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(HANSARD)

Tuesday, November 20, 2018

Speaker: The Honourable Geoff Regan

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HOUSE OF COMMONS

Tuesday, November 20, 2018

The House met at 10 a.m.

Prayer

ROUTINE PROCEEDINGS

● (1000)

[*Translation*]

AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to lay upon the table the fall 2018 reports of the Auditor General of Canada.

Pursuant to Standing Order 108(3)(g), these documents are deemed to have been permanently referred to the Standing Committee on Public Accounts.

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[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Terry Sheehan (Sault Ste. Marie, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, a report by the Canadian parliamentary delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation in the 26th annual meeting of the Asia-Pacific Parliamentary Forum held in Hanoi, Vietnam, from January 18 to 21.

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PETITIONS

CHILDREN'S RIGHTS

Mr. Peter Julian (New Westminster—Burnaby, NDP): Mr. Speaker, it is my pleasure to table a petition today, with more than 1,000 signatures, which joins the over 5,000 signatures received in the House so far and over 500 signatures received online, on the issue of children's rights in Canada.

Today is Universal Children's Day, and Canada has signed the United Nations Convention on the Rights of the Child. However, a number of government programs, including housing first and the Canada child benefit do not apply equally to all children across the country. Children who are in marginalized situations, with homeless or incarcerated parents, do not have access to the same programs.

Therefore, on behalf of these many constituents and the Elizabeth Fry Society, I table this petition today.

ROUND LAKE

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Mr. Speaker, I present today two petitions on behalf of constituents, directed to the Minister of Crown-Indigenous Relations.

The petitioners have an issue with water in one of our lakes, which is causing fish to die. It is a very bad scenario. They are asking the minister to use her authority to re-establish communication with the Ochapowace and Piapot First Nations to work toward a resolution in the matter of low water levels in Round Lake, Saskatchewan.

● (1005)

[*Translation*]

HUMAN TRAFFICKING

Ms. Monique Pauzé (Repentigny, BQ): Mr. Speaker, I have the honour to table petition e-1673 on behalf of the Association féminine d'éducation et d'action sociale, better known as Afeas. The petition was signed by 639 people, and more signatures will soon be arriving on paper. This petition calls on the government to sign the order to bring into force Bill C-452, which seeks to combat human trafficking and sexual exploitation.

We are losing precious time. The bill was passed unanimously and has already received royal assent. Other petitions on this subject have been circulated over the past three and a half years, and the Quebec National Assembly passed a unanimous motion in this regard.

How long will it take and how many young girls will have to become victims before the Prime Minister signs the petition?

The purpose of the petition is to get the government to sign the order to protect teenage girls from criminal prostitution rings.

[*English*]

HUMAN ORGAN TRAFFICKING

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, I have the honour to table a petition once again, recognizing the scourge of human organ trafficking. The petitioners are looking for quick passage of Bill C-350 and Bill S-240.

CHILDREN'S RIGHTS

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, I have two petitions to table today.

The first petition was initiated by the Elizabeth Fry Society, which has done tremendous work in our community. The petitioners ask the House to recognize the UN Convention of the Rights of the Child, to which Canada is signatory.

The petitioners call on the Government of Canada to meet the standards of the UN Convention on the Rights of the Child and recognize that there are barriers within its own direct payments to family systems and remedies that fund services, like the homelessness partnering strategy; that it provide funding for client support for children; that it provide Canada child benefits and child special allowances for all children; that it set standards within Canada's social transfer to ensure that all children, without discrimination of any form, benefit from special protection measures in assistance; and that it recognize children of parents with addictions and homeless children in need of special support to enable them to achieve improved life outcomes and receive equal benefits to their rights under the UN Convention of the Rights of the Child.

SAFE THIRD COUNTRY AGREEMENT

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, the second petition has 1,596 signatures and calls upon the government to note that the safe third country agreement states that only countries that respect human rights and offer a high degree of protection to asylum seekers may be designated as a safe third country.

The petitioners state that the President of the United States has purposely and premeditatedly adopted practices such as a Muslim travel ban, has forcibly separated children from their parents who were seeking asylum. They also state that the United States no longer recognizes domestic violence or gang violence as a legitimate reason for asylum; that it has adopted a zero tolerance policy designating all irregular crossers claiming asylum as having committed a criminal act subject to prosecution; and that under the Donald Trump administration, it has demonstrated it will continue to ignore international human rights and refugee laws.

The petitioners therefore call upon the government to suspend the safe third country agreement.

The Speaker: I want to remind hon. members that presenting petitions is the time to give a succinct summary of what the petitioners are calling for and not to read the entire petition or engage in debate on the subject.

The hon member for Saanich—Gulf Islands.

● (1010)

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, succinctly, recognizing that time is not our side, the petitioners, being youth petitioners, want us in this Parliament to consider that time is not on our side in fighting the climate crisis.

The petitioners ask that we take meaningful steps to support the future of young Canadians by fulfilling all our obligations under the Paris accord.

IMPAIRED DRIVING

Mr. Mark Warawa (Langley—Aldergrove, CPC): Mr. Speaker, I am honoured to present a petition that highlights impaired driving and the concerns of Canadians.

The petitioners ask that the charge of impaired driving causing death should be vehicular homicide; that a person convicted of impaired driving would have an automatic one-year driving prohibition, that a person who causes bodily harm would have a minimum sentence of two years and that a person who kills someone would have an automatic mandatory minimum of five years.

WILD SALMON

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Mr. Speaker, I rise to present a petition called "Saving Wild salmon". The petitioners are mostly from Vancouver Island, British Columbia.

The petitioners say that Canada, B.C. in particular, is well positioned to become a world leader in closed-containment salmon aquaculture. Canada needs to invest in a safe, sustainable industry to protect Pacific wild salmon, maintain employment, develop new technologies and creates jobs and export opportunities.

The petitioners therefore call on the Government of Canada to immediately transition this harmful industry to a safe land-based closed-containment industry.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

BILL C-75—TIME ALLOCATION MOTION

Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.) moved:

That, in relation to Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts, not more than one further sitting day shall be allotted to the consideration of the report stage of the said bill and not more than one sitting day shall be allotted to the consideration of the third reading stage of the said bill; and

That 15 minutes before the expiry of the time provided for government orders on the day allotted to the consideration at report stage and on the day allotted to the consideration at the third reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and in turn every question necessary for the disposal of the stage of the bill then under consideration shall be put forthwith and successively without further debate or amendment.

[*Translation*]

The Speaker: Pursuant to Standing Order 67.1, there will now be a 30-minute question period. I invite hon. members who wish to ask questions to rise in their places so the Chair has some idea of the number of members who wish to participate in this question period.

The hon. member for St. Albert—Edmonton.

[*English*]

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, Bill C-75 was introduced on the day before Good Friday in an effort to hide from Canadians what was in the bill. Now, after just two sitting days, the government is already bringing in time allocation at report stage. It is absolutely shameful.

At the justice committee, Liberal MPs were right to back down from the reclassification of terrorism and inciting genocide. However, shockingly, the Liberals have doubled down when it comes to the hybridization of what are currently serious indictable offences, including human trafficking, impaired driving causing bodily harm and kidnapping a minor, just to name a few.

Does the minister not agree that these are also serious offences? Does she not agree with the hon. member for Edmonton Centre when he said, "Let's be serious....We're talking about terrorism. We're talking about very serious offences."? Why does the minister not also treat impaired driving causing bodily harm, human trafficking and other offences as serious offences?

● (1015)

Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I appreciate being able to rise to talk about Bill C-75, the importance of the bill and the intent behind the bill.

There is absolutely nothing that our government is trying to hide with respect to the major bold reforms we are seeking in Bill C-75 to the criminal justice system to answer the call of the Supreme Court of Canada in Jordan and other decisions to create efficiencies and promote the effectiveness of the criminal justice system. That is precisely what we are doing in Bill C-75. Since we formed government, this has been considered through very robust consultations.

I appreciate the discussions, the considerations and listening to 95 witnesses at the House of Commons committee on justice and human rights, who provided very substantial feedback.

With respect to the member opposite's question with respect to the hybridization of offences, serious offences will continue to be treated seriously. The hybridization of offences does nothing to change the fundamental principles of sentencing.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Madam Speaker, this is a fairly lengthy bill, and although it corrects some problems, it creates others. The government is trying to improve the justice system and make it work better, but unfortunately, this bill creates two new problems for every problem it resolves or situation it improves.

Does the minister not believe that we should take the time to resolve all of the new problems the bill creates before passing it, so that we do not end up with new problems that will cause further court delays?

[*English*]

Hon. Jody Wilson-Raybould: Madam Speaker, I agree that this is a large and significant bill. The bill seeks to amend the Criminal Code to answer the call of the Prime Minister to me in my mandate letter and our government's commitment to transform the criminal justice system and create efficiencies and effectiveness in that system.

The member opposite stated that this bill would solve some problems but create others. I disagree with that statement. This legislation and the lead-up to the introduction of this legislation in March of this year was the result of significant consultation right across the country through round tables. I have personally engaged in three federal, provincial and territorial meetings with my counterparts in the provinces and territories, all of whom are supportive of the robust and bold changes in Bill C-75.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, as I reflect back on the campaign of 2015, and sitting in many all-candidates debates, I remember hearing so clearly that if the Liberals became the government they would not bring in closure or time allocation and they would get rid of the practice of introducing omnibus bills in Parliament. Here we have those things being brokered at the same time.

In Bill C-75 there are some serious offences that will be downgraded to hybrid offences which gives the discretion to prosecute them as summary convictions, such as obstructing or violence to or arrest of officiating clergyman and blood alcohol over the legal limit. We know the scourge of impaired driving on our streets and it is unbelievable that the government would actually reduce this offence.

I am not as concerned right now about those particular items as I am concerned about the fact that the government is intent on shutting down debate on a very serious issue when all parliamentarians should have the option of giving their views and letting their constituents know their views.

Why is the government so intent on shutting down debate on this important issue?

● (1020)

Hon. Jody Wilson-Raybould: Madam Speaker, our government is committed to working co-operatively with all members of the House.

With respect to Bill C-75, I would point out that there has been a total of seven hours and 45 minutes of debate in the House. The bill went to committee, where there was major discussion among committee members, and I thank them for that discussion. The committee heard from 95 witnesses. Twenty-seven hours of discussion and debate happened at committee. I thank members for the suggested amendments, many of which were accepted by the government.

Bill C-75 is a robust bill which proposes to amend the Criminal Code. It is not an omnibus piece of legislation. It seeks to address Criminal Code changes.

To comments by the member opposite around serious offences, under this legislation serious offences would still be prosecuted in a serious manner.

I am glad the member raised impaired driving. I am very pleased that our government was able to pass Bill C-46, major legislation to create in Canada among the toughest impaired driving laws in the world. I appreciate the member's bringing that up.

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Madam Speaker, I thank the minister for her answers.

Since the start of this debate on yet another time allocation motion, several members have commented on the complexity of this bill and the fact that it covers many issues we need to discuss. We should also talk about what is not in the bill. For example, the NDP has talked about how the government broke its promise to deal with mandatory minimum sentences.

The minister thanked the committee for its work. That is great, but the reason the committee took so long and was so thorough and heard from so many witnesses is that the bill is very complex, as I said just now.

I would like the minister to explain why she wants a time allocation motion for such a complex bill.

I spoke during debate on this bill. I had 10 minutes instead of 20. I thought 10 minutes would be enough time to say everything I wanted to say, but before I knew it, the Speaker was raising her hand to signal that my time was up. That is how it goes in the House. The point is, 10 minutes, even 20 minutes, is not enough time to talk about everything in this bill.

How can the minister suggest that all parliamentarians will have enough time to dig into this extremely important and complex issue if there is a time allocation motion and so little debate?

[*English*]

Hon. Jody Wilson-Raybould: Madam Speaker, in terms of time allocation, but more important to ensure that Bill C-75 proceeds, we are committed to working with all members of this House. We appreciate the discussion and debate that came from the justice committee and look forward to the discussion that will happen in the other place.

Bill C-75 is about addressing delays in the criminal justice system and creating efficiencies and effectiveness. It is our responsibility to address the call of the Supreme Court of Canada to address the delays that exist in the criminal justice system. Bill C-75 is in response to that.

Yes, this is a large piece of legislation. It has benefited from 27-plus hours of debate at committee. I look forward to continued discussions in this regard.

In terms of the member's question around mandatory minimum penalties, we are continuing to work on sentencing reform. This is a commitment that our government has made and we will continue that discussion and bring forward changes in due course.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, as an individual who sat in on those committee meetings, I would ask the minister if she could elaborate on the extensive analysis that was done after that 27 hours of deliberation by the committee. Perhaps she could comment on the committee amendments that were accepted, specifically with respect to paralegals and with respect to routine police evidence, two issues that I know are near and dear to the mandate of this government and the mandate of the minister in terms of increasing access to justice.

● (1025)

Hon. Jody Wilson-Raybould: Madam Speaker, this gives me the opportunity to stand up to acknowledge and appreciate the work that was done by all members of the justice and human rights committee in bringing forward many amendments. In fact, 50 motions to amend Bill C-75 were adopted.

The amendment brought forward to remove routine police evidence by way of affidavit was something our government recognized, along with the testimony of many people who came before the committee. We were able to accept that amendment.

In terms of agent representation, some of the changes that are contained within Bill C-75 raised concerns among many stakeholders who came before the justice committee about the inability to have agent representation because of the increase of offence penalties. We have accepted amendments from committee to provide for that to give provinces and territories the ability to determine agents in terms of representation of various offences.

Again, I appreciate the input on other amendments as well from the committee.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, as this debate is on the issue of time allocation as opposed to the substance of the bill itself, I want to address my comments to the Minister of Justice, but of course it is pertinent to the government House leader and all House leaders.

The use of time allocation used to be exceptional. In the 41st Parliament, those Liberals, who were then in opposition, joined everyone in the opposition to oppose the routine use of time allocation. However, it has remained routine. This is not healthy in a democracy and I put the blame squarely on poor relationships and lack of trust between the House leaders of the recognized parties in this place in being able to work together to properly assess which bills need more time and which bills could be dealt with more quickly.

I believe it would be a tonic and help solve the problem if this place returned to the rules we currently have that are in disuse which say that no member of Parliament can read a speech. Those are our rules but we no longer pay attention to them. If we did not have the ability to read a speech, then political parties in this place would not be able to line up their MPs, those who have no background on a bill, hand them a speech and tell them to read it in order to use up time.

I would encourage the Minister of Justice to speak with the government House leader and all people in this place to consider if we could not make Parliament work better by returning to our actual rules that members cannot just stand up and read a speech and that they must know the subject.

Hon. Jody Wilson-Raybould: Madam Speaker, I will say that it is the commitment of our government to work co-operatively with all members in this House to ensure that we have robust debate on bills we are putting forward. There has been substantial discussion on Bill C-75 in this House and at committee.

I recognize and acknowledge the member's comments and concerns. I will follow up and speak to the government House leader.

Hon. Alice Wong (Richmond Centre, CPC): Madam Speaker, it would be a good way to celebrate National Child Day if a human trafficking bill had no time allocation. The minister wants to rush the bill through without discussing details as to how to protect seniors and children. It is shameful.

Time allocation should not be used because we, as members of Parliament representing our own ridings, have the right to speak and represent our constituents and rushing this bill through would only endanger all communities. I really question the intentions of the minister and the government House leader in limiting members' privilege to debate a very complex and important bill in the House.

Hon. Jody Wilson-Raybould: Madam Speaker, I appreciate the member's appreciation of the importance of this legislation and having Bill C-75 move through the parliamentary process and be passed in order to address the delays in the criminal justice system and to answer the call of the Supreme Court of Canada. This is a priority for this government and I would hope it is a priority for all members in the House.

There has been a lot of debate and discussion. As I have said, at committee there were some 27 hours of debate and discussion. I very much appreciate, as does the government, the feedback and amendments that came from committee, the additional amendments requested by stakeholders and voted on by committee members, that would repeal vagrancy and bawdy house offences.

I thank the committee once again for all of its input and the amendments put forward that improve this legislation.

● (1030)

Mr. Peter Julian (New Westminster—Burnaby, NDP): Madam Speaker, this is another sad day in Parliament. We remember back in 2015 the Prime Minister made a commitment to change Parliament from the incredibly stubborn actions of the former government of Stephen Harper and put into place provisions that allowed for democratic debate.

Close to 40 closure motions have now been brought forward in this Parliament by the Liberal government. It is called time allocation, but that is splitting hairs. It is closure. It is shutting down the right to debate in the House of Commons. At the same time as closure is being enacted in the House of Commons, at the finance committee, Liberal representatives are systematically defeating all of the opposition amendments designed to improve the major flaws in the budget implementation bill, huge omnibus legislation that has been given scant hours of treatment and where Liberal MPs are simply voting down any improvements to the legislation. This means it will have to be tested by the courts, as we saw under the Stephen Harper government. The Liberals are going right back to the kinds of practices that Canadians deplore. They are doubling down.

We have this piece of legislation, and the minister admits that the vast majority of amendments to it were refused. Yes, there were witnesses, but the Liberals were not listening to the witnesses.

My question is very simple. Why have the Liberals enacted all of the worst practices of the Stephen Harper government to ram legislation through without due consideration in this Parliament?

Hon. Jody Wilson-Raybould: Madam Speaker, I am happy to stand to address the comments made by the member opposite, and I dispute his comments completely.

In terms of not listening to witnesses, that is absolutely not true. My parliamentary secretary and all members of the justice committee had the benefit of hearing from 95 witnesses at the justice and human rights committee, all of whom spoke about their passion for criminal justice reform and made very concrete suggestions about how the bill could be improved. We accepted many of those recommendations that I believe have very significantly improved Bill C-75. I look forward to continued debate and discussion as this bill goes to the other place.

On top of all of the discussion that happened in this House and at committee, we engaged in discussions and consultations right across the country with criminal justice stakeholders. I engaged on an ongoing basis with my counterparts in the provinces and territories, all of whom are supportive of the bold reforms that we are proposing in Bill C-75.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Madam Speaker, I rise today to strongly oppose this time allocation, this time limit on this bill. The minister is boasting about how there has been so much consultation and time allowed already. She talked about seven hours of debate. With over 300 members in this chamber, that breaks down to about a minute and 20 seconds per member. We know that the time for debate cannot be broken down that finely, so it will mean that many members will not even have an opportunity to speak on this bill.

I would have liked to have had a chance to speak on this bill because I lost a brother to a drunk driver. Yes, I lost a brother to a drunk driver, and this bill would cut back on the penalties for drunk driving. I will not have a chance to speak in this House because of her time allocation today. How can one minute and 20 seconds be considered fair debate for a bill of over 300 pages?

Hon. Jody Wilson-Raybould: Madam Speaker, again, I will stand to speak to the nature of Bill C-75 and the substantial discussion and consultations we have had for the last three years on the very elements of Bill C-75. I understand and recognize the desire of members to speak to this important piece of legislation. Many members from the party opposite have risen in this House to speak to this legislation and during the many hours of debate and discussion that occurred at the justice and human rights committee.

As members in this House, we have an obligation to move forward and answer the call of the Supreme Court of Canada to address delays in the criminal justice system. Bill C-75 would do just that, in a comprehensive way. I look to all members of this House to support this important piece of legislation moving forward.

● (1035)

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Madam Speaker, as mentioned by the Minister of Justice, this is a comprehensive piece of legislation that would help to improve the criminal justice system. We have used time allocation, and it is an important component of allowing us to advance the work Canadians have brought us here to do. This legislation, along with the appointments that the minister has made across the country, have helped to ensure our criminal justice system will be efficient and move forward in a very effective way.

Could the minister comment further on how this piece of legislation has been thoroughly reviewed by Canadians who have spoken at committee and when it has been debated in the House, and why this piece of legislation would help improve the efficiency of our justice system?

Hon. Jody Wilson-Raybould: Madam Speaker, I thank my colleague for her comments on the importance of answering the call of Canadians, the call of the Supreme Court, to move forward with criminal justice reform that would address delays in the criminal justice system. To speak to the member's specific questions about what has gone into Bill C-75, in the lead-up to the introduction in March of this year I conducted, and my parliamentary secretary participated in, round tables across the country. We conducted online surveys and had requests for feedback. We received thousands of responses and we produced a report of what we heard. We benefited from ongoing discussions, as well as reports from years ago by the Senate committee, on what we can do to improve delays in the criminal justice system. We have incorporated many of the recommendations from the other place into Bill C-75. Again, I want to highlight the discussions and debate that occurred in this House, the robust discussion that happened at committee with the 95 witnesses heard, the 27 hours of debate and discussion we benefited from, and improving the bill through various amendments that came from the committee.

Ms. Jenny Kwan (Vancouver East, NDP): Madam Speaker, as a new member in this House of Commons, I remember campaigning at some of the campaign stops where the minister was also present. We all talked about how we needed to see a government that was different from the Harper government and that would do things differently. The minister advocated for and campaigned on real change. The Prime Minister of today made a commitment, and part of that commitment is that we will no longer engage in the practice the Harper administration embarked on, which is to shut down debate.

Surely, the minister understands how fundamentally important that is to our democracy. It was something she campaigned on and advocated for in public. However, here we are having seen bill after bill where debate was shut down, this bill being another one of them. The minister talked about consultation before the bill was introduced. However, now that the bill is here, as a member, I have not had a chance to engage in this debate. I would very much like to. I am not part of the committee that engaged in the discussion around that. As the minister knows, only one member from the NDP is allowed on that committee so many of us have been excluded from that process. How is that a new way of business? How is it good for democracy when the government consistently shuts down debate, including on this bill?

Hon. Jody Wilson-Raybould: Madam Speaker, I do remember going on campaign stops before the election, talking about doing things differently. In fact, our government is doing things differently.

We have engaged in consultation for the past three years. There was a lot of discussion at committee. There was a lot of discussion in this House. I would be very happy to sit down with the member opposite to talk more about Bill C-75 and the provisions that are contained therein.

Again, we are doing things differently. We have fundamentally changed the way that we engage with Canadians. I look forward to the discussion and debate in the other place. However, we also have a responsibility to ensure that our legislation moves through the parliamentary process so we address the desires and the needs of Canadians, and we address the delays in the criminal justice system. We made a commitment as a government to heed the call of the Supreme Court of Canada to address delays.

● (1040)

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Madam Speaker, it is really important to me that we are having this discussion. I do wish there would be a different outcome than what is going to take place.

The reality is that time allocation in this circumstance is simply moving forward legislation that the government wants and that, quite honestly, Canadians are not in favour of.

We represent the House of Commons, the common people who want to be heard, and who, in the course of the last three years, have engaged more in this process than they have considerably over time in the past, because of the frustration that we are not having opportunities to present in this House and to argue the scenarios the way that we should.

The comments from the minister indicate that this is to meet the desires of Canadians, to deal with delays and create efficiencies, when Canadians are saying, over and over again, that this is downloading to the provincial courts. It is not improving efficiencies. It is causing issues—

Some hon. members: Oh, oh!

Mrs. Cathay Wagantall: Excuse me, Madam Speaker, a number of people have had significant opportunity to speak. I would like to finish.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I just want to remind the member that I am looking at the clock. I am trying to give members about a minute each to ask questions, and the same for the response. These are questions and comments, and a lot of people want to participate. I would ask the member to ask her question.

Mrs. Cathay Wagantall: Madam Speaker, my question is for the government. Why is it choosing to not listen to Canadians?

It is not enough to simply take notes and then do what it wants to do regardless, when Canadians are incredibly unhappy with the direction that this is going on their behalf.

Hon. Jody Wilson-Raybould: Madam Speaker, again, I appreciate the comments and the opportunity to respond to the comments.

The member opposite asked what this is achieving. What is Bill C-75 achieving? It is achieving the necessity of addressing delays in the criminal justice system, achieving efficiencies and effectiveness.

Again, I disagree with the characterization that Canadians are not supportive of this. We have done substantial consultation right across the country. In terms of the member opposite's comments about downloading to the provinces, I would like to inform the member opposite that I have been working with the provinces and territories on an ongoing basis for three years, and they are supportive of this. This is not a download on the provinces and territories. This is co-operative federalism at its best, around the administration of justice, to ensure that we do everything we can as actors in the criminal justice system to heed the call of the Supreme Court of Canada.

This has robust support right across the country.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Madam Speaker, the Minister of Justice said that the hybridization has nothing to do with sentencing, because the sentencing principles will remain the same. Well, no kidding, the sentencing principles will remain the same. What is changing is that the maximum sentence would go from 10 years to two years less a day.

In light of that, how does the hybridization have nothing to do with sentencing?

Hon. Jody Wilson-Raybould: Madam Speaker, in terms of the hybridization of offences, the reclassification of offences, again, this was supported by my counterparts in the provinces and territories. This does nothing to change the fundamental principles of sentencing.

Serious offences will be treated by the courts and prosecutors as serious. What this does is give the necessary discretion to prosecutors to proceed based on the circumstances of the individual case in the most effective way possible. This does not change how serious offences will be approached, and any characterization otherwise is a mischaracterization.

[*Translation*]

The Assistant Deputy Speaker (Mrs. Carol Hughes): It is my duty to interrupt the proceedings and put forthwith the question necessary to dispose of the motion now before the House.

[*English*]

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 Assistant Deputy Speaker (Mrs. Carol Hughes): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Assistant Deputy Speaker (Mrs. Carol Hughes): All those opposed will please say nay.

Some hon. members: Nay.

The Assistant Deputy Speaker (Mrs. Carol Hughes): In my opinion the yeas have it.

And five or more members having risen:

The Assistant Deputy Speaker (Mrs. Carol Hughes): Call in the members.

● (1125)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 938)

YEAS

Members

Aldag	Alghabra
Amos	Anandasangaree
Arseneault	Arya
Ayoub	Badawey
Bagnell	Bains
Baylis	Bennett
Bibeau	Bittle
Blair	Boissonnault
Bossio	Bratina
Breton	Brison
Caesar-Chavannes	Carr
Casey (Cumberland—Colchester)	Casey (Charlottetown)
Chagger	Champagne
Cuzner	Dabrusin
Damoff	DeCourcey

Dhaliwal
Dhillon
Drouin
Dubourg
Duncan (Etobicoke North)
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Hogg
Holland
Housefather
Hussen
Hutchings
Iacono
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Jones
Jordan
Jowhari
Khera
Lambropoulos
Lametti
Lamoureux
Lapointe
Lauzon (Argenteuil—La Petite-Nation)
LeBlanc
Lebouthillier
Lefebvre
Leslie
Levitt
Lightbound
Long
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Ludwig
MacAulay (Cardigan)
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Maloney
Massé (Avignon—La Mitis—Matane—Matapédia)
May (Cambridge)
McCrimmon
McDonald
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McKinnon (Coquitlam—Port Coquitlam)
McLeod (Northwest Territories)
Mendès
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)
Monsef
Morneau
Morrissey
Murray
Nassif
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O'Connell
Oliphant
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Rogers
Romanado
Rota
Rudd
Ruimy
Rusnak
Sahota
Saini
Sajjan
Samson
Sangha
Sarai
Scarpaleggia
Schiefke
Schulte
Serré
Sgro
Shanahan
Sheehan
Sidhu (Mission—Matsqui—Fraser Canyon)
Sidhu (Brampton South)
Simms
Sohi
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Spengemann
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Tan
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PAIRED

Nil

The Speaker: I declare the motion carried.

[*English*]

REPORT STAGE

The House resumed from November 8 consideration of Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Mr. Speaker, I rise today to express my support for Bill C-75. I would like to use my time today to discuss the proposed changes to this bill that would affect the LGBTQ2 community, human trafficking and the victim surcharge.

As special adviser to the Prime Minister on LGBTQ2 issues, I am particularly proud of the work of our government in advancing the rights of LBGTQ2 Canadians and the work of the Standing Committee on Justice and Human Rights in making concrete, tangible legislative changes that would improve the lives of lesbian, gay, bisexual, transgender, queer and two-spirit Canadians.

Today, on the the International Transgender Day of Remembrance, when we pause to reflect on the lives of transgender people here in Canada and around the world that have been lost to murder, suicide, hatred and discrimination; the lives diminished due to overt transphobia and misogyny; and the daily discrimination faced by trans children, siblings, parents and their loved ones, I am proud, as the first openly gay MP elected from Alberta to the House, that Parliament passed Bill C-16 to protect trans persons in the Criminal Code and the Canadian Human Rights Act. I am particularly proud that our government led this charge.

I am also proud of the work of our government in passing legislation to enable Canadians who have criminal records for same-sex consensual activity to have these records expunged, and I acknowledge the leadership of the Minister of Public Safety and Emergency Preparedness on this file.

I would also like to thank the Minister of Justice and Attorney General of Canada for including in Bill C-75 the removal of section 159, which discriminates against young gay or bisexual men. That would now be removed from the Criminal Code with the passing of Bill C-75.

I also applaud the work of the committee and the ministry in responding to expert testimony for the repeal of the bawdy house and vagrancy provisions that were used by police forces to arrest gay men who frequented gay clubs and bathhouses. Men arrested in these police raids, many now in their 60s, 70s and 80s, still face criminal records as a result of these charges. We heard the testimony, and the committee and the ministry responded. Should Bill C-75 pass, these odious provisions in the Criminal Code would be removed and amends could thus be made.

Parts of the bill pertain to human trafficking and the victim surcharge.

[*Translation*]

I think it is very important to clearly state that human trafficking cannot be tolerated and that our government sees it as a very serious concern. That is why we continue to work closely with the provinces, territories, law enforcement agencies, victim services groups, organizations representing indigenous peoples, and other community groups, as well as our international partners. We are working together to combat all forms of human trafficking in Canada and abroad, to provide victims with special protection and support, to bring the perpetrators of these crimes to justice and to ensure that their punishment reflects the severity of the crime.

● (1130)

[*English*]

Human trafficking is a very difficult crime to detect because of its clandestine nature and victims' reluctance to report their situations out of fear of their traffickers. We heard testimony about that when the Standing Committee on Justice and Human Rights travelled across the country to listen to victims of human trafficking and to see how we could change the Criminal Code to provide more opportunities for police to work with those organizations that work with victims.

The legislative changes within Bill C-75 would provide police and prosecutors with additional tools for investigation and prosecution. These measures would bring the perpetrators of human trafficking to justice so they can answer for the severity of their actions.

The amendments proposed in Bill C-38 would bring into force amendments that have already been passed by Parliament, but were not promulgated in the former parliamentary initiative, Bill C-452. They would also strengthen the legislation to combat all forms of human trafficking, whether through sexual exploitation or forced labour, while respecting the rights and freedoms guaranteed in our Constitution.

We heard of heinous crimes being committed not just against those who are unknown to the perpetrators, but also against family members. Family trafficking exists in this country, and we must make sure that police forces are armed with the tools they need to be able to put an end to such heinous crimes.

[*Translation*]

More specifically, the proposed changes will make it easier to prosecute human trafficking offences by introducing a presumption that will enable the Crown to prove that the accused exercised control, direction or influence over the victim's movements by establishing that the accused lived with or was habitually in the company of the victim.

In addition, these changes would add human trafficking to the list of offences to which the provisions imposing a reverse onus for forfeiture of proceeds of crime apply.

[*English*]

I would now like to discuss the changes that would affect the victim surcharge. Bill C-75 proposes to restore judicial discretion to waive the victim surcharge by guiding judges to waive the victim surcharge only when the offender is truly unable to pay. For certain offences against the administration of justice, where the total amount would be disproportionate in certain circumstances, the bill would also provide for limited judicial discretion to not impose a federal victim surcharge amount per offence.

The federal victim surcharge, which is set out in the Criminal Code, is imposed on a sentencing basis, and revenue is collected and used by the province or territory where the criminal act was committed to assist in the sentencing process for funding victims services. Bill C-75 would maintain that the federal victim surcharge must be imposed ex officio and must apply cumulatively to each offence. However, to address concerns about the negative impact of current federal victim surcharge provisions on marginalized offenders, the bill would provide limited judicial discretion regarding the mandatory and cumulative imposition of the surcharge in certain circumstances.

Bill C-75 would provide clear direction as to what would constitute undue hardship. These guidelines would ensure that the mandatory exemption, or waiver, would be applied consistently and only to offenders who were truly unable to pay the surcharge. In addition, the bill would state that undue hardship would refer to the financial ability to pay and was not simply caused by harm associated with incarceration. We are trying to avoid the criminalization and over-criminalization of people simply because of their inability to pay a federal victim surcharge.

