the case of repeat offenders, ultimately if there is no sanction other than imprisonment that is deemed appropriate, then the judge will sentence the offender to prison. I saw this happen during my years as a practising lawyer pleading cases. So then, even though there is a specific provision in the Criminal Code, the judge is not necessarily bound 100% by it. He must consider the circumstances, but there are limitations and ultimately, the offender must bear responsibility for his actions.

That is all I have to say.

[*English*]

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, I am very pleased to stand in the House to speak to Bill C-37. New Democrats support the bill in principle, which I am sure comes as a welcome relief for my colleagues across the way. We support the bill, first and foremost, because we support victims of crime, their families and communities.

We take note of the recommendations made by the Ombudsman for Victims of Crime, whose office wrote four years ago that it recommended repealing subsections 737(5) and (6) of the Criminal Code to remove all discretion of judges to weigh the surcharge and make it automatic in all cases. The removal of the discretion of judges has been the subject of some debate in the House.

The report went on to say that judges' discretion had been widely and improperly applied. As well, the judges themselves wrote the Minister of Justice asking him to push for the doubling of these fines. As far as the doubling of fines, New Democrats support the bill and its recommendations, but I would like to offer some food for thought.

While we support Bill C-37, there are some concerns that persist as to the administration of these funds and what they are intended to accomplish. In administering these funds, are we truly providing victims with justice? That is a question I will look at a little later.

● (1710)

[*Translation*]

I want to make it very clear that providing services to crime victims has always been and will continue to be our priority. Using these funds in a transparent way to meet the needs of crime victims is a step in the right direction.

[*English*]

We must not lose sight of the larger goal of preventing such criminality in the first place. Too often criminal action is the direct outcome of social and economic precariousness. Too often crime is the terrible yet predictable consequence of poverty and a seemingly hopeless future. Too often we try to address the needs of victims while ensnaring those who have already been disenfranchised in a cycle of marginalization.

The question is this. Can we address the needs of victims without ensnaring those who have already been disenfranchised and caught in a cycle of marginalization? We have to focus our energies on preventing that disenfranchisement, that marginalization, as well as those criminal acts, thereby reducing the number of victims.

[*Translation*]

It is not always easy, of course. When confronted with the aftermath of crime, we react with disgust, revulsion, anger or a desire for vengeance. Less than a week ago, the members of the House rose to observe a minute of silence. We remembered the 14 women who died as a result of a horrific crime committed in my hometown of Montreal.

[*English*]

This is a time when we are all conscious of the horror of violence and, in particular, gender-based violence. Just as we will never forget what happened that day, we cannot permit ourselves to do simply the minimum of only addressing the issue of crime with punitive measures. As my grandmother would say, "It's kind of like closing the barn door after the horse has left".

We must acknowledge that punishment and fines only hold so much sway. In all honesty, our citizens demand more from us. They know that crimes are committed for complicated reasons and while supporting victims is our clear and primary objective, preventing future victims and future victimization by preventing future criminality is, by far, the best use of our resources, our talents and our time.

I would like to give my esteemed colleagues an example of the complexity of this issue and the need for a more comprehensive approach to criminality. It is a point that was brought up by one of my colleagues earlier in her question. We know that 82% of incarcerated women were previously victims of physical or sexual aggression. I would like to add to that the fact that 91% of incarcerated women are of first nations origin, a vast over-representation. One has to ask where was the victim support that they needed, whether financial, psychological or sociological?

These statistics illustrate the need for victim support, for better financing of victims services but also for a more restorative and holistic justice system. These women who were abused, for what ever reason, self-esteem, a need to survive, resorted to criminal acts: a bounced cheque, prostitution, petty theft. If there were services that helped them regain their self-esteem, to help them through that process, frankly, if we as a society knew a little more and spent more energy educating ourselves on the long-term effects of sexual aggression and gender violence, would this 82% of women be incarcerated? That is a question we need to ask ourselves.

Increased fines are increased fines; they help to a certain extent. The projected use for these fines, as I understand it, is to go to victims services, but in what way? We are seeing a weakening of the services available to victims. It is a step in the right direction, but the fines, increased or not, do not and will not interrupt the cycle of crime.

● (1715)

[*Translation*]

The judicial system in Quebec, my home province, favours reforms and reintegration to ensure justice. The proof of this approach can be found in a tour of the neighbourhoods of Petite-Bourgogne, Saint-Henri and Pointe Saint-Charles in my riding.

I am very proud to represent these communities. Anyone who tours these neighbourhoods will see how areas once riddled with crime can be transformed with the proper guidance.

We unequivocally support increased funding of services for crime victims. Providing better funding and an open, transparent system that gives victims access to the services they need is an important measure.

[*English*]

Support for victims services has to be more than just charging more money to criminals. It has to be more for the simple reason that I would think a considerable majority of these petty criminals would have very little to give to these organizations. Our energy needs to be put into creating financial support for victims of crime through organizations and support that is about restoration, not only of what was taken from them but what they feel they have lost.

I was robbed once. Someone broke into my condo in a very timely manner when the all the alarm systems were being redone. Yes, it was suspicious. However, one comes home to the feeling of someone being in one's apartment, going through one's things and not only taking things that are of value financially but things that are of value because they were given from a child or they were the last thing given by a grandparent. Although my mother raised fairly strong children, it took a long time for me to get through that sense of violation, and that was only from having my home burglarized.

As I have mentioned, there is a need for victims services. However, for those people who find themselves in marginalized, disenfranchised and isolated situations, it is of the utmost importance. Having those services could very well prevent a large number of these types of crimes, where some women find themselves on the wrong side of the law. These are crimes of survival and of need.

We have to look at justice as a three dimensional thing. It is not simply that because one did something wrong that one needs to go to jail. We need to understand why people do the things they do.

Criminals are criminals. They are going to do things, be bad people and they will pay for it as the justice system allows. However, not every criminal has a criminal mind. There is a reason for their criminality. Therefore, there is a need to have more resources put into making sure that victims of crime, victims of sexual abuse and gender violence, are not placed in a position where they have to commit a crime because the criminal acts put upon them dehumanized them so much that they could not function in society.

● (1720)

There are very important interventions that we need and can make, financial interventions, support for these organizations and support for people who have lost loved ones or who have lost fortunes. They are important among the many things that we can undertake as we seek to improve our justice system.

Our aim needs to be to make our justice more logical, more balanced and, indeed, more helpful to our citizens. This is what we hope the government will take away from these debates we have been having on a bill that we do support, but there is something that is missing from that bill. It is that restorative outlook in what we can do to prevent the creation of more victims as opposed to overly punishing criminals.

There is something that keeps sort of popping into this discussion whenever we discuss any of these bill, which is that the opposition supports crimes or that it is soft on crime.

We need to remember that the laws we have in place, even those laws that are abused by those who commit crimes, those laws are actually in place to protect the innocent. They are there to ensure that governments and police law enforcement agencies do not run roughshod over people's constitutional rights. They are not there to protect criminals. They are there to protect those people from getting caught in a situation not of their making and having every recourse of the law to ensure they can prove their innocence.

Unfortunately, like anything else, somebody who wants to abuse that will abuse it, but we cannot change those protections because we are afraid of those who abuse it. If we do, we law-abiding citizens, Canadians, will lose those protections ourselves.

I will just reiterate the last part of my speech by saying that the interventions, such as support for victim groups, is incredibly important and we must make every effort to make our justice system more logical, more balance and more helpful to all our citizens.

● (1725)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments that were made by the member. We do need to talk a lot more about the issue of restorative justice.

I would ask the member to provide some comments on restorative justice, if he has some thoughts he would like to share.

Mr. Tyrone Benskin: Mr. Speaker, my experience, though limited with restorative justice, is in the juvenile area.

We have a situation here where young people will commit a crime for the silliest of reasons and be subject to laws that are unduly harsh for the situation they are in, unduly harsh because they are spending time in an environment, prison, where they themselves will become victims, where they themselves will learn the tools of a trade that we do not want them to learn.

What we need to do in terms of restorative justice is to ensure they not only understand what they have done, they understand the consequences and feel the consequences, but that they can take that education back out into the world and become a better citizen.

The Acting Speaker (Mr. Bruce Stanton): Questions and comments? Resuming debate. 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.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the yeas have it.

And five or more members having risen:

Hon. Gordon O'Connor: Mr. Speaker, I ask that the vote be deferred until tomorrow following government orders.

The Acting Speaker (Mr. Bruce Stanton): Accordingly, the recorded division is deferred until tomorrow at the end of government orders.

It being 5:30, the House will now proceed to the consideration of private members business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

● (1730)

[*English*]

INCOME TAX ACT

The House resumed from December 7 consideration of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations), as reported (without amendment) from the committee, and of the motions in Group No. 1.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Welland had seven minutes remaining in his remarks when the bill was last before the House.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I am pleased to join the debate and perhaps go back for a second or two and think about transparency, because the bill talks about unions and transparency. Let me give a couple of examples of transparency inside a union. As I said, I can do that from personal experience because I spent three terms-plus as the financial officer in one of the largest local unions in the country. I actually know of what I speak because I used to have to do it.

Here is a bit about transparency. I was empowered to spend up to $100 if I asked the executive board. However, on the government side, the Conservatives have an agreement called a FIPA with China. There is no transparency with that. They are not talking to us about it in the House of Commons, let alone to the Canadian public. We have on the union side, transparency, and on the government side, no transparency.

Then if we wanted to spend more than $100, I had to go to the executive board and ask, get approval and then take it to our membership's monthly meeting and say to the members what we would like to do, how much we would like to spend and ask if they would approve it and accept their judgment. Again, that is openness and transparency. What do we have on the other side? We have the Nexen deal from last Friday. Yes, we kind of did know and we kind of did not, but only under exceptional circumstances might we do it again. We asked the Prime Minister what those exceptional circumstances were. The reply was that the government could not tell us that yet.

On our side, we have the union movement, openness, transparency. On the government, side there is hiding, secretive, opaque, "let us not tell them, why should we ever tell the Canadian public anything". Yet on the union side, we tell our members everything. Not only because we have an obligation through our constitutions, but we have an obligation to consult with them because we believe that consultation process should be upheld. We believe in openness and transparency with them, much to the chagrin of the member who brought the bill forward.

I am not so sure he ever belonged to a union. Perhaps he should have talked to those of us who were in the union movement first and we could have helped him explain that. Then again, he would not have been in the pockets of the Merit group. In which case when we talk to local 27 carpenters' union in Toronto about how they will then have to open up their collective agreements, the Conservatives always talk about not taking sides in the commercial environment.

The Merit group, a non-union contractor in the province of Ontario and across the country, can find out what that carpenters' local union, local 27 in Toronto, might be trying to do as it bids on work because of its ability to see inside the collective agreements. What benefit would that be to them? Perhaps they could undercut them. Perhaps they could ensure they did not certify a union if there were a union attempt. Again, local 27 is geared by openness and transparency for its membership and we have a government that is not.

I have a final piece of openness and transparency when it comes to the finances of unions. The financial officers are ultimately held responsible for the finances of the union. I know that all too well, having been one for a long period of time, elected in three consecutive terms. It says something about how I told my members what I did with their money, as I was obligated to do, and fulfilled the obligation. They elected me three times so I guess I fulfilled the obligation. That becomes the other open and transparent piece: their right to remove me as they see fit. In fact, they can recall me. My friends across the way at one time believed in that, but that has gone away. We still believe in it. Inside many unions across the country, they can still recall that individual elected official if they choose, but they certainly can replace that person at an election. Again, it is open, transparent and democratic.

Then there is CETA, the greatest hidden piece of free trade agreement with one of the largest economic blocks in the world, and not one single solitary syllable has been mentioned in the House from the Conservative government to anyone else, not even to their own backbenchers.

What do we have on this side? A union that is open, transparent, democratic. On that side it is opaque, undemocratic, collusive almost and certainly not forthcoming when it comes to information.

● (1735)

Perhaps they will finally bring their information forward about the FIPA with China, about the Nexen deal and about the CETA agreement. Perhaps we would then finally have that sense of openness.

Quite a few of my colleagues on this side of the House are from the union movement, as one the members mentioned before. We are proud to say that and happy to stand up and tell members about it, because at the end of the day, the only target is clearly the union movement. It is the only one that has been targeted in this legislation.

If the member wanted openness and transparency, then he would have lumped in all of the other great bastions of democracy, the C.D. Howe Institute, the taxpayers' federation, the National Citizens Coalition, all of those great groups that are transparent and open and tell us all of the things they do.

Mr. Kevin Sorenson: None of them force their members to give money.

Mr. Malcolm Allen: Voluntary as well, Mr. Speaker.

The Rand formula will probably be the next point of attack, as it gives them certain rights. It was government that actually gave unions those rights; unions did not make them up but were given them by acts of provincial legislatures and Parliament. If my colleagues do not like the fact that the unions were there, then I guess they do not like the fact the government gave them those rights. I suppose that would lead one to say exactly what I said earlier, that we have an open, transparent and democratic system on the union side and we have a government that thinks they should not have those rights and that we should simply take them away. Therefore, this becomes an undemocratic piece. I guess the Conservatives do not believe in the legitimacy of government actually giving that right in the first place when it comes to the Rand formula.

Ultimately, this legislation is wrong-headed. As Carpenters' Local Union 27 said in Toronto, "This bill is about an attack on unions". It is going to cost money to do this even though my friend and colleague has suggested perhaps it would not. He now knows that it will, and it will cost much more than he ever thought. The unions know that. The Conservative government knows that and its members ought to simply just sit down when it comes time to call it.

This is a wrong-headed piece of legislation.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, the reality is that I am not pleased to be speaking to this bill because I do not think we should even have it on the table. We have a government that does not have the courage to do exactly what it wants to do, so it does what it always does, which is fly a trial balloon so that someone else does the leading and it can just play it and massage it as it wants. It is not being honest with the public about what its true agenda is. We we know for a fact, when we look at the ideology of the Conservative government, that respect for unions is not something it has.

We need to ask ourselves where Canada would be without the labour unions today. The pension systems, health care, a tremendous number of these things were brought to the table in a variety of different forms as a result of the work that unions did. For those who are anti-union and think it is not necessary to have one, I would ask people to think of what the country would be like without one. All progressive countries have a positive working relationship with the unions and have shown true leadership.

However, to bring a bill like this forward and to pretend that it is just a private member's bill, it is like the abortion issue. The Conservatives just keep flying a bunch of balloons on what they truly want to do just to keep putting wedges between people, the same way that we have had wedges on a variety of other important issues. This is just another way to split the labour movement against another whole bunch of people here in Canada. It is that continued opportunity to try to destabilize people and to pander to that 36% who elected the Conservatives.