For certain offences against the justice administration, in the event that the cumulative surcharge was disproportionate to the circumstances, Bill C-75 would contain provisions allowing an exception to the victim fine surcharge ratio. This exception would apply to two types of offences against the administration of justice: failure to appear in court; and breach of conditions of bail by a peace officer or court order, and only when said breach did not cause any moral, bodily or financial damage to the victim.

[*Translation*]

Studies show that marginalized offenders, especially indigenous offenders and offenders with mental health and addiction issues, are more likely to be found guilty of offences against the administration of justice.

Under the existing victim surcharge provisions, it is unlikely that much of the money collected in the federal victim surcharges that are paid out to the provinces and territories comes from groups of offenders who are unable to pay the victim surcharge or who are only able to pay part of the surcharge because of their personal situation or because of their multiple offences against the administration of justice.

● (1135)

[*English*]

In addition, offenders who suffer undue hardship as a result of the mandatory victim surcharge are, by the current application of the provisions, hampered in their ability to regain financial stability. This places them in a situation where the surcharge does not allow them to successfully reintegrate into society after serving their sentences or paying their outstanding fines, and they risk reoffending. These types of situations do not help survivors or victims of crime or the provision of services to help them. This proposed exception would be consistent with the principles of fairness and equity.

I am confident that by maintaining a higher mandatory surcharge, this proposed legislation would support the objective of the victim surcharge to provide a source of funding for provincial and territorial victim services while strengthening offender accountability regarding victims and society in general. At the same time, the bill would be in keeping with the principles of proportionality, fairness and respect for the Canadian Charter of Rights and Freedoms.

Not having gone through law school, I can say that it is an honour to serve on this committee and to be part of making Bill C-75 appear in the House today.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Madam Speaker, I am wondering if the member could explain why he thinks that forceable confinement, the kidnapping of a minor, or enforced marriage are minor enough offences that they should have a summary conviction of less than two years or a fine, as laid out in Bill C-75.

Mr. Randy Boissonnault: Madam Speaker, I think I was clear in my remarks that I was speaking about the victim surcharge and what we are doing for the LGBTQ community. I can say clearly that—

Mr. Mark Warawa: Answer her question.

Mr. Randy Boissonnault: Madam Speaker, I am going to answer the question, if the heckling will stop.

What I can say very clearly is that the hybridization of offences would provide the courts with the tools they need to make sure that we respect our obligations under Jordan's principle. Nobody wants to see criminals on the streets because they did not get their time in court within two years. Principles of sentencing would not be affected by Bill C-75. That is section 718 of the code. Members can look at it.

Hybridization would be another tool for prosecutors, and they would be able to use it.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Madam Speaker, Sheri Arsenault lost her 18 year-old son, along with two other young men from Edmonton, at the hands of an impaired driver. She came to the justice committee and pleaded with Liberal MPs not to reclassify, not to hybridize, the very serious offence of impaired driving causing bodily harm.

The member for Edmonton Centre rightfully supported our amendments to not reclassify terrorism- and genocide-related offences. The member said, in relation to those offences, “Let's be serious.... We're talking about terrorism. We're talking about very serious offences.”

What does the hon. member have to say to Sheri Arsenault? Does he not consider impaired driving causing bodily harm to be a very serious offence?

Mr. Randy Boissonnault: Madam Speaker, if the member for St. Albert—Edmonton were to go back on the tape, he would also see that I was very clear about his comment to the committee and said “hogwash and poppycock” on his politicization of a very serious matter in Bill C-75.

I have met with Ms. Arsenault. I have met with George Marrinier. They are constituents. Quite frankly, that member knows, as members on the other side know, that this is not a sentencing question. We doubled the fines for impaired driving to 14 years. I can tell members that this is going to help us respect the Jordan principle.

The member can be upset about this, just like I am, but this is going to help us in the administration of justice.

An hon. member: Oh, oh!

The Assistant Deputy Speaker (Mrs. Carol Hughes): Order. Order. The hon. member for St. Albert—Edmonton had an opportunity to ask the question. He may not like the answer, but he should be respecting the House and waiting if he wants to ask another question.

Questions and comments, the hon. Parliamentary Secretary to the Minister of Justice. A brief question, please.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I compliment the member for his work on the justice committee and also in his role as special advisor on LGBTQ2 issues.

We are nearing the one-year anniversary of the historic apology to the LGBTQ2 community by the Prime Minister on November 28 of last year. An important component of that apology was the expungement of records. Could the hon. member explain why the bawdy house and vagrancy amendments passed at committee helped inform and complete the work of that apology in terms of addressing LGBTQ2 discrimination?

● (1140)

Mr. Randy Boissonnault: Madam Speaker, I thank the parliamentary secretary for his leadership on this file.

It is very clear, and the Prime Minister was clear in his apology, that we had work to do on the bawdy house provisions. The committee unanimously agreed to repeal them in Bill C-75, including the vagrancy provisions.

Gay men were charged, arrested and now have criminal convictions for simply going to meet other men in bath houses or gay clubs. This change would allow future additions to happen to expunge in legislation so that those records could be expunged.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Madam Speaker, I am pleased to rise and put some thoughts on the record with respect to Bill C-75, which is the government's response, we are told, to the Jordan decision, which had to do with lengthy delays in the criminal justice system in Canada. The ruling maintained that cases had to be dealt with in a certain amount of time or the people accused of committing a crime would be off the hook. We have seen across the country instances of people accused of very serious crimes not being tried in court because of a failure to meet deadlines.

It is quite important, I think, that both the government and Parliament take action. This is a long-standing complaint, and not just in some of the most serious crimes and trials. We have also heard from Canadians who have had occasion, one way or another, to deal with court proceedings, especially if they are victims or the families of victims, that they are often outraged at the amount of time it takes to get justice. Of course, justice delayed too often is justice denied. The Jordan decision emphasizes that even more so and raises the stakes in terms of being able to deal with issues in a timely way. If we do not do so now, we will face a situation of people never being tried for the crimes they are accused of having committed.

Our responsibility as parliamentarians is to judge, on balance, this piece of legislation being presented by the government, which was not greatly amended at committee. I know the hon. member for Victoria and the NDP caucus did a lot of great work on this bill and made a lot of proposals at committee that were not accepted by the government, so this really remains a government package of reforms. Our duty as parliamentarians is to decide whether, on balance, this is going to address the issues that were raised in the Jordan decision and expedite our legal processes so that Canadians can expect to get justice through the courts.

One of the ways the government could have done that prior to presenting any legislation in this House would have been to act swiftly to appoint federal judges. It has been an ongoing story of this Parliament in terms of the failure of the justice minister to ensure that the roster of judges is full. We have heard many times in this House that the government ought to have been acting more quickly. Vacancies remain on the bench. The fact of the matter is that even if we have perfect laws, which we do not now and will not after Bill C-75 passes, if we do not have judges to hear the cases, it matters very little what the laws on the books are. It is the judges who hear the cases and the judges who make decisions.

Thus, it is incumbent upon the government to move more quickly on this. It has been three years now. Surely the government is not going to make a case that Canada does not have people qualified to hold those positions. The people are out there. It is a matter of the government making it a priority to actually make those appointments happen. Saying it is a priority is not enough. They have to actually appoint those judges. I do not want to hear government members getting up to talk about how important it is to them. I will wait to see when those positions are filled. That is the true test of how important it is for the government, and so far, it has not been very important.

The other thing we know is that if this is the government's signature justice reform, which it appears to be, a contributing factor to what is at stake with the Jordan decision is the issue of mandatory minimum sentences. That issue was very popular with the previous Conservative government. For a wide range of criminal charges, they brought in mandatory minimum sentences. We know that those are problematic in a number of ways. I think they are problematic in principle.

The fact of the matter is that no two crimes are the same. There are different circumstances depending on the particular crime and who is involved. The people best qualified to make decisions about what is an appropriate time to serve, along with other measures, such as addictions treatment and whatever else is factored into sentencing, are the people who hear the cases. I do not think it is for Parliament to pre-judge, for any case or set of cases, what the appropriate punishment is. That is why we have judges, people who are trained in the legal profession and have seen many different cases and are able to discriminate.

● (1145)

It is appropriate to entrust that work to judges, for whom it is a profession. Mandatory minimum sentences are about taking that away. One of the side effects of that, particularly in cases of smaller charges like minor drug possession and charges of that nature, is that when people know there is going to be a mandatory jail sentence of two, three, four or five years, it is really a disincentive for them to plead guilty. We have tools in order to make sure the most serious cases are heard in a timely way, and that murderers and gang members are not getting off easy because of the Jordan decision. One of those tools is to take some of those smaller cases and plead them out. People are not going to do that if it means serious jail time.

Again, there are people in the courts and the police force who are involved in making those kinds of decisions when they have that discretion. It is important to leave it to judges, prosecutors and the police to prioritize those cases, precisely to make sure that the worst ones and the ones they have the best chance of getting a conviction on are tried. Those people then get justice, and the courts are not bogged down with other kinds of cases without any ability to make a judgment call about what is relatively more or less important.

That was a major problem with changes to the justice system that we saw in the last Parliament. Outside of the Conservative Party and people who supported them in the last election, there was a pretty broad consensus that those things had to be repealed. We do not see that here. That is an obvious thing that is not in this legislation. It would have helped with respect to the Jordan decision, and would have been important to do on principle anyway.

One of the other things the bill does is establish hybrid offences between the provinces and the federal government. There is real concern that this is going to mean we are going to improve federal court wait times at the expense of provincial court wait times. This is classically Liberal, in a certain way.

I do not want to be too partisan about it, but I remember the nineties, when the federal government decided it was going to balance the budget at all costs. It made deep cuts to the health and social transfer. That ended up on the ledger of provincial governments, which now did not have the same funding for health services and other services that they were providing to their populations. Those governments went into deficit or had to take other measures, whether it was cuts to services or raising taxes, in order to be able to maintain what had theretofore been supported by the federal government.

For as much as the federal books looked better, there was only one taxpayer, and those people paid it at the provincial level instead of at the federal level. What looked good on the federal government did not ultimately make a difference to Canadians. They paid for it, either through higher taxes at the provincial level or through serious cuts to service.

Unfortunately, we had a Conservative government in the nineties, and we paid for that in terms of serious cuts to services. We lost nurses and teachers, and the federal government sat pretty while pretending it was not responsible for that. At the end of the day, its budget cuts did that.

We are gearing up for the potential for something similar, where the federal government will say, "Look at us. The wait times for the Federal Court are way down." However, we have the potential to see those same waits happening at the provincial level, because people who at one time would have faced a charge at the federal level will now instead face a similar charge at the provincial level. We will not get rid of the wait times; we are just shifting the burden from the federal books to the provincial books.

For anyone paying close attention, the Liberals are not fooling anybody. If our job is to make sure those wait times go down and justice is served in a timely way, it is really important that we do it in a way that actually accomplishes that and does not give the federal government a talking point at the expense of the provinces.

I am out of time, but I look forward to questions.

● (1150)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I take issue a little with the member's comments with respect to judicial appointments. The track record of this government is that we have appointed 238 new judges. Last year, the minister appointed 100 in a single year, which was the most in two decades. Because we had to overhaul the Conservatives' old process, which was not merit based, it took a great amount of time.

In overhauling the process, we have taken the stats from 30% women being appointed to 56% women being appointed. We have taken the stats and are making a bench that actually reflects the diversity of our country. Twenty of the new appointees represent racialized persons; 13 of them represent LGBTQ2 communities; three identify as persons with disabilities, and at least eight are indigenous.

I would ask the member if he does not agree that the important goal is ensuring that the bench reflects the community it serves, and that we have taken entirely appropriate measures to overhaul the process.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I will remind the member that he is to address his questions to the Chair and not to individual members.

The hon. member for Elmwood—Transcona.

Mr. Daniel Blaikie: Madam Speaker, of course we want a bench that is reflective of the Canadian population in general, but I do not agree with the idea that it would take three years to develop. I do not think it ought to have taken as long as it did for the government to appoint the judges that it has.

The other side of that is to look at vacancies. As much as Liberals want to talk about the number of judges they have appointed, the fact is that there are a still a great number of vacancies, and judges have to be appointed in order to fill the bench.

If I am hosting a dinner, for instance, for which I need 500 plates but the caterer delivers 150, I tell the caterer there are 350 people without a meal. If he then says he would like to focus on the 150 people who have a meal, that is all well and good and I can understand why the caterer might want to do that, but it is not an acceptable answer.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Madam Speaker, I want to ask the member for Elmwood—Transcona about hybridization. He mentioned it in terms of the download that will result on our overburdened provincial courts, which handle 99.6% of criminal cases in Canada. In addition to that, the timeline to prosecute cases before a delay is deemed presumptively unreasonable would go from 30 months to 18 months.

Perhaps the hon. member could comment on that. It seems that on top of downloading cases onto provincial courts, it is actually going to increase the risk of having more cases thrown out rather than fewer.

Mr. Daniel Blaikie: Madam Speaker, my colleague will know I do not have the same legal background as he does. However, even without a legal background, if we look at this bill, and these measures especially, from the point of view of whether this is ultimately going to reduce delay, we would still be dealing with the same number of charges. They would just be dealt with in a different place. Therefore, I do not see how that, in and of itself, contributes to a reduction in delay.

The member is quite right to point out that the timeline for having things dealt with under the Jordan decision is shorter in provincial courts than it is in the Federal Court. It would not diminish the number of cases that need to be heard, nor any of the work that goes into trials. If it is shortening the timeline on top of that, then the question is how this contributes to reducing delay and ensuring that cases are not thrown out because they have not been heard within a reasonable amount of time. I just do not see how this meets that test.

● (1155)

Mr. Ali Ehsassi (Willowdale, Lib.): Madam Speaker, it is my honour to address the House today in discussion of Bill C-75. As members are aware, Bill C-75 represents our government's commitment to ensure that the criminal justice system continues to serve Canadian citizens in the most efficient, effective, fair and accessible manner possible.

Through Bill C-75, our government is fulfilling its promise to move forward and modernize the criminal justice system and address court delays. Due to the failures of the previous government, court delays have persisted within the criminal justice system. Court delays are not a new problem.

However, our government recognizes we can and must do better. Since 2015, we have heard from countless stakeholders, community members, lawyers and other individuals regarding the need to reform the criminal justice system.

In fact, the Supreme Court's rulings in the Jordan and Cody cases further support this rationale. As such, through collaborative efforts identified by the federal, provincial and territorial governments, Bill C-75 seeks to remedy these significant gaps and inefficiencies.

Among other reforms, Bill C-75 proposes to limit the use of preliminary inquiries for offences carrying maximum penalties, modernize bail practices and procedures in order to improve access to justice, better protect victims of intimate partner violence, provide judges with greater discretionary tools to manage cases and efficiently bring criminal matters to resolution, hybridize offences punishable by a maximum penalty of 10 years or less, and increase the maximum penalty for all summary offences to two years less a day.

Today, I will be focusing on the hybridization aspect of Bill C-75. Bill C-75 introduces legislation that provides Crown prosecutors the discretion to elect the most efficient mode of prosecution, evaluated on a case-by-case basis. This system of reclassification would reduce court time consumed by less serious offences while allowing limited resources to be redirected to more serious offences. Moreover, this legislation prevents indictable cases from being dismissed or stayed due to the system's inability to try the accused within a reasonable time frame.

Bill C-75 amends over 115 offences punishable by either an indictable offence or summary conviction. Since the proposal hybridizes all straight indictable offences punishable by a maximum of 10 years or less, criminal offences relating to terrorism and genocide are subsequently captured. These are clauses referring to section 83.02 of the Criminal Code, providing or collecting property for certain activities; section 83.03, providing, making available, etc., property or services for terrorist purposes; section 83.04, using or possessing property for terrorist purposes; section 83.18, participation in activity of terrorist group; section 83.181, leaving Canada to participate in activity of terrorist group; subsection 83.221 (1), advocating or promoting commission of terrorism offences; subsections 83.23(1) and 83.23(2), concealing person who carried out terrorist activity and concealing person who is likely to carry out terrorist activity, and finally subsection 318(1), which relates to advocating genocide.

Canada is a leader among nations in the fight for universal human rights and the international rule of law. We were one of the first countries to sign the Rome Statute and the first country to ratify its membership within the International Criminal Court. Moreover, on a number of occasions, Canada has publicly denounced the actions of other governments due to their harsh treatment of their citizens, and urged their cases to be referred to the International Criminal Court for investigation, such as in the cases of Myanmar and Venezuela. Canadians are proud to live in a country that is diverse, with a global reputation as a defender of human rights.

● (1200)

Given the very few times that genocide and terrorism-related charges have been invoked in Canadian courts, the extremely serious nature of the issues, as well as Canada's moral obligation to continue to serve as an international promoter of justice, I am proud to inform the House that all eight clauses referred to above relating to genocide and terrorism-related offences were removed from the hybridization list. Specifically, all genocide and terrorism-related offences will continue to remain as straight indictable offences with a maximum penalty of 10 years less a day.

In its witness testimony, the Centre for Israel and Jewish Affairs expressed its strong support for such amendments. It stated:

> ...terrorism [is] a heinous and potentially catastrophic phenomenon. Today, terrorist groups around the world, some of which actively seek to inspire recruits in Canada, are often motivated by ideologies infused with antisemitism. Far too many Jewish communities around the world – from Argentina to Denmark, and from France to Israel – have suffered from deadly terror attacks.

Additionally, B'nai Brith Canada expressed its concerns regarding the hybridization of offences relating to genocide and terrorism, stating:

> It is inappropriate to allow these offences to be prosecuted in a summary fashion. To be treated with the seriousness which they deserve, they should continue to be prosecutable by way of indictment only.

Following the proposed amendments to remove all eight genocide and terrorism-related clauses from Bill C-75, our government will continue to send a clear, symbolic and moral message rebuking the offensive crimes mentioned above. However, I would like to strictly emphasize that the reclassification of offences does not affect basic sentencing principles exercised by courts. Depending on the severity of the case, Crown prosecutors will be required to consider a multitude of factors and ultimately decide to prosecute either as an indictable offence or summary conviction.

Before I conclude, as a member of the Standing Committee on Justice and Human Rights, I would like to take this opportunity to offer my sincerest thanks to all the witnesses for submitting their testimony and appearing before the committee to present their expert opinions regarding Bill C-75. I can assure everyone that all recommendations and appeals put forward were carefully considered and taken into account.

Although there is no simple solution to resolve the issues of court delays, our government is taking action to introduce a cultural shift within the criminal justice system to address its root causes. We are taking important steps forward to act on what we have heard. Moreover, we are taking full advantage of this opportunity to create a criminal justice system that is compassionate and timely, a system that reflects the needs and expectations of all Canadian citizens.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I noted in the member's speech that he was clear that acts of terrorism and advocating genocide have been taken off the list of offences that are being reduced to a less than two year summary conviction or a fine.

What made the government think that acts of terrorism and advocating genocide were minor enough crimes to be on the list in the first place?

Mr. Ali Ehsassi: Mr. Speaker, as the member is well aware, there were many consultations that took place when this bill was first being considered.

There was considerable outreach to stakeholders, experts and the like. In addition to that, as the member is likely fully aware, there were also consultations that took place between the federal government and the provinces and the territories. We thought that was an important step forward. In addition, we thought it was important to hear from various experts and, to the best of our abilities, to incorporate any concerns they have in the final bill.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I enjoy serving on the justice committee with the member for Willowdale. He did appear before the justice committee to provide evidence about why genocide and terrorism-related offences should not be reclassified. His testimony was certainly helpful to the committee.

The member spoke of consultations that took place in the lead-up to Bill C-75. The fact is the government simply took a whole series of offences that were at a 10-year maximum and reclassified them, including terrorism and genocide, which I think the member would agree had no business being reclassified.

The member spoke a few moments ago about the fact that those offences should not be reclassified because they need to be treated seriously and prosecuting them by way of summary conviction would not do justice.

I wonder if the hon. member could speak to why the government does not seem to also take seriously offences such as impaired driving causing bodily harm or administering a date rape drug.

● (1205)

Mr. Ali Ehsassi: Mr. Speaker, it has been a great honour serving with the member on the justice committee. We have many opportunities to exchange views.

I did set aside and distinguish the terrorism and genocide provisions. As he is fully aware, there have been very few cases dealing with these provisions. Obviously, that was something that was considered by the committee and ultimately that weighed on our decision to make sure these were removed.

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Mr. Speaker, I want to come back to some of the comments that were made earlier when it comes to the seriousness of offences.

When we are talking about kidnapping, for example, a child who leaves a parent's house to go to another versus someone who is luring a child into a car are two different offences, and the seriousness of those two offences are quite different. There is injury causing bodily harm where an arm is broken or someone is placed into a coma. The seriousness of those two offences are quite different.

I wonder if my hon. colleague could emphasize what the hybridization classification does and does not do, and it does not take away the ability for a prosecutor to look at the seriousness of the offence and apply the applicable sentences. I wonder if my hon. colleague could reiterate that in the time he has left.

Mr. Ali Ehsassi: Mr. Speaker, my hon. colleague has made a very significant point. As we know, court delays have been a very significant challenge and problem, and we thought that it was imperative that we take the necessary steps to address this. The point to bear in mind is the system of reclassification would certainly reduce court time consumed by less serious offences and at the same time allow us to redirect limited resources to the more serious ones.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, it is a pleasure to rise in the House and speak to Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts.

It is disappointing to again see the Liberal government bring in a 300-page omnibus bill after the Liberals specifically said in their campaign promises that they were not going to do that. However, a broken promise a day seems to be the order of the Liberal government.

That said, let us think about what we are trying to accomplish in our judicial system and then look at how Bill C-75 may or may not fit into that.

What we first want to do in our criminal justice system is define the behaviour that is criminal. We want to say which things are not acceptable in Canadian society. That would be goal number one. Goal number two would be to make sure that appropriate punishments are established to deter people from perpetrating these crimes. We want to make sure that we have those appropriate punishments defined. We want to make sure that victims rights are protected, that we are not just focused on the criminal but we are also focused on making sure that victims rights are protected. Then we want to make sure that whatever rules we decide, we actually enforce them in a timely way.

I think that is really what we want to get out of the criminal justice system.

If we look at the Conservative record, everyone in Canada well knows that the Conservatives want to be tough on crime. We want to ensure that if people commit crimes, they do the time. We want to make sure that people are not just let off the hook.

If we look at the Liberals' record on this, it is not quite so clear. In fact, I would argue that the criminals seem to be making out very well under the Liberals.

The first issue is the Liberal government's failure to appoint judges so that cases could be tried in a timely way. According to the Jordan principle, if they are not tried in a timely way, within two years, those people will go free. We have seen murderers and rapists having their cases thrown out of court because there were not enough judges being appointed. Clearly, that is a failure of the Liberal government. We are in the fourth year of a four-year mandate and there are still vacancies, which is causing cases to continually be thrown out.

If the government were responsible, at some point it should have taken a look at perhaps more minor crimes. For example, if it thought that it was going to legalize marijuana, perhaps any of the charges with respect to possession of marijuana that were in the system could have been punted in order to focus on prosecuting more serious crimes, like murder and rape. However, that was not done.

The other thing we saw is that the Liberal government is continually trying to soften the penalties for crime.

Today, in Canadian society, it is a crime to disrupt a religious ceremony or to threaten a religious official or cleric. The Liberal government tried to put Bill C-51 in place to take away those protections with respect to worship and the clerics. There was a huge outcry across Canada. I know that all the churches in my riding wrote letters. There were many petitions that were brought forward. There was a huge outcry from Canadians, so the government backed off on that. Now we see that the government has brought this back under Bill C-75 as one of the things the government wants to reduce sentences on to a summary conviction, which would be less than two years in prison or a fine for obstructing or violence to or arrest of an officiating clergyman. It seems a little bit sneaky that the government heard a clear message from Canadians to back off and then it tried to slide it into another bill. That is not a good thing.

Let us look at some of the other crimes that are now considered in Bill C-75 to be minor and subject to a judge's decision on whether or not they get a fine or a summary conviction of up to a two-year maximum.

One is prison breach. Really, somebody who breaks out of prison is going to be given a fine. That should not even be an option. Municipal corruption is another thing on the list, as is influencing or negotiating appointments or dealing in offices. We have already talked about obstructing or violence to clergymen.

Another is impaired driving offences causing bodily harm. It is unbelievable that at this particular moment in time, when the Liberals have just legalized marijuana and every other jurisdiction has seen a tripling of traffic deaths due to impaired drug driving, they would decide that this crime is less serious and people might be able to get off with just a summary conviction or a fine.

● (1210)

Regarding abduction of a person under the age of 16 or abduction of a person under the age of 14, what is a more serious crime than kidnapping a child? I cannot imagine. To give that person a fine or a summary conviction just seems like there is no moral compass whatsoever.

It is interesting that polygamy is on the list. We have not had a lot of trouble. Polygamy has always been illegal in Canada. Why are we now saying that we would reduce the penalty for polygamy and make it a fine?

What about forced marriage? I was at the foreign affairs committee yesterday, and we had testimony from the Congo, Somalia and South Sudan about the dire situations there and 50% of girls being forced into child marriage and what a horrendous impact that had on their life. The Liberal members of the committee were sitting there saying, “Oh, this is a terrible thing.” However, here in our own country, we have decided that the penalty for forced marriage is going to be a fine or a less-than-two-years summary conviction. It is ridiculous.

Arson, for a number of reasons, is now on this list and is not considered that serious when in fact it drives up the cost of insurance and it takes people's homes. It is obviously a serious crime.

Participating in the activities of a criminal organization is now on here as not being that serious. The government members have been standing up, day after day, talking about trying to eliminate organized crime from Canada. Now if people are part of organized crime, apparently that is not a serious offence.

Therefore, Bill C-75 does not meet what we said we wanted to meet originally in our justice system. We wanted to talk about the appropriate punishments that need to be established to deter crime. That is not what is happening here.

In addition to all of those things, we see that there are other changes recommended in this bill. There is the repealing of the victim surcharge changes that were brought by the Conservatives. It is important that we protect victims' rights and that there is a fund that will help victims in some way after they have suffered a crime.

Removing the power to have a youth tried as an adult is a bit concerning to me. There are some very heinous crimes where the judges still need to have the ability to do that.

Delaying consecutive sentencing for human traffickers was an important law that was brought into place under the Conservative government. We have a huge issue with human trafficking. From my riding to Toronto, there is a huge ring. If someone were caught human trafficking, it would not be just one life that was impacted. There would be hundreds of girls involved. The consecutive sentence allowed individuals to be sentenced for each one of those victims and not get out of prison for a very long time, for what is a heinous crime.

I always like to say what the good things are that I like about the bill as well as the things that I do not like. I see in here that the only increases in penalties are for repeat offenders on intimate partner violence. I am glad to see that because the government has been totally inadequate in its response to violence against women. As the former chair of the status of women committee, we studied and found that one in three Canadian women suffers from violent acts in her lifetime. It has been disappointing to see that the current government, while pledging $400 million in the last budget for StatsCan to steal people's private information, gave $20 million a year to address the problem of violence against women. That has been totally inadequate. At least the Liberals have done something in this bill to try to move forward on that.

In summary, I would say that this bill has not met the objectives. It has not helped put penalties in place. In fact, I would argue that it would erode the penalties that people would receive.

I call on the justice minister to do her job, to appoint the justices who are missing and to put in place punishments that fit the crime. I have brought numerous petitions to the House on Bill C-75 to just eliminate it.

The Liberals talk about trying to get wait times down. They could get wait times down by not trying any criminals and not putting any of them in prison. That would get the wait times down, but it would not achieve what we want in our justice system, which is to define the crimes and to define adequate punishment and ensure that they are enforced in a timely way.

● (1215)

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Mr. Speaker, my hon. colleague talked about hybridization. She named a number of different offences and talked about them being reduced to only a fine or less than a two-year sentence. I want to clear the record. Hybridization does not take away the authority or ability of the prosecution to look at the seriousness of a crime.

The member mentioned kidnapping. For example, if there is a custody battle, the child is taken by the other parent, and the first parent calls police to say the child is missing, that is kidnapping. It is also kidnapping when a child is lured into a vehicle and taken away for ill intentions. Those are two kidnapping offences. I would leave it for lawyers to decide that one is less serious than the other. Hybridization looks at the totality of the crime and allows the justice system to decide the seriousness of the crime and if it should be a summary conviction or an indictment.

Does my hon. colleague not trust the justice system and the professionals therein to assess the seriousness of crimes and apply appropriate convictions, thereby keeping our communities safe?

● (1220)

Ms. Marilyn Gladu: Mr. Speaker, do I trust the criminal justice system? We have just seen an example where a convicted child killer was moved to a healing lodge with no fence and where children were present. Therefore, no, I do not trust the criminal justice system to make adequate decisions. We have also seen criminals let out on weekends with weekend passes and reoffending. I do not think the protections in place are being enforced properly and I certainly do not want them to be weakened even further.

I do not think we want to get into an argument about whether one type of kidnapping of a child is minor compared to another type of kidnapping of a child. Kidnapping of a child at every level is offensive. It is a crime and should be punished to the maximum.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I thank my colleague for her good work and standing up for victims in Canada. On this side of the House, our priority is to stand up for victims.

In my riding, in the member's riding and other members' ridings, we have all heard from MADD Canada, Mothers Against Drunk Driving, which has major concerns about the incidence of drunk driving on our roads, often resulting in bodily harm or death. Within the last few weeks in the House, we have heard of family members who have died as a result of drunk driving. We need to take this seriously.

I would ask my colleague to comment on the application of the reduction of the penalties for impaired driving causing bodily harm in Bill C-75, what the negative impacts of that could be and, if she has time, comment on whether she is hearing the same thing from MADD Canada in her riding or from other constituents who have expressed concern about the weakening of this provision.

Ms. Marilyn Gladu: Mr. Speaker, I thank the member for Kitchener—Conestoga for always standing up for victims and their rights.

When it comes to impaired driving, whether alcohol or drug impairment, absolutely Mothers Against Drunk Drivers is outraged, but even beyond that, Canadians are outraged. We know that with the legalization of marijuana, we can expect a doubling or tripling of traffic deaths due to impaired driving. An Ipsos poll came out yesterday that talked about how 30% or 40% of Canadians who consume cannabis admitted they drive right after consuming cannabis. This is totally unacceptable. The government has abdicated its responsibility in terms of providing sufficient public education to make sure people do not drive while high and reducing the penalty reinforces the message that it is okay because people will only be fined.

[*Translation*]

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill C-75.

There is no doubt that we need to modernize our criminal justice system, and in order to do so, we need to amend the Criminal Code, the Youth Criminal Justice Act and other acts. Some of the issues that must be reviewed are the lengthy pre-trial delays, changes to how administration of justice issues are managed, legislative changes, as well as judicial case management. However, in my humble opinion, the most important amendment has to do with how the justice system deals with certain accused persons.

Some groups, like indigenous peoples, minorities and people with mental illness or substance abuse issues, are overrepresented in our criminal justice system. These groups are among the most vulnerable members of our society, yet they are sometimes treated unfairly by the justice system. One could even say they are treated with hostility. Our justice system cannot treat different people differently. This is unacceptable, and it has been going on for a very long time.

Bill C-75 allows us to correct these inequalities in the justice system. Complainants who wait years to testify and witnesses who want to move on and get back to a normal life have no choice but to wait because of delays in the system. These delays interfere with their need to feel safe and the justice system's mission to maintain public order. Then there is the matter of the accused who wait years to be declared innocent or those who commit heinous crimes but end up walking away because of the dysfunctional system.

I am running out of time, so I will focus on the issue of bonding. This is an aspect of criminal law that directly affects the presumption of innocence. This fundamental concept is protected under section 11(d) of the Canadian Charter of Rights and Freedoms. The Charter guarantees that any person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal. Section 11(e) of the Charter provides that any person charged with an offence has the right not to be denied reasonable bail without just cause. Section 7 of the Charter states that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

When it comes to bail, everyone should be fully entitled to their charter rights. Every one of us must receive equal treatment in accordance with the Charter of Rights and Freedoms and other laws. Unfortunately, that does not always happen. For example, defendants who live in remote communities are disproportionately affected by the existing bail system. Statistically, poverty, unemployment and substance abuse are more prevalent among people who live on reserves, and, as a result, they own very little. Bail is also required of people who have to travel from their remote communities to big cities because the judicial system does not serve their hometowns. How are these people supposed to come up with bail? When the financial burden is so great, is that not a violation of people's charter rights?

That is why Bill C-75 is so important. It would allow for less burdensome conditions of release for those who are already disadvantaged compared to other members of society.

● (1225)

This will also help break the cycle of the most vulnerable Canadians being overrepresented in the justice system.

Another reason that Bill C-75 is very important is because it deals with remote appearances. This bill would bring the system in line with current technology and all of its benefits. It would be invaluable to have access to audioconference and video conference technology, allowing all parties involved in the process, including judges, to participate.

It would be helpful if accused persons could participate via these types of technologies instead of having to fly in from remote communities, which takes considerable resources. These technologies would alleviate the financial burden on society and give accused persons better access to justice. Furthermore, complainants would not have to travel from their remote communities, since they could use these technologies to seek justice.

Courts would have discretionary powers and would consider the individual circumstances of each case, so these technologies could be used for individuals to appear remotely at each stage of the justice process.

The reason for the amendments to remote appearances is to help ensure the proper administration of justice, which includes fair and efficient criminal proceedings, while respecting the right of the accused to a fair trial and to a full and complete defence, as guaranteed by sections 7 and 11(*d*) of the Canadian Charter of Rights and Freedoms.

If we take another look at plea bargaining, a lot can go wrong. For instance, the accused will often plead guilty in order to minimize the cost of their defence. Those living in precarious situations are less likely to properly defend themselves. This once again demonstrates the need for Bill C-75. It is very sad to think of an innocent person pleading guilty because it is faster and cheaper.

Clause 270 of the bill highlights an important fact. Many vulnerable people are not always aware of the magnitude of their actions and decisions. This can include adolescents, aboriginal people, minorities and people who want to avoid the stress of long delays before the trial. They are more likely to plead guilty for those reasons.

In addition to the provisions set out in section 606 of the Criminal Code, the amendment would require judges to be satisfied that the facts presented support the charge before accepting a guilty plea.

● (1230)

[*English*]

Bill C-75's modernization of the bail system also includes changes regarding intimate partner violence. It is unfortunate that not until recently the matter of intimate partner violence was not given the attention it warranted. The changes to the criminal justice system in this aspect are in keeping with our government's commitment to give more support to those who have faced domestic violence.

Statistically, intimate partner violence is the most common form of violence reported to the police. One in two women face intimate partner violence. This is a dire statistic. It means that 50% of our female population has been victimized while in an intimate relationship. Those who are already vulnerable, such as the elderly, trans, people with disabilities and the indigenous population, face these things in a difficult way. One time is one time too many when people who are accused of intimate partner violence are given bail and go back and attack the very same partner. This reason alone demonstrates to all of us the urgency in having intimate partner violence directly addressed during bail hearings.

The amendments I have mentioned are crucial for the protection of those facing such forms of violence. For all of these reasons, I support Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the hon. member spoke about the reverse onus for offences related to intimate partner violence. That is a step in the right direction. We on this side of the House fully support that aspect of Bill C-75. However, it seems like for every step forward that the government makes, it takes two steps backward.

On the issue of violence against women, could the hon. member speak to the fact that under Bill C-75 offences such as forced marriage or administering a date rape drug are now being reclassified as hybrid offences, in other words, less serious offences? Therefore, yes, one step forward, but it seems many steps backward when it comes to standing up and defending the rights of women.

Ms. Anju Dhillon: Mr. Speaker, I thank my hon. colleague for his passion regarding our justice system. It is always with great fascination when I listen to him speak.

Our government has taken a very strong stance against intimate partner violence and violence against women. It is very important that these procedures, when it comes to bail hearings, go through.

Our Minister of Justice listened during many consultations and took part in many consultations with experts. Therefore, she has the tools she needs to push the legislation through. The problem with intimate partner violence is that, unfortunately, it has not decreased. It is sad to see a woman living in fear of her life every day. Therefore, these parts of our amendments would be helpful to women in the future.

● (1235)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank my colleague for her important contribution to the debate on Bill C-75. She outlined an important component of the bill, which is the access to justice component. I would like her to comment on another component of the bill that addresses an issue for the community she represents in Montreal and the community I represent in Toronto, and that is the overrepresentation of certain groups in the justice system. We know indigenous Canadians, black Canadians and other racialized groups are overrepresented in the justice system. The bill would treat administration of justice offences differently. These are offences such as breaching curfews when those curfews do not allow people to get to their places of employment because they have to work at night, for example.

Could the member comment on how we are changing the administration of justice offences so people are no longer criminalized for things such as breaching a bail condition and how that assists the marginalized communities that exist in Montreal and in other cities across the country?

Ms. Anju Dhillon: Mr. Speaker, I thank my hon. colleague for his work on the justice committee. His question is a very important one. It is true that when it comes to administration of justice charges, it is mostly the vulnerable communities that are again disadvantaged, people who are poor, or who suffer from mental illness or substance abuse. They go to work and, by accident, they break their curfew.

For example, they are waiting for a bus and it does not arrive, or it is late or they miss the it and there is no other way for them to get home, so they are stuck outside. They cannot afford to take a taxi. They are barely making ends meet. It is very punitive on them to have an administration of justice that penalizes them for the circumstances of their life, such as being poor, or suffering from substance abuse or mental illness. This is one of the reasons why Bill C-75 is so important to our criminal justice system.

Mr. Jim Eglinski (Yellowhead, CPC): Mr. Speaker, I am pleased to speak to Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts. This omnibus bill is over 200 pages. It includes major reforms to our criminal justice system.

With a concerning level of rural crime in my riding, the safety of my constituents is a high priority for me. The safety of Canadians should be the number one priority of any government.

While there are some aspects of the bill that I agree will help to reduce delays in the court system, there are several problems associated with it with which I have concerns.

First, I want to talk about the bill itself. As I mentioned, this is a 204-page omnibus bill. I want to remind the Liberals that during the election, they promised they would never table omnibus bills, but here it is. However, 80 other promises have either been broken or have not even started.

This is still on the Liberal web page, which I looked it up the other day. It states that omnibus bills "prevent Parliament from properly reviewing and debating [the government's] proposals. We will change the House of Commons Standing Orders to bring an end to this undemocratic practice." Yet here we are today discussing an omnibus bill.

It is a mixed bag that amends a total of 13 different acts in various ways. The bill needs to be split into more manageable portions so we can properly study it. What is more is that the government also has thrown in three bills that have already been tabled, Bill C-28, victim surcharge; Bill C-38, consecutive sentencing for human traffickers; and Bill C-39, repealing unconstitutional provisions. Perhaps if the government could manage its legislative agenda more effectively, it would not need to re-table its bills, push through omnibus bills or repeatedly force time allocation and limit debates.

The Liberals are failing to take criminal justice issues seriously. In March they tabled this bill the day before a two-week break period in our sitting schedule. Then they waited a half a year. Now they have returned it when there are only a few weeks left before our six-week break period. This does not give the image that justice is a high priority for the Liberal government.

The government's lack of judicial appointments has resulted in violent criminals walking away without a trial. As of November 2, 54 federal judicial vacancies remained. Appointing judges is an effective solution that is much faster than forcing an omnibus bill through Parliament. I remember in April when the minister talked about 54 more federal judges, yet here we are, almost the end of the year, and still no action.

I also want to talk about what is actually in the bill. Again, some parts of the bill I can support. For example, I agree with efforts to modernize and clarify interim release provisions and provide more onerous interim release requirements for offences involving violence against an intimate partner.

Modernizing and simplifying interim release provisions is an important step that will assist many rural communities across the country that do not have the resources to navigate lengthy procedures and paperwork. For that reason, I support this.

However, I wish the stricter release requirements were not limited to offences involving domestic abuse. With an alarming rate of rural crime in my riding and across Canada, which is often carried out by repeat offenders, we need to make it more difficult for all violent criminals to be released. Otherwise, we have a revolving door where they commit a crime, get arrested, get released and start all over again.

I was at a rural crime seminar in the city of Red Deer last Friday. A former police officer from Calgary city police told us about one of the cases he had worked on recently. An Alberta offender was charged with 130 offences, ranging from break and enter to car theft, equipment theft and possession of stolen property.

● (1240)

At the last sitting in Alberta the judge released him. Out the door he went. Where did he go? He took off to B.C. Now we understand they are looking for him in British Columbia, which has 100 similar outstanding charges against him in a very short period of time. This person should not have been released.

These criminals prey on farmers and elderly people. They know that RCMP resources are lacking in these areas and take full advantage of that. What the government needs to do is to provide our law enforcement agencies with the tools they need to stop the revolving door of criminals in and out of the courts. That is happening constantly.

Victims should be the central focus of the Canadian criminal justice system rather than special treatment for criminals, which is why our party introduced the Victims Bill of Rights. The government, unfortunately, does not agree since Bill C-75 would repeal our changes to the victim surcharge and reduce its overall use and effectiveness.

I believe in protecting victims of crime, which is why I introduced my own private member's bill, Bill C-206, that would ensure that criminals who take advantage of vulnerable people, specifically adults who depend on others for their care, are subject to harder, sure punishment.

Last month, a gentleman from my riding of Yellowhead was a witness before our public safety and national security committee. He shared with us his first-hand experience. It was a terrible story. This gentleman, whom I consider a friend, is aged 83. He heard his truck start up one day when he was having lunch with his wife. He walked outside to see his truck being driven out of his yard. He lives about 70 kilometres from the town of Edson where the local police office is located. He picked up his phone and was about to call when his vehicle returned to his yard. Two youths, one aged 18 and one aged 17, got out, knocked him to the ground, repeatedly kicked him in the face, the chest, the ribs, attempted to slash his throat, and then drove off again. This gentleman is 83. This is still being dealt with in the courts despite the fact it happened a year ago. This gentleman has had to attend court 10 times so far and the matter is still not over.

We on this side of the House will always work to strengthen the Criminal Code of Canada and make it harder for criminals to get out.

I am concerned that portions of Bill C-75 would weaken our justice system. Through the bill, the Liberals would reduce penalties for the following crimes: participating in criminal organizations, various acts of corruption, prison breach, impaired driving, abduction, human trafficking, forced marriage, and arson, just to name a few of many in the bill. Participation in terrorist activities and advocating genocide were deleted from this list only because a Conservative amendment was accepted at committee. Those are just a few examples of more than a hundred serious crimes that could be prosecuted by summary conviction and result in lighter sentencing, or even fines.

The government is failing to take criminal justice issues seriously. Reducing penalties for serious crimes sends the wrong message to victims, law-abiding Canadians and to criminals.

I am also concerned about the wording used in the section that would increase maximum sentences for repeat offences involving intimate partner violence. I support increasing these sentences but I do not support replacing the language of “spouse” with “intimate partner”. I believe both should be included. I understand that not all domestic abuse is within a spousal relationship, so there is a need to have "intimate partner" included. However, it should not replace "spouse". Rather, both terms should be included.

Another problem I have with Bill C-75 is the reversal of protections for religious officials.

When Bill C-51 was referred to the Standing Committee on Justice and Human Rights in January, two amendments were moved by my Conservative colleagues. The first amendment proposed keeping section 176 in the Criminal Code of Canada, while the second aimed to modernize the language of that section. The Liberals agreed to them and that was good, but they need to listen more.

Imagine my disappointment when I read in Bill C-75 that section 176 in the Criminal Code was once again under attack. Assault of officiants during a religious service is very serious and should remain an indictable offence.

Thank you for the opportunity to present my views.

● (1245)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for Yellowhead for his contribution to today's debate on Bill C-75. I would offer two comments and one brief question.

The first comment is that the term “intimate partner” is used in this legislation for a deliberate reason. It is a more expansive term than just “spouse”. Violence occurs, as we have heard in today's debate, against half of all women in this country, and that violence is perpetrated within couples that are married but also in couples that are unmarried or, indeed, just dating.

The second point is that there was a factual error in the comments by the member opposite. He indicated that a reduction in penalties has been provided for a list of offences, and he listed them. Hybridization does not ipso facto reduce a penalty; hybridization allows the Crown to proceed by way of summary conviction or by way of an indictable proceeding. It does not predetermine the sentence.

The member for Yellowhead is convinced of the need to ensure there are tougher penalties for people who are convicted of crimes. On this side of the House, we agree, which is why we are taking the summary conviction limit from the six months it has traditionally been to two years less a day. I invite the member's comment on that provision and on whether he approves of that increase in the penalty for summary conviction offences to two years less a day.

Mr. Jim Eglinski: Mr. Speaker, increasing that penalty is definitely one of the ways to go, but if we are changing the legislation, we must also ensure that our prosecutors and court systems abide by the new regulations and follow through on them. There is no use changing these regulations if the prosecutors and courts will not follow them. If they do not, we will again have a revolving-door system, as it is today. The change would not matter much.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I thank the hon. member for Yellowhead, who has a great deal of knowledge about Canada's justice system, having spent a few decades as an RCMP officer.

I am glad the member brought up the victim surcharge, which is an important source of funding to support victims of crime. We on this side of the House brought forward an amendment at the justice committee to increase the victim surcharge by $25. That would seem like a very modest amount that could go a long way to supporting victims. Shockingly, the Liberals shot it down.

Would the hon. member agree that our amendment was quite reasonable and that the failure of the government to support it is just another example of its putting victims last?

● (1250)

Mr. Jim Eglinski: Mr. Speaker, that question is very appropriate. Surcharges should be raised.

We had a witness, a farmer from Saskatchewan, appear at the justice committee two weeks ago. He said he really did not care if a guy goes to jail for two months or six months for stealing his combine, but if the guy causes $100,000 damage to the combine from driving it around the field and running it through ditches, he the farmer should be able to sue that person, or the court should be able to place a penalty on that criminal to repay that amount. If it takes that criminal the rest of his life to pay back that $100,000 in damage to the farmer's combine, that would be justice.

Victims in Canada are the ones who are suffering; the criminals are not suffering. We must make the criminals responsible for their actions. That is one way we could it.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the federal minister has worked diligently over the last two or three years with her provincial and territorial counterparts, indigenous peoples and many other stakeholders. This bill went through the committee. The bill is perceived overwhelmingly to be good, solid legislation, and long overdue.

Would my friend across the way, at the very least, recognize that many of the changes incorporated in this legislation should be put into place as soon as possible, because we have so much at stake here?

Mr. Jim Eglinski: Mr. Speaker, as I stated earlier, this was brought to us early in the year, a day before we were to go on a two-day break.

Two previous bills, Bill C-38 and Bill C-39, have been thrown into this bill. Why were they not dealt with? If it is so important that this get done, why did the government wait so long to do it?

Mr. Randeep Sarai (Surrey Centre, Lib.): Mr. Speaker, I am pleased to participate in the third reading debate on Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts. I intend to focus my remarks on sentencing-related issues.

At the outset, it is important to address the continuing criticism by the opposition that hybridizing all straight indictable offences punishable by a maximum penalty of 10 years imprisonment or less—to allow the Crown to proceed by summary conviction in appropriate cases—would minimize the seriousness of these offences. These concerns reflect a lack of trust of the judiciary and Crown prosecutors, who already make these decisions every day. They also represent a profound misunderstanding of what Bill C-75 aims to achieve by reclassifying certain offences.

The proposal to hybridize offences is procedural in nature and is intended to allow prosecution by summary conviction of conduct that currently does not result in a sentence of more than two years. For instance, it is a mischaracterization of the reclassification amendments to assert that by hybridizing section 467.11 of the Criminal Code, i.e., participation in activities of a criminal organization, Bill C-75 is sending a message not to take organized crime offences seriously.

The proposed amendment simply recognizes that this offence can, by virtue of the range of conduct captured, include circumstances where an appropriate sentence falls within the summary conviction range. Proceeding summarily in these circumstances allows for more expeditious proceedings without undermining public safety or impacting the sentence ranges for this offence.

In fact, in 2011-2012 there were 49 guilty verdicts entered pursuant to section 467.11 of the Criminal Code. Of these 49 cases, only 34 were given a custodial sentence. Of those, one received one month or less, six received between one month and three months, 10 received between three months and six months, nine received from six months to 12 months, four received from 12 months to 24 months and the four remaining received a custodial sentence of 24 months or more.

At the time these sentences were imposed, section 467.11 of the Criminal Code was a straight indictable offence, and yet the overwhelming majority of sentences imposed were in the summary conviction range, including 15 non-custodial sentences. It is clear that keeping section 467.11 of the Criminal Code as a straight indictable offence would not in any way prevent the Crown, in appropriate cases, from seeking a non-custodial sentence or a sentence of imprisonment that is in the summary conviction range.

Let me be clear. There is absolutely nothing in Bill C-75 that would suggest to prosecutors and courts that hybridizing offences should result in their seeking or awarding lower sentences than what is currently sought or awarded under the law. Prosecutors would continue to assess the facts of each case and the circumstances relating to the offender and previously decided cases in order to determine which type of sentence they should seek. Sentencing judges would continue to impose sentences proportionate to the severity of the crime and the degree of responsibility of the offender, as mandated by the fundamental principle of sentencing in section 718.1 of the Criminal Code.

The misapprehensions about the proposed reclassification amendments also unnecessarily detract from other notable reforms. For example, the bill proposes to toughen criminal laws in the context of intimate partner violence, IPV, thereby increasing public safety and enhancing victim safety.

Bill C-75 includes a proposal that would impose a reverse onus at bail for an accused charged with an intimate violence offence if the accused has a prior conviction for violence against an intimate partner, regardless of whether it is the same partner, a former partner or a dating partner. In this context, to enhance the safety of victims of this type of violence, the accused, not the prosecutor, would have to justify their release to the court and the public. What this means is that the presumption that the accused should be released pending trial no longer applies

● (1255)

This proposal is targeted and reflects what we know about the heightened risk of safety that victims of intimate partner violence face. Victims of intimate partner violence tend to experience multiple victimizations before reporting it to the authorities or police. Based on Statistics Canada data from 2014, 17% of victims of spousal violence indicated that they had been abused by their current or former partner on more than 10 occasions.

I understand that one of the criticisms raised at committee was that the reverse onus could be problematic in jurisdictions where dual charging occurs, a practice whereby both partners are criminally charged, sometimes because self-defence on the part of the victim is confused with assault. I also understand that it is often not the law that is the problem in this context, but how it is applied.

Dual charging is an operational issue that provinces and territories have been addressing through the development and implementation of training and policies. For example, in March 2016, the Canadian Association of Chiefs of Police released the document "National Framework for Collaborative Police Action on Intimate Partner Violence", which addresses dual charging and provides guidance for cases where charges against a victim are being contemplated.

Knowing that the research shows that victims are at an increased risk of violence in the aftermath of reporting to police, especially in cases where there is an ongoing history of violence in the relationship, I am confident that the reverse onus proposed here is carefully tailored to address the concerns raised.

Bill C-75 would also require courts to consider whether an accused is charged with an IPV offence prior to making a decision to release or detain the accused during a bail hearing. In addition, Bill C-75 would clarify that strangulation, choking and suffocation are elevated forms of assault and would also define "intimate partner" for all Criminal Code purposes, clarifying that it includes a current or former spouse, a common-law partner, as well as dating partners.

Moreover, Bill C-75 proposes a sentencing amendment to clarify that the current sentencing provisions which treat abuse against a spouse or common-law partner as an aggravating factor apply to both current and former spouses, common-law partners and dating partners. What is more, Bill C-75 would also allow prosecutors the possibility of seeking a higher maximum penalty in cases involving a repeat intimate partner violence offender.

I think we can all agree that allowing for the imposition of higher than the applicable maximum penalty in cases of repeat intimate partner violence offenders is a concrete example of Parliament sending a clear message to prosecutors and the courts that repeat intimate partner violence offenders should receive strong denunciatory sentences.

In these cases, where the Crown serves notice under section 727 of the Criminal Code that a higher maximum penalty is sought, a sentencing court would be given additional discretion to impose a sentence that exceeds the otherwise applicable maximum penalty. This will better reflect the severity of the conduct in question and assist courts in imposing sentences that better protect victims.

I urge all members to support this very comprehensive legislation which will reduce delays and make the criminal justice system more efficient and effective on the basis of evidence and not ideology.

● (1300)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the member for Surrey Centre made reference to the fact that there are certain offences where, in his words, it is appropriate to give the Crown discretion to prosecute the offence by way of summary conviction. Of course, there are many offences in the Criminal Code that are hybrid offences that are left to prosecutors to make that decision. He noted in that regard there are certain offences where the range of conduct of the individual might justify a summary conviction prosecution and the imposition of a non-custodial sentence.

This bill hybridizes the very serious indictable offence of administering a date rape drug. We are talking about people who administer a drug to rape a female. I was wondering if the member could explain in what circumstances he sees there being a range of conduct that would justify the imposition of a non-custodial sentence in that case.

Mr. Randeep Sarai: Mr. Speaker, the data is evident. It is clear that 92% of indictable offences under this new legislation or even under the previous act get sentences of under two years in the summary conviction range. These would be the appropriate sentences that the Crown and judge found at the time. It clearly shows that even where the offence was considered indictable, the sentencing was in the summary conviction range in the past. This is where we actually trust our prosecutors and judiciary to sentence and make the appropriate choice of offence and methodology that they wish to charge. If they feel they can take it to a summary conviction and the offence is not as severe or in the range they expect, they can expedite that conviction as opposed to taking it into an indictable trial.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I thank my colleague for her speech. However, many people question whether the bill can achieve its objective to reduce the backlog in the justice system and, as set out in the Jordan decision, ensure more appropriate timelines.

For example, Michael Spratt, former director of the Criminal Lawyers' Association, said in committee that the proposed changes will likely lead to more delays, racial inequalities, and unfair trials.

If the government brings in small measures that do not seem to impress those who really know how this works and how to clear the backlog in the justice system, if it does not invest in appointing more judges, filling the seats that the Liberal government has left empty so far, then how can the government achieve the expected outcome, namely to fully comply with the Jordan decision?

● (1305)

[*English*]

Mr. Randeep Sarai: Mr. Speaker, I think that is an assumption or statement by one stakeholder or one witness. There have been more federal appointments to judicial vacancies than there have been in the past. Those vacancies were left by a Conservative government under Harper who really stalled and delayed the judicial process.

The Minister of Justice has been actively, profoundly and in a very diverse manner filling those vacancies. I am very proud that in British Columbia we have had numerous vacancies filled. I trust that those delays will not be there going forward. This bill will actually make the judicial system much more efficient, contrary to the concerns of my colleague.

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Mr. Speaker, my hon. colleague very eloquently talked about the 92% of cases within the current circumstance that fall outside of indictable offences. Also, in his response to the last question, he talked about the number of appointments that our Minister of Justice has made. There have been over 230 so far, which is the most that have ever been appointed. This combination creates efficiency within our system and allows it to move faster.

Does my hon. colleague agree that the appointments to date as well as this particular piece of legislation would increase the efficiency of our justice system and would allow more cases to go through our justice system in a quicker manner?

Mr. Randeep Sarai: Mr. Speaker, absolutely, the 230 appointments are probably some of the most progressive appointments that Parliament has seen in decades. More women have been appointed than ever before. More diverse members have been appointed to the bench than before. People who appear before the judiciary will now see themselves more as opposed to the days of the past.

I am very confident that the record number of new judicial appointments will create a robust system, which will reduce delays in our judicial system and make our criminal justice system more efficient.

[*Translation*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have the honour to rise today at report stage of Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts. This is an omnibus bill that addresses matters related to the Criminal Code of Canada.

At first, everyone in our society who deals with major justice issues were quite pleased with what the Minister of Justice had to say. There is a clear need for reform. Unfortunately, many in the legal community and elsewhere who are calling for real reform are disappointed.

[*English*]

There is a great sense of disappointment. The longer we work with Bill C-75, the more the disappointment deepens. Michael Spratt, the former chair of the Canadian Criminal Lawyers' Association, has been quoted in this debate before. As he put it, "It all sounded so good. But it has all gone so wrong."

I did attempt to make improvements to the legislation. Members of this place will know that while my status as leader of the Green Party of Canada does not allow me to sit on any committees, through the work of the PMO, first under former primer minister Stephen Harper and now under our current Prime Minister, I have what some might think of as an opportunity but I have to say it is an enormous burden that increases my workload. It is rather unfair because if it were not for what the committees have done, I could have been presenting substantive amendments here at report stage. That is my right as a member of Parliament and not of one of the three big parties. I have very few rights as a member of Parliament with one seat for the Green Party, but one of those rights was to be able to make substantive amendments at report stage. My rights have been subsumed into what, as I said, was done first by the Conservative government and now by the Liberals, to say that I have an opportunity to present amendments during clause-by-clause study at committee, although I am not a member of the committee. I do not have a right to vote, but I get a chance to speak to my amendments.

It was under that committee motion I was able to present 46 amendments. I participated vigorously in the clause-by-clause consideration of Bill C-75. It was a very discouraging process as very few amendments from opposition parties were accepted. Most of my amendments went directly to testimony from many witnesses who wanted to see the bill improved and I am disappointed that none of my 46 amendments made it through.

I should say that some of the worst parts of Bill C-75 were changed on the basis of government-proposed amendments. One of the ones that had worried me a great deal was the idea that in a criminal trial, evidence from the police could come in the form of a written statement without proffering the police officer in question for cross-examination. That was amended so that the prosecutors cannot use what is called routine police evidence without having someone put forward to be cross-examined. There was also the repeal of the vagrancy law and repeal of the law about keeping a common bawdy house.

However, many other sections of this bill cry out for further amendment, so at this point I want to highlight those sections that really need to be amended. We are at report stage, and third reading will come in short order. We are already under time allocation. I hope that when this bill gets to the other place, as it inevitably will, the other place will pass amendments that are needed.

It is quite clear that this bill, in some key areas, would do the opposite of what the government has promised, particularly in relation to disadvantaged people, particularly in relation to the status of indigenous peoples in our prisons, and particularly in relation to access to justice and fairness which have actually been worsened in this bill. That is not something I expected to be standing up and saying at report stage, but there it is. It is massively disappointing, and I hope that the Senate will improve it.

One of the things that was done, and I am not sure it was the best solution, but it was clearly a response to the Stanley case where it was a massive sense of a miscarriage of justice. When there is a jury, it is supposed to be a jury of the accused person's peers. If the person is an indigenous youth and his or her jury is entirely Caucasian, it is not exactly a jury of his or her peers. One of the reasons this happens is the use of peremptory challenges. Therefore, I do appreciate the effort in Bill C-75 to eliminate peremptory challenges. However, I want to go over the way in which this bill actually takes this backward.

● (1310)

The effort here of course, as many other hon. members have pointed out, is that this bill is in direct response to the Jordan decision of the Supreme Court of Canada in 2016. In the Jordan case, the delays were so profound that the case could not proceed. Therefore, I think it is very clear that all Canadians feel the same sense of concern with the new trial timelines of 18 months for provincial courts and 30 months for superior court. No one wants people to be freed, who at this point still have the presumption of innocence, because they have not gone through their court case. If the evidence is good enough, the prosecutors bring those people forward. The idea that they are just let out of jail because the trial times and the processing of that person took too long offends our sense of justice. The Government of Canada and the Parliament of Canada were given a very quick jab toward justice by the Supreme Court of Canada. However, have we got it right?

In an effort to speed up trials, I will mention one thing first, which is the issue of eliminating preliminary inquiries. There was a great deal of evidence before our committee that the Government of Canada and the justice department did not have good data to tell us that preliminary inquiries were a source of great delay.

I want to quote from one of the legal experts. Bill Trudell is the current chair of the Canadian Council of Criminal Defence Lawyers. He described preliminary inquiries like this, "They're like X-rays before an operation". That is a very useful thing to have. They do not happen all the time, but when we remove them without good evidence as to why we are removing them, we could end up having innocent people convicted. In fact, Bill Trudell said that as difficult as it was for him to say, he thinks more innocent people will be convicted because we have taken out preliminary inquiries without quite having the evidence that that was a good thing to do to speed up trials.

We have heard a lot from my friends in the Conservative caucus about the question of hybridization. We have the problem that, having changed the range of sentencing, the effect of Bill C-75 is to also increase the sentencing for a summary conviction from six months to two years.

The Liberals have also added in Bill C-75 provisions about the use of agents that I do not think were thoroughly thought through. To give a better sense of agents, and this goes to the question of access to justice, suppose people are not quite poor enough to get a legal aid lawyer but are trying to navigate the legal system and they cannot afford a lawyer. In many of those cases, for a very long time, criminal defendants have had the benefit, particularly if they are low income, of law school clinics, which are young lawyers in training. They are student lawyers working as a clinic to provide legal services to people charged with lesser offences. It is too late to amend as here we are at report stage. I hope the other place will amend this to ensure access to legal aid clinics out of law schools in order to help marginalized groups navigating the legal system. I think this is an unintended consequence. I am certain that people in the Department of Justice did not ponder this and say that one of the problems is too many poor people are getting help from law students. That was not a problem that wanted solving, that was a very good and ongoing process that has been recklessly compromised in this bill. I have to hope that when it gets to the other place, we can fix this and make sure that in the definition of "agents" we exclude law students and law schools running clinics.

There are other aspects of this bill where the Liberals have just failed altogether to deal with the issue of the disproportionate number of indigenous people behind bars. They have taken in some aspects, in taking things into account. However, one of my amendments, that I really regret was not accepted, was we have no definition of "vulnerable populations", and a lot of the evidence that came before the justice committee suggested we need such a definition. I tried one and it failed. Maybe the other place can try again. I hope that Bill C-75 will see more improvement in the other place before it becomes law.

● (1315)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the member for Saanich—Gulf Islands for her contributions to today's debate, to all debates in the chamber and to committee deliberations. I have a couple of comments and then a question.

The member commented on the lack of amendments that were accepted. Almost 50 amendments were accepted at the committee stage, including several from members of Her Majesty's loyal opposition.

With respect to paralegals and agents, there was a significant amendment to the Criminal Code at the committee that addresses the very problem that was outlined by the member opposite with respect to ensuring that law societies and provincial regulatory bodies would, indeed, be able to empower agents to continue to appear on summary conviction offences, even ones that carry penalties of up to two years.

The important point about peremptory challenges needs to be re-emphasized. A change to peremptory challenges was advocated for by Jonathan Rudin, a distinguished member of the bar who deals with aboriginal and indigenous clients, who said this, indeed, would have a substantial impact on ensuring homogeneous juries do not deal with racialized accused.

I would ask the member opposite to comment with respect to the changes to administration of justice offences. We have sought to ensure that indigenous accused and other overrepresented communities are not overly penalized and recriminalized for simply violating something like breaching a curfew or bail, which is being taken out of criminal procedures and put into administration procedures. Is that a step in the right direction, from the member's perspective?

Ms. Elizabeth May: Mr. Speaker, I do recognize the amendment, but it kicks it to the provinces to act and the question is whether they will act to deal with the question of making sure law students can participate in hearings.

The bail issues and not recriminalizing people for things over which they really do not have control go directly back to the Supreme Court of Canada decision in R. v. Morales. I think we have done a partial job in Bill C-75, but I think we could have done more.

As my hon. colleague will remember, a number of my amendments went to that question of making sure that we really thought through the levels of conditions of addictions or poverty that would make it virtually impossible to meet certain bail provisions. We could have done more, but I agree there are steps in the right direction in Bill C-75 to respond to R. v. Morales.

● (1320)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I would like to thank the member for Saanich—Gulf Islands for her very hard work. She is on her own, coming to all of the different committees with all of the different bills, and she does a thorough job of bringing amendments.

I am specifically interested in understanding, with all of the amendments she put forward, which ones she considers to be the most important that should be included when the bill goes to the other place.

Ms. Elizabeth May: Mr. Speaker, I am so grateful to my friend from Sarnia—Lambton for those generous comments.

I will go back to the amendment about defining a vulnerable population. That would be very helpful. There was a series of amendments, and I will not quote them all, that leave a lot of discretion to police officers to decide which track a potential accused is going to go to. The question is whether police officers, who are wonderful professionals, have the training to assess the socio-economic conditions and the issues of trauma. It is putting too much on police. There should have been a provision to ensure that was left to prosecutors and the justice system, with the advice of people in what we might think of as the caring fields.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I thank the member for Saanich—Gulf Islands for her contribution to Bill C-75.

She made reference to the limitation of preliminary inquiries only to those cases where the maximum sentence is life behind bars. She is quite right that the evidence before the committee overwhelmingly was that it would not reduce delay and that, in fact, it might increase delay because preliminary inquiries help weed out cases, particularly weak cases.

However, in addition to that, I was wondering if she could speak to this life criteria. It seems to be quite arbitrary, because there are certain offences where the maximum sentence may be life and others where it is not. In terms of the sentencing guidelines of case law, one would expect a similar sentence to be imposed, but yet in one case a preliminary inquiry would be available, in the other case it would not. It seems not to make a lot of sense.