To ask any other organization in this country to give all of this disclosure, one usually should show some leadership, right? However, that would mean that the government would be saying that everything is open. Instead, we have the exact opposite with the government. The Parliamentary Budget Officer, who was appointed by the Conservatives to help everyone understand the books better and to monitor the spending, cannot get any information and has to fight with the government every day just to get the basic spending and financial data he needs to do his job. Now he is at a point where he has to go to court to force the government to release the information. Now we have Bill C-377 that would tell everyone else that they need to disclose everything about what they do.

Government is supposed to be about leadership and the folks in the current government are going in the exact opposite direction. This is also the first government that has ever been found in contempt, which is an absolute disgrace for this country. The Conservatives do not care what the rules are. We know what they have done on the whole issue of the scandals and the election fraud. They do not believe in respect for the laws of this country and yet they are trying now to force unions to open up their books and divulge information that they would never do in a hundred years. This is all an attempt to break the back of the labour movement. This is just one more step they are using to try to get there.

When people have a decent pension, good health care and all the other kinds of things they want, they do not need to rely on the government for a hand-up when things get tough for them because they clearly have great programs in place. When we start to undo collective agreements, people start to lose all those safeguards they have, which, by the way, they pay for. No one has given anyone anything. All of the folks who work and contribute to the unions, they do not need to belong to any of them. They could be independent and do it on their own. No one forces anyone to belong to a union. People choose to belong to a union because there are a variety of safeguards, which means safer conditions than other job sites, but it also guarantees them support for their families. If someone gets killed on the job there is health and safety precautions, much more so than would be there if they did not have a labour union doing the leadership that it does.

I will get back to the Conservatives who continue to cut all kinds of programs. The second one is to go after the unions, destabilize them and try to break their backs. However, who will pay for all of the services that will be required? Someone will need to pay. I guess it will be downloaded to the provinces when it comes to the social services that are required. It should be a shame on the government and the hon. member who is bringing the bill forward. When he was on the agriculture committee he stood up and supported XL packers—

● (1740)

Mr. Russ Hiebert: I was never on the agriculture committee.

Hon. Judy Sgro: Well, he was there one time. He supported XL packers not being subject to disclosure, yet here he is today bringing this bill forward. Maybe his intention is to get into cabinet some day by being a front man for the government by bringing forth these—

The Acting Speaker (Mr. Bruce Stanton): The hon. member for South Surrey—White Rock—Cloverdale is rising on a point of order.

Mr. Russ Hiebert: Mr. Speaker, just to clarify that, if the member opposite is referring to me, I have never sat on the agriculture committee. I am not sure to whom she is referring.

The Acting Speaker (Mr. Bruce Stanton): I really do not think that is a point of order. It is a matter of debate as to the facts by the hon. member. There may be other hon. members who will have the opportunity to comment on the question before the House, perhaps later this evening.

The hon. member for York West.

Hon. Judy Sgro: Mr. Speaker, I just love the word "apologize". I hear it a lot on this side of the House, but we never hear it on that side, so they should not go throwing around the idea that people should apologize. They have a whole lot of stuff and do not even know what the word means.

As we move forward on these agendas, this is another one of the trial balloons that continue to come forward in the Conservatives' effort to try to insert a wedge between and divide people all over the country. I think it is a real shame that we are even debating this bill, particularly when it has been fast-tracked. A lot of private members' bills take two years to go through the system, and this one has only taken six months or so to get through.

● (1745)

Mr. Russ Hiebert: It's been a year and a half.

Mr. Kevin Sorenson: A year and a half.

Hon. Judy Sgro: Well, that is pretty fast. When were the first and second readings? It is here today because the government wants it on the table and it wants us to vote on it. It wants to turn around with its whole way of being very negative. The amendments that were tabled, that my colleague from Cape Breton put forward, were all voted down. All we were trying to do is to say that if this is good for gander, it is good for the goose as well. Therefore, let us see the PMO open up its books and let everyone see it in the same way the Conservatives are asking of the unions. However, they are not prepared to do that because that is not the their issue; their issue is how to destabilize and break the backs of the unions.

I am glad I had this opportunity. I realize I am talking in the wind, because they have the votes. They will pass the bill tomorrow night and will have to live with the consequences. However, they are not here for a hundred years. The day will come when there will be an election and I expect there will be different faces on that side of the table at that time.

It has been important to have an opportunity to try to get some comments down. I remind people that the Conservatives have been found in contempt and the Prime Minister has yet to disclose even the donors to his leadership campaign. Therefore, if they want to start talking about who has to disclose what, who donated to the Prime Minister's leadership campaign? We are still asking for those things. If they are going to be fair here, then the Prime Minister should let Canadians know who donated to his campaign.

It is all one-sided. It is all about our having to disclose everything, or labour unions or other people, but any of their buddies or companies they want to favour, they will protect, and because they have a majority they get away with it. I think it is grossly unfair.

Our critic has done a tremendous amount of work on this file, as have my other colleagues in government. However, clearly, this will pass tomorrow night, which I say with great sadness, because it will start to pull back all of those various supports that are in place that people have enjoyed. These will just start to turn around and disappear through a variety of ways. Through the collective agreements, there will be changes coming.

We will move forward. We cannot do anything about it. It is here and will be voted on tomorrow night. I wanted to be on the record that I am very sad and discouraged that it is here and I challenge the government to be as open with everything it does, as it expects of other people. Bill C-377 is just one more step trying to undermine and defeat unions who have negotiated collective agreements and who are being totally disrespected as this moves forward.

The Liberals will be voting against Bill C-377, as we have made very clear. We asked to move some amendments and tried to get them on the record and voted on, amendments that would have made some positive changes to the bill. However, they were all voted down.

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, as a former member of the BCTF in British Columbia, I can say that this legislation is most welcome to those of us who are both former and current members.

I am grateful for the opportunity to speak to Bill C-377, a private member's bill to amend the Income Tax Act to require labour organizations to publicly disclose their financial information. Before continuing, let me recognize the sponsor of this legislation, our Conservative colleague from British Columbia, the member for South Surrey—White Rock—Cloverdale. He has done a tremendous amount of work and research on the bill and is to be applauded for his work.

Since his election in 2004, the member for South Surrey—White Rock—Cloverdale has been very effective in his representation of his constituents and a well-respected parliamentarian. Indeed, that is why his constituents have re-elected him three times in a row and returned him to Ottawa to continue representing them so well. He has also continued the public debate on many issues, including the subject of today's private member's bill, which seeks to require public financial disclosure by organizations that receive substantial public benefits.

Unions play an important role in Canada, representing and defending the rights of workers. Each union represents health and safety in their jobs and ensures appropriate compensation for their members in accordance with negotiated collective agreements. Approximately 4.5 million Canadians currently pay union dues and many more millions have been unionized at one time or another. Labour organizations are influential institutions in Canadian society and the bill reflects the importance of each.

The bill, an act to amend the Income Tax Act (requirements for labour organizations), seeks to increase the transparency and accountability of all labour organizations as a result of the fact that they receive substantial public benefits through the tax system. The principle here is that, like charities, labour organizations receive public money and the public has a right to be informed about how foregone taxpayer dollars are being spent.

Since 1977, registered charities in Canada have been subjected to reporting requirements and public disclosure for over 30 years. This legislation would require every organized labour union in Canada to file a standard set of financial information with the Canada Revenue Agency each year, which would then be posted on its website for the Canadian public to see, just as is the case with charities. I will explain that in more detail in a moment for the benefit and education of the House and for Canadians watching at home. The public will be able to gauge the effectiveness, financial integrity and health of any union they wish. This legislation applies to all labour organizations that claim tax exempt status or whose dues payers receive a federal income tax deduction for their union dues, whether or not they are actual union members.