Ms. Elizabeth May: Mr. Speaker, I appreciate my friend from St. Albert—Edmonton bringing it back to the question of preliminary inquiries. There is that question around whether that is a proper sentencing threshold. However, it allows me to raise another point about how the bill discriminates against marginalized people. Someone who has a lot of money, without a preliminary inquiry, can hire a private detective and try to figure out what facts they would have been able to discern had there been a preliminary inquiry. They can go out and get a private detective and find out a lot about the other facts of the case. However, someone without income, who is not going to be able to hire a private detective, would have unequal access to justice as a result of eliminating the preliminary inquiry, when they are not sentenced to an offence that has a sentence up to life.

Mr. Kelly McCauley (Edmonton West, CPC): Mr. Speaker, I rise on Bill C-75, which is officially called an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts. Once again, we have before us another omnibus bill.

Just two weeks ago, I spoke on the budget implementation act, part 2, which was an omnibus bill as well, which of course followed the BIA 1, which was also an omnibus bill. Those bills had sections inside of sections making legislative changes.

When the Liberals were in opposition they railed against omnibus bills, so much so that they actually put it into their campaign pledge. If we go to Liberal.ca, it is still there. This is what it says about omnibus bill. It starts, of course, by attacking Stephen Harper, and what Liberal talking point would be complete without blaming Prime Minister Harper? It says, "Stephen Harper has...used omnibus bills to prevent...properly reviewing and debating...proposals. We will...bring an end to this undemocratic practice."

When we say that, of course, we put our hand over our heart. However, despite their pledge, here we have another omnibus bill. Perhaps that pledge meant they would prevent others from bringing omnibus bills, but not the Liberals.

If we go to the famous Liberal mandate tracker, what does it say on this promise? Under the "unfair and open government" part, it says they will end the use of omnibus bills. Funnily enough, we have an omnibus bill here, the budget implementation act, part 2, and part 1 is on omnibus bills.

Despite that, under the Liberal mandate tracker under "End the improper use of omnibus bills..." it says it is completed and fully met. Of course, this is the same mandate tracker that is judging balancing the budget by 2019-20. It says it is under way with challenges. The government has stated, its own finance department has stated, we will not see it balanced until 2045. However, somehow it was promised for 2019, and by 2045, it is under way with challenges. It makes me think that if the Liberals were the head of the *Titanic*, after hitting the iceberg and while it is going down, the Cunard Line reaches out to the captain and asks, "How are you making out on your trip?" and the response is, "Well, we are under way with challenges".

Moving on to Bill C-75, I agree with a few items in this omnibus bill. With over 300 pages of changes, one has to be able to find a few good things. Bill C-75 would repeal unconstitutional provisions in the Criminal Code. That is fair and good. It would increase the maximum prison term for repeat offences involving intimate partner violence. It would provide that abuse from a partner is an aggravating factor on sentencing. We agree with that and fully support it. It would provide more onerous interim release provisions. Again, we can get behind that. It makes some efforts to reduce delays in the judicial system by restricting the availability of a preliminary hearing, increasing use of technology to facilitate remote attendance, and providing for judicial referral hearings to deal with administration of justice offences involving failure to comply with release conditions or failure to appear.

That being said, I have many grave concerns with the bill, mostly around how it waters down penalties for crimes. The Liberals are claiming they want to push through Bill C-75 using time allocation in order to speed up the court process, and also because of the Jordan ruling. The big problem is, the Liberals are not able to get their act together and appoint judges. It is one thing to make small steps in this way, but until they get their act together and appoint judges, we are going to continue with justice delays and people being released under the Jordan ruling. There have been hundreds of cases tossed due to delays because the government has been unable to do its job and appoint judges.

There are about 2,000 more applications before the courts to dismiss cases because of delays. We had a gang hit man in Calgary accused of three murders, and suspected by the Calgary police of committing 20 murders. He was released from his trial for the three murders he was charged with, because of delays, because we do not have enough judges. We had a man accused of murder, charged in Edmonton, released because of delays, because the government cannot get its act together and appoint judges. We had a killer in Quebec released because of delays. Possibly the worst was a monster in Nova Scotia who took a baseball bat and broke the ankles and shins of his baby. This man was released because the government is too incompetent to do its job and appoint justices. This is an issue that they have to get hold of and they are failing Canadians.

● (1325)

I am pleased that the Liberals did listen to the Conservatives and other opposition members at committee and backed away from having lighter sentences for some crimes, such as terrorism-related offences and advocating genocide. It makes one wonder why it takes us, in committee, to force the government to back away from lightening a sentence for advocating genocide.

Just two weeks ago in the House, we heard the Prime Minister, the opposition leader, the NDP leader, the Green Party leader and members of other parties stand up and make wonderful speeches, apologizing for the disgrace of Canada's not accepting the MS *St. Louis* and the genocide that happened. The same week, we had a concurrence report from committee about the genocide against Yazidi women, a report that, to the credit of my colleague from Calgary Nose Hill, dragged the government, kicking and screaming, into the light of recognizing that this had indeed been genocide. Despite everything ISIS has done in slaughtering these people, member after government member stood up to say that the UN had not decided it was genocide and that we could not call it that.

At least the government has recognized this and is not watering down the sentences for advocating genocide. However, I have to ask, why does it take the opposition to demand the government make this change?

As I mentioned, I have serious concerns about the watering down of serious crimes in this bill and reduced sentences for many serious crimes, including sometimes just a monetary fine. I want to go through a few of them.

One is prison breach.

Then there is municipal corruption, the influencing of municipal officials. Members will recall a couple of ex-Liberal cabinet ministers who went on to pursue careers in municipal politics who were charged with fraud. Maybe they were just doing a favour for their compatriots.

There is also influencing or negotiating appointments or dealing in offices. Actually, we now have the Minister of Intergovernmental and Northern Affairs and Internal Trade being looked at for the clam scam. Perhaps they are trying to do him a favour.

Then there is obstructing or violence to or arrest of officiating clergyman. This one is especially egregious. The Liberals tried to suspend this under section 176. There were special protections for clergyman performing ceremonies, whether church ceremonies, funerals, or other religious ceremonies. The Liberals tried to take that protection away. The opposition fought back. They promised they would not do that, and yet here in this bill they are reducing that crime.

Let us think about it. Two weeks ago we heard of the massive anti-Semitism that results in the genocide of Jewish people. This is two years after the massacre at the mosque in Quebec and just a month after the defacing of the Talmud Torah School, the Jewish school in my riding, with swastikas. Now we have the government saying that it is okay, that we do not need special protection for religious figures and clergymen.

Other crimes the Liberals are watering down include keeping a common bawdy house. Now, that may be great for parliamentarians, but certainly not for Canadians.

Then there is punishment for infanticide. As I mentioned earlier, we had a gentleman, a monster in Halifax, who was released after breaking the bones of his baby. Here we have a bill that allows for a reduction in sentencing for infanticide.

Another is concealing the body of child.

A further one is driving offences causing bodily harm. Again, we just legalized marijuana. We do not have a proper way to measure the impairment. Police departments have said they are not ready, and here we have the government going out of its way to reduce possible penalties for that.

Others include material benefit—trafficking, abduction of person under age of 16, abduction of person under the age of 14.

There there is forced marriage. Just in committee yesterday, we heard that in Sudan, Somalia and the Congo something like 50% of young girls are being forced into marriage. We have the government saying that we need to do more to prevent that, and we do overseas, but why is it reducing the crime here?

Again, to wrap up, I am sure this bill has wonderful intentions, but the government should look at fulfilling its responsibility of filling judicial vacancies and focus on victims and society, not on making things easier for criminals.

● (1330)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have a comment and then a question.

The first comment would be in respect to the hon. member opposite's references to the reduction in penalties for a bawdy house. In fact, that shows a lack of understanding of the bill. The bill actually proposes to repeal the bawdy house provisions. We take seriously current and past discrimination against the LGBTQ2 community. That is an important facet of this bill. Perhaps it is not a priority for the member opposite, but it is certainly a priority for us.

Also, the member mentioned that we ought to get our act together and appoint judges. I put it to him that, in fact, there are currently more federally appointed judges in the province of Alberta, the province that he represents, than at any time in Canadian history. Under this government, we have appointed 238 members to the superior courts and federal courts in the country. That process includes diversifying appointments because we take seriously the need to ensure that the bench reflects the community it serves. Whereas the previous government's record was to have appointed women in 32% of its judicial appointments, 56% of our appointments to the bench have been women, as well as eight people who are indigenous, 20 people who are visible minorities, 13 people who are LGBTQ2 and three people who are identified as persons with disabilities.

My question, *ergo*, is this. Do the member's constituents in Edmonton West deserve to appear before a bench that actually looks like the community of Edmonton, or should we continue the old format of simply appointing homogenous people to the benches of superior courts in this country?

● (1335)

Mr. Kelly McCauley: Mr. Speaker, the hon. gentleman asks if the people of Edmonton West deserve certain things. What they deserve is not to have murderers wandering the streets because the government is too incompetent and too busy playing around with virtue signalling than appointing judges. People in B.C. do not need a murderer walking free. People in Nova Scotia do not need a father who has broken the ankles and shinbones of a baby to be walking free because of the government's incompetence.

That is what Canadians deserve, not the Liberal government.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the Parliamentary Secretary to the Minister of Justice just stood up and patted the government on the back for the appointment of judges. I would remind this House of the government's record when it comes to judicial appointments, including the fact that it took the minister a full six months before appointing a single judge.

Under the minister's watch, we have seen records set on more than one occasion set for the number of judicial vacancies, and we have seen judges themselves speaking out, including the former chief justice of the Court of Queen's Bench in the province of Alberta, Neil Wittmann, begging and pleading the minister to take action.

Does the hon. member agree that that does not sound like a record of action when it comes to the government's appointing judges, but sounding like too little, too late, resulting in a lot of serious cases being thrown out?

Mr. Kelly McCauley: Mr. Speaker, my colleague from St. Albert—Edmonton makes a lot of sense. I would direct him to the Minister of Public Safety's departmental plan. These are the plans set out at the beginning of every fiscal year and released with the estimates, stating all of the department's goals and objectives and what the department is going to achieve.

Do my colleagues know what it says about Canadian communities being safe? The Liberal government's goal for the crime severity index is that it go up from what it was during the Harper era. With respect to the percentage of Canadians who think that crime in their neighbourhood has decreased, the Liberal government's goal is to have a 50% reduction.

This shows that the priority of the Liberal government is not with Canadians and it is not with citizens. It is with virtue signalling, and certainly not with competence.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Mr. Speaker, I am pleased to participate in today's debate of Bill C-75. I would like to use my time today to discuss some aspects of amendments to the selection of juries. As we know, jury reform is an area of shared jurisdiction and Parliament is responsible for the criminal law and the rules in the Criminal Code setting out the framework for in-court jury selection. The provinces and territories are responsible for determining, for example, who is eligible for jury duty and the process by which the jury roll is compiled. Bill C-75 proposes several reforms with respect to the in-court jury selection process.

First, is the abolishment of peremptory challenges. The Standing Committee on Justice and Human Rights heard several witnesses testify on jury reforms. Several legal experts and advocates expressed strong support for their elimination, as it would finally put an end to discriminatory exclusion of jurors.

Kent Roach from the University of Toronto stated:

> The proposed abolition of peremptory challenges in s.271 of Bill C-75 is the most effective and efficient way to ensure that neither the Crown or the accused engages in discrimination against Aboriginal people and other disadvantaged and identifiable groups when selecting a juror.

Brent Kettles from Toronto said:

> ...having peremptory challenges cannot help but lower the public confidence in the administration of justice when members of the public and perspective jurors watch perspective jurors excluded on the basis of no reason, on the basis of no evidence, and without any information.
>
> When those exclusions are based basically on the gut feeling of who is likely to be sympathetic to one side or the other, then that doesn't give the public or perspective jurors a feeling that jury selection is happening in a way that is fair and impartial, and also represents the community.

Legal expert Vanessa McDonnell noted:

> It's important to recognize that these challenges have historically been, and can be, used against accused persons to their detriment. We have to balance the perceived benefit of having the peremptory challenge in your pocket to challenge someone whom defence counsel doesn't feel quite right about against the very real risk, I would suggest, that these challenges are going to be used in a way that disadvantages the accused person. My view is that, on balance, the potential harm, not only to the system but to accused persons, is greater than any benefit that accrues.

Discrimination in the selection of juries has been documented for decades. Concerns about the discriminatory use of peremptory challenges and its impact on indigenous people being under-represented on juries were raised in 1991 by Senator Murray Sinclair, then a judge with the Manitoba aboriginal justice inquiry.

More recently, we heard from retired Supreme Court Justice Frank Iacobucci, who studied these issues in his 2013 report on first nations representation on Ontario Juries. Having read these reports and after hearing from many experts on the topic, I am confident that Bill C-75 proposes the right approach in abolishing peremptory challenges. It is a simple and effective way to prevent deliberate discrimination and the arbitrary exclusion of qualified jury members.

Furthermore, to bring greater efficiencies to the jury selection process and to make it more impartial, the bill proposes to empower a judge to decide whether to exclude jurors challenged for cause—for example, because they are biased to one side—by either the defence or prosecution.

Currently, such challenges are decided by two laypersons called "triers" who are not trained in the law. This process has been problematic, causing delays in jury trials even before they begin and appeals resulting in orders for a new trial.

The proposal would shift the responsibility for such challenges to judges, who are trained adjudicators and therefore better placed to screen out impartial jurors. The proposed change reflects a recommendation made in 2009 by the Steering Committee on Justice Efficiencies and Access to the Justice System, a group established by the federal-provincial-territorial ministers of justice, comprising judges, deputy ministers of justice from across Canada, defence lawyers, representatives of the bar associations and the police. It is also consistent with what is done in other common law countries, such as England, Australia and New Zealand.

I am confident that this change in procedure would result in improvements in the overall efficiency of our jury trials.

● (1340)

There are also several proposed changes to modernize and update the challenge for cause grounds. Notably, the proposed change to reduce the number of jurors with criminal records for minor offences who could be challenged and excluded from jury duty would help address concerns that excluding individuals with minor criminal records disproportionately impacts certain segments of society, including indigenous persons, as noted by Justice Iacobucci. It would also assist in improving broader participation on juries, and thus, jury representativeness.

In conclusion, the jury reforms in Bill C-75 would mark critical progress in the area of promoting fairness, diversity and participation in the jury selection process. These improvements would also enhance efficiencies, as well as public confidence, in the criminal justice system.

I call upon all members of the House to support this transformative bill.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, my colleague from Charleswood—St. James—Assiniboia—Headingley spoke a lot about jury reform and the elimination of peremptory challenges. This is something we on this side took very seriously and were open to at committee. We heard from various witnesses. The member cited Professor Roach.

I would also note that uniformly, every member of the defence bar who appeared before our committee told us not to eliminate peremptory challenges. In that regard, I would quote Solomon Friedman, a criminal defence lawyer in Ottawa. He said:

> Given the overrepresentation of aboriginal persons and racialized minorities as accused in our criminal justice system, at present the peremptory challenge is often the only tool counsel can use in order to ensure that the jury, even in some small way, is representative of the accused.

Michael Spratt, a past board member of the Criminal Lawyers' Association, was very outspoken in his opposition.

I am wondering if the hon. member could comment, given the uniform opposition from the criminal defence bar.

● (1345)

Mr. Doug Eyolfson: Mr. Speaker, it is correct that there are many members of the defence lawyers community that have made this assumption. However, we have a system right now that drastically under-represents aboriginal people and racialized people in our jury system. The system we have had up until now does not work, and this legislation would be a valuable means of helping to correct this imbalance.

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Mr. Speaker, I have been participating in this debate quite a bit throughout the day.

The member for St. Albert—Edmonton sent out a message via social media that said that he thought it was incredible that I and others were defending the hybridization of serious criminal offences in Bill C-75 by trying to distinguish which were serious and which were less serious. He went on to talk about kidnapping and said that kidnapping is always serious.

We are not saying that kidnapping is not serious. We are saying that there are a range of ways offences can be committed and therefore a range of ways in which we could look at the seriousness of offences, and we would leave it to the prosecution to make that determination. It is not up to a politician to look from within this chamber and decide what the range of seriousness is within an offence. That happens in a court room. It is up to the prosecution and the judge to make that determination.

When my hon. colleague talks about hybridization, does he think it is fair that we would leave it up to the prosecution to decide the range in which offences could be committed and therefore that the correct sentencing for those offences could be applied within our justice system?

Mr. Doug Eyolfson: Mr. Speaker, I would agree that when we are setting public policy in Parliament, much of that policy has to be administered at the level where there is the needed expertise. We would not ask physicians to follow the law in what antibiotics they prescribe. We would not ask judges to have no discretion in sentences they would give in court. We have to leave this to the experts in their fields, and judges and crown attorneys are experts in their field.

[*Translation*]

The Assistant Deputy Speaker (Mr. Anthony Rota): Before we resume debate, I would like to advise the hon. member for Rosemont—La Petite-Patrie that he will have 10 minutes for his speech before we move on to oral question period. After question period, the hon. member will have an opportunity to respond to questions and comments about his speech.

The hon. member for Rosemont—La Petite-Patrie.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I am pleased to rise today to speak to this important bill, which affects entire segments of our justice system and is essential to the organization of our society.

However, I have no choice but to start this brief speech by saying that the government's approach has left a very bad taste in my mouth. I am choking on this gag that has been forced on me.

The Liberal government is once again imposing a gag order. It has used this tool over 50 times in the past three years to prevent parliamentarians from discussing and fully debating this type of bill, which will affect our justice system, the way justice is meted out in our country, and the rights of victims and accused persons.

Once again, the Liberal government is refusing to allow us to take the time we normally would to conduct a full and exhaustive study of a bill. It is the same broken record, the same old story. The Liberals promised to restore confidence in our institutions, to restore Parliament's credibility, and to once again allow parliamentarians, MPs, to fully participate in discussions. Instead, the government is once again muzzling us and sweeping us aside.

Bill C-75, which we are debating today, is the government's response to the Supreme Court's ruling in Jordan. The court was examining some very long delays in some complex cases. These delays represented a denial of justice for the accused. The cases were never-ending, going on for years.

The Jordan decision set limits. For a normal case, there must not be more than 18 months between the time when charges are filed and the trial is concluded. There are, however, some exceptions. In some cases, the maximum may be 30 months.

The Jordan decision was meant to prevent justice from being unduly delayed or denied, but it has also led to the release of criminals who essentially escaped justice, an unforeseen consequence of the decision. When cases go beyond the time limit set by the Jordan decision, the accused in these cases walk free and never have to face justice or face the charges that were filed against them.

That being said, the government's response must be to determine how to free up the justice system and ensure that criminals are made to stand trial and cannot escape conviction and be released.

That would not necessarily be a good thing from a public safety perspective. We want to keep that from happening again. We agree with the Jordan decision because it was based on sound reasons and grounds, but it has had unintended and dangerous consequences for our society and our fellow citizens.

Is the government's response adequate? That is where we disagree with the Liberal government. We do not think that the solutions set out in Bill C-75 will meet the objective of speeding up the court system so that any accused persons are duly tried within the time frame set out in Jordan. The simplest and most effective solution would be to put more resources into the system so that more files, more cases and more charges can be dealt with more quickly. There are a number of things the government could do to make that happen. The easiest one would be to appoint judges. If there were more judges, then there would be more trials. If there were more trials, then they would be handled much more diligently and would take less time.

Unfortunately, the Liberal government has been dragging its feet on this for three years, and there are still quite a few vacant seats on federal court benches. We are still waiting for those decisions to be made.

To the NDP, this is not about being tougher. The NDP believes that until the government decides to invest in the judicial system, open courts, appoint judges and hire clerks so everyone in the legal system can meet these deadlines, anything else is just a half measure and could even make things worse.

● (1350)

Before getting into preliminary inquiries and routine police evidence, I would like to take two minutes to mourn yet another broken Liberal promise.

This bill is 300 pages long and covers all kinds of things. One might have thought that, while making such major changes to our judicial system, the Liberal government would have taken the opportunity to keep its promise to scrap the mandatory minimum sentences brought in by the Stephen Harper government.

During the campaign, the Liberals told us they would get rid of those mandatory minimum sentences because they made for a bad system that prevented judges from doing their job properly. They said they wanted to restore flexibility to the judicial system and empower judges to exercise judgment because no two cases, no two situations, and no two trials are identical. There are always slight differences.

The Conservatives, meanwhile, took a right-wing populist approach to mandatory minimum sentences. They wanted to provide a show of force and send a message to criminals that they would not get away with anything. Instead, judges' hands were tied, as legislation took away their ability to determine, based on a full understanding of the evidence presented, the best way forward and the most appropriate sentence for an accused.

This is even more disappointing considering that not only was it one of the Liberals' promises in their election platform, but it was also included in the mandate letter given to the Minister of Justice. The mandate letter said that mandatory minimums were a priority issue for the Liberals, yet the Liberals did not include this important matter in their criminal justice reform legislation. This is a lost opportunity to implement real, meaningful reform.

We are left, then, with the status quo, and judges still have no discretion around sentencing. Defence counsel will have no incentive to negotiate a plea, and the number of cases going to trial could increase. Once again, the Liberals missed the boat. This problem could have been solved.

I would like to take a moment to quote a few people. Amanda Carling, Emily Hill, Kent Roach and Jonathan Rudin wrote an article earlier this year in The Globe and Mail. The authors believe that mandatory minimum sentences are a bad idea. They argue that Parliament cannot possibly know all the varieties of offences and offenders who might commit them. Furthermore, such sentencing does not take into account the various circumstances offenders might find themselves in, for example, whether offenders live in abject poverty, have intellectual disabilities or mental health issues, have experienced racism or abuse in the past, or have children who rely on them. The authors added that mandatory minimum sentences do not allow judges to decide whether incarceration is necessary to deter, rehabilitate or punish a particular offender.

I think that is a major point that the Liberals should have included in this bill, but they missed the mark. Let us not forget that the courts are a reflection of the social problems and the social reality in our communities. This bill not only offers solutions that will not help clear the backlog in the system, but it does very little to recognize the root causes of the court backlogs, the myriad of social problems such as poverty, addiction, mental health problems, marginalization, and so forth. Investments and social support are urgently needed to reduce the burden on the courts and address the complex issue of over-representation of minorities, especially indigenous or racialized persons in the prison system.

In closing, I want to point out that the NDP is particularly concerned about the provision authorizing the admission of routine police evidence presented by way of affidavit. In other words, if we consider the fact that this routine evidence is presented through an affidavit, there is no opportunity during a trial to cross-examine the police officer on this piece of evidence. We think this could infringe on the rights of the accused to a full and complete defence.

STATEMENTS BY MEMBERS

● (1355)

[*Translation*]

CANADA REVENUE AGENCY

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Mr. Speaker, the Auditor General has confirmed that if an ordinary citizen owes five bucks on their tax return, the CRA is prepared to put them through hell. Meanwhile, the federal government is ready to make a deal with anyone who has deep enough pockets.

What happens if the tax bill cannot be paid? For bigger clients, Ottawa will happily write off $17 million without justification. If the CRA asks for a receipt to confirm a deductible expense, that receipt had better be submitted right away. However, for those who can afford to keep their money offshore, there is no problem, because the deadline gets extended.

The worst part is that we will never know how much money the CRA actually recovers because it only reports the money it hopes to recover, not the money it actually collects.

We often talk about the Liberals' deficit, but the real deficit, the one that hurts, is the hole left by the profiteers who do not pay their taxes while Ottawa turns a blind eye.

* * *

[*English*]

EID MILAD UN NABI

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Mr. Speaker, *as–salaam alaikum.*

Muslims around the world are celebrating Eid Milad un Nabi, commemorating the birth, life and message of Prophet Muhammad. Peace be upon him and his teachings, which many Canadians hold dear and will celebrate over the coming days.

Many Surrey-based masjids and organizations are holding prayers and celebrations. In my riding of Surrey—Newton, I have joined, and continue to look forward to joining, all those in honouring Prophet Muhammad. Peace be upon him and his message of harmony, peace and love.

On behalf of all members in the House, I would like to extend my best wishes to all Muslim sisters and brothers celebrating Eid Milad un Nabi.

Allah hafiz.

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● (1400)

TRILATERAL COMMISSION

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Mr. Speaker, the Trilateral Commission was established in 1973 to foster closer co-operation among Japan, western Europe and North America. It is a non-governmental policy-oriented forum that brings together leaders from the worlds of business, government, academia, media and civil society. It offers a global platform for open dialogue aiming to find solutions to the great geopolitical, economic and social challenges of our time. Members share a firm belief in the values of the rule of law, democratic government, human rights, freedom of speech and free enterprise.

At last week's meeting in Silicon Valley, the focus was on issues such as privacy and security, election interference and how to strengthen democracy in the world. As a new member, I was honoured to spend time among some of the brightest minds in the world and I look forward to continuing to contribute to this significant entity, helping to further democracy both at home and abroad.

* * *

MINERALS SECTOR

Mr. Paul Lefebvre (Sudbury, Lib.): Mr. Speaker, as the member for Sudbury, an area rich in mining history, I am pleased to highlight the importance of the minerals sector in Canada. This is a global industry and Canada is an undisputed leader.

In 2017 alone, Canadian mines produced over 60 minerals and metals worth nearly $44 billion, and the broader minerals sector directly employed more than 420,000 people. This is the second highest proportional employer of indigenous peoples among the natural resources sector.

That is why we are working diligently with provinces and territories, indigenous communities and industry from coast to coast to develop a Canadian minerals and metals plan.

The plan will outline a new vision, ambitious goals and clear actions, enabling Canada to remain a global mining leader while reflecting today's realities: climate change, sustainable development, social acceptability, advancing reconciliation with first nations and a transition to a modern economy.

I ask all hon. members to join me in recognizing the importance of Canada's minerals sector for our economy and to communities across our country.

* * *

TRANSGENDER DAY OF REMEMBRANCE

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Mr. Speaker, today I rise to mark the Transgender Day of Remembrance and call attention to the 368 trans and gender diverse people who were murdered this past year and the more than 3,000 killed over the last decade worldwide.

While Canada has explicitly recognized trans and gender diverse rights, policy changes on the ground and social acceptance lag far behind. Still, most places around the world remain much less safe than here.

One of the highest rates of violence against trans and gender diverse people is found in Central America. We learned last week that within the caravan headed toward the U.S. border was a mini caravan of LGBTQ people, primarily made up of trans women. Due to the extreme threat of violence facing this group, we call on Mexico to ensure their safety, we call on the U.S. to allow these asylum claims to be heard and we call for international monitoring of the continued safety of this group, now at the U.S.-Mexico border.

On this Transgender Day of Remembrance, while we mourn lives lost, let us also salute and find strength in the bravery and resilience of this community.

* * *

SAINT JOHN LABOURERS' BENEVOLENT ASSOCIATION

Mr. Wayne Long (Saint John—Rothesay, Lib.): Mr. Speaker, last week, I was proud to attend the unveiling of a Parks Canada plaque commemorating the national historic importance of the founding of the Saint John Labourers' Benevolent Association in my riding of Saint John—Rothesay.

Saint John's ship labourers were among the earliest groups of day labourers, or casual workers, in British North America to organize when they formed the Saint John Labourers' Benevolent Association in 1849. After its merger with the International Longshoremen's Association in 1911, the strength of this union continued into the early 20th century, when its members helped to found the New Brunswick Federation of Labour and shape provincial legislation establishing a workmen's compensation system.

The founding of the union defied conventional views toward casual labourers, proving that it was indeed possible for casual labourers to successfully organize and lobby for their rights. Indeed, the precedent set by this union was instrumental in empowering workers across the Maritimes and across Canada.

* * *

ROYAL CANADIAN LEGION AND LADIES' AUXILIARY

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, Remembrance Day, November 11, 2018, has passed, but the work of our local Royal Canadian Legions and Ladies' Auxiliaries continues.

The legions are integral organizations in many of our communities. In my riding of Lambton—Kent—Middlesex, there are 19 legions. Through the well know poppy campaign and other fundraising events, they provide support to veterans, Canadian Armed Forces and RCMP members in active duty, as well as their families. They keep alive the memory of the courage and sacrifice of those who served our country.

The legions are also involved in community activities, including support for youth and seniors. In all this, the Ladies' Auxiliaries provide vital financial and volunteer assistance. The work would not get done without them.

I thank the Legion and Ladies' Auxiliary members in Lambton—Kent—Middlesex and across Canada for all they do.

* * *

● (1405)

MENTAL HEALTH

Mr. Jati Sidhu (Mission—Matsqui—Fraser Canyon, Lib.): Mr. Speaker, agriculture is an exciting and dynamic industry that is full of opportunities, but it is not without challenges. I rise today to recognize the Minister of Agriculture and Agri-Food and Farm Credit Canada for raising mental health awareness within the farming industry. My riding of Mission—Matsqui—Fraser Canyon has a high concentration of farmers and it is important that both individuals and families receive support throughout stressful situations.

I am pleased farmers will have improved access to wellness resources, with the FCC launching its mental health strategies guide. Mental health issues can affect anybody. It is important to have these discussions.

I am proud to join my colleagues and the agricultural community in removing the stigma surrounding mental health.

* * *

MENTAL HEALTH

Ms. Karen Ludwig (New Brunswick Southwest, Lib.): Mr. Speaker, I rise in the House today to talk about an important issue facing Canadian farmers, mental health.

I am the granddaughter of a cattle farmer and well know the pride, strength and independence demonstrated by our farmers.

I have heard first-hand from farmers in my riding of New Brunswick Southwest of the uncertainty, unpredictability and stresses of weather, market forces and wanting to pass the family farm on to new generations.

The feelings of anxiety, stress, depression and isolation are not easy to share. It is time to break this barrier of stigma. There is no question we need our farmers. I am pleased the agricultural committee is completing its investigative study of the mental health and physical well-being of our farmers.

* * *

NAVY DAY

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, today is Navy Day, a day dedicated to the men and women of the Royal Canadian Navy, the Canadian Coast Guard and the exceptional sailor program.

Our senior service traces its roots back to Tudor times in England, where a standing navy was established long before a standing army and, of course, an air force was still a theoretical da Vinci dream.

The Royal Canadian Navy's beginnings date back to 1910, growing quickly during the First World War. By the end of the Second World War, Canada had the third largest navy in the world. The Canadian Coast Guard, formed in 1962, now boasts a fleet of more than a hundred vessels of various purposes and sizes.

Now, challenges do remain with procurement, the shipbuilding program and partisan interference, and Bravo Zulu, Admiral Norman. However, today we salute the men and women who have served in war and peace and who serve now in Canadian waters and around the world.

Parati Vero Parati, Ready, Aye Ready.

* * *

MENTAL HEALTH

Mr. Lloyd Longfield (Guelph, Lib.): Mr. Speaker, mental health is a growing concern for Canadians, but few would put farming on the list of the most stressful careers. According to testimony heard at the agriculture and agri-food committee, farmers are one of the groups that is most at risk of suicide due to climate change, a stressful work environment, isolation and growing misconceptions about the nature of farming and the food that farmers produce.

[*Translation*]

Last week, Farm Credit Canada mailed its first issue of *Rooted in Strength* to every MP's office.

[*English*]

I encourage all MPs to read it and learn about mental health in agriculture.

I would like to thank the witnesses who have had the courage to come forward and provide us with testimony that will help our committee develop recommendations.

* * *

● (1410)

HOLODOMOR MEMORIAL DAY

Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.): Mr. Speaker, I rise today in solemn remembrance of the 85th anniversary of the Ukrainian famine and genocide known as the Holodomor.

In 1932, Joseph Stalin and the Soviet Union set out a horrific policy to confiscate food and resources from Ukraine. This resulted in the intentional starvation and death of millions of people. At the height of the Holodomor, 28,000 people died per day, and over 30% were children under 10. For over half a century, the Holodomor was denied and covered up by the Soviet regime.

Today is Holodomor Memorial Day, and we remember the victims of this senseless crime against humanity. As leaders across this country, let us remember this act of genocide and stand up against the prejudice and hate that will seek to divide us.

* * *

RURAL CRIME

Mr. Martin Shields (Bow River, CPC): Mr. Speaker, last week our Alberta Conservative caucus rural crime task force reported its findings, and they are cause for significant alarm.

We found that rural residents are afraid and angry. They are afraid and angry because the RCMP cannot respond to crimes in a timely manner. They are afraid and angry because their justice system is a revolving door. They are afraid and angry because the government has done little about it.

We need serious leadership from the government to shape a multi-jurisdictional approach that will address rural crime. We need to keep dangerous repeat offenders behind bars. We need to bolster rural RCMP detachments. Rural crime levels have risen, but staffing levels have not.

This situation is only getting worse, but the Liberals continue to introduce bills that punish law-abiding gun owners and make serious offences punishable by a mere fine, while doing nothing to combat gun violence and illegal hand guns. They are completely out of touch with rural Canadians.

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TRANSGENDER DAY OF REMEMBRANCE

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Mr. Speaker, today is Transgender Day of Remembrance. It is a day to honour those whose lives were lost through systemic violence because they were transgender. It is a day to reflect on the abuse and hatred still faced by transgender people around the world simply for being themselves.

[*Translation*]

We are committed to protecting the rights of all Canadians. We have ensured that non-binary Canadians are protected under the Criminal Code and the Canadian Human Rights Act, and we have provided support to marginalized communities around the world.

[*English*]

Despite this protection, trans people still remain targeted, harassed, assaulted and discriminated against every day, stopping them from living their lives, being loved and participating in our communities.

[*Translation*]

As a country, we must pay homage to the incredible lives of the countless transgender people we have lost and acknowledge that a lot of work remains to be done.

[*English*]

Today, by remembering those lost to bigotry and hate, we are continuing the fight for justice, for equality and for a better future for all.

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LITTERLESS LUNCH CHALLENGE

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Mr. Speaker, each year during Waste Reduction Week, elementary students in Port Moody—Coquitlam participate in my annual litterless lunch challenge.

The challenge encourages students to pack litter-free lunches and make waste reduction part of their everyday routine. This year more than 600 students participated, and today I would like to congratulate the winning class, who went an amazing 98.6% litter free: Ms. Mackay's grade 1, 2, 3 class at Miller Park Community School in Coquitlam. I congratulate them.

An average elementary school produces more than 20,000 pounds of lunch waste annually, and in the seven years that we have run this challenge, more than 2,600 students and 45 schools have participated, diverting over 1,200 kilograms of waste.

Thanks to all the students, teachers and parents who participated. I hope they continue to work on their waste reduction efforts throughout the year.

HOLODOMOR MEMORIAL DAY

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, I rise today to join this House in solemnly remembering the Ukrainian Holodomor of 85 years ago. The systematic starvation of a region, then considered Europe's breadbasket, by Stalin's Communist regime, cost the lives of millions of Ukrainians.

As communities across Canada gather to honour these victims, my own community of Oshawa will do the same. Oshawa has a vibrant Ukrainian presence that began with Julian Kalynko in 1907, the first documented Ukrainian to arrive in Oshawa. More Ukrainians began arriving during the First World War and following the Holodomor, and by 1941 the number of people of Ukrainian origin only trailed those of English, Irish and Scottish origin.

As their numbers grew, they built churches, such as St. George the Great Martyr and St. John the Baptist, as well as community halls like Dnipro, LVIV and Odessa. They are all places where members of our community celebrate and experience Ukrainian culture and dance, and enjoy Ukrainian food.

However, this Sunday, November 25, we will gather at St. John the Baptist Ukrainian church to remember the lives that were lost during the Holodomor. We will not forget.

* * *

● (1415)

[*Translation*]

AGRICULTURE AND AGRI-FOOD

Mr. Jean-Claude Poissant (La Prairie, Lib.): Mr. Speaker, agriculture is a dynamic industry that is full of opportunities, but psychological distress among farmers is an issue that concerns me, both as an MP and as a former farmer.

Earlier today we announced a partnership with 4-H Canada that will help raise awareness among over 24,000 youth and 7,700 volunteer leaders about the importance of mental health.

Farm Credit Canada launched an initiative this week aimed at removing the stigma around mental health. A bilingual publication will be delivered to all farm mailboxes in Canada. The brochure is filled with real stories, advice and tools to help farmers manage their stress, as well as contact information for available resources.

We also announced a project in collaboration with Farm Management Canada to study the link between mental health and decision-making on the farm.

Looking after farmers' psychological health is another way to contribute to the economic vitality of the regions.

ORAL QUESTIONS

[*English*]

FINANCE

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, tomorrow the Minister of Finance will present to the House his fall economic update. However, let us recap a couple of things we already know.

We already know that in the election campaign of 2015 the current government promised no more than a $10-billion deficit per year, which would be balanced by the time we reached the next election in 2019. We know that both of those are untrue.

Perhaps the Prime Minister can tell us today if he has set a date on which the budget will be balanced.

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, in 2015, Canadians had a choice. There were two parties that believed in cuts, while we promoted investments in the middle class and in people working hard to join it.

We lowered taxes for the middle class and raised them on the wealthiest 1%. We delivered a more generous, fair and tax-free Canada child benefit that gives more money to nine out of 10 Canadian families and is lifting hundreds of thousands of kids out of poverty. We now have some of the lowest unemployment rates in 40 years. While the Conservatives continue to defend their wealthy friends, we will continue to stay focused on the middle class.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, maybe some of his friends from Cape Breton are rich, but I can tell you not a lot of mine are. I will continue to talk to the people in Milton, who certainly do not share the same set of friends that the Prime Minister does.

The Prime Minister indicated that Canadians made a choice. Do members know what that choice was? It was to keep deficits to $10 billion a year. That choice was to return to a balanced budget by the time we got to the next election. That was the fundamental promise the current government broke. He can fix it by telling us when the budget will be balanced.

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, I do not blame her for it, but the member opposite seems to be forgetting the last years of the Harper government, when it nickel-and-dimed its veterans, shut down veterans services offices, and demonstrated tax breaks for the wealthiest and boutique tax cuts while not creating the kind of growth that Canadians needed from their economy.

There was a choice in the 2015 election. We committed to putting more money into the pockets of the middle class. We committed to investing in infrastructure in a way that would grow the economy. That is exactly what we delivered: what the Conservatives could not.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, Canadians certainly understand that the current Prime Minister knows how to spend, but the question is whether or not he knows how to balance the budget. We still do not have a date.

If he wants to compare records in terms of what the previous Conservative government did in order to ensure that middle class and struggling Canadians did well, I might invite him to take a look at the education tax credit, the tuition tax credit, the children's fitness tax credit and the children's arts tax credit. All those things mattered immensely to my riding constituents in Milton, Ontario. He took that away, and he is going to pay for it.

● (1420)

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, those measures that the member opposite put forward were not available to low-income Canadians. That is the difference between Liberals and Conservatives. The Conservatives keep putting forward non-refundable tax credits. We knew that directly delivering money to families with the tax-free Canada child benefit, unlike the taxable benefits they put forward, was the best way to help Canadians.

It was not just the best way to help the middle class. It was actually the best way to grow the economy, because the confidence, the jobs created and the economic growth is thanks to Canadians.

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Speaker, during the 2015 election campaign, the Prime Minister promised to run modest deficits. Today, he is running deficits of over $20 billion a year. It seems the Prime Minister thinks that the country can be run with Monopoly money. That is completely false. Canadians worked hard to earn that money. They work hard every day to survive in our society.

For the fourth time in two days, when will the budget be balanced?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, in 2015, Canadians had a choice to make. They had to choose whether to vote for the Conservative Party or the NPD, which were both promising to make cuts to balance the budget at all costs, or whether to vote for the Liberal Party and our plan to invest in our communities and put more money back into Canadians' pockets, because we knew that that was the way to create the economic growth that was so lacking in the Harper years.

Under our watch, Canada has the lowest unemployment rate in 40 years, and it had the highest rate of growth in the G7 last year. We also implemented the Canada child benefit, which is lifting hundreds of millions of children out of poverty—

The Speaker: The hon. member for Richmond—Arthabaska.

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Speaker, the Prime Minister gives us the same old story day after day, yet the deficit is over $80 billion and there is still one year to go. For those watching at home, $80 billion would buy 470 arenas like the Canadian Tire Centre, the home of the Ottawa Senators. If we continue at this rate, every municipality across Canada will have an arena like the one the Sens play in. Enough is enough.

When will the government balance the budget?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, the hon. member was not here at the time, but Mr. Harper added $150 billion to Canada's debt. We do not need any lectures from the Conservatives, especially since they were not even able to demonstrate that their investments stimulated growth.

We have created economic growth because we trust Canadians and because we invested in community infrastructure and public transit, which is making a difference in Canadians' lives and creating economic growth. We are going to keep doing what Canadians asked us to do in 2015.

* * *

CANADA REVENUE AGENCY

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, for months, we have been talking about how the Canada Revenue Agency persecutes ordinary Canadians and gives the ultra-rich and corporations the kid glove treatment at tax time. Who else agrees with us? The Auditor General. The Canada Revenue Agency has no compunction about persecuting single moms in Saskatchewan, and the Auditor General's report confirms that the agency gives corporations and the wealthy a lot more time and preferential treatment than ordinary individuals.

Here, again, is my question for the Prime Minister: When will Canada drop this double standard?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, I thank the Auditor General for his advice on this important issue. We remain committed to ensuring that the CRA treats all Canadians fairly and consistently and makes sure everyone pays their fair share. The CRA will review its internal procedures, processes and definitions to identify taxpayers who participate in aggressive tax avoidance schemes and ensure they face the consequences.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, the Auditor General said there is no way to figure out where that $500 million went.

[*English*]

The problem with the Canada Revenue Agency is that Canadians who are not rich are presumed guilty until they can prove they are innocent, but wealthy Canadians or those who are part of corporate Canada are innocent until the CRA can prove their guilt. Because that is way more difficult to do than to go after people who cannot defend themselves, the wealthy get off scot-free. As a result, in the last five years, Canada has forgone $16 billion in unpaid taxes.

I am asking the Prime Minister again, when will the Liberals put an end to this unacceptable double-standard in CRA operations?

● (1425)

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, on the contrary, we have made historic investments in the CRA for the fight against tax evasion. We have fully adopted the international standard for automatic information exchange with our partners in the OECD. We have provided resources so that the CRA is better able to identify taxpayers who participate in aggressive tax avoidance schemes. With respect to offshore tax evasion, the CRA has more than doubled the number of completed offshore audits since we have taken office.

Unlike the Harper Conservatives, fighting tax evasion in Canada and abroad is—

The Speaker: The hon. member for Rosemont—La Petite-Patrie.

THE ENVIRONMENT

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, there is a club of climate bad guys: Russia, China, Saudi Arabia, and guess who: Canada.

A study confirms that the Liberal policies will drive the world above a catastrophic 5° warming. The Liberals are not doing enough, and everybody knows it.

In Quebec, more than 200,000 people have signed the pact and pledged to reduce their pollution. Nobody is buying the Liberal delusion that everything is fine.

Does the Prime Minister really believe that he can fool all the people all the time?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, on the contrary, everything is not fine, and that is why we are moving forward with a historic plan to fight climate change in this country. We are working to reduce emissions across the Canadian economy, to create jobs and meet international commitments.

Our actions include pricing pollution across Canada, accelerating the phase-out of traditional coal power, making historic investments in cleaner infrastructure like public transit and charging stations for electric vehicles, adopting regulations to cut methane emissions from oil and gas by 40% to 45% by 2025, and more.

Canadians know this government is serious about—

[*Translation*]

The Speaker: Order. The hon. member for Rosemont—La Petite-Patrie.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, yes we have to put a price on pollution, but the Liberal plan is not working and everyone knows it.

A study has shown that the Liberal government's current policies would cause the global climate to warm by a catastrophic 5°C. We are part of an exclusive group of miscreants along with China, Russia and Saudi Arabia. Everyone but the Prime Minister knows it.

In Quebec, 200,000 people have signed A Pact for the Transition, committing to moving from words to action and taking the environment seriously.

When will the Prime Minister move from words to action?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, unlike the NDP, we have moved from words to action. We put a price on pollution for the entire Canadian economy and we will help Canadian families through this transition.

We have invested in renewable and green energies. We have invested in new technologies. We are in the process of implementing an ambitious plan to combat climate change today and for future generations.

* * *

FINANCE

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, let us try something different.

The PM, having spent without relent,
Was caught by surprise when the crisis did arise.

No new money in the vaults, just a budget full of faults.

And Canadians, their taxes unending,
Asked the PM to stop with his spending.

What were you doing when the economy was ascending?
Like it or not, I was spend, spend, spending.

What a bad habit it is for you to spend,
It's our kids who will pay, to your rich banker friends.

When will the Prime Minister realize that we are not living in a fantasy and tell us when a balanced budget there will be?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I thank my colleague for his question and for putting it in verse. He should probably keep his day job for now, and perhaps find something new in 2019.

When we came to power in 2015, Canadians were wondering whether we were in a recession or heading for a recession. Economic growth had stalled after 10 years under the Conservatives, who had no economic vision.

We made more investments and gave more back to Canadians. Growth is at its highest since 2017, and we continue to make choices that grow our economy.

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, unlike my colleague, we love culture.

The Prime Minister said that the budget will balance itself. He is setting a bad example for those Canadians who are collecting credit cards and racking up debt. Their Prime Minister is telling them that they can continue to spend money and that everything will magically work itself out. That is the thinking of someone who has never had any trouble making ends meet. Canadians cannot tell their bankers that they do not know when they will pay them back.

Will the Prime Minister commit to telling us, no later than tomorrow, when the budget will be balanced?

● (1430)

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, in 2015, Canadians had to choose between the Conservative Party's austerity measures and cuts and the Liberal Party's plan to make investments and give more money back to families.

Next year, the average family will have $2,000 more in its pocket than it did under the former government, which preferred targeted tax credits that inevitably benefited wealthier Canadians. We took a different approach that focused on more inclusive growth and giving more money back to families, and it is working.

The economy is booming. Over the past two years, 500,000 full-time jobs were created. We will continue with our work.

[*English*]

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, well, there this millionaire trust fund Prime Minister goes again. While he forces taxpayers to fund his nanny services, he had the audacity to attack soccer moms and students as too rich, as justification for taking away the tax credit for kids' sports, arts, textbooks and education.

The average middle-class family is paying $800 more in taxes since the Liberal government took office and even with all the extra revenue from those tax hikes, the deficit is almost $20 billion. When will the budget finally balance itself?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the member for Carleton keeps on quoting a study by the Fraser Institute that fails to take into account the Canada child benefit. In fact, the authors of that study say that the Canada child benefit is a disincentive to hard work and independence because it fosters dependence on government.

I would argue that the 18,000 children whose families receive more because of the Canada child benefit are hard-working Canadians, that the Canada child benefit is helping them to make ends meet and we stand by that policy that has taken 300,000 kids out of poverty. By next year, Canadian families will have $2,000 more in their pockets than they had under the previous government.

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, for those same kids, we were the first party to actually directly fund child care benefits. The difference is we did it with a balanced budget. We introduced child care benefits and we balanced the budget. When we boosted those child care benefits, we also had a balanced budget because we wanted those kids to benefit today and for the rest of their lives instead of having to pay interest to wealthy Liberal bond holders and bankers in the sum of billions of dollars a year.

The Prime Minister said the budget would balance itself. When?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, that is a creative vision of history. The Conservatives added $150 billion to the debt. The one thing they did with their form of Canada child benefit was tax it and take pictures next to the printing machine with a nice blue Conservative polo shirt. That is what they did.

We have taken a different approach with a tax-free child benefit that is lifting hundreds of thousands of kids out of poverty in this country. That has helped grow the economy, and the results speak for themselves.

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, well, he got me there. I did wear a Conservative T-shirt, but the Prime Minister can appreciate that at least I kept my shirt on.

An hon. member: We appreciate it, too.

Hon. Pierre Poilievre: I can assure you, Mr. Speaker, that is what helps me with my re-election chances.

The Prime Minister promised that the budget would balance itself. Will he stand now, keep his shirt on and tell us when that will finally happen?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I just want to correct the member for Carleton. It is not just the Prime Minister who thanks him, but I think 35 million Canadians thank him.

All jokes aside, when we look at the economic record of the Conservative Party in the decades it was in power, we saw the lowest levels of growth in 69 years and the lowest employment and job creation since 1946. Compare and contrast that and we will see that our Liberal record is strong, and we stand by it.

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, the Prime Minister famously promised that the budget would balance itself. He said that would happen just next year. We only have about 40 more sleeps until next year comes, and only one more sleep until the fall economic update, in which we are supposed to find out about the finances of the nation.

I have a very simple question. If the budget will balance itself, then when will the budget balance itself?

● (1435)

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I would just remind the member for Carleton that in the 2015 election, Canadians were debating whether Canada was in a recession or heading into a recession. We had slow growth and slow job creation. Canadians decided to take the approach of investing in infrastructure, giving more money to the middle class to help grow the economy. We had the fastest growth in the G7 in 2017. We have seen over half a million full-time jobs created in the last three years. We see, at the same time, our debt-to-GDP ratio steadily going down. This is fiscally responsible, and this is growing our economy.

* * *

CHILD CARE

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, today, over a hundred advocates are here calling for universal affordable child care. Costs here are among the highest in the world. Some families pay more for child care than they do for rent, and our system barely serves one in four kids. Canada is investing a fraction of what is needed to solve the child care crisis.

After voting down every progressive fix to pay equity in committee this morning, when will the government take some real action on gender equality and invest in affordable universal child care?

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I would remind the member opposite that the government has invested in child care, some $7.5 billion over the next 10 years of direct investment. We have partnered not only with the provinces and territories, but we also have the first distinction-based indigenous child care policy in the history of the country. We did not stop there though. We also provided the Canada child benefit, which as my colleague has said is now being indexed. In addition to that, there is a $40-billion national housing strategy.

We are heavily focused on reducing child poverty, supporting families and making sure we build the most resilient generation of Canadian children in the country's history.

[*Translation*]

Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, today is Universal Children's Day, but it is impossible to celebrate when 1.4 million of our children, 200,000 more than before, are living in poverty in Canada. It is not enough to write a cheque and claim that the problem has been fixed. We need affordable day care across the country, a universal pharmacare program that includes dental benefits, and programs to help the 38% of indigenous children living in poverty.

My question for the government is this: when will it implement ambitious measures that will truly lift all children out of poverty?

[*English*]

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, the party opposite now seems to want ambition. In their campaign platform, those members promised not to spend any money on anything unless they balanced the budget first. That is not an ambitious program, nor is it ambitious to spend provincial and territorial money and not stand up as a federal government.

This government has invested $7.5 billion in child care. We have invested in a national housing strategy. EI reforms have supported families as well. This government is committed to lifting children out of poverty: 300,000 so far, 600,000 Canadians.

Our work is not done, and our investments are not finished either.

* * *

[*Translation*]

PRIVACY

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Speaker, the minister responsible for Statistics Canada admitted yesterday that he found out about the project to collect personal financial data from the media. However, the law states that the minister must be notified before the chief statistician begins any new projects.

What is the minister doing to protect Canadians' privacy? Will the chief statistician face any sanctions for breaking the law? When will the minister finally put an end to this project?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, our government takes Canadians' privacy very seriously and understands the concerns that have been raised. The head of Statistics Canada has made it very clear that this project will not go ahead until the privacy concerns have been addressed.

It is also important to understand that no information has been shared or collected by Statistics Canada as part of this project and that we will always protect Canadians' privacy.

[*English*]

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, people want to know that the minister cares about privacy. Yesterday we learned that he learned about this plan to collect personal financial data from over one million Canadians only after it was reported in the media.

The law clearly says that the minister must be informed before the chief statistician can move forward with any mandatory data collection. Can the minister clearly state to the House if he or his office was informed about this project to harvest the personal and financial information of millions of Canadians after it was reported, yes or no?

● (1440)

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, one of the key issues members opposite have raised is the issue around privacy and data protection. We understand those concerns. The chief statistician, in committee, both in the House of Commons and the Senate, said he will only proceed when those issues around privacy and data protection are dealt with.

With regard to personal information, no personal information will be shared with any private entity. No government agency, the CRA, the RCMP, or even the Prime Minister can compel Statistics Canada for this information. Privacy and data protection are absolutely essential, and our government supports that position.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, notice that he did not answer the question.

The minister stated yesterday at committee that he learned about the plan to collect personal financial data from over one million Canadians when it was reported in the media. The law says that he must be told before any request can be made. The government has already told the banks that they must provide this information.

Is the minister suggesting that Statistics Canada violated the law by not notifying him?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, this is a pilot project with regard to the next steps. The chief statistician has been very clear. He will only proceed if issues around privacy and data are dealt with in a meaningful way. The member opposite knows that no information has been obtained. No information has been shared.

With respect to privacy, we have been very clear. No government, no agency, no authority can compel any personal information from Statistics Canada. We have been very clear that we also share the concerns around privacy and data protection. We welcome the work the Privacy Commissioner is doing.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, I see that the minister is getting ready for skating weather, because he is skating around this issue and will not address it.

The law says that he must be notified, but the minister says he was not. The minister is either incapable of managing his own department or officials were hiding things from him.

We know that Statistics Canada makes over $100 million a year selling data to corporations. Did Statistics Canada choose not to tell the minister its plans because it wants to sell this data to large international businesses?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, again, the member opposite is making up his own facts. He does not believe in good-quality, reliable data. He does not understand the fact that no personal data is ever shared by Statistics Canada. That is what he is implying when he asks that question.

Let us be very clear. This was a pilot project. No information was obtained. Statistics Canada is working with the Privacy Commissioner to deal with issues around privacy and data protection.

The fundamental problem here is that the members opposite do not support Statistics Canada. They do not support good-quality, reliable data, and that is the real issue here.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the plan to build a French-language university in Canada's largest city is a symbol of pride for Ontario and francophone communities across Canada. Mr. Ford's decision to attack Franco-Ontarian communities to please his Conservative base has all kinds of implications for the whole country.

Is the Prime Minister ready to work with Franco-Ontarian communities to make this institution a reality?

Hon. Mélanie Joly (Minister of Tourism, Official Languages and La Francophonie, Lib.): Mr. Speaker, I would like to thank my hon. colleague for his excellent question.

Five days have passed since that dark Thursday when the Conservative Government of Ontario and Conservatives in general decided to attack Franco-Ontarians. Not once in those five days has the leader of the Conservative Party of Canada spoken out against what is going on in Ontario.

We hope to work with all parties in the House to put pressure on the Conservative Party to stand up for the rights of linguistic communities and Franco-Ontarians.

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, Doug Ford is not the only one abandoning French-language universities. This government has turned its back on Campus Saint-Jean, the French-language university in Edmonton, even though Alberta's francophone population is on the rise and the number of students there has doubled. Funding needs are not being met, and the Liberals refuse to provide funding. At least the Alberta NDP has stepped up.

Why do the Liberals not support Campus Saint-Jean?

● (1445)

Hon. Mélanie Joly (Minister of Tourism, Official Languages and La Francophonie, Lib.): Mr. Speaker, Campus Saint-Jean is very important. I have had a chance to visit it many times, particularly with my former parliamentary secretary, the member for Edmonton Centre. It really is an amazing institution, which is why we decided to provide more funding for minority language groups. We increased budgets for all language communities by 20%, and we will continue to support them. We have invested $2.7 billion in official languages, the largest investment in official languages in Canadian history. Francophones outside Quebec and anglophones in Quebec know they can—

The Speaker: The hon. member for Vimy.

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STATUS OF WOMEN

Mrs. Eva Nassif (Vimy, Lib.): Mr. Speaker, this week is Gender-based Analysis Plus Awareness Week. This is an opportunity for us as parliamentarians to learn more about GBA+ and its contribution to gender equality.

[*English*]

Recognizing and addressing the different ways government decision-making affects various groups of people is key to achieving gender equality. Can the Minister of Status of Women tell this House what the government is doing to enhance the implementation of GBA+ across federal departments?

Hon. Maryam Monsef (Minister of Status of Women, Lib.): Mr. Speaker, my hon. colleague knows, as we all do, that the impact of government decisions is felt differently by Canadians, depending on a variety of factors, including where they live, how they identify and/or their official language of choice. Our government relies on GBA+ to assess and mitigate for any differential impact, and our approach is working. The economy is growing, and we are advancing equality.

This week, at the GBA+ Forum, our government will be sharing our successes and looking for ways to further collaborate with leaders from across sectors so that together we can grow the middle class and support those working hard to join it.

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NATURAL RESOURCES

Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC): Mr. Speaker, Canada's oil is being liquidated at $17 a barrel while our international competitors are getting $54. This discount is costing the Canadian economy $80 million each and every day and is a direct result of the Liberals' cancellation of the northern gateway, the Trans Mountain and the west-to-east pipeline projects. Now the Liberals have proposed something new. It is called a no-new-pipelines bill, Bill C-69. This is going to make this discount permanent.

Will the government kill Bill C-69 and allow pipelines to be built, or is it prepared to allow this discount to continue?

Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.): Mr. Speaker, the challenges experienced by the energy sector are real, and we are working with the sector, as well as the province of Alberta, to deal with them.

Let us look at the facts. What we are seeing today happening in Alberta is the result of a decade of inaction by the previous government to build a single pipeline to take our resources to non-U. S. markets. Ninety-nine per cent of Alberta's oil is sold to only one single customer, which is the United States. We are focused on reducing that dependence by moving forward on pipelines in the right way.

Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC): Mr. Speaker, Stephen Harper never cancelled one pipeline. The minister has cancelled three.

Today Canada Action has initiated a campaign to inform Canadians of what the Liberals' failures are costing the Canadian economy. Tens of billions of dollars are lost as discounted Canadian oil flows to the United States, and the Prime Minister is making it worse with Bill C-69.

The question is simple. Will he kill his no-new-pipelines bill, Bill C-69, or is he going to continue to allow the energy sector to fail and everyone who works in it to fail as well?

Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.): Mr. Speaker, Stephen Harper's government failed to build a single pipeline to take our resources to non-U.S. markets. That is the result we are seeing today. We are also seeing increased investment in the energy sector. Despite the opposition beating down on the energy sector, close to half a trillion dollars of new investment is being planned for Alberta's energy sector, including the $40-billion LNG project investment, the single largest private sector investment in Canada's history.

Mrs. Shannon Stubbs (Lakeland, CPC): Mr. Speaker, in reality, the Liberals killed the only new options for exports to the Asia-Pacific and to Europe. They drove away more than $100 billion in energy projects, the worst loss in more than seven decades. Over 100,000 Canadians lost their jobs.

The pipelines and discount prices harm other sectors in all provinces. ATB's chief economist says, “This is a national problem”, and, “We could well see layoffs in early 2019 and it could spawn yet another—if not a recession—at least another slowdown for the Canadian economy”.

Other than more empty words, what will the minister actually do to fix the crisis the Liberals caused?

● (1450)

Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.): Mr. Speaker, when energy workers needed help, we stood with them. We were the government that extended EI benefits for struggling energy sector workers, which the Conservative government voted against. This—

Some hon. members: Oh, oh!

The Speaker: Order. We need to hear from both sides, and members, including the hon. opposition House leader, need to listen to both the questions and the answers.

The hon. Minister of Natural Resources has the floor.

Hon. Amarjeet Sohi: Mr. Speaker, I think they cannot accept the reality that they failed the energy sector, and that is why they make so much noise.

We were there to stand with them when the energy workers needed our support, and we will continue to support them by building pipeline capacity and supporting them in their time of need.

Mrs. Shannon Stubbs (Lakeland, CPC): Mr. Speaker, clearly the Liberals want EI cheques, but Conservatives want paycheques for Canadians.

Last year, the Prime Minister said he wanted to phase out the oil sands, and last spring, he said he regrets that Canada cannot get off oil "tomorrow". The Prime Minister killed the only two pipelines meant for export to new markets. It is a travesty. Canada is the most responsible oil producer, with the third-largest reserves and the fourth-largest exports.

The Liberals' sabotage of Canadian energy caused this crisis and now even calls for decreased production. Can the Liberals be honest for once. Is this not actually exactly what the Prime Minister wants?

Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.): Mr. Speaker, it is really disappointing to hear from the member from Alberta that when workers needed the EI extensions and benefits they deserved, they did not deserve those benefits. It is very disappointing to see that kind of attitude.

Some hon. members: Oh, oh!

The Speaker: Order. The hon. members for Battle River—Crowfoot and Banff—Airdrie seem to think they can speak without having the floor. I would remind them that is not the case.

Order. The member for Calgary Signal Hill will also come to order, unless he wants to exit.

The hon. Minister of Natural Resources.

Hon. Amarjeet Sohi: Mr. Speaker, as I stated earlier, we are focused on building the pipeline capacity because we understand that reducing dependence on our single customer, the U.S., should be our focus in order to support our energy sector the right way.

* * *

FOREIGN AFFAIRS

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Mr. Speaker, a year ago, in Vancouver, the defence minister made modest promises to recommit Canada to UN peacekeeping. However, last weekend the minister announced that the only concrete part of that promise that he actually kept, providing Canadian medevac support for the UN mission in Mali, will come to an abrupt end in July. That is after just one year, and with no other nation lined up to fill that gap.

Will the minister demonstrate Canada's firm support for UN peacekeeping by extending our Mali mission by at least six months, or until a replacement can be found?

Hon. Harjit S. Sajjan (Minister of National Defence, Lib.): Mr. Speaker, we are very proud of our government's announcement last year in support of the United Nations. We are very proud of the work that our air task force is doing in Mali.

Our government's support for the United Nations is far broader than the air task force. It is about a whole-of-government approach. It is about providing and focusing on pledges that the United Nations has asked for.

We will be looking at other support as well, in terms of a quick reaction force. It is about increasing the number of women in peace support operations, which we are also supporting. It is also about reducing the number of child soldiers. That will help reduce conflict.

[*Translation*]

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Mr. Speaker, today we learned that despite the fragile ceasefire in Yemen, Saudi-led forces resumed air strikes on the port city of Hodeidah, through which 80% of Yemen's humanitarian aid arrives, presumably including Canadian aid. We provide humanitarian aid to Yemen, but then we sell arms to the country that is preventing the humanitarian aid from arriving.

Can someone please explain the logic behind that?

● (1455)

Hon. Chrystia Freeland (Minister of Foreign Affairs, Lib.): Mr. Speaker, as far as Saudi Arabia and the war in Yemen is concerned, I want to make something clear.

We condemn the murder of journalist Jamal Khashoggi, and we have called for a ceasefire in Yemen.

We are actively looking at other measures, including how we might use the Magnitsky act. Obviously, while we review the situation, no new export permits will be granted.

* * *

NATIONAL DEFENCE

Mr. Richard Martel (Chicoutimi—Le Fjord, CPC): Mr. Speaker, the Australian F-18s will be a burden on the Royal Canadian Air Force and taxpayers.

The capability gap is nothing more than a political invention to distract Canadians from more pressing issues. The Canadian Armed Forces does not have enough pilots or technicians. It is impossible for our current fleet to be fully operational. Our pilots cannot get the flying hours they need. Our fighter jet fleet needs to be renewed.

When will the government cancel the purchase of the Australian F-18s?

[*English*]

Hon. Harjit S. Sajjan (Minister of National Defence, Lib.): Mr. Speaker, our government will ensure that our women and men of the Canadian Armed Forces have the appropriate equipment they need to do their jobs.

We want to thank the Auditor General for his important work and recommendations. I encourage the member to read the entire report on this. The report confirms what we have always known, that the Harper Conservatives mismanaged the fighter jet file and misled Canadians for over a decade.

The report confirmed that the capability gap exists, which started under the Conservatives. Unlike the Harper Conservatives, we will not compromise our ability to meet our NATO and NORAD commitments.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, if there had been a capability gap under us, it would have been found in the ATIP, the access to information, request that came forward. In fact, there were zero documents about a capability gap.

We know that the Liberals invented this capability gap to give cover for the Prime Minister's naive election promise. They used this fabricated gap to justify the purchase of rusted out Australian jets. Now, the Auditor General's report was perfectly clear that these used jets will not meet Canada's international military commitments.

Will the Prime Minister follow the Auditor General's advice and cancel the purchase of these old, used Australian fighter jets?

Hon. Harjit S. Sajjan (Minister of National Defence, Lib.): Mr. Speaker, I thank the member for his passion in support of the Canadian Armed Forces. However, I want to quote the Auditor General's report, that "having a combat-capable fighter force is important to Canadian national security and to National Defence's ability to meet Canada's commitments to NORAD and NATO."

That is why we have launched a full competition to replace the fighters, and not for the 65 fighter aircraft the previous government asked for but 88, because that is what is required to meet our commitments, and we are making—

Some hon. members: Oh, oh!