As promised, I would like to talk about the example of charities for a moment to more fully explain what is already required of them and how this private member's bill follows that example. As such, I will briefly provide the chamber with an overview of the measures currently in place to oversee financial disclosure by charities in relation to today's proposal.

The Canada Revenue Agency, also known as the CRA, has various tools at its disposal to monitor and disclose spending by Canadian charities. At the federal level, the CRA administers a system to registered charities under the Income Tax Act. As the regulator of charities, the CRA's responsibilities include processing applications for registration, offering technical advice on operating a charity, handling audit and compliance activities, and providing general information to the public.

The regulation of the charitable sector by the CRA is based on both common law and the provisions under the Income Tax Act. The common-law requirement that charities devote their resources to charitable activities is central to how the CRA provides guidance to the sector and enforces the rules. For instance, recent legislative and administrative reforms have given the CRA additional compliance tools for use in regulation of the charitable sector, such as intermediate sanctions in the form of taxes or penalties for charities that do not comply with the requirements of the Income Tax Act. Prior to this, the only sanction available to the CRA was the revocation of registered charity status.

At the same time, the concept of undue personal benefit was clarified in the Income Tax Act. As a result, in the case of excessive executive compensation, the CRA has the authority under the Income Tax Act to conduct an investigation to determine whether the charity is indeed fulfilling its charitable purposes. It also has the authority to determine whether there is undue personal benefit and to impose a range of penalties up to and including a suspension of receipting privileges.

● (1750)

There is also more public information available today on the activities of registered charities. This helps increase accountability in the sector by providing prospective donors with the information to determine for themselves whether or not they would like to donate to a particular charity. Under the Income Tax Act, all registered charities are required to complete a registered charity information return, which is published on the Canada Revenue Agency website and includes information about compensation.

What is more, our Conservative government recently made a key change to further improve accountability of charities. Up until 2008, charities were required to report on the compensation for the five highest-paid employees, and indicate their salary range, with the last threshold being $119,000 and over. We changed that. Starting in 2009, charities were required to report the 10 most highly compensated positions. Annual compensation categories were also expanded, with the last threshold being $350,000 and over.

The introduction of this new reporting on employee compensation has served as a key tool to help increase transparency to show how charitable resources are being used, providing Canadians who generously donate their hard-earned money with even more information to help guide their decisions about giving.

One wonders, if charities are required to submit all such information and have it disclosed, should not union members and the Canadian public have the same type of information about organized labour? Many people have asked that question and have suggested it is appropriate.

Gregory Thomas, the federal director of the Canadian Taxpayers Federation, had much to say about this issue in an article published in an October issue of *The Chronicle Herald* newspaper entitled, “Putting unions, charities on same playing field”.

Let me conclude by quoting an important passage from that article that I suggest everyone read.

> The Income Tax Act gives tax breaks to Canadians for various purposes. However, there are two major groups in particular that benefit most directly from tax breaks within the act: registered charities and labour unions.
>
> While both groups benefit from taxpayer-aided income tax laws, the way they disclose to the public what they do with the money is very different.....
>
> Charities in Canada receive a pretty decent taxpayer-funded advantage. If you donate money to a registered charity, you get to claim a hefty tax credit when you file your annual return. In return for this favoured tax treatment, charities are required, by law, under the Income Tax Act, to make annual financial filings and disclose their salaries, revenues and expenses. In fact, you can look at every charity’s filing online on the Canada Revenue Agency (CRA) website.....
>
> However, despite their tax-advantaged status, Canada’s unions are currently not required to submit any public financial disclosures to the CRA, let alone the public.....
>
> Some unionized workers have spent thousands of dollars, and big chunks of their lives, battling to get a look at their union’s books. In B.C., the United Food and Commercial Workers Union fought these workers in multiple labour relations board and court hearings, in a bid to deny them five years of financial statements. The case raged on for years. When it was finally decided in the Supreme Court of B.C., it came to light that the financial statements for 2002 through to 2007 weren’t even compiled until the end of 2007 and early 2008.

Examples like this go to show that the legislation is long overdue. Canadian workers are entitled to greater fiscal transparency and accountability from their labour unions. It is for that reason that I urge all members to support this important bill, and especially coming from a former BCTF member, I encourage all people in this House to support the bill.

● (1755)

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I want to begin today with a couple of quotes.

The Canadian Bar Association said: "It is difficult to see what issues or problems this bill is trying to fix. It provides for a greater public disclosure of information on labour unions' financial operations and restricts their political and lobbying activities through mechanisms that could be problematic constitutionally and in terms of privacy".

The member who sponsored this bill, who is in the House with us today, said that public disclosure, which will help the public better understand how the benefits are provided, is being utilized. He also said in an interview that he had not received a single call or complaint from any member of a union or the general public, saying that they wanted the information that they were unable to obtain.

During the finance committee hearings on Bill C-377, we heard from witnesses who spoke about Merit Canada. Merit has had dozens of meetings on this bill with the sponsor and with the Prime Minister's office officials. At committee, when they were before us, the carpenters were there talking at the same time as Merit. They were testifying.

The Acting Speaker (Mr. Bruce Stanton): No, the hon. member for Hamilton East—Stoney Creek has the floor.

Mr. Wayne Marston: Representatives for the Merit group and the Carpenters' Union were in the room. I asked the representative for the Carpenters union: "If Bill C-377 passes, would Merit Canada see a financial gain?" Of course, he said "yes" and went on to speak about it.

Clearly, the Merit group is a competitor to the building trades and, in particular, to carpenters and electricians. It would be competing for the same jobs, seeking to employ its workers as the union would be seeking to employ theirs. However, the Merit group would know the bid structure that the unions were working from. Where do we ever see that in the business community?

We hear talk about big labour bosses in this place. I am not quite that big, but I am getting there. I signed my first union card at 14 years of age in 1961. I was a member of the CBRT&GW and later with the communications workers. I was vice-president and president, both terms of six years. I was an executive member of the Hamilton and District Labour Council for 28 years and president for 14 years.

An hon. member: And all elected.

Mr. Wayne Marston: Yes, as a friend was saying, all elected and repeatedly elected.

However, I had close to 20 years as a rank and file member previous to that. I attended monthly union meetings where I reviewed line by line and then voted on our monthly financial statements. The trade union taught me one important lesson, which may be why Bill C-377 is before us here today, and that was to question authority.

In the 1980s and 1990s there were two leaders fighting for justice and equality and questioning authority. Nelson Mandela was first supported by the Canadian labour movement when it was not acceptable in society. Then there was Lech Walesa, a trade union organizer, human rights activist and co-founder of Solidarity, the union. That was the union believed by many to have started the downfall of the Soviet Union. Both Mandela and Walesa were feted and honoured in Canada by our federal government.

To my Conservative colleagues, I want to share some information about union operations they may not know. Please take a moment and listen. In fact, I doubt if many members of the Conservative Party have ever set foot in a union hall, union meeting or a union convention. Therefore, I will try to inform them as to why Bill C-377, in my opinion, is not needed.

I spoke of my early years as a rank and file member, but later, around 1979, I became vice-president of my local union at Bell Canada for communications workers and then president. In those positions, I was responsible for ensuring that the treasurer's reports were complete and available to our members each month.