The Speaker: Order.

The hon. member for Selkirk—Interlake—Eastman.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, the Auditor General clearly pointed out that over the last three years pilots have been leaving in droves because of the minister's mismanagement. This proves that the Prime Minister and the Liberals are playing political games with our air force. He is willing to spend billions trying to upgrade jets that are falling apart instead of investing that money in a new fighter fleet, and the air force cannot even recruit enough pilots, because they do not want to fly these old Australian fighter jets.

When will the Prime Minister be honest with Canadians and air force members and cancel this purchase of obsolete Australian jets?

Hon. Harjit S. Sajjan (Minister of National Defence, Lib.): Mr. Speaker, I thank the member again for his passion in support for the Canadian Armed Forces, but when the Harper Conservatives were in power, the member was the parliamentary secretary to the minister of national defence at the time but did not support the appropriate investments in the Canadian Armed Forces; hence the reason we are in this situation. It is why, back in 2016, we directed the Canadian Armed Forces to start recruiting more pilots. Not only did we know that we needed pilots but also technicians to make sure that we have enough fighters. The new competition that we have already launched will make sure that we have the appropriate—

The Speaker: The hon. member for Northwest Territories.

* * *

● (1500)

NATURAL RESOURCES

Mr. Michael McLeod (Northwest Territories, Lib.): Mr. Speaker, far too many northern Canadians are energy insecure. Most communities in the Northwest Territories rely on diesel as their primary energy source, and several use diesel as a backup source for other aging energy infrastructure.

Energy generation is both a significant source of carbon pollution and very expensive for families and businesses. Can the Minister of Infrastructure tell the House what the government is doing to help northern communities be more green and more sustainable while ensuring that they have a secure source of affordable energy?

Hon. François-Philippe Champagne (Minister of Infrastructure and Communities, Lib.): Mr. Speaker, I thank my colleague for his hard work on Canada's north. I was pleased to join him in the Northwest Territories last week to announce investments of over $14 million to upgrade the Snare Forks hydro plant, as well as $30 million to help build four wind turbines in Inuvik, the first project under the Arctic energy fund. These projects will reduce greenhouse gas emissions and improve the lives of residents in the Northwest Territories.

We will continue to work with northern Canadians to ensure they have access to reliable and sustainable energy sources now and for the years to come.

* * *

[*Translation*]

NEWS MEDIA INDUSTRY

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, what happens when the union that represents 13,000 media workers announces that it is going to campaign against the Conservatives and support the Liberals? The government and the Liberals announce thousands of dollars for the media a week later. Many respected journalists have expressed their uneasiness with this incestuous patronage.

The question is simple. Rather than actually addressing the existing structural problems, is the government trying to buy the media going into an election year?

Hon. Pablo Rodriguez (Minister of Canadian Heritage and Multiculturalism, Lib.): Wow, Mr. Speaker. That is quite the conspiracy theory.

We, on this side of the House, recognize the importance of professional journalism, which plays an important role in our society and is a cornerstone of our democracy. That is why we allocated $50 million for journalism in the last budget, including $14 million for community media. We are also providing support for CBC/Radio-Canada.

We will continue to work with the various stakeholders, whether it be the media, unions or journalists, to figure out how we can work together to protect journalistic independence. We, on this side of the House, understand this very simple principle, but I wonder if the same can be said of the members opposite.

* * *

[*English*]

MEMBER FOR SAINT-LÉONARD—SAINT-MICHEL

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, here is a story. Imagine if we hired somebody, then after a while they said they were quitting, but then eight months later find out they are still taking a salary without having done a day's worth of work. Well, that is exactly what the MP for Saint-Léonard—Saint-Michel has done.

What kind of prime minister would condone this kind of behaviour? Can the Liberals not understand that it is exactly this sense of entitlement that drives Canadians crazy?

Will the Liberals join us in calling for an investigation by the Ethics Commissioner into this deplorable action, yes or not?

The Speaker: While it is a little unclear whether this comes under the heading of government business, I see the hon.—

Mr. Chris Warkentin: Oh, oh!

The Speaker: Order. The hon. member for Grande Prairie—Mackenzie will come to order. Order.

I see the hon. government House leader rising to answer.

Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if you recognize that it is not government business, we should not be answering the question. I think we all know that we have the utmost respect for the rules here.

When it does come to the hon. member's question, he knows very well that the MP has issued a statement. He knows very well that we will always work with the commissioner's office.

* * *

[*Translation*]

AGRICULTURE AND AGRI-FOOD

Mr. Pierre Breton (Shefford, Lib.): Mr. Speaker, the agricultural sector is passionate, dynamic and full of potential, but it still faces some challenges.

The Standing Committee on Agriculture and Agri-Food is currently studying the mental health challenges that Canadian farmers, ranchers and producers face. Our commitment to our agricultural community goes far beyond the best possible economic framework to help them grow their businesses.

Can the minister tell us what the government is doing to support the mental health of Canadians working in the agricultural sector?

[*English*]

Hon. Lawrence MacAulay (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I thank the hon. member for Shefford and all of the members of the agriculture committee for their hard work on this very important issue. Together with my parliamentary secretary, we are working with Farm Credit Canada to reduce the stigma around mental health, with a publication delivered this week to all Canadian farms. We also announced a new partnership with 4-H Canada to support mental and physical health. We are working with Farm Management Canada to support the Canadian farmer. We will continue to work together to promote mental health in the agricultural sector.

* * *

● (1505)

NEWS INDUSTRY

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, government bailout investment has no place in an independent Canadian news industry. How independent can thousands of journalists at struggling news organizations across the country be if their employers' survival is dependent on government subsidies, slush-fund tax relief or direct cash bailouts? Again, and I do not want to hear about millions more for the CBC, why can the Liberals not understand that a media bailout in an election year is simply unacceptable?

[*Translation*]

Hon. Pablo Rodriguez (Minister of Canadian Heritage and Multiculturalism, Lib.): Mr. Speaker, on this side of the House, we recognize how vital our journalists are. Canada is lucky to have professional journalists who work with facts. Professional journalism plays a key role in our society and is a cornerstone of our democracy.

We are in talks with media representatives and journalism associations to figure out how we can work together while protecting the fundamental principle of journalistic independence. It is central to everything we do, and that will never change.

* * *

HEALTH

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Mr. Speaker, health care costs are rising year after year in Quebec. What does Ottawa do? It threatens to cut transfer payments if Quebec does not give in to Ottawa's demands, as though sick people in Quebec needed that, as though patients in our hospitals wanted to get into a tug-of-war with the Prime Minister.

Instead of threatening to undermine our health care system, will the Minister of Finance commit to restoring the 6% health transfer escalator tomorrow?

Hon. Ginette Petitpas Taylor (Minister of Health, Lib.): Mr. Speaker, we believe that it is unacceptable for some people to get treatment faster just because they have money. A two-tier system does not work.

I have been working with my colleagues in all provinces and territories for some time so that we can resolve this unfair situation together. We will continue to work together to protect our health care system and better serve all Canadians.

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Mr. Speaker, it is the same old broken record.

Ottawa is not honouring its commitments on health transfers. It is not complicated. Year after year, Ottawa does less and less. Now, the Minister of Health is threatening to further undermine Quebec's health network at the expense of Quebeckers.

The Minister of Finance can take immediate action.

Will he commit to restoring the 6% health transfer escalator in tomorrow's economic statement?

Hon. Ginette Petitpas Taylor (Minister of Health, Lib.): Mr. Speaker, we believe that the only card we need to receive health care is a health card, not a credit card.

Our health care system is a source of pride across the country because it allows everyone to receive treatment, regardless of how much money they have in their bank account.

We will continue to work with Quebec and all the provinces to ensure that all Canadians are well served by our health care system.

* * *

FOREIGN AFFAIRS

Mr. Luc Thériault (Montcalm, BQ): Toufik Benhamiche is desperate. He has been held in Cuba against his will and kept from his family since July 7, 2017, and he could be thrown in prison any day, even though the Cuban supreme court overturned his conviction because of a procedural error.

He is facing a new trial with the same judge, the same prosecutor and the same procedure, and he could end up unjustly convicted once again.

Will the minister responsible for global affairs act immediately to protect a citizen who is the victim of an abuse of power?

[*English*]

Ms. Pamela Goldsmith-Jones (Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs), Lib.): Mr. Speaker, consular officials are providing assistance to Canadians, as we know, and consular officials are in contact with local authorities to gather information. Of course, we are governed by the Privacy Act and I cannot say anything more at this time.

Hon. Scott Brison (President of the Treasury Board and Minister of Digital Government, Lib.): Mr. Speaker, I have the honour to table, in both official languages, on behalf of 86 departments and agencies, the departmental results reports for 2017-18 and, if I may add, what great results they are.

[*Translation*]

Mrs. Sylvie Boucher: Mr. Speaker, I would like the Minister of La Francophonie to apologize and to say that this side of the House is not attacking francophones. I have been on the Standing Committee on Official Languages for years, and I stand up for—

● (1510)

The Speaker: This sounds like debate.

The hon. member for Carleton on a point of order.

[*English*]

Hon. Pierre Poilievre: Mr. Speaker, I rise on a point of order. I believe if you seek it, you will find unanimous consent for the following: That the government provide the date upon which the budget will balance itself and that it provide this date tomorrow.

The Speaker: Does the hon. member have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—FINANCE

The House resumed from November 19 consideration of the motion.

The Speaker: It being 3:11 p.m., the House will now proceed to the taking of the deferred recorded division on the motion. Call in the members.

● (1515)

(The House divided on the motion, which was negatived on the following division:)

(Division No. 939)

YEAS

Members

Aboultaif	Albas
Albrecht	Alleslev
Anderson	Arnold
Barlow	Barsalou-Duval
Beaulieu	Benzen
Bergen	Bernier
Berthold	Bezan
Blaney (Bellechasse—Les Etchemins—Lévis)	Block
Boucher	Brassard
Calkins	Carrie
Chong	Clarke
Cooper	Diotte
Dreeshen	Eglinski
Falk (Battlefords—Lloydminster)	Falk (Provencher)
Finley	Fortin
Gallant	Genuis
Gladu	Godin
Gourde	Hoback
Jeneroux	Kelly
Kent	Kitchen
Kmiec	Kusie
Lake	Lauzon (Stormont—Dundas—South Glengarry)
Liepert	Lloyd

Lobb
MacKenzie
Martel
McColeman
Motz
Nicholson
Pauzé
Poilievre
Rayes
Richards
Shipley
Stanton
Strahl
Sweet
Tilson
Van Kesteren
Viersen
Warawa
Webber
Yurdiga– — 85

Lukiwski
Maguire
McCauley (Edmonton West)
McLeod (Kamloops—Thompson—Cariboo)
Nater
Nuttall
Plamondon
Raitt
Reid
Shields
Sorenson
Ste-Marie
Stubbs
Thériault
Trost
Vecchio
Wagantall
Waugh
Wong

NAYS

Members

Aldag
Amos
Angus
Arya
Aubin
Badawey
Bains
Bennett
Bibeau
Blaikie
Boissonnault
Boulerice
Bratina
Brison
Caesar-Chavannes
Caron
Casey (Cumberland—Colchester)
Chagger
Chen
Christopherson
Cuzner
Damoff
DeCourcey
Dhillon
Drouin
Dubourg
Duncan (Etobicoke North)
Dusseault
Dzerowicz
Ehsassi
Ellis
Eyking
Fergus
Finnigan
Fonseca
Fragiskatos
Fraser (Central Nova)
Fuhr
Garrison
Goldsmith-Jones
Gould
Grewal
Hardcastle
Harvey
Hehr
Holland
Hussen
Iacono
Joly
Jordan
Julian
Khera
Lambropoulos
Lamoureux
Lauzon (Argenteuil—La Petite-Nation)
LeBlanc
Lefebvre
Levitt
Long

Alghabra
Anandasangaree
Arseneault
Ashton
Ayoub
Bagnell
Baylis
Benson
Bittle
Blaney (North Island—Powell River)
Bossio
Boutin-Sweet
Breton
Brosseau
Cannings
Carr
Casey (Charlottetown)
Champagne
Choquette
Cullen
Dabrusin
Davies
Dhaliwal
Donnelly
Dubé
Duguid
Duncan (Edmonton Strathcona)
Duvall
Easter
El-Khoury
Erskine-Smith
Eyolfson
Fillmore
Fisher
Fortier
Fraser (West Nova)
Freeland
Garneau
Gerretsen
Goodale
Graham
Hajdu
Hardie
Hébert
Hogg
Housefather
Hutchings
Johns
Jones
Jowhari
Kang
Kwan
Lametti
Lapointe
Laverdière
Lebouthillier
Leslie
Lightbound
Longfield

Ludwig
MacGregor
Malcolmson
Masse (Windsor West)
Mathyssen
May (Saanich—Gulf Islands)
McDonald
McKay
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Mihychuk
Monsef
Morrissey
Nantel
Ng
Oliphant
O'Regan
Peschisolido
Petitpas Taylor
Picard
Quach
Ramsey
Ratansi
Robillard
Rogers
Rota
Ruimy
Sahota
Sajjan
Sangha
Sarai
Schiefke
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Simms
Sorbara
Stetski
Tan
Tootoo
Trudel
Vandenbeld
Virani
Whalen
Wilson-Raybould
Yip
Zahid– — 211

MacAulay (Cardigan)
MacKinnon (Gatineau)
Maloney
Massé (Avignon—La Mitis—Matane—Matapédia)
May (Cambridge)
McCrimmon
McGuinty
McKenna
McLeod (Northwest Territories)
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)
Moore
Murray
Nassif
O'Connell
Oliver
Paradis
Peterson
Philpott
Poissant
Qualtrough
Rankin
Rioux
Rodriguez
Romanado
Rudd
Rusnak
Saini
Samson
Sansoucy
Scarpaleggia
Schulte
Sgro
Sheehan
Sidhu (Brampton South)
Sohi
Spengemann
Tabbara
Tassi
Trudeau
Vandal
Vaughan
Weir
Wilkinson
Wrzesnewskyj
Young

PAIRED

Nil

The Speaker: I declare the motion defeated.

* * *

● (1520)

PRIVILEGE

USE OF ALCOHOL IN THE PARLIAMENTARY PRECINCT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on November 1, 2018, by the hon. member for Windsor West concerning the use of alcohol and other substances within the parliamentary precinct. I want to thank the member for Windsor West for having raised the matter.

In his intervention, the member alleged that there had been several incidents recently, related to the use of alcohol within the parliamentary precinct that were inconsistent with Ontario laws and with keeping Parliament a safe workplace. While acknowledging that some work has already been done, he asked that I, as Speaker, report back to the House on this issue, as well as those he raised with me previously about providing a more holistic and consistent approach to the use of alcohol on the Hill.

[*Translation*]

As indicated by the member for Windsor West, he asked me in January of this year to address the issue of alcohol on Parliament Hill at the Board of Internal Economy. In response, I referred the member to his House leader, who is a member of the board. He indicated that some progress was made using this approach.

Subsection 52.3 of the Parliament of Canada Act gives the board, not the Speaker, the legal authority to:

> ...act on all financial and administrative matters respecting
> (a) the House of Commons, its premises and its staff; and
> (b) the members of the House of Commons.

Accordingly, the right forum to raise such matters as raised by the member for Windsor West remains the Board of Internal Economy.

[*English*]

While the member rightfully noted that not all members have a House leader who can raise issues on their behalf at the board, Speaker Parent reminded us on April 23, 1998, at page 6037 of the Debates that, "As a general rule I as Speaker of the House represent the independent members on the Board of Internal Economy."

Members from caucuses not represented on the board and independent members should feel free to approach me at any time on any matter. I am pleased to be their spokesperson if they wish to be heard on this or any other issue. I also encourage them to make their views known to other board members.

While I cannot conclude that there is a prima facie question of privilege in this case, this does not mean the subject is not serious. Indeed, it is incumbent upon all of us to ensure that Parliament is a healthy and safe workplace for everyone. The special nature of the work performed here should never be used as a shield from this obligation, this priority. I look forward to our continued work on appropriate measures that will allow those who work here today, and in the future, to do so with ease of mind and a full sense of security.

I thank hon. members for their attention.

* * *

[*Translation*]

CRIMINAL CODE

The House resumed consideration of Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, as reported (with amendments) from the committee, and of the motions in Group No. 1.

The Speaker: I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by seven minutes.

[*English*]

Mr. Marco Mendicino (Parliamentary Secretary to the Minister of Infrastructure and Communities, Lib.): Mr. Speaker, it is a privilege to rise and speak to Bill C-75, which represents a package of bold and comprehensive reforms. This is not the first time that I have spoken to this significant piece of legislation. I did have the opportunity to comment on it previously in my former capacity as the parliamentary secretary to the minister of justice and the attorney general of Canada.

I want to begin by expressing my gratitude to a number of people who have contributed to Bill C-75. First, obviously, I would like to thank the Minister of Justice for her leadership. I would also like to thank members of the Standing Committee on Justice and Human Rights for their close study of the bill, and all of the stakeholders and contributors who through their testimony before committee and their written submissions provided for a very rigorous and thoughtful study of this bill.

Having had the benefit of reviewing those submissions and some of the testimony and seeing the hard work and contributing to it myself by participating in round tables around the country, consulting with stakeholders in conjunction with the Minister of Justice, I am confident in saying that Bill C-75 is a momentous piece of legislation. When it becomes law, it will improve our overall criminal justice system.

I also want to thank the thousands of people who work within our criminal justice system day in and day out, law enforcement, police, members of the judiciary, and all the social services which are wrapped around the criminal justice system. Having worked in it myself for over a decade, I can say without any hesitation that these are individuals who care about protecting our community while also offering the prospect and opportunity for people who find themselves caught within the criminal justice system to reform and to rehabilitate, which is a fundamental principle of the criminal justice system, especially as it relates to our sentencing processes.

There is obviously more to do. The Supreme Court of Canada put into very sharp focus the task that is ahead of us as a result of some of the ongoing challenges which the criminal justice system is confronted with every day. What are those challenges? They range from, obviously, the overrepresentation of marginalized individuals, in particular, members of the racialized community, as well as our indigenous peoples. Far too often, for reasons that are not their fault but rather a result of the systemic challenges which they face on an individual basis as well as the collective challenges that communities face, they find themselves caught in the web of the criminal justice system.

We need to be very candid with ourselves about what those challenges look like. We see overrepresentation of racialized members as well as indigenous peoples in our jails right across the country.

We also know there is an under-representation of those very same groups within the legal profession and within the judiciary. The work that the Minister of Justice has undertaken in appointing a judiciary which is more reflective of the diversity of this great country is in part a sincere effort to address that challenge. Having spoken with many members right across the continuum of our society, I can say that we have made progress, but there is still more work to do.

I also would note that the Supreme Court of Canada in Jordan did point out quite rightly and quite justifiably that there are serious concerns when it comes to delay, court delay in particular, and if not addressed, a denial of the right to have a trial within a reasonable period of time can amount to an infringement of a person's rights under the charter, particularly under section 11(b) of the charter. It was incumbent upon all of us in the words of the Supreme Court to address the culture of complacency which for far too long has shackled our ability to address delay.

Having had the benefit of reflection and having had the benefit of consultation and discourse in the context of Bill C-75, we now have a suite of reforms which will not solve all of the problems, but certainly will begin to dramatically rewire and hopefully create a criminal justice system, a set of processes, which will allow people to have access to justice, have the right to have their day in court, and begin that path to rehabilitation which is so important in order to create communities which are strong, resilient and safe.

● (1525)

I will now highlight some of the important components of Bill C-75, much of which has been debated for quite some time now in this House and at committee. Eventually, the bill will make its way over to the other place and then back.

It begins at the very start of the criminal justice system process when an individual is arrested and is brought before the court for his or her first appearance. It is at that moment the court is then asked to determine whether that person should be released or detained pending his or her trial.

We have enshrined a principle of restraint in Bill C-75, the point of which is to ensure that justice actors who are appearing in court, either representing the Crown or the defence or in their capacity as duty counsel, are not automatically overburdening judicial interim release orders with conditions which essentially are a prescription for reoffending and failure. Rather, through this principle of restraint, we are encouraging all of the parties who are involved in the determination of bail to assess the conditions which are necessary to address one of the three statutory grounds on which an individual is released.

From the perspective of the primary grounds, if the person is a flight risk, what are the conditions that are necessary to secure the person's ongoing attendance before the court? On the secondary grounds, is there a serious risk of reoffending? What are the conditions that are necessary for the purposes of ensuring that the community's concerns are addressed on secondary grounds? Obviously, under the tertiary grounds, we question whether there are additional conditions which are required to maintain the public's confidence in the administration of justice. Again, we look for some nexus between what are the conditions which are being asked for by either party and their advancement of the tertiary ground concerns.

We have, through the principle of restraint, really fostered a much more responsible approach. This is about addressing the culture of the criminal justice system right from the get-go, once a person is implicated with charges at the bail stage.

We have also, in the context of Bill C-75, introduced a suite of reforms that will, hopefully, reduce the number of administration of justice offences which are in the system. Looking at the statistics which are available right across the country, we see, for example in the province of Ontario, that over 40% of the charges in the provincial court system, the Ontario Court of Justice, could be classified under the administration of justice offences.

We are looking to find alternative ways to address potential breaches through the principle of restraint, to actually reduce the likelihood that there will be an unnecessary technical charge which is unrelated to the underlying substantive offence, but also to introduce a concept called judicial referral hearings, where even if there is a legitimate breach, to look for other ways to address it, short of introducing an entire set of new charges.

I would also point out that Bill C-75 addresses intimate partner violence. This is something that I heard very personally and I know the minister did as well in our round tables. There is the need to address the systemic barriers which for far too long have prevented victims from coming forward. How are we doing that? In the case of repeat offenders, people who have been convicted in the past of sexual offences or offences related to intimate partner violence, to put the onus on them to determine whether they should be entitled to bail, and also to look for additional factors to be taken into consideration.

At the back end there are more tools available both to the prosecutor as well as to the court to determine what is the appropriate sentence by lifting the maximum sentences available, again for repeat offenders. That, coupled with the investments which we are making in the victims fund, by looking at other ways in which we can make it easier for victims to be able to come forward to ensure that they are heard, to ensure that they have a voice in the system, is absolutely crucial in order to ensure that there is access to justice.

These are just some of the highlights in Bill C-75. Again, there is no one simple solution to solving all of the challenges which the criminal justice system is confronted with.

● (1530)

I rise with great pride to speak on behalf of the bill. I urge all members to support it. At the end of the day, it will bring the criminal justice system into the 21st century and therefore be a great service to our country.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, my colleague outlined a number of the positive elements of the bill. Certainly on this side of the House, we agree that there are some positive elements in it. The intimate partner violence reform is one that we applaud. What he has neglected to say is that there are many other crimes for which the sentences are being reduced, for example, human trafficking.

Under the leadership of our former prime minister Stephen Harper and my colleague Joy Smith, we led the play on human trafficking. The fact that human trafficking of children and young people occurs in our country is unfortunate and despicable.

At the justice committee hearing on human trafficking, former human trafficker, Donald, testified that if the government were to be lenient on the sentencing of convicted human traffickers, it would be like a carte blanche for traffickers to expand this despicable industry and further harm Canadian kids.

Could my colleague indicate if he is in fact in favour of making more lenient sentences for those who would abduct a child, the human traffickers in our country?

● (1535)

Mr. Marco Mendicino: Mr. Speaker, the hon. colleague across the aisle knows better than to ask such a rhetorical question. Of course, no member on the government side of this chamber is in favour of being lenient and turning a blind eye to human trafficking. In fact, I would point out that under the last Conservative administration, there were broad cuts made to our public safety apparatus to the tune of three-quarters of a billion dollars, which undermined our ability to bring human traffickers to justice.

This government has reversed those cuts. Not only that, we introduced legislation to provide additional tools to prosecutors to ensure that the appropriate burdens would be in place so we could bring human traffickers to justice. To that I would also add that Bill C-75 is precisely about ensuring that we have access to justice by introducing a suite of procedural reforms, which I addressed in my commentary.

Once we get beyond the kind of regrettable rhetoric that we hear from the Conservative benches, and in particular the member who just posed that question, we see we have before us a very strong bill. It is based on evidence and on data. I would encourage my hon. colleague to look at some of that information and vote in support of Bill C-75.

Ms. Rachel Blaney (North Island—Powell River, NDP): Mr. Speaker, in the work I have done in my riding, I have heard both from the RCMP and from legal representatives. They are frustrated with dealing with issues that are really better served by people who provide support and deal with social issues.

When we look at the bill, again, we see the absolute neglect of dealing with the social issues and understanding that not all of these issues need to be in the legal system. We know the system is already overflowing. There are so many challenges. In fact, multiple experts have said that this will not deal with that at all and that it will not actually do what it says, which is to ensure the system has fewer people going through it.

I would appreciate it if the member could talk about how he or his government would justify not addressing the social issues that are clogging our system every day.

Mr. Marco Mendicino: Mr. Speaker, I agree with my hon. colleague that we cannot solve all of the social issues in the context of Bill C-75. If she had listened carefully to my remarks, I made that concession at the very outset.

However, I would point out that the experts we have listened to very carefully, including the Criminal Lawyers' Association, while they do not agree with every aspect of Bill C-75, they do support many of the measures as they relate to bail reform and to reducing the systemic barriers that have plagued our system for far too long when it comes to addressing the indigenous, marginalized and vulnerable individuals who come before the courts at both the bail and the sentencing phases.

Inasmuch as my hon. colleague is concerned about this government's commitment to addressing the social issues that our country faces, I would point out that we have introduced a national housing strategy. It will invest $40 billion over the next 12 years and it will reduce homelessness significantly. Under this government, we have introduced the Canada child benefit plan, which has put more money into the pockets of nine out of 10 families and has lifted hundreds of thousands of children out of poverty. By doing that, we will see fewer of those youth, with whom I worked very closely, caught up in the criminal justice system.

That is a result of both Bill C-75 before the House, as well as the social investments we are making and of which we should all be very proud.

Mr. Mark Warawa (Langley—Aldergrove, CPC): Mr. Speaker, it is a real honour to be in the House to speak to this important justice bill.

Bill C-75, sadly, is a deeply flawed, 302-page omnibus bill introduced by the government. Are there some positive aspects? Yes. However, the way it has been done, rammed through, not properly dialogued, not properly considered and ignoring the opposition members at committee, is a very serious and concerning process.

The previous speaker, when asked about the bill, said that the Conservative comments were regrettable rhetoric. It is that attitude, where the Liberals have a majority in the House, they can ram things through and get their way every time. It appears to be an arrogant attitude with the government dismissing any critique.

The Prime Minister continues to show that he does not take the safety and security of Canadians seriously. He is not listening to positive critique. He is watering down serious offences, such as impaired driving causing bodily harm, using date rape drugs and human trafficking. These are all serious crimes.

There are 136 offences included in Bill C-75, offences like participating in the activities of a terrorist group. One of two amendments, coming from the Conservative Party, were made at the justice committee. The government then permitted its members in committee to accept an amendment on that one, and that was withdrawn. Another is advocating genocide.

How did the Liberals come up with this list of 136 offences? Why did it only accept to remove two, advocating genocide and participating in a terrorist group? What about the other 134 offences?

The Liberals have taken any offence that is a serious indictable offence, with a maximum sentence of 10 years, and they have grouped them into one group, and we have Bill C-75 in front of us. It is offences like prison breach, municipal corruption, influencing municipal official, influencing or negotiating appointments or deals in offices, violence against a clergy person, keeping a common bawdy house, punishment for infanticide and concealing body of child.

There are 134 offences. Do some of them need to be updated? Yes, but it needs to be done in a constructive, proper way.

The Criminal Code of Canada did not come into play a year ago. It has come through the judicial system, through the legal system, through the legislative system for years and years. Last year, Canada celebrated its 150th birthday. Over the years, we have learned from other countries what the laws should be and what is the appropriate sentencing. We have also learned about respecting the courts and giving the courts discretion.

Over the years, we have come up with appropriate sentencing. To review this is a good practice. It should be done. One of the things I am quite concerned about is that in the last Parliament we had a major focus on victims in Canada. The Victims Bill of Rights came out of that, and that was a huge accomplishment. Part of that was a system where there would be a victim surcharge, where an offender would pay into a victims fund to take care of victims. This is being repealed in Bill C-75. It will be gone, again taking away opportunities to take care of victims.

● (1540)

In the little time I have to speak, I would like to focus on impaired driving. Impaired driving causing bodily harm, causing death, is the number one criminal offence in Canada. It is a very serious offence. I have received tens of thousands of petitions. There is not usually a week that goes by where I am not honoured to present a petition on behalf of Families For Justice. Every member of Families For Justice has lost a loved one.

Markita Kaulius lives in my riding. She is the president of Families For Justice. She and Victor lost their beautiful daughter to a drunk driver. She was 22 years old when she was killed.

In these petitions, the petitioners are asking that the charge of impaired driving causing death be called "vehicular homicide", and that if a person is arrested and convicted of impaired driving, there should be an automatic one-year driving prohibition. It sounds reasonable. Also, if a person is convicted of causing bodily harm while impaired, by being under the influence of either drugs or alcohol, there should be a minimum mandatory sentence of two years imprisonment. If a person is convicted of causing a collision while being impaired and a person is killed, they are asking for a mandatory minimum sentence of five years imprisonment.

In the last Parliament, the government introduced a bill to toughen up laws on mandatory minimum sentences, which is what Families For Justice is asking for. It did not include calling it vehicular homicide. It was dealing with the mandatory minimums, getting tough on crime.

At the end of the last Parliament, Families For Justice contacted each of the leaders. The current Prime Minister wrote a letter to Families For Justice and said that he would support getting tough on crime. Sadly, Bill C-75 would remove impaired driving causing bodily harm, failing to provide a bodily sample and blood alcohol over the limit from indictable offences and make them hybrid offences. In actuality, this would take these offences, at the choice of the prosecution, out of federal court. Because they could be summary convictions, they would be put into provincial court. The federal government would be downloading onto provincial courts.

In British Columbia, I have been regularly shocked to see cases being thrown out of court by judges because they have gone on too long. We then end up with the federal government downloading all these indictable cases onto the provincial court. The Criminal Code being enforced will exasperate provincial justice, by making serious offences like kidnapping, abducting a person under the age of 14 summary convictions. Why should people who would abduct a child, who could be charged with a serious indictable offence, with a 10-year maximum, now have a summary conviction available to them? This would be two years less a day and put into the provincial courts.

The government says one thing and does something totally different. It promised Markita Kaulius, Families For Justice and other Canadians that it was going to get tough on crime. We hear regularly that it is getting tough on impaired driving, but in fact it does nothing like that. What it says and what it does are two totally different things.

It brings to mind the proverb, "A tree is known by its fruit". If there are apples on the branches of that tree, it is an apple tree. If there are pears on it, it is a pear tree. If it is a tree of deceit, the country groans. Canadians want justice. They want a government that spends the time to do it right when it makes legislative changes, not ram it through because it has the ability to do it.

● (1545)

Therefore, I hope the government will ask some good questions, some important questions. With the way it is handling Bill C-75, I have received a lot of phone calls, emails and regular input from my constituents. I am sure every one of us is getting the same kinds of phone calls with respect to Bill C-75, saying to vote against Bill C-75. Therefore, that is what I plan to do.

● (1550)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, by way of a comment, I would indicate to the member opposite that federal-provincial-territorial conferences have been held about this very issue, responding to the Jordan decision, which was rendered two years ago. There have also been extensive consultations around the country, both in person and online, to hear from Canadians. Therefore, "ramming this through" is probably a bit of a mischaracterization for this bill.

With respect to my question, what I would put to my friend opposite is this. The very specific way we are responding to the problem of domestic violence is by categorizing it as "intimate partner violence", by expanding the definition of who an intimate partner can be, including a dating partner or a non-married spouse, and ensuring that the penalties for intimate partner violence are increased. I know the member opposite and many of his colleagues care deeply about victims rights. In the case of victims of domestic violence, we absolutely abide by that and hear those kinds of criticisms. Therefore, could the member comment on whether he approves our changes to the intimate partner violence provisions and the increased penalties for people who are guilty of that kind of domestic violence?

Mr. Mark Warawa: Mr. Speaker, consultation is listening, taking into consideration, and learning from one another. Just having meetings with people within our provincial directorate is not proper consultation.

I was not part of those consultations. However, I strongly believe that the provinces in this great country of Canada did not ask to make softer impaired driving laws. Just like they have told Canadians and told us, I believe they told the provincial bodies that they were going to toughen up impaired driving laws. However, with Bill C-75 they are making them weaker. Those provincial consultations did not say it was okay to bypass abducting a child or to participate in criminal organizations. Therefore, the government has blown it on Bill C-75.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the member across the way talked about kidnapping. It is somewhat disturbing that the Conservatives do not seem to recognize that there is a bit of a difference. Imagine an individual going through a divorce and one parent assumes custody. If one day the child is very disgruntled or upset with the parent who has custody, he or she may decide to go over to the other parent's house, and a day later there could be allegations of kidnapping. There is a big difference between that sort of kidnapping versus a kidnapping where a child is apprehended from a schoolyard and literally used in the sex trade, possibly murdered or something of that nature. Would the member across the way acknowledge the difference between those two types of kidnapping?

Mr. Mark Warawa: Mr. Speaker, I would acknowledge that there is a big difference. That is why the courts need to have discretion. However, what we are hearing from the government is that participation in the activities of a terrorist group or advocating genocide is also within that same grouping of legislation, Bill C-75. It accepted amendments to remove those two, but everything else had to stay because it is close-minded and would not accept consultation from Canadians.

Bill C-75 has a lot of problems with it. That is why Canadians do not want us to vote for it.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, I would like to thank my colleague for his remarks.

We all know that Conservatives and New Democrats do not always agree. However, one point on which we can agree is that the government's failure to appoint judges is deplorable. Without more judges, delays in the justice system will not get better.

I would like to know if my colleague finds that utterly deplorable. The election is a year away, but we all know that anything the government does between now and then will be motivated solely by a desire to get re-elected.

For the past three years, the government's legislative agenda has been quite sparse. The government has not changed much, and when it does do something people were looking forward to, such as this bill, it does a poor job.

What does the member think of that?

[*English*]

Mr. Mark Warawa: Mr. Speaker, the member brings up a very good point. When the justice minister had the responsibility of appointing judges, six months went by before there were any appointments, and this created a backlog. Now with Bill C-75 and offences being downloaded onto the provincial government, there will be an additional backlog. The Liberals are creating a judicial and legislative mess. They have accomplished very little in the House and now they want to ram Bill C-75 through because they have the most bodies in the House.

These important issues need to be handled properly and they are not being handled properly by the current government.

● (1555)

Ms. Kamal Khera (Parliamentary Secretary to the Minister of International Development, Lib.): Mr. Speaker, I am proud to speak on Bill C-75. Through this bill, our government is fulfilling its promise to move forward with comprehensive criminal justice reform. Once passed, this legislation would have a real effect on court delays and help reduce the overrepresentation of indigenous people and other marginalized groups in the criminal justice system, including those with mental health and addiction issues. It would also help to make juries more representative of the communities they serve.

I want to take this opportunity to thank the Minister of Justice and all members of the Standing Committee on Justice and Human Rights for all the hard work they have done to make sure we get this bill right.

I will focus my remarks on amendments to the Criminal Code that would remove provisions declared unconstitutional, primarily by the Supreme Court of Canada, and that already have no force or effect, but continue to appear in the code.

Bill C-75 would repeal the offences of anal intercourse, vagrancy, spreading false news, procuring a miscarriage and bawdy house offences. This bill would also remove provisions relating to the offence of murder, as well as provisions that prevented judges from giving enhanced credit for time served in custody prior to sentencing.

Bill C-75 proposes to repeal section 230 of the Criminal Code, which was struck down by the Supreme Court of Canada in R. v. Martineau in 1990 because it infringed on section 7, which is the right of life, liberty and security of persons, and paragraph 11(d), which is the presumption of innocence in the charter. Section 230 could result in a murder conviction if the accused caused the death of a person while committing another offence, like robbery, even if the person did not intend to kill the victim. The court made clear that the label of murderer and the mandatory life sentence was reserved for those who had the intent to kill or injure so severely that they know the victim could die.

The Martineau decision also found part of paragraph 229(c) unconstitutional because it allowed a conviction for murder where a person, in pursuing an illegal activity, causes someone's death when the individual should have known, but did not, that death was a likely outcome of his or her actions. Bill C-75 proposes to remove this unconstitutional provision.

The continued presence of these invalid provisions in the Criminal Code can cause delays, inefficiencies and injustice to the accused. Bill C-75's proposed amendments would make it clear that those convicted of murder must have foreseen the death of the victim.

Bill C-75 would also repeal the prohibition against anal intercourse. It has been declared unconstitutional by several courts because it discriminates on the basis of age, marital status and sexual orientation.

Bill C-75 would also repeal section 181, which prohibits the spreading of false news. This offence dates back to 13th century England and targeted conduct meant to sow discord between the population and the king. The Supreme Court struck down this provision in R. v. Zundel in 1992 because it unjustifiably violates freedom of expression and lacks a clear and important societal objective that could justify its broad scope.

As Bill C-75 proposes to appeal this unenforceable offence, some might wonder whether this leaves a gap in criminal law, including the ability to target false news in some way. These questions are quite relevant today in the light of fake news discourse and the concerns of such fake news to promote hate against particular groups. In this respect, it is worth noting that the Criminal Code already contains a robust set of hate propaganda offences and other hate crime-related provisions, including, for example, the public incitement of hatred offences found in section 319.

Bill C-75 would also repeal the abortion offence in section 287 of the Criminal Code, which prohibits the procurement of a miscarriage and was declared unconstitutional by the Supreme Court 30 years ago in the Morgentaler case. The Supreme Court's guidance was clear. It said forcing a woman, by threat of criminal sanction, to carry a fetus to term, unless she meets certain criteria unrelated to her own priorities and aspirations, is a profound interference with a woman's body and thus a violation of security of the person. It is long overdue that this invalid provision be removed from our Criminal Code.

● (1600)

Additional amendments to modernize the criminal law were adopted by the Standing Committee on Justice and Human Rights and I want to take this opportunity to thank the committee for its work and I would like to take a moment to discuss this as well.

As tabled, Bill C-75 repealed part of the vagrancy offence. The provision against loitering near a school ground, playground or public park for persons convicted of certain offences, paragraph 179 (1)(b), was struck down by the Supreme Court of Canada in R v. Haywood in 1994 because it was overly broad in applying to "too many places, to too many people, for an indefinite period with no possibility of review." The justice committee went further and adopted a motion to repeal the vagrancy offence committed by supporting oneself by gaming or crime and having no lawful provision or calling, found in paragraph 179(1)(a).

Modern Canadian criminal law is not concerned with the status of an individual such as unemployed, but rather and rightly focuses on morally blameworthy conduct. The justice committee also heard that this offence was used in a historically discriminatory fashion to target members of a particular community. I am pleased that the committee agreed to remove this offence in its entirety and I am confident that it leaves no gap in the law.

The justice committee also unanimously adopted an amendment that repeals bawdy house offences at sections 210 and 211 of the Criminal Code. This amendment responds to the concerns that these provisions are antiquated and also have been used as discriminatory against the LGBTQ2 community and no longer serve a legitimate criminal law purpose. Their net effect is to criminalize anyone who has any kind of association with a bawdy house. This is inconsistent with modern criminal law, which criminalizes blameworthy conduct not location in which certain activities take place, nor a person's status in respect to such location. The repeal of the bawdy house offences would also leave no gap in the law as discussed by the committee during its consideration of this issue.

We have a responsibility as parliamentarians to ensure that our laws are as clear as possible to all Canadians, not just criminal law experts who can weave the Criminal Code together with the jurisprudence to better understand the true state of the law. Clarity contributes to accessibility. This is particularly important to criminal law given its significant impact on an individual's liberty and on public safety. Lack of clarity with the law also results in costs aside from tangible costs on the justice system such as wasted police, prosecution and court resources. They are at risk of injustice to the accused and intangible costs to victims.

Moreover, the reliance on unconstitutional laws has a negative impact on the reputation of the criminal justice system and affects Canadians' confidence in that system. These amendments promote clarity in the law and respect for the charter and should be without any controversy. These changes are consistent with the objectives of other amendments contained in Bill C-75 in the way they will make our system more efficient and more accessible.

I urge all members of the House to vote in favour of the motion and once again I want to take this opportunity to thank the minister for all the consultations that she has done with many members of our society as well as the justice committee for all the work it does.

● (1605)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, sections of the Criminal Code have been deemed unconstitutional and are therefore of no force or effect. I was astounded that the parliamentary secretary would pat the government on the back for moving forward in this bill with the rightful removal of those sections when it was all the way back in the fall of 2016 when the second-degree murder charges against Travis Vader were thrown out of court because the trial judge applied section 230 of the Criminal Code.

The member made reference to the Martineau decision. Following that, the McCann family, who come from my community of St. Albert, Bret McCann, his son and his wife Mary-Ann, and I pleaded for the minister to introduce legislation. The member for Mount Royal, the chair of the justice committee, wrote to the minister to urge her to introduce legislation. She introduced legislation, to her credit, on March 8, 2017 in Bill C-39.

Bill C-39 has been stuck at first reading, when we could have gotten it done by way of unanimous consent. Why did the government delay almost two years before finally moving forward in Bill C-75? It is too little, too late for the McCann family.

Ms. Kamal Khera: Mr. Speaker, I am proud of the work our government has done to introduce this legislation to modernize the criminal justice system and reduce court delays.

The proposed reforms are a key component of a federal strategy to transform the criminal justice system and make it more efficient, more effective, and fairer and more accessible while protecting public safety. The proposed reforms also aim to reduce the overrepresentation of indigenous persons and vulnerable populations in the criminal justice and court system. Many of these law reforms reflect a collaborative intergovernmental effort to address court delays, and have been identified as priorities by the federal, provincial and territorial justice ministers.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, I appreciate the passion of my colleague opposite. I would want to believe that too, if I were her. I would want to believe what my colleagues told me, what my ministerial colleague told me.

Can she tell me whether she will at least have a chance to look into how little progress the current government has made on its legislative agenda compared with the previous government at the same point in time?

When a bill is suddenly introduced, it is only natural to say that we are going to examine it, but ultimately, many witnesses and experts in the field believe that Bill C-75 does not come close to doing what needs to be done.

[*English*]

Ms. Kamal Khera: Mr. Speaker, I appreciate the hon. member's question, but this is a very comprehensive piece of legislation that was done in consultation with many key stakeholders. As we have said all along, there is no simple solution for addressing the issue of court delays. We are already doing so as part of our collaboration with our provincial and territorial partners. However, this legislation and all of the actions taken to date are aimed at addressing the root causes of the delays. This bill intends to bring more cultural shift within the criminal justice system, something that the Supreme Court in its Jordan decision stressed is required.

Once again, I thank the Standing Committee on Justice and Human Rights for its extensive study of Bill C-75 and the amendments it has proposed. We believe these amendments help strengthen Bill C-75. I hope that all members of the House—

The Deputy Speaker: The hon. member for Sarnia—Lambton.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I am sure that the member opposite, in her role in international affairs, has encountered countries where forced marriage exists. I am astounded that the government here in Canada could allow forced marriage in this bill, which essentially means individuals being forced to have sex again and again with someone they did not give consent to. How can a government that claims to be feminist and a defender of women's rights think that the penalty for that should be a summary conviction of less than two years or a fine?

● (1610)

Ms. Kamal Khera: Mr. Speaker, what I just heard from my hon. colleague is just absurd. Again, with Bill C-75 we are advocating bold reforms that would address court delays in our criminal justice system. Nothing in this bill would change the fundamental principles of sentencing. Our courts will continue to impose sentences that are proportionate to the gravity of the offences and the degree of responsibility of the offenders.

An hon. member: Oh, oh!

Ms. Kamal Khera: I would appreciate if the hon. member would let me speak, when he could have—

The Deputy Speaker: Resuming debate, the hon. member for Humber River—Black Creek.

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, I am pleased to join the debate today on Bill C-75, introduced on March 29, 2018. The bill has now been studied by the justice and human rights committee and returned to the House. I am optimistic that we can move this important piece of legislation forward today. Bill C-75 includes important amendments that reflect the government's unwavering commitment to tackling gender-based violence.

Last June, the government launched a federal strategy to prevent and address gender-based violence across Canada. The 2017 budget included $100.9 million over five years and an additional $20.7 million per year thereafter to fund this important strategy, which would ensure there is more support for vulnerable populations, such as women and girls, indigenous people, LGBTQ2 community members, gender non-binary individuals, those living in rural and remote communities, and people with disabilities, among many others.

Budget 2018 announced a further $86 million over five years and $20 million per year in ongoing funding to enhance this strategy. The three pillars of the strategy—prevention, support for survivors and their families, and promotion of a responsive legal and justice system—will better align these and existing resources to ensure that current gaps in support are filled.

Bill C-75 complements these initiatives and further supports the third pillar of the federal gender-based violence strategy by promoting a more responsive legal and justice system. It specifically targets intimate partner violence, which is one of the most common forms of gender-based violence. Intimate partner violence includes things like sexual, physical and psychological abuse, as well as controlling behaviours. Bill C-75 proposes to define "intimate partner" throughout the Criminal Code to clarify that it includes a current or former spouse, common-law partner and a dating partner.

This clarification is sorely needed to reflect the current reality, which is that so many of the individuals accused of violence against women before the courts are in fact dating partners, as opposed to spouses. According to data from Statistics Canada, victimization by an intimate partner was the most common form of police-reported violent crime against women in 2016. Based on police-reported data from 2016, we also know that violence within dating relationships was more common than violence within spousal relationships.

The new definition of intimate partner violence would apply in the sentencing context, where judges would have to consider any evidence of abuse against a former or current spouse, common-law partner and dating partner as an aggravating factor. Higher maximum penalties for repeat intimate violence offenders would also be available to sentencing judges under this legislation.

In addition to the reverse onus on bail, Bill C-75 would add two new factors that a judge would have to consider before making an order to release or detain an accused. Bail courts would have to consider an accused's criminal record, something that already routinely occurs but is not mandated, as well as whether an accused has ever been charged with an offence that involved violence against an intimate partner. These factors would ensure that judges have a more complete picture and are fully informed of any prior history of violence that could threaten the safety of a victim or the public at large.

In 2016, Statistics Canada reported that the type of violence most often experienced by victims of intimate partner violence was physical force, which includes more serious harm, such as choking. The reforms proposed in Bill C-75 would further enhance victim safety by clarifying that strangulation, choking and suffocation constitute a more serious form of assault under section 267 of the Criminal Code, punishable by a maximum of 10 years' imprisonment, instead of a simple assault, which carries a maximum penalty of five years. It would also ensure that sexual offences involving strangulation, choking or suffocation are treated as the more serious form of sexual assault, which imposes a maximum penalty of 14 years' imprisonment if the victim is an adult, and life if the victim is a child, under section 272 of the Criminal Code. This would depart from the existing penalty for simple sexual assault, which is a maximum of 10 years' imprisonment under section 271, or 14 years when the victim is under 16.

● (1615)

Unfortunately, under existing law, courts do not always recognize the seriousness of these types of assaults, which often occur in the context of intimate partner violence. These aggressive acts cannot be underappreciated or dismissed as simply reflecting a perpetrator's anger management problem. Strangulation and choking pose a much higher risk to safety than other forms of assault, because they deprive a person of oxygen, with potentially fatal consequences, despite the fact the person might not have any visible injuries. The proposed amendment would better reflect the gravity of the harm inflicted.

While strong laws are a necessary part of tackling gender-based violence, it is important to understand how this legislation complements existing programs and initiatives that, together, ensure that the justice system is working at its full potential.

Over the past couple of years, the government has been working closely with the provinces and territories to improve the criminal justice system's response to gender-based violence. For example, since 2016, the government has provided funding for projects designed to improve responses to sexual assaults against adults. This funding has been made available through the federal victims fund to provinces and territories, municipal governments, first nations, and criminal justice and non-governmental organizations.

The funding is supporting pilot projects in Saskatchewan, Nova Scotia, and Newfoundland and Labrador to provide independent legal advice to victims of sexual assault, and the Government of Ontario to further enhance its existing project. Alberta has developed a similar program that is being administered and funded through the provincial ministry of the status of women.

Strong criminal justice responses to gender-based violence, including measures that aim to enhance access to justice for victims, as well as the proposals in Bill C-75, are especially significant right now in the wake of the #MeToo movement, as so many sexual assault survivors are coming forward to acknowledge and share their experiences of sexual violence. Indeed, a November 9, 2018 report by Statistics Canada indicates that the number of police-reported sexual assaults sharply increased by 25% following the beginning of the #MeToo movement in October 2017. The harrowing accounts shared by survivors have shed light on the many social and economic barriers that sexual assault victims have faced and continue to face, with devastating consequences for individuals, their families, and their communities. As more stories of sexual assault are told, we must ensure that the victims and survivors are treated with compassion and respect and that the criminal justice system responds appropriately.

I firmly believe that the proposals to enhance the safety of victims of intimate partner violence in Bill C-75 are a necessary response to this horrific societal problem. I am proud to be part of a government that takes violence against women seriously, as I know all of us in the House do, and one that remains unwavering in its commitment to ensuring that the victims of gender-based violence and their loved ones are treated with the utmost respect and dignity. I hope members will all join me in supporting this bill.

● (1620)

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, one of the things I find interesting about the bill before us is clauses 106 and 107, which have to do with people who participate in human trafficking. Clause 106 talks about material benefit, and clause 107 talks about destroying documents. Also, clause 389 talks about removing consecutive sentencing for those who participate in human trafficking.

I listened to the member talk about much violence against women. However, human trafficking is terrible thing that happens right here in Canada, and often 10 blocks from where one lives. I am wondering how the member can square what she said in her speech with a bill that would reduce the sentencing for human traffickers. In some cases, someone would only end up being fined for participating in human trafficking.

Hon. Judy A. Sgro: Mr. Speaker, let me say to my hon. colleague that I appreciate his interest in the issue of human trafficking. Many of us in the House and elsewhere are well aware of what goes on out there in this terrible world when it comes to trafficking in human beings, whether it is occurring on our local streets or elsewhere.

Some of the work I did on prostitution and trafficking some years back, as a city councillor, was about helping people better. I think we all intend to make sure that the laws of the land protect people and help those victims who find themselves in the terrible position of being trafficked or used for sexual exploitation.

Ms. Rachel Blaney (North Island—Powell River, NDP): Mr. Speaker, there is a quote from an article by Elizabeth Sheehy and Isabel Grant, in the Toronto Star, entitled "Bill C-75 reforms too little, too late...." It says:

> A woman is killed by her current or former partner every six days in Canada. Indigenous women are killed by their intimate partners at a rate eight times higher. Domestic violence is a national crisis.
>
> The federal government's Bill C-75, introduced last month, proposes changes to the criminal law response to domestic violence. But the bill will do too little, too late. What we need is a comprehensive, integrated strategy to prevent and respond to domestic violence, and resources to support women extricating themselves from violent relationships.

We know that women's organizations that address issues of domestic violence have been coming again and again begging for money they desperately need to help these women prevent these kinds of situations. We know that the government is absolutely not providing the support they desperately need.

If this bill is so great, I want to know what the follow-up will be to make sure that these women are supported so that they can begin to have trust in the justice system of Canada.

Hon. Judy A. Sgro: Mr. Speaker, I think we all share this major concern that Bill C-75 would improve the safety of women and others throughout this country. Much of the new Department of the Status of Women will have additional funding in that category so that we can support initiatives that will help women get out of difficult relationships.

Part of this, as we go forward, I think, is that the # MeToo movement has had a huge impact. The fact is that no one will get away with abusing anyone, whether a man, woman or child. Society, for far too long, has stayed too quiet on many of these fronts. I think we have to really push on the whole issue of education. I know that our government will continue to invest significantly so that education becomes a big part of this. No one should be allowed to raise a hand against anyone, man, woman or child.

● (1625)

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, I am going to parlay a little off what my hon. colleague before me had to say. It was very interesting that she very much went around the concept of standing up for violence against women.

This bill is, again, one of these things where the Liberals say they are trying to do one particular thing, and then they go off and do something completely different. When this bill was introduced, the minister said that this was going to improve efficiency in the criminal justice system and reduce court delays. The Liberals then just seemed to water down a whole bunch of sentences to reduce backlogs in the courts. They also wanted to improve and streamline bail hearings.

The goals they stated off the top were laudable. I think everyone in this place has the goal to make the justice system work better. That is something I think everyone who comes to this place can agree on. How we get there is where we disagree. If Bill C-75 actually accomplishes some of these things, we would definitely be on the right track.

Conservatives always look at the justice system from the point of view of the victim. It seems to me that the Liberals always want to look at it from the point of view of the perpetrator.

My first concern about this bill is that it is an omnibus bill. It is a mashup of various other policies. We have seen, over the time I have been here, that bills are introduced, and they keep being added to. I think Bill C-36 has been put in here, and a number of other bills have been lumped in with this bill. We have seen the progression of that. Now it is this monstrosity of a bill that is fairly unmanageable. As my colleague from St. Albert—Edmonton pointed out earlier, we had the opportunity to fix a number of these things earlier on, but the government has dithered on some of them.

A lot of people say that I am always criticizing the government, so could I just point out every now when it does something good. There are some good pieces in here. Bill C-75 would increase the maximum term for repeat offenders involved in intimate partner violence, and it would provide that the abuse of an intimate partner would be an aggravating factor in sentencing. I am totally supportive of that.

I am also supportive of the reverse onus for bail in the case of domestic assault. Indeed, I have written letters to the justice minister on that as well. Women who have been violently assaulted by their spouses should have confidence that the justice system will protect their interests and put their safety first.

Another important element of Bill C-75 is that the act of strangulation would be made a more serious level of assault. I am totally fine with that as well.

There are a number of areas I have concerns about in this bill, particularly the way it treats human trafficking. With such significant changes, we would have expected the government to consult widely. Over the last number of years, I have been working with a lot of groups that are concerned about the human trafficking happening right here in Canada. We suggested that these folks contact the justice committee to try to become witnesses at the committee.

The justice committee heard from 95 witnesses on Bill C-75. Over 70% of the witnesses at the justice committee were justice system lawyers, which would totally make sense if this bill was about streamlining the justice system. We would want lawyers to show up. However, this bill is not predominantly about that. It is predominantly about lowering sentences for a whole raft of different offences.

When we are dealing with a bill that would lower sentences, or hybridize these offences, which I think is the term that is used, certainly we should hear from some of the groups that represent the victims of some of these offences. However, we did not hear much from them at all. Just over 10% of those groups came to committee.

With respect to law enforcement, we would think that because they are the people who have to enforce these laws and use the Criminal Code to charge people that perhaps we should hear from them as well. Do members know how many police officers were heard at this committee? Out of 95 witnesses, one police officer showed up or was asked to come. That was also kind of disturbing.

● (1630)

From my limited experience travelling across the country, I know that the issues people face in northern Alberta and in Peace River country are quite a bit different from the issues people face in downtown Toronto, Halifax, Vancouver and across the territories. To hear from one police officer how the bill would affect his job seems to me to be limited, particularly when it deals with a whole bunch of different areas the police work in.

The police work every day to keep us safe, and they rely on Parliament to make sure that they have laws they can use. It seems to me that we should have heard particularly from victims and police officers. To have only one police officer, out of 95 witnesses, seems a little interesting.

As I mentioned earlier, Bill C-75 would make significant changes to some of our human trafficking offences, changing them from indictable to these hybrid offences. As legislators, we are about to vote on these changes. It is important that we make informed decisions. Are these amendments going to be useful for police officers fighting human trafficking? We do not know, because again, we heard from only one police officer, and he was not able to address specifically the human trafficking aspect.

What we know is that at committee, not a single organization that works to fight human trafficking across the country was consulted on these changes. In fact, many of these human trafficking units across the country have no idea that these changes could even be coming into effect, which could be a problem, given that the police are investigating crimes as we speak but would now have pieces of the Criminal Code disappear or be reduced. It may be a problem for them.

I would also urge my colleagues in the Senate to ensure that there is better representation of victims and law enforcement during the Senate hearings on Bill C-75. As we know, the bill will be going to the Senate quickly, as just this morning, we were voting on the closure motion for this particular bill.

Clause 106 of the bill would change the material benefit from trafficking offence and the destroying documents trafficking offence. These offences would be changed from indictable to hybrid offences.

The chair of the justice committee was here. I have debated him before on this. He said that we need to ensure that there is leeway within the law, and I agree with him. He used the example of assault and said that there is a great variance in assault, from minor fisticuffs in the parking lot to someone being left for dead. He said that we need to be able to have variance in the law for that, from being able to issue a fine. My point to him on this particular section is that there should be a minimum for material benefit from human trafficking. Could he give me an example of a fairly minor human trafficking occasion? That seems to me to be ridiculous.

Modern-day slavery is an affront to humanity, and there ought to be a minimum sentence of more than just a fine. I think all of us standing in this place would agree. I do not care if one is the nicest slave-owner on the planet, it is still slavery, and there ought to be a minimum sentence for that and not merely a fine. I was very frustrated by that. The other thing is that this will be downloaded to the provincial courts.

We know that the vast majority of human trafficking victims in this country are female. The vast majority are very young, and about half of them are indigenous. We need to ensure that the risk of being caught for human trafficking outweighs the ability to make money from it.

The justice committee in the past, in a different study, heard that human traffickers make between $1,500 and $2,000 a day from a trafficked individual. Under Bill C-75, the trafficker would face a maximum $5,000 fine. A trafficker who is trafficking a young person in this country can make up to $300,000 a year. A $5,000 fine is ridiculous. That is just be the cost of doing business for that individual.

● (1635)

The other thing is that this would take away consecutive sentencing for human trafficking. Victims of human trafficking are afraid to come forward because they fear that it would then just be a short time before their pimp would be back out on the street hunting them down.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the member for Peace River—Westlock for his contribution to today's debate, and for his ongoing concerns about human trafficking. It is an incredibly serious issue, and I thank him for raising it in this chamber repeatedly.

I have one comment and one question. The comment is that human trafficking was studied extensively by the standing committee prior to receiving Bill C-75. In order to address some of the very important witnesses and stakeholders the member has highlighted, the committee travelled right across the country to hear from them. The committee has yet to table its report, but when it does, I hope we will study its recommendations carefully.

The member and a number of his colleagues have consistently underscored the need to being tough on victims' rights and tough on sentencing to address those rights. We agree, and I am glad he agrees with the intimate partner violence provisions.

Is it a step in the right direction to be taking the standard sentence for summary conviction offences from six months to two years less a day? Does that address the needs of the victims he represents in Peace River—Westlock?

Mr. Arnold Viersen: Mr. Speaker, taking it from six months to two years minus a day is not the dispute. The dispute is about the fact that the government is are taking something that could be a maximum sentence of 10 years and reducing it to possibly just a fine. That is where the dispute lies.

The other concern is with consecutive sentencing. If a trafficker is trafficking one girl or 10 girls, he is going to jail for either 10 years or 100 years. That makes quite a difference, particularly when in most cases it is not just one individual who is being trafficked. It makes a difference, in that the person being trafficked would then be confident that the trafficker would be put away for a significant amount of time, so they could get their life back in order, because the trafficker would not be coming back to where they live, hunting them down and putting them back to work.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, I would first like to thank my colleague for his speech. We discussed our positions, which sometimes align, but often do not.

Obviously, I always feel a need to point out how disappointing this government's legislative agenda is. Given all of the serious problems Canada is facing, including those faced by first nations, this bill once again seems insufficient.

In the spring, the Criminal Lawyers' Association said that, sadly, intimate partner violence is one of the recognized legacies of residential schools and the sixties scoop. It believes that creating a reverse onus at the bail stage and increasing the sentence on conviction will likely aggravate the crisis of the overrepresentation of indigenous people in our prisons.

I would like to know what my colleague thinks about that. I think that is a major problem. The government is always talking about reconciliation, but it would be nice if the Liberals would take concrete action to improve this situation, rather than just being satisfied with public relations exercises.

[*English*]

Mr. Arnold Viersen: Mr. Speaker, I am not sure what point my colleague is trying to make. However, he talked about the legislative agenda to some degree, and one of the things I can talk about in that regard is that a former colleague of his, the NDP member Maria Mourani, introduced a bill over five years ago. That bill was passed in a previous Parliament and was to come into force. The Liberals said they were going to bring it into force. That was five years ago. It is finally being addressed in this particular bill. While most of the tools in her bill, Bill C-452, are coming in, the Liberals have removed consecutive sentencing from the bill. While to some degree that proves that the human trafficking angle is definitely a non-partisan thing, it is also very frustrating that the Liberals cannot get on board with it.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the parliamentary secretary referenced the study on human trafficking that the justice committee undertook. I can assure the House that everywhere we went, from all the stakeholders we met, from the victims, from law enforcement, nowhere did they say the offence of human trafficking needed to be hybridized.

The member for Peace River—Westlock spoke of not being able to figure out a case where this would be justified. Does it not speak to the haphazard way the bill was drafted, the fact that such offences were classed as minor offences that could be reduced to a ticketable offence under the Criminal Code?

● (1640)

Mr. Arnold Viersen: Mr. Speaker, I think the member's question also speaks to my previous one. It seems like a bad thing when people go to jail. We have a court system that seems to be clogged, which also seems like a bad thing. The Liberals' solution for this is to reduce the number of things that people can go to jail for, but that is not a solution.

Canada is a nation built upon laws. We have a threshold of behaviour that we are looking for. Let us work on the Canadian culture if that is what it will take to change this, not reduce the things people can go to jail for. A lot of these things are heinous crimes that people ought to go to jail for.

[*Translation*]

The Deputy Speaker: Order. 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 Renfrew—Nipissing—Pembroke, Carbon Pricing; the hon. member for Vancouver East, Immigration, Refugees and Citizenship; the hon. member for Nanaimo—Ladysmith, Marine Transportation.

[*English*]

Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.): Mr. Speaker, I am pleased to stand here today in this honourable House to talk about Bill C-75.

This is a long overdue change to the legal system, which has been bogged down, in many cases to such an extent that cases have been found to have lost their meaning and been adjourned. People whom we suspected were guilty got away without going through due process at all. Those circumstances cannot happen. It is not justice. It is not fair.

This is one step towards making a fairer, more efficient and effective judicial system. Bill C-75 is a meaningful and significant approach to promoting efficiency, and I would assume that all members of the House would like to see that happen. Efficiency and effectiveness are what every member would like to see in our systems, because we would not want to waste one penny of taxpayer money on something that could be done better. It is always our goal to do better. That is exactly what this bill does.

This bill would, in a significant way, promote efficiency in our criminal justice system, reduce case completion times, as I mentioned earlier, and contribute to increased public confidence while respecting the rights of those involved and ensuring that public safety is maintained.

In terms of preliminary inquiries, this bill would restrict preliminary inquires to adults accused of the 63 most serious offences in the Criminal Code, which carry a sentence of life imprisonment, like murder; and would reinforce a judge's power to limit the questions to be examined, as well as the number of witnesses who will appear.

The Supreme Court of Canada in its Jordan decision, and the Senate legal affairs committee in its final report on delays in the justice system, recommended that preliminary inquiry reform be considered. We should be proud to support a bill that takes into account not only the recommendations of this House but also of the upper house and of the provinces and territories that have been working on this issue for many years. It has been discussed for decades.

Some say that restricting preliminary inquiries might have little impact on the delays. Even though it concerns only 3% of the cases, it would still have a significant impact on those provinces where this procedure is used more often, such as Ontario and Quebec. We know, because of the population base involved, that this would have a significant impact on the whole judicial system.

Also, we cannot overlook the cumulative effect of all of Bill C-75's proposals that seek to streamline the criminal justice system process.

It is of course for the betterment of both the accused and victims to have the system move fairly and efficiently in a timely manner. The proposed preliminary inquiry amendments are the culmination of years of study and consideration in federal-provincial-territorial and other meetings.

We know that it is not easy to negotiate a framework when we have many divergent views and jurisdictions involved, but this is going to be good for Canadians. It will be good for the indigenous population of our country, who have unfortunately been the victim of a system that many have called racist. If we look at the number of indigenous people in our jails, it is extremely high. One must ask why the system seems to incarcerate so many more indigenous people than their population warrants. These changes will be more effective and fairer for our indigenous population, and that is a commitment of our Prime Minister.

● (1645)

This is a balanced approach. We often see that in this House, in particular, where we have the left and the right, the positions can be quite separated, with the Liberals coming in the middle and providing a balanced approach and centre to both.

I think most Canadians are reasonable centralists and, as we have seen in the past, this type of negotiated solution means compromises on both sides. As we look at the balanced approach between opposing views put forward by both committees and those expressed by the House, they are considered and put forward in this bill.