As an officer and a delegate, I attended union conventions, political Federation of Labour conventions and Canadian Labour Congress conventions, where we received and voted on audited financial statements, approved future workplace information campaigns, and also campaigns to inform the general public of the labour movement's views on municipal, provincial and federal governments. For 14 years as president of the Hamilton and District Labour Council, we also produced monthly financial statements and yearly audited statements for our delegates. Therefore, if this is the case, why is Bill C-377 before us?

Bill C-377 is intended as an attack weapon against unions that do not share the Conservative government's political view. In other words, unions question the authority of the government, which is one thing the Conservative government has a great deal of difficulty with.

Unions have stood up against the policies of all three major political parties at one time or another, including the NDP. Therefore, as Walesa and Mandela did, unions continue to stand up for their members and in doing so stand up for the broader community. The last I heard, this is how our democracy is supposed to work.

Bill C-377, in my opinion, from the very first has been a flawed piece of unnecessary discriminatory legislation designed solely to impede legitimate member-approved union activities that call into question the actions of the Conservative government. Any union member who says that they do not know the functions of their union has not been attending their monthly union meetings where they are debated and voted upon.

● (1800)

We are in favour of transparency, but it must be applied fairly to the organizations that should be targeted and must not cause harm. The bill violates the rights of association, privacy and freedom of expression. The privacy commissioner agrees with that statement, by the way.

The bill is an ideological attack on labour organizations, and it is interesting, because it uses the words "transparency" and "fiscal responsibility" to mask its real objectives.

It would be a costly bill. It would cost millions of dollars to put into place and to establish the databases, which will cost at least hundreds of thousands, if not millions of dollars a year, going forward. The estimates that came before the finance committee were based upon 1,000 organizations. More than 25,000 would be covered by this in the labour movement of Canada. This is a huge burden for both government and workers. The purpose would lessen the vitality of those organizations to defend the rights of workers. Imagine what would happen if there were an additional 17 million hours of paperwork foisted on to business, like it would be foisted on to labour?

Bill C-377 would also give confidential information to businesses and government, which would give them unfair, competitive advantages and political advantages over the labour movement.

Why does the bill target only labour organizations and not all organizations? There are other organizations in the country that receive the benefits of tax breaks and, further, they receive them from the government. In fact, the government promotes many of them. Is this not discriminatory? Are the Conservatives comfortable spending millions of dollars for the records of unions' financial transactions during this period of fiscal restraint? Are they comfortable disclosing so much private and personal information on Canadians?

I realize I am getting close to the end of my time, but we have a bill to deal with an issue that nobody was complaining about, except the government. The Conservatives decided that they lost an election in Ontario because of the labour movement, and this is the end result. This is the reality of what it is all about.

There is another minor point: double taxation, and it is double taxation exactly. It would cost the taxpayer to institute Bill C-377 in the government. However, it would also cost the same taxpayer who happens to be a union member because 4,300,000 would have their union dues raised by the Conservatives. Is that not a first. They would have to pay for it. How do we think it would get done?

Now there will be Conservative union dues for the union workers in the country, and I am sure they will send letters of thanks to the government.

● (1805)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I am very pleased to put my 2¢ worth in on this very much flawed legislation.

Before we get started, Canadians live in a great and very privileged country. I think we need an opportunity sometimes to reflect on that, and the bill should give us the opportunity to do that. Many of the things we enjoy as Canadians and many of the things we take for granted right now, were won on the fact that workers banded together and formed a common front to earn benefits, to earn decent wages, to fight for pensions, to fight for health benefits.

Unions and organized labour in the country and really, in the free world, have created a middle class. Is there anybody in the House who is not concerned about the inequality of income in the country now, where we see the rich getting richer and those who are experiencing hardship, the poor, are getting poorer? It is a fact.

With an attack on the middle class, unions first and then the middle class, we will see a downward pressure on wages. We will see an attack on benefits. I do not see where that would benefit anybody. It certainly will not benefit the workers of our country. Let us ensure we do not take that for granted.

The bill was flawed from the outset. At first it would charge $1 million a day for a union that did not comply, but the Conservatives had to pull that back. It has been a travesty since the first day.

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, I rise on a point of order. I believe that the member opposite was deemed to have spoken as of Friday, as motions were moved at that time. He was deemed to have spoken then. The comments he is making now are out of order.

The Acting Speaker (Mr. Bruce Stanton): I appreciate the hon. member's intervention. We will check the record to be sure. We are at report stage of the bill. We will stop the clock momentarily to make sure.

I am informed that the hon. member for Cape Breton—Canso is one of the sponsors of the motions before the House and has not yet spoken on the motion in this case. The hon. member for Cape Breton—Canso has the floor.

● (1810)

Mr. Rodger Cuzner: Mr. Speaker, that is one thing those members like to do: If they can silence an opposition voice, they like to silence it. How noble it is to silence any opposing voice, and we have seen that time and time again.

I want to direct this at the fiscal Conservatives over there. That is the background of the member for New Brunswick Southwest. Let us talk about the cost of the bill because—

The Acting Speaker (Mr. Bruce Stanton): Order. We have a point of clarification here. Just to be clear, at the time the motions were moved the hon. member for Cape Breton—Canso had the opportunity to speak to the motion and declined to do so at the time. What the Standing Orders indicate at that point is that the member has in fact been deemed to have spoken to the motion. The hon. member for Cape Breton—Canso has spoken to the motion. He is deemed to have spoken to the motion at report stage.

I will hear the hon. member briefly.

Mr. Rodger Cuzner: Mr. Speaker, I rise on a point of order. I think if you seek it, Mr. Speaker, you will find unanimous consent to —

The Acting Speaker (Mr. Bruce Stanton): I am obliged to put the question to the House. Does the hon. member for Cape Breton—Canso have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bruce Stanton): Resuming debate. The hon. member for Newton—North Delta.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is my privilege today to rise—

Mrs. Stella Ambler: Mr. Speaker, I rise on a point of order. I do believe I am next on the speaking list for this. Would you mind checking?

The Acting Speaker (Mr. Bruce Stanton): My apologies. It was not apparent to the Chair that there was an additional name in the Conservative slot for this time. We are resuming debate and going to the hon. member for Mississauga South.

Mrs. Stella Ambler (Mississauga South, CPC): Mr. Speaker, I congratulate the member for South Surrey—White Rock—Cloverdale for his work on this bill.

Before I begin, I will provide a quick recap of the bill. Bill C-377 would require public disclosure of the finances of labour organizations, including unions, as they would be required to file standard financial information, which would then be publicly posted on the Canada Revenue Agency website. This would be similar to registered charities that are already required to do so.

I think we can all agree that the fundamental issue at stake with this bill is the question of transparency. All across the country, workers part with approximately two weeks pay each year for the privilege of union membership, which Canadian taxpayers effectively pay for with foregone tax revenues.

I will read a few words from a recent letter to the editor on this very bill from an Air Canada flight attendant, a dues-paying CUPE member by the name of Marc Roumy. In his letter, Mr. Roumy stated:

> For many of my colleagues and me, we believe our union would be stronger if we had a truly open and easy access to our union's financial statements. If we have nothing to hide, then we should know what our union leaders earn and where our dues are being spent. If [my union] does not choose to change direction soon...then I fear there may come a day when many of my colleagues will choose to no longer be part of [the union].

Mr. Roumy and his fellow flight attendants, whether or not they are actually union members, have the right to know how their dues are being spent, especially when it comes to non-union activities. Several jurisdictions regulate such disclosure by providing some limited financial information but to members only. This bill's transparency is about what all Canadians get to know about their tax system with respect to labour organizations. Mr. Roumy addresses the risk of what unions decide to do or not to do independent of any legislation. The continued failure by unions to disclose their finances internally would result in greater numbers of Canadian workers becoming disillusioned with the value of union representation and membership.

The same letter from Mr. Roumy goes on to describe the process that he and other union members must currently undertake in order to view their union's financial statements. It states:

> On...my union's website, there are no financial statements to be found. At our local union meetings, the budget is handed out and numbered and then returned once the meeting has ended. If a member cannot make a meeting, and then wishes to see this statement, they must make an appointment and meet with the secretary-treasurer at the local union office. Since most of my colleagues work just before or after local union business hours, this can be inconvenient to arrange. Yet, as a delegate for a national convention...one does receive an individual budget booklet to take home.

Clearly, that union member refutes the claims of other union leaders about what they do and do not do internally regarding what should be known by the rank and file, what their union bosses are doing and if they support them using their union dues in the way that they do.

In the most recent Quebec election, Canadians were shocked to learn that the Public Service Alliance of Canada, PSAC, which represents Canada's more than 172,000 public servants from coast to coast to coast, supported the separatist Parti Québecois with its tax deductible, tax exempt revenues. The PQ's mission statement is to promote sovereignty, social progress and the promotion of French. In other words, the party's primary political objective is the breakup of Canada.

Notwithstanding the absurdity of a union representing federal employees supporting an unquestionably sovereignist political party, do Canadians, whether or not they pay PSAC dues, who believe in a united Canada not deserve to know that their hard-earned tax dollars, especially the ones not collected by unions, are being spent to fund the breakup of the country? We think they do.

When we consider that taxpayers are on the hook for hundreds of millions of dollars in tax revenue from unions and trade organizations, it is important to consider more broadly the importance of financial transparency for all Canadians. If registered charities that benefit from similar deductions are required to post their financial statements online, why not unions? What, if anything, exempts unions from the same principle of fairness to taxpayers that we already expect from charities?

● (1815)

We all know the answer to that question, and Canadians agreed. In a 2011 survey conducted by Nanos Research, 83% of Canadians agreed with mandatory public financial disclosure for both public and private sector unions, with support numbers rising to an incredible 95% in Quebec. Not only that, but across the country 86% of unionized workers agreed, even higher than the national average. Yet, union leaders nearly universally opposed this bill and what both Canadians and the people represented by the union leaders want.

Public opinion on the premise of this bill is clear. An overwhelming number of Canadians believe it should be mandatory for unions to publicly disclose detailed financial information on a regular basis. If 86% of Canadian unionized workers agree, why are union bosses themselves so opposed to a proposal that appeals so widely to their funders, the dues-payers, whether or not they are actual union members? Why are the New Democrats opposed?

What is more, union financial disclosure requirements like those contained in Bill C-377 are already law in Australia, New Zealand, Germany, France, Ireland, the U.K. and the United States—in fact, in the United States since 1959. Labour unions in those countries have continued to successfully advocate for their members in the workplace, while respecting the principle of financial transparency, as well as those members and taxpayers who fund them. If similar legislation in other countries has not imperiled unions abroad, why can Canadians not benefit from the same openness and transparency as in Germany or France?

Our government is deeply committed to public transparency, and we have taken many measures in proudly promoting this important value. When we came to office in 2006, we heard from Canadians that they wanted and needed to be able to trust their government and to be confident that their hard-earned tax dollars were being carefully managed. We understood that, to regain this trust, real and significant reform was necessary. Over the years, we have worked hard to gain the trust of the Canadian people. We believe that, through our actions, we have achieved that.

In 2006, our government ushered in the toughest anti-corruption law in Canadian history. The goal of the Federal Accountability Act was to make everyone in government, from the Prime Minister on down, fully accountable to Canadians. The act was intended to restore confidence in government for all Canadians, by streamlining and simplifying how it works and making it more effective and accountable. The changes for Canadians included strengthening the powers of the Auditor General; banning corporate union and large personal political donations; providing real protection for whistle-blowers; ensuring government contracting is proper, fair and open; preventing lobbying by former ministers and other public office holders for five years; and creating a more open government by improving access to information.

For example, with respect to political reform, we limited donations so that there is no longer undue influence on politicians because of funding. The Federal Accountability Act banned secret donations and trust funds to politicians. It prevented the immediate move from government to lobbying, and it enhanced the role of the Ethics Commissioner and transformed the Conflict of Interest Code into law, previously an unofficial guideline.

In that spirit, I call on all members to support Bill C-377 and its pro-worker message.

● (1820)

The Acting Speaker (Mr. Bruce Stanton): Before we resume debate with the hon. member for Newton—North Delta, I will just let her know that there remain only about eight minutes in the time allocated for both report stage and third reading of the bill that is before the House.

The hon. member for Newton—North Delta.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is my pleasure today to rise and speak against very badly thought-out and very mean-spirited legislation. Once again we see the Conservative agenda at play. Through private members' bills, we see the government's true agenda and in this case we see an attack on working people and trade unions. It is totally unnecessary.

I have heard a lot from my colleagues across the way that this is about protecting workers. If I were not so upset by this whole legislation, I might even laugh out loud at such a ridiculous comment being made by my colleagues.

The trade union was given birth in the 19th century during the industrial revolution in order to give working people rights, in order to form a collective, a union, so they could take on the mistreatment, the horrible treatment of children in the labour force, people being killed in the mines, people being mangled in machines, people not being paid proper wages, with horrible working conditions. Unions were not given to working people. Working people came together and decided if they wanted to create a balance in this new industrial world, they needed to form a collective to be able to negotiate with the employer.

I believe that relationship has served us well. As one of my colleagues said previously, it has led to a reasonable work week, benefits, pensions, and I know these are things my colleagues across the way do not value. It has led to a lot of our social support systems that we all cherish. However, the union movement has also been one of the greatest elements in growing the middle class. It not only has grown the middle class, it has also been one of the key agents in bringing about positive social justice change and building a more equitable and inclusive Canada for everyone, whether they are newcomers or whether they were born here. It is the union that goes to bat for an employee when the employer is remiss in carrying out its responsibilities. Unions act as an advocate.

It is absolutely ludicrous for a government that has shown so little transparency, where we cannot even find out 90% of the information we need to be a real parliamentary democracy in order to carry out our role as parliamentarians. We need it and yet Conservatives in their spare time attack unions which represent working people. By the way, let me remind my colleagues across the way every time they talk about a union boss, every one of those union bosses has been elected through a democratic process, just as the Conservatives were elected to sit in Parliament.

Conservatives may behave like belligerent, sometimes aggressive bosses and display that behaviour in here, but they do not have to try to transplant that on others. Union bosses and union leadership are elected by the membership. The membership dues are voted on by the membership.

When I hear the kind of argument by one of my colleagues, who I have a great deal of respect for when we are on a TV panel, say that she has talked to one union member, I have some news for her. I talk to hundreds and hundreds of Canadians who tell me this is not the Canada they want, not what they voted for and not where they want to go.

● (1825)

We live in a country that respects parliamentary democracy and respects our democratic structures. I know there is no better example of a democracy than in a union. There are votes after votes. Because we are a democracy and unions work in a democratic way, that is how decisions are made. That is how we avoid anarchy. If everybody gets to do whatever they want whenever they want, that is a formula for anarchy.

Unions collect their union dues based on a membership vote. They do a report to the membership on a regular basis. Before any money can be spent on any of the different programs that the unions run there is a vote. Running an anti-poverty program should not be a sin. Running a program to fight racism should not be considered a sin by my colleagues across the way. Any time any kind of money is spent on programs that the membership wants and votes for, the membership also votes to allocate money to those programs. Is that not what democracy is all about?

My colleagues across the way try to shut down democracy in Parliament. Not only do the Conservatives want to create red tape galore, which would not only be a financial burden on the taxpayers but also on taxpayers who are union members, they want to add hours and hours of paperwork. For what, voyeurism, just for snooping? Is there no such a thing as privacy?

At the same time, I do not see in this legislation that the Conservatives want the same kind of transparency from banks. They say that it is because unions get tax breaks. Well, the amount of tax breaks that banks and corporations get is a thousand times greater than any tax breaks any union member gets on his or her fees.

What is the real issue? The real issue is that the government cannot stand criticism of the way it is doing business in the country. When it cannot take criticism, it does three things. First, in the House, it calls closure and time allocation and shuts down debate. It has found ways to attack charities and to scare them into submission in many cases. Now, through hours and hours of useless paperwork and attacks, it is trying to shut down the voices of people who are saying that they want a different kind of Canada, a kinder, gentler and more economically sound Canada that includes everybody, not just the banks and the big corporations.

● (1830)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): It being 6:30 p.m., the time provided for debate has expired. Accordingly, the question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): The Acting Speaker (Mr. Bruce Stanton) All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): The recorded division on Motion No. 1 stands deferred. The recorded division will also apply to Motion No. 2.

● (1840)

[*English*]

The Acting Speaker (Mr. Bruce Stanton): The question is on the Motion No. 3 . Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): The recorded division on the motion stands deferred. The recorded division will also apply to Motions Nos. 4 and 5.

Normally at this time the House would proceed to the taking of the deferred recorded divisions at report stage of the bill; however, pursuant to Standing Order 98, the divisions stand deferred until Wednesday, December 12, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I rise today to follow up on a question that I asked about employment insurance reform on September 28. At the time, the Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour did not even bother answering my question. Instead, she began to praise the supposed and hypothetical benefits of their economic action plan, the flaws of which we are now all aware. However, let us not do like the Conservatives; let us get to the heart of the matter.

Incidentally, just to give an idea of the public's frustration with this reform, yesterday officials from several workers' unions in the Atlantic provinces came to the nation's capital, right here in Ottawa, to speak out against this bad reform. Because they feel the employment insurance reform will make it hard for the unemployed to put food on the table this winter, they made cans of beans bearing the face of the Minister of Human Resources. And that is just the tip of the iceberg.

That reform will force people in my riding of Drummond to travel up to 100 kilometres on highways, and in harsh winter conditions, to take jobs at 70% of their current salary, which means a 30% loss of income.

People in Drummond are very upset and offended. Dozens and even hundreds of them have reacted. My constituents in Drummond sent me letters saying that the changes to the employment insurance program are terrible, that they cannot accept them and that they do not support them. The Conservatives must go back to the drawing board and try again. This is really a botched reform, and people are truly upset.

Other measures were also condemned by Drummond's Regroupement de défense des droits sociaux, the RDDS, represented by Mr. Lamontagne.

At a conference held on October 12, Mr. Lamontagne, the RDDS coordinator, pointed out that the Conservative Prime Minister was now advocating cheap labour and seemed to be capitulating to the cheap labour demands of large employer organizations. That is what he observed. Mr. Lamontagne also condemned changes to the appeal system. This is very serious because the process will become much less impartial than it used to be. Incidentally, Mr. Lamontagne used to sit on the appeal tribunal. In the past, the tribunal's way of operating was excellent. People who were the victims of bad decisions could appeal those decisions. It worked very well. Unfortunately, the Conservative government changed that.

Here is what Mr. Lamontagne said:

> By abolishing the existing appeal system at the Employment Insurance Commission and replacing it with a social security tribunal, [the Conservative Prime Minister] is forcing the unemployed into a precarious financial position and even poverty.

Mr. Lamontagne works every day with people who have problems with employment insurance, with the system. Unfortunately, he realizes that this reform is going to have a major negative impact in that respect.

That is why I want to know what the Conservatives will do to ensure Drummond's economy is not adversely affected by this bad reform.

● (1845)

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I am happy to take this opportunity to respond to the hon. member for Drummond regarding employment insurance benefits.

[*Translation*]

The purpose of the employment insurance plan is to provide temporary financial help for unemployed Canadians who have lost their job through no fault of their own.

[*English*]

It is intended to tide them over until they can find another job or while they are upgrading their skills. Canadians are always better off working than being on employment insurance. That is why, in economic action plan, 2012, we introduced a new national working while on claim project, among many other benefits for Canadians.

Previously, EI claimants could earn the equivalent of 40% or $75 of their weekly benefits without seeing a reduction in their benefits. However, if their earnings were above that threshold, their benefits would be reduced dollar for dollar. This provided a disincentive to accept additional work beyond the threshold.

Under the working while on claim benefit pilot project that came into effect on August 5, eligible claimants are able to keep EI benefits equalling 50% of every dollar they earn while on claim up to 90% of the weekly insurable earnings used to calculate EI benefit amounts.

[*Translation*]

This project seeks to encourage claimants to accept any available job at the same time as they are receiving employment insurance benefits, and thus obtain additional income.

[*English*]

We know some concerns have been raised about the new pilot project and we have listened. That is why we have recently announced adjustments to the new pilot project. On October 5, the government announced its intention to amend the current working while on claim pilot project. This amendment is aimed at providing the option of reverting to the rules that existed under the previous pilot project to recent EI claimants who were on claim and had earned between August 7, 2011 and August 4, 2012. It will allow these claimants time to transition to the new rules. This pilot project is just one of many improvements our government has made to the EI program. In making these changes, we are striving to find a balance between providing adequate income support and giving people all the support they need to quickly reintegrate into the workforce.

Our top priorities are creating jobs, supporting economic growth and ensuring long-term prosperity for all Canadians. Of course, if there are no employment opportunities available, EI will continue to be there for Canadians when they need it. Through our targeted, common-sense changes to EI, we are helping Canadians connect with available opportunities and giving them opportunities to remain connected while they look for a new job.

[*Translation*]

Mr. François Choquette: Mr. Speaker, I was quite certain she would come back to Canada's economic action plan, whereas here we are talking about the employment insurance program. The employment insurance fund belongs to the unemployed, not to the Conservatives. That is why the unemployed, who save their money and contribute to the fund, want the money to come back to them. It is not normal that a large percentage of people are now excluded. This reform is a bad thing.

There was a reason the representatives of workers in the Atlantic region brought cans of beans to their offices. People are angry, and they feel that the reform is not working. It is not right for the Conservatives to have stolen from the employment insurance fund, while they continue to reduce services.

The people of Drummondville have written to me about the situation of those who work in the Village québécois d'antan, the recreation of an old-time Quebec village, who are seasonal workers. They are professionals, interpreters, blacksmiths and people who can work a loom. These trades no longer exist, because the equipment used is old. If these people have to find another job, there will be no one left to guide visitors at the village. That is why we have to continue to support seasonal workers. These people have skills. They have worked hard for this enterprise, and they do not want to work elsewhere.

What will the parliamentary secretary do to ensure that the economy of the Drummond region will not be affected and that the people who work at the Village québécois d'antan can continue to work there, without having to travel 100 km to work—

● (1850)

The Acting Speaker (Mr. Bruce Stanton): The hon. Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour.

[*English*]

Ms. Kellie Leitch: Mr. Speaker, I would remind the hon. member that this is the government that has created nearly 900,000 jobs since the end of the economic recession, in fact, 90% of those have been full-time jobs, and our unemployment rate is at the lowest point since before the recession. That is because we have had an effective economic action plan that includes a number of initiatives that provide opportunities to Canadians.

As I mentioned previously, our top priorities are job creation and economic growth. Our improvements to EI are meant to support workers in returning to work. As I mentioned earlier, if there are no jobs available, employment insurance will be there as it always has been for Canadians. I wonder why the NDP and the Liberals continue to vote against all of these initiatives that create jobs for Canadians.

[*Translation*]

SEARCH AND RESCUE

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I would like to point out that the unemployment rate is rising in the Maritimes and eastern Quebec.

The Conservative government is closing the Quebec City marine rescue sub-centre, the only officially bilingual search and rescue centre in Canada. Consequently, there will no longer be a centre that can respond satisfactorily to the distress calls of fishers, mariners and boaters in Gaspé, the Magdalen Islands, and other communities in the Gulf of St. Lawrence. Why endanger the lives of the inhabitants of Gaspé and the Magdalen Islands?

The Commissioner of Official Languages was very clear in his investigation report: Fisheries and Oceans Canada did not consider the language requirements of maritime search and rescue coordinators. The Commissioner has recommended that the Quebec centre remain open until the language requirements are met.

Furthermore, he recommended that Fisheries and Oceans Canada inform coastal communities of the measures that will be taken to respect their language rights. To date, we have not heard what the department will do to ensure that language rights will be respected. Why the delays? Does the department not want to implement the recommendations of the Commissioner of Official Languages ?

The Conservative government stated more than once that it was sure its closure procedure would be able to ensure the necessary language services, and that everything would go ahead with no problems. Considering the fiasco of medical calls transferred to Italy, which happened because of the hasty closure of the St. John's centre, I very much doubt it.

I am very worried indeed about the closure of the Quebec City centre. Imagine the situation: the Conservatives' search and rescue system depends on a backup service in Italy. It defies all the laws of logic. To ensure they will be understood, will people in the Gaspé and the Magdalen Islands have to learn Italian? Frankly, people in our region are wondering about that.

The Conservative government is closing the Marine Communications and Traffic Services Centre in Rivière-au-Renard. As a result, there will be a great loss of local knowledge. The people who work in Rivière-au-Renard do not want to be relocated. They will try to find work locally, in an area that already has a very high unemployment rate, as I said at the beginning of my speech. Once again, the unemployment rate is going up, not down.

We lose local expertise when we lose people who are familiar with the geography and the local resources that can respond to a distress call. Clearly, this is going to increase the time it takes to assist people in the Gaspé and the Magdalen Islands who are in distress. I would like the government to tell us how it is going to offset this clear loss that will jeopardize the lives of fishers and pleasure boaters.

The Minister has often said that local expertise would be retained. How does he plan to arrange for the knowledge of people at the MCTS Centre in Rivière-au-Renard to be retained, if many of them refuse to be relocated to other service centres that are staying open?

The Trenton Centre will take years to develop expertise in local conditions, and even then, the employees will never have a better understanding of the situation than the people who live in our region. It is a question of logic. Why does the government not see it? The MCTS Centre in Rivière-au-Renard and the marine rescue centre in Quebec City are crucial elements of the marine rescue service. They have been tried and tested many times. The people of the Gaspé and the Magdalen Islands depend on them.

Will the Conservative government take into account the fact that the loss of local expertise and the insufficient language requirements at the Trenton Centre will endanger the lives of people in distress?

● (1855)

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I am pleased to respond to the member opposite on the consolidation of the maritime rescue sub-centre located in Quebec City with the joint rescue coordination centres located in Halifax and Trenton. This is an issue that we have discussed repeatedly in the House and there seems to be quite a bit of confusion over the facts.

Let me begin by reiterating that Fisheries and Oceans Canada remains steadfast in its dedication to the safety of all Canadians from coast to coast to coast. Canada is a national and international leader in marine safety and the Canadian Coast Guard search and rescue program is among the best in the world. As we have stated many times before, this change does not affect the availability of search and rescue resources.

Coast Guard ships and the Coast Guard Auxiliary will continue to respond to emergencies as they have previously with the joint rescue coordination centres maintaining the current levels of service provided by the Canadian Coast Guard. We will continue to ensure that timely and appropriate marine search and rescue coordination and response services are available to all mariners.

With regard to the report by the Commissioner of Official Languages, the Canadian Coast Guard is well positioned to respond to the recommendations and have already taken action to address the key issues raised in the report. However, the blanket statement that distress calls made in French will not be handled properly if they are handled in Halifax or Trenton is simply unfounded. In fact, the national level of bilingual capacity will be enhanced over time, above and beyond that which is already provided.

Here are the facts. Currently, bilingual services are provided by two rescue centres: Joint Rescue Coordination Centre Halifax and the Maritime Rescue Sub-Centre Quebec. The consolidation team has taken great care to ensure that the capacity is enhanced before the Quebec centre is fully consolidated into the joint rescue coordination centres. First, our ongoing campaign to recruit successful bilingual applicants continues to bring forward motivated professionals who are dedicated to ensuring public safety. Second, we are providing existing maritime search and rescue coordinators with additional language training, and third, we have added additional bilingual coordination positions and increased the current level of language proficiency.

With such enhanced bilingual capacity, French-speaking mariners can be confident that their calls for assistance will be answered by trained and capable French-speaking coordinators, as has always been the case. Let me reassure the member that this transition will have no impact on existing search and rescue coordination service standards. Coordination services will still be provided 24 hours a day, 7 days a week in both official languages and will be delivered by the joint rescue coordination centres in Halifax and Trenton. The provision of bilingual services is critical.

We understand that change can be a bit difficult as the future can be difficult to predict. However, in this case, there is no cause for concern as we have taken careful steps to address these requirements. The Canadian Coast Guard prides itself on providing reliable services that Canadians can be confident in and this will not be changed. Such is the pledge of this government and will continue to be.

[*Translation*]

Mr. Philip Toone: Mr. Speaker, I would like to thank the parliamentary secretary for participating in tonight's debate.

I appreciate her answers, and I hope that the service will improve, but I have a question. If it is true that the service is going to improve and that services will still be available in both official languages 24/7, how did a rescue call get routed to Italy?

● (1900)

[*English*]

Ms. Kellie Leitch: Mr. Speaker, public safety is this government's first priority, as I mentioned before. As we have stated many times before, the provision of bilingual coordination services will not be compromised by the consolidation of the Maritime Rescue Sub-Centre Quebec into the joint rescue coordination centres. In fact, the Canadian Coast Guard plans to enhance the bilingual capacity of coordination services over time with the levels currently in place. With such enhanced bilingual capacity, French-speaking mariners, as I mentioned before, can be confident that their calls for assistance will be answered in the language of their choice by highly trained professional search and rescue coordinators.

We recognize that some people are concerned about this transition. However, I stand before you to reassure Canadians. Bilingual search and rescue services will always be available 24 hours a day, 7 days a week. Such is our commitment now and our pledge for the future. The safety and security of Canadians will not be compromised.

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:01 p.m.)

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