This bill would make this procedure more efficient and expedient. Of course, that is the goal of all of our programs for Canadians, as well as being meaningful, respectful and available to all Canadians. It is important to respect the accused person's right to a fair trial. This would also help witnesses and victims by preventing some of them from having to testify twice. That is just not reasonable for the system. It is hard on victims, very hard on witnesses, so to eliminate this would be of benefit to all.

Let us look at the issue of case management. Bill C-75 would allow for the earlier appointment of case management judges. This recognizes their unique and vital role in ensuring the momentum of cases is maintained, and that they are completed in an efficient, effective, just and timely manner. This was also recommended by the Senate report on delays in the criminal justice system.

It is important to discuss, even if briefly, the use of technology and how it would provide fairness, particularly to the indigenous population of Canada. I come from Manitoba, which has the highest per capita number of indigenous people of any province. In many cases, they are in fairly remote and isolated communities where participating in a full process is extremely difficult because there are no roads, access is limited and broadband connections are poor. These are all issues that make justice much more difficult for indigenous people in those circumstances.

In terms of technology, the bill proposes to allow remote appearances by audio or video conference for accused, witnesses, lawyers, judges, justices of the peace and interpreters, under certain circumstances. This would obviously assist many people, although it is not always appropriate. Canada has allowed remote appearances for many years, and these amendments seek to broaden the existing framework.

These optional tools in Bill C-75 aim to increase access to justice, streamline processes and reduce system costs, such as the transport of the accused and witness attendance costs, without impacting existing resources such as those through the indigenous court worker program. The changes we are proposing also respond to the Senate committee recommendations, which called for an increase to the use of remote appearances for accused persons.

In conclusion, the proposals in Bill C-75 in relation to preliminary inquiries, judicial case management and remote appearances, together with all of the other reforms, would ensure that our criminal justice system is efficient, just and in line with the values of our communities and all Canadians.

● (1650)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the member for Kildonan—St. Paul spoke about preliminary inquiries. While there certainly was some support for limiting preliminary inquiries, the vast majority of witnesses who appeared before justice committee said that it was better to keep preliminary inquiries the way they are.

During the human trafficking study that the justice committee undertook, there was a Crown prosecutor who prosecuted one of the very few successful human trafficking cases in Canada. This individual said the preliminary inquiry was essential to the successful conviction of the individual at hand, because so many witnesses were disappearing. To get them in, under oath, at the preliminary inquiry stage was essential to their ability to then tender that evidence at trial. In addition, we know that 87% of cases are resolved at the preliminary inquiry stage.

In addition to that, there was some concern about the arbitrariness of using preliminary inquiry only for those cases where the maximum sentence is life. It may make some sense on a superficial level, but there are many instances where certain charges might carry life as a maximum sentence, and other similar ones where the sentence would be less than life. The sentencing ranges for both of those offences may be similar, yet only in one case would the accused be entitled to a preliminary inquiry.

I am wondering if the hon. member could address some of those points.

Hon. MaryAnn Mihychuk: Mr. Speaker, I would be glad to talk a bit about the impact of the judicial system on victims. Imagine being involved in sexual abuse or being harmed in some way and having to testify in a preliminary hearing, only to have to testify once again during the trial and be victimized for a second time by the judicial system.

I am sure Canadians understand that the last thing we want to do is make a victim's life even harder through a judicial system that is not sensitive, particularly in the case of women who have been sexually assaulted.

● (1655)

Mr. Michael Cooper: Mr. Speaker, the hon. member for Kildonan—St. Paul also touched upon the issue of peremptory challenges. This is something we took very seriously in terms of considering their abolition. Unanimously, before the justice committee, the criminal defence bar said that peremptory challenges were absolutely essential in order to ensure a fair trial.

In that regard, I would draw the hon. member's attention to the comments of Richard Fowler of the Canadian Council of Criminal Defence Lawyers, who stated before the committee, “I will just say, as an aside, that the abolition of peremptory challenges is a huge mistake. I've selected over 100 juries, and I've never seen it misused. It's necessary.”

Another lawyer, Solomon Friedman, indicated that it was essential to ensure that juries are representative of the broader population.

Could the hon. member address those points?

Hon. MaryAnn Mihychuk: Mr. Speaker, I would be glad to do so.

We remember cases in Canada where the jury did not reflect the local population. We heard from many people that there was a question of fairness and justice. Removing the peremptory challenge would, for example, limit the ability of a defence attorney to remove individuals based on something quite superficial. It might also limit the ability of the jury to be as reflective of the community as we would hope.

We want to ensure that there is representation from all of the ethnic groups in our local communities, and that the justice system is fair and open for all.

Mr. Gary Anandasangaree (Parliamentary Secretary to the Minister of Canadian Heritage and Multiculturalism (Multiculturalism), Lib.): Mr. Speaker, I am very glad to speak here in support of Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts.

I will start off by acknowledging that we are gathered here on the traditional lands of the Algonquin people.

To give members a sense of my involvement with the criminal justice system, I was a youth worker and ran a youth service agency several years ago. In fact, I came across a number of young people who had interactions with the criminal justice system. I found it quite frustrating that the young people were often looked at in silos with respect to the charges that were in front of them in their involvement with the criminal justice system.

Also, as a lawyer, I practised in this area very briefly. Over the years I have worked with a number of organizations that work with youth, especially those involved with the criminal justice system. Just last Christmas, along with the Toronto breakfast clubs and the Second Chance Scholarship Foundation, I was at the Roy McMurtry Youth Centre for young offenders and had a really good afternoon meeting with a number of young people who were involved in the criminal justice system and serving time.

As well, since my election as an MP, I have visited a number of institutions across Ontario, including detention centres and penitentiaries.

It is clear to me from my engagement with the criminal justice system that it is not fully working. There is a lot that we need to do to change it and to improve it. I believe Bill C-75 addresses a number of important issues. First and foremost are the issues of delay, safety in terms of our communities and, of course, the massive overrepresentation of certain groups within the system.

The reports of the Office of the Correctional Investigator are quite insightful, offering some drastic numbers that reflect what I believe are structural issues within our system. These issues often cause particular groups to be overly represented within the criminal justice system. For example, 40% of women in penitentiaries are indigenous, which is a gross overrepresentation in relation to the indigenous population in Canada.

Similarly, young black men represent roughly 8% of those serving time in penitentiaries, and indigenous men hover around 30%. We know that this representation is pronounced and disproportionate in relation to their overall numbers.

We can ask ourselves why this is so. In my current role as Parliamentary Secretary to the Minister of Canadian Heritage, in undertaking some discussions and engagements on anti-racism, it is very clear that there are underlying structural and systemic issues within our criminal justice system that have some very specific outcomes. Coupled with issues of poverty, disenfranchisement, a lack of housing and a whole host of other social determinants is a system that in many ways is deeply problematic in terms of the manner in which it treats certain groups of people.

However, Bill C-75 goes to some length to address these issues. It is probably not to the full extent that may be required, but it certainly goes a distance in addressing some of these structural issues, and I will talk about a few of them this afternoon.

● (1700)

Bill C-75 would change the way our system deals with the administration of justice offences. I cannot say the number of times I have worked with young people who have been charged with an offence, where oftentimes the evidence against the individuals is quite weak, but unfortunately, because of the terms of bail and the terms of release they often find themselves back in jail facing additional charges. It is deeply frustrating when we see that.

One of the immigration cases that came to my office involved a young man, 40 years old, who came to Canada when he was eight. He was involved with the child welfare system. I believe his first charge was when he was about 13, as a young offender. He was found not guilty of those charges, but within a year, he was charged and convicted of an offence of breach of condition, namely, that he did not appear in court. We are talking about a 14-year-old young man who, by all measure, had many obstacles in his life including the fact that he was separated from his parents and was growing up in the child welfare system. This young man ended up missing court and was convicted for the first time. Then I saw his record, and over and over again it was not the issues of the actual crime, but administration of justice offences that he was convicted of.

This really tells us that our system is not working. We can look across the country at many young men and women who are serving time because the way we have set up our system is one which is very punitive and restrictive. While it is essential to ensure public safety, I do think we can do this by making sure that the terms of release are proportionate and reasonable and are acceptable to all the parties. That is something which I see very often.

When I worked with young people, one of the standard terms of release that I saw in bail was non-attendance. If an incident took place at school or near a school, oftentimes a condition is that the young person does not attend that school or go near the school. How is it fair that a 15-year-old in grade 10 who is having some difficulties in life is restricted from going to that school? A change of school, a change of circumstance, would obviously extenuate the challenges a young person has in life and often will lead to a greater involvement with the criminal justice system.

I thought I would have time to speak to this in more detail. However, I will say that this bill is very important. It goes part of the way in addressing some of the systemic issues that we see in the criminal justice system and particularly with respect to the racialization of incarceration in Canada and many parts of the world, but particularly in Canada as documented by the Office of the Correctional Investigator and others who have pointed to highly polarizing numbers that speak to systemic issues within our criminal justice system.

In summary, the issues addressed in this bill are important, namely, the delay aspect and making sure the delays are limited by eliminating undue processes, as well as the overrepresentation that I discussed, and making sure that issues such as intimate partner violence are addressed. I believe that this is a very important bill that warrants the support of all of our colleagues here and across the aisle as well.

● (1705)

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I know the parliamentary secretary is a lawyer, and I want to ask him a question in regard to the limitation on preliminary inquiries.

Evidence before the justice committee was that preliminary inquiries can serve as an important discovery aspect in which important evidence on complex motions before the court can serve a useful purpose to avoid mid-trial delays if it is not dealt with before getting to trial. It was pointed out in that regard that limiting preliminary inquiries in that context would have the potential impact of increasing delays rather than reducing delays, with an increased likelihood in mid-trial adjournments.

Mr. Gary Anandasangaree: Mr. Speaker, when we talk about issues such as preliminary inquiries, there are different perspectives. My experience has been there are oftentimes unnecessary delays put on because of this. Often there are people who are victimized who need to come back a number of times to testify. I believe Bill C-75 has found the right balance. While I respect the work of the committee, my experience has been otherwise in this area.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, we are well aware that the government had to respond to the Jordan decision and that that is the purpose of Bill C-75. However, the government failed to do one thing: ensure that delays will no longer be a problem. We need to make sure criminals actually get convicted and serve their time in jail.

Sadly, there is a case going on in Calgary that is very well known. Nick Chan is a notorious gang leader who was accused of murder and other crimes, but he has been released because his right to be tried within a reasonable time, as laid out in Jordan, was violated due to the shortage of judges.

The bill is a first step toward addressing the problem, but it has its flaws, which I mentioned earlier in my speech.

What is the government doing right now to fill those vacant seats and put more judges on the bench?

● (1710)

[*English*]

Mr. Gary Anandasangaree: Mr. Speaker, this is something that is quite important to me. The appointment of judges who bring a breadth of experience and diversity to the bench is quite important.

As a government, we have taken some very important steps by establishing a process of appointment of judges that is one of the finest in the world and will withstand any type of scrutiny. We see our benches being filled with exceptionally talented people from all walks of life. As a government, this is something we fulfilled. We are on the right path in appointing the type of judges who should be on our benches.

Mr. Lloyd Longfield (Guelph, Lib.): Mr. Speaker, the member mentioned delays, moving away from the peremptory challenges which caused a lot of delays in our system and going toward the set aside provisions in the current proposed legislation to streamline the jury selection process, give control to the judges to make sure we have diversity. Could the hon. member talk about how that could improve our efficiency in the court system going forward?

Mr. Gary Anandasangaree: Mr. Speaker, it is very clear that the outcomes we see, the numbers we see year after year from the Office of the Correctional Investigator, should trouble all Canadians. They should really raise questions as to why certain provisions and practices exist and how they affect racialized people. It is very clear that peremptory challenge is one of those issues where we have seen some serious miscarriages of justice over the years. It is a very important step in Bill C-75 that would address a major concern of many victimized communities that have been seeking justice.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I am honoured to rise in the House today to speak to Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts.

Before I begin my speech, I want to thank the hon. member for Victoria for the excellent work he did on this file in committee. He worked very hard. He proposed many amendments, asked witnesses questions, and made some insightful and very impressive remarks. That is what will fuel my remarks today.

Why are we voting against the bill? The purpose of the bill was to respond to the Jordan decision, but it does not respond to it correctly. That is one of the reasons we are voting against the bill. It does not go far enough, and it fails to achieve what it set out to do. That is the problem.

The stated objective of the bill was to comply with the Supreme Court's 2016 Jordan ruling and to clear the backlog in the justice system, which is very important.

The problem with the Jordan decision is that now the Charter guarantees the right to be tried within a reasonable time. That is fine. The Jordan decision set out a timeframe. The time limit between the laying of charges and the conclusion of the trial was set at 18 months, or 30 months in some cases.

If that deadline cannot be met, situations may arise—much like the notorious cases I mentioned earlier in my question—where real criminals who have committed very serious crimes can be let off without a trial. That is awful. That should never happen again. Our government should be ensuring that it never happens again.

That is why Bill C-75 was so highly anticipated. It should have corrected that situation, but unfortunately, it does not.

One of the major reforms in Bill C-75 is not based on sound evidence, and that is very problematic. The stated objective of the bill is to respond to the Jordan decision. However, we have serious doubts about whether the proposed amendments will actually help reduce case completion times in the criminal justice system.

Many of the proposed measures will likely have the opposite effect and could actually add to the delays.

The Liberals claim that this bill is a bold reform of the criminal justice system, but there is one problem, in addition to what I mentioned just now. The Minister of Justice's mandate letter has something very important in it, something we very strongly believe in: eliminating the mandatory minimum sentencing system. All of the leading legal minds and experts have told us repeatedly that mandatory minimum sentencing is bad for our justice system. It is bad for offender rehabilitation and reintegration, and it undermines judges' ability to exercise their judgment in unique cases.

What does Bill C-75 have to offer on that score? This was in the minister's mandate letter, so we expected the elimination of minimum sentencing to be a key component of the bill, but apparently it does not even bear mentioning.

The Liberals broke their promise, and that is a major disappointment. As I said, defence attorneys and legal academics agree that the reversal of this practice would have been a huge step toward unclogging the court system. Unfortunately, the Liberals chose not to tackle this key issue. That is inexplicable. I do not understand why they made that choice.

● (1715)

My first concern has to do with reducing the use of preliminary inquiries, which are essentially dress rehearsals for trials. They are used in only 3% of cases, so eliminating them in most cases, which is what Bill C-75 proposes to do, will not save a lot of time right away. One could argue that preliminary inquiries help narrow the issues to be presented at trial and that, in some cases, they completely eliminate the need for a trial if the Crown's evidence does not hold up. Eliminating preliminary inquiries is a solution that was proposed to reduce delays, but it will actually do the opposite.

My second concern is about the regressive change to summary offences. Imposing harsher sentences on those who commit less serious crimes, namely increasing the maximum sentence from 18 months to 24, is just one element of this reform. Many accused would be better helped by being given more social support, rather than being criminalized. This amendment would disproportionately affect members of racialized groups and indigenous communities, more specifically those with a low socioeconomic status and those struggling with addiction and mental health issues.

Another major shortcoming of this bill is that it does not propose any measures to address the root causes of crime, such as poverty. In fact, today is national anti-poverty day. Other root causes include addiction, mental health problems and marginalization. There is nothing concrete in the bill to address those factors. Unfortunately, many people end up in the legal system when their situation is actually a result of social problems that we should be addressing. Sometimes those problems are of long standing. Take, for example, the social problems in indigenous communities and mental health problems.

The government needs to sit down with the affected communities to come up with solutions to these problems and try to improve their situation. Unfortunately, this bill has no plan to that effect.

I also want to reiterate that appointing more judges to fill judicial vacancies is absolutely crucial. We can no longer tolerate all these judicial vacancies. This government has been in power for over three years now. These judicial vacancies must be filled.

Let me remind members of the Nick Chan case in Calgary. Everyone is still talking about it today. This notorious gang leader was accused of murder and other serious crimes, but he was let off because his right to be tried within a reasonable time, as laid out in the Jordan decision, had been violated due to the shortage of judges.

This is a very serious problem that the government must address as quickly as possible. Of course, we have an independent judicial appointments process, but that process needs to go a lot faster. The vacancies must be filled, because we simply cannot let other notorious criminals escape prosecution because of a lack of judges.

● (1720)

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the member for Drummond for his speech.

I want to touch on the point he made at the end of his speech about how many judges we have appointed. We have already appointed 31 judges in Quebec, the province my colleague represents in the House. He knows full well that we inherited a flawed system from the Conservative Party. We have revamped the system to put more emphasis on diversity in the judiciary. We have increased the percentage of women from 32% to 56%. We have increased the percentage of indigenous judges by 3.1%. We have increased the percentage of racialized judges to 12% and LGBTQ judges to 6%.

Among all of the candidates appointed in Quebec and across the country, 30% are bilingual. I am pointing this out because my colleague is a staunch defender of official languages in the House and across the country.

Does my colleague agree with the appointment of these individuals, who more widely represent our communities?

Mr. François Choquette: Mr. Speaker, I congratulated the government on its new approach to appointing judges. I think that the diversity of the new appointments is a very good thing. The increased number of bilingual judges is also a very good thing. However, the remaining vacancies do need to be filled as soon as possible.

My colleague did not address a very important aspect of my speech, the part about mandatory minimum sentences. It is so important that it was included in the Minister of Justice's mandate letter.

The Liberals have been in power for three and a half years. When will they finally put an end to mandatory minimum sentences?

● (1725)

[*English*]

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the Parliamentary Secretary to the Minister of Justice suggested that somehow the appointment process was broken under the Harper government. I hope he is not impugning the character of the very many good justices who were appointed under Prime Minister Harper, as well as the many good justices who have been appointed by the government. The problem, however, is that the Liberal government did not do it quickly enough, at least in the first year after it was elected.

The member for Drummond just commented on the new appointment process established by the government, but it took it a full year to appoint new judicial advisory committees.

Does the hon. member agree that this demonstrates that when it comes to appointing judges and when it comes to filling judicial vacancies within a reasonable period of time, the government has not taken it seriously?

[*Translation*]

Mr. François Choquette: Mr. Speaker, the new process is indeed a good thing. We are pleased that the newly appointed judges represent a greater diversity of Canadians.

However, we are disappointed by how long it took and by the outstanding vacancies. That is what we find deplorable.

I would like to reiterate that abolishing mandatory minimum sentences is in the mandate letter of the Minister of Justice. Legal experts Amanda Carling, Emily Hill, Kent Roach and Jonathan Rudin have said that mandatory minimum sentences are a bad idea and that it is impossible for the legislator to know all the different types of offences and the offenders who might commit them. They believe that mandatory minimum sentences do not take into account the fact that some offenders live in abject poverty, have intellectual disabilities or mental health problems, or have been victims of racism or assault.

Why has the government not accomplished what is set out in the mandate letter?

[*English*]

Mr. Chris Bittle (St. Catharines, Lib.): Mr. Speaker, I am pleased to rise to participate in the debate on Bill C-75, an act to amend the Criminal Code, the Youth Criminal Justice Act and other acts and to make consequential amendments to other acts, which is an important part. I intend to focus my remarks on the sentencing issue.

At the outset, it is important to address the hybrid offence issue, because we are hearing a lot of misinformation coming from the other side about how this process works. This means offences that are punishable by a maximum penalty of 10 years imprisonment or less. These reforms would allow the Crown to proceed by summary conviction in appropriate cases. There is the suggestion that this minimizes the seriousness of the offence. Nothing could be further from the truth. What is being said from the other side, and the concerns and misinformation they are raising, shows a lack of trust of the judiciary, of police officers and of Crown prosecutors.

The opposition is the party that pretends to be the law and order party, the party that gets tough on crime, the party that never really talks about significant issues to reduce crime, but will wrap itself in the flag and pretend to go forward based on that. It will spread misinformation about Bill C-75 to build itself up to make it seem like the bill would accomplish nothing. The rules in the Canadian judicial system changed with the Supreme Court decision in Jordan, that justice had to be quicker. We have all heard the phrase justice delayed is justice denied, but it is true. It is guaranteed in the Charter of Rights and Freedoms.

The Minister of Justice met with provincial and territorial counterparts of all political stripes, all parties that are represented in the House, to come up with a way to make justice quicker, to get people before a judge as quickly as possible. I think that is something on which we can all agree. If someone is charged with a criminal offence, he or she should be in front of a judge as quickly as possible, that gets to sentencing and an outcome as quickly as possible.

The proposal to hybridize offences is procedural in nature and is intended to allow the prosecution by summary conviction of conduct that does not currently result in a sentence of more than two years. For instance, it is a mischaracterization of the reclassification of amendments to assert that hybridizing, for example, section 467.1(1) of the Criminal Code, which is participation in activities of a criminal organization, is sending a message that we do not take organized crime offences seriously. There is not a member of Parliament in the House who does not take organized crime seriously. To suggest otherwise is preposterous.

The proposed amendment simply recognizes that this offence can, by virtue of the range of conduct captured, include circumstances where a appropriate sentence falls within the summary conviction range. Proceeding summarily in these circumstances allows for more expeditious proceedings, without undermining public safety or impacting the range of sentences for this offence.

Let us go back in our time machine to 2011-12. There was, as the Conservatives would call themselves, a tough on crime government. In those years, there were 49 guilty verdicts issued under section 467.1(1) of the Criminal Code. Of those 49 offences, only 34 were given a custodial sentence. Of those, one received one month or less. Six received between one and three months. Ten received between three and six months. Nine received from six to 12 months. Four received from 12 to 24 months. The remaining four, less than 10% of offences, received a sentence of 24 months or more. That is from the Canadian Centre for Justice Statistics. This was during the Stephen Harper era of tough on crime.

An hon. member: They don't believe in statistics.

Mr. Chris Bittle: We have heard in question period, as my hon. friend mentioned, that belief in statistics may not necessarily be the Conservatives' thing, but I will put that forward.

● (1730)

This bill, Bill C-75, gives the Crown discretion on how to proceed. The Crown knows, when it is going forward with a case, the sentence it would ask for if a conviction happened. The Crown then has to make arguments within the range of sentences.

In my riding, the Crown has been doing this for five, 10, 15, 20 years. The Conservatives say that we do not trust them. We do not trust them to make that call even though—

Mr. Michael Cooper: We trust judges. We do not trust prosecutors. I said that we trust judges.

Mr. Chris Bittle: Mr. Speaker, “we do not trust judges”. We just heard that from the hon. member for St. Albert—Edmonton who is yelling, for some reason.

The Assistant Deputy Speaker (Mr. Anthony Rota): Order. I just want to remind the hon. members that while someone is talking, shouting across the floor is not regular parliamentary procedure.

I will let the hon. member for St. Catharines continue.

Mr. Chris Bittle: Mr. Speaker, I may have misheard the hon. member screaming and shouting. He may have said that he trusts judges. However, opposing this bill shows that they do not trust judges.

At the end of the day, it is the Crown and the defence who make the arguments. The Crown will say this requires a sentence for a certain period of time and the defence will say, “No, we believe it is less”. The judge will make that decision.

It is the Crown prosecutor's job in this business is to put dangerous people behind bars. They have gone into the business for that reason. If they believe that the sentence should be less than 24 months, why not make a proceeding to get these people behind bars quicker? This bill achieves a tougher on crime approach. It gets those charged with offences before a judge faster.

Members from the other side scoff, but they cannot dispute that fact. They cannot dispute the fact that they do not trust Crown prosecutors, which is shameful. How does one surround oneself with a law and order agenda while not trusting one of the most significant aspects of the system, which is the Crown prosecutors? They do not trust the police to lay the appropriate charge. They do not trust the Crown and they may or may not trust the judges either. That is just disappointing.

Mr. Michael Cooper: That is just pure rhetoric. Get to the substance.

● (1735)

Mr. Chris Bittle: Mr. Speaker, we still hear the heckling. I think I have touched a nerve in terms of the truth of this. The hon. member for St. Albert—Edmonton continues to heckle. I have not seen the recent reports. I believe he has been the most called out in terms of his heckling. He continues to do so, which is truly unfortunate. I am sure he has had plenty of opportunity to speak but wishes to shout me down. Again, speaking the truth, sometimes that stings and we are seeing that in this particular situation.

It is clear that keeping section 467.11 of the Criminal Code, which I had mentioned, a straight indictable offence, will not in any way prevent the Crown in appropriate cases from seeking a non-custodial sentence or a sentence of imprisonment that is in the summary conviction range or seeking a sentence that is even higher. It all comes down to the Crown attorneys who are on the ground and know the facts of the case. Who are we as members of Parliament to say that they are not the best people in the position to make that decision? They live in the communities where they are trying these cases. They do not want to see bad people out on the streets.

If I look to the opposition members, is that what they believe? That is what they are suggesting. What they are suggesting is going on in this bill is a complete lack of trust from some of our chief law officials who are living in their communities who want to see bad people go to jail and have dedicated their careers to that goal.

It is utterly shameful that the opposition would try to spin the narrative that this is soft on crime legislation. This is getting people to a judge faster. It is getting people to jail faster and it is meeting the charter requirements as set out by the Supreme Court.

As we heard from the leader of the opposition in his plan, which was rated full of baloney, they have no plan to make Canada safer. We have a plan. This plan will get people to justice faster. It will allow Crown attorneys to have discretion and it will make the justice system more efficient. Justice delayed is justice denied and this is going to help our Canadian justice system.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the hon. member's speech was certainly long on rhetoric but short on substance.

The hon. member talked about giving prosecutors discretion and that is all this is about. If that were the case, then why would we have solely indictable offences at all? Why would every offence not be a hybrid offence? Why would murder not be a hybrid offence, if it is all just about giving prosecutors the appropriate discretion? We do not because there are certain offences that are serious, that need to be treated seriously in all cases and, therefore, are indictable.

The member spoke about the range of conduct captured, such that it would be appropriate to prosecute by way of summary conviction. Just what range of conduct captured does he envision in the case of infanticide or concealing the body of a child, or perhaps administering a date-rape drug? In just what circumstances does he see those offences being on the level of a ticketable offence or a minor property crime?

Mr. Chris Bittle: Mr. Speaker, I again go back to this law and order government. I will give the hon. member an example that he can chew on a bit himself in terms of the offence of sexual assault. Sexual assault is a hybrid offence. It remained a hybrid offence under the Harper government. Why did the Conservatives not change it? Maybe it is because it is best to give Crown attorneys discretion, maybe it is because it is best to give judges discretion, or were they soft on crime? I do not know at the end of the day.

We gave the hon. member statistics as to the particular offence that was provided that at the end of the day, again under the law and order Harper government, the individuals charged and convicted under that particular offence were not getting sentences of more than 24 months. Fewer than 10% were. Therefore, why not come up with a plan to get those cases that are going to be less than 24 months to a judge quicker and get those people behind bars quicker? The Conservatives have no plan, and that is truly unfortunate.

● (1740)

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, I hear the government talk about being a law and order government when it is clearly a common spin government.

[*Translation*]

I am not an expert on these matters, but all I can say about this bill is that everyone including the member for Papineau can see that the justice system is clogged up because of these very mandatory minimums.

Why not deal with the bigger problem, which is mandatory minimums? It is as though they called a plumber to fix a leak in the water heater and he is wasting his time fiddling with the taps.

[*English*]

Mr. Chris Bittle: Mr. Speaker, I will have to respectfully disagree. We are fixing the problem. There are two different methods in two different courts, one at the superior court and one at the provincial court. Provincial court matters move quicker and if Crown attorneys know at the end of the day that they are going to seek sentences of less than 24 months, they can move far more expeditiously through the provincial court system. That is what we are doing in this case. If Crown prosecutors know that they are going to seek only 20 months, why send the accused through superior court? Why incur all that extra delay? Why not get offenders before judges as quickly as possible and get them behind bars?

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, there has been some discussion about trusting judges. A key aspect of this bill that has not been touched on much is the power of judges to stand aside jurors. Normally, they can only do this in the context of personal hardship, but this bill would amend the Criminal Code so that judges can stand aside jurors to ensure a more representative jury.

What does that mean to the member's constituents in St. Catharines and around this county so that they can ensure there are more diverse juries hearing cases and rendering verdicts in criminal matters?

Mr. Chris Bittle: Mr. Speaker, I thank the parliamentary secretary and the committee for their incredible work on this.

This bill speaks to a whole host of issues throughout the justice system, be it bail, juries and the like. I am very pleased to support this bill and at the end of the day, I hope opposition members come to their senses and support this bill, because it would get offenders to judges quicker than the previous government ever could.

The Assistant Deputy Speaker (Mr. Anthony Rota): Resuming debate, the hon. member for Carlton Trail—Eagle Creek. I will point out to the hon. member that she will have nine minutes and then I will have to cut her off.

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): Mr. Speaker, I am pleased to rise today to speak at third reading to Bill C-75. I had the opportunity recently to speak on another bill that also sought to amend the Criminal Code, Bill C-375. In that speech, I drew attention to the Liberals' alarming track record on criminal justice. I would like to continue with these thoughts today in the context of the bill before us.

Bill C-75 continues a disturbing pattern from the Liberal government. Where previous governments of all stripes sought to protect victims of crime, the Liberal government seems to favour the protection of criminals instead. From their first days in government, the Liberals have used the levers of power to shield and protect criminals while leaving victims and their families in the cold.

We have seen this time and time again, with the Liberals' $10.5-million payout to Omar Khadr and their subsequent snubbing of Tabitha Speer, their shocking response to Terri-Lynne McClintic's transfer from a secure prison to a healing lodge, their abysmal response to gang crimes through Bill C-71, along with countless other examples.

When Canadians dared to raise their concerns, the Prime Minister labelled them ambulance chasers. Perhaps the most tangible examples of the government's disordered protection of criminals have come in this bill. When Bill C-75 was introduced, it reduced the penalties for advocating genocide and participation in terrorist activities to possibly as little as a fine. It was only at the insistence of my Conservative colleagues at committee that these clauses were removed.

I am glad the Liberal members on that committee saw the folly of the original text, but it begs the question: how could the government have thought those clauses were in any way appropriate in the first place? Unfortunately, I believe that this is not a one-time occurrence, but as I said, a disturbing pattern regarding terrorists from the government.

As I already mentioned, take the case of Omar Khadr which resulted in a convicted terrorist becoming a millionaire at the expense of Canadian taxpayers, and this is just one example. Recall that long before the Liberals tried to use Bill C-75 to lower the penalties for engaging in terrorist activities, one of the first items on the Prime Minister's agenda was to pull our air force out of the fight against ISIS. This was a backward decision at the time and in retrospect, almost indefensible.

Just days ago, a mass grave holding the remains of more Yazidi victims of ISIS was discovered in Kar Azir town. This is the 71st mass grave found in the area. The men, women and children in these graves were slaughtered by members of ISIS, some of whom are from this country. These ISIS terrorists stoned women to death for the crime of being raped. They killed families for believing in their own God or being the wrong ethnicity. They burned men alive for refusing to join their evil cause or threw them off buildings for being gay.

As I previously pointed out in this place, the Minister of Foreign Affairs could not even bring herself to call these monsters terrorists—

● (1745)

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. member for Parkdale—High Park has a point of order.

Mr. Arif Virani: Yes, Mr. Speaker. I have been listening intently to the member opposite and to all of her colleagues. We are about four minutes into her remarks and we have yet to hear anything that substantively relates to Bill C-75. We have heard about settlements of litigation, about foreign affairs policy and defence policy. I would ask the member to direct her comments to the bill at hand, please.

The Assistant Deputy Speaker (Mr. Anthony Rota): I will leave it with the hon. member. l am sure she will come to her point. As I have stated before, I often hear arguments go in certain directions that you figure is a tangent that make absolutely no sense to the person who is listening, but as the person explains it, you see it come around and it becomes evident to everyone. I will leave it to the member for Carlton Trail—Eagle Creek to finish up.

Mrs. Kelly Block: Thank you very much, Mr. Speaker. I appreciate that.

For his part, the Prime Minister has doled out taxpayer dollars for so-called de-radicalization programs for returning ISIS terrorists. In the meantime, he has told veterans they are asking for more than the government can give. Would it not be more appropriate to say that to returning ISIS terrorists instead of to the brave men and women who have defended our nation?

However, perhaps we should not be surprised. Indeed, after the Boston Marathon bombing, the now Prime Minister said of the terrorists responsible, "there is no question that this happened because of someone who feels completely excluded, someone who feels completely at war with innocence, at war with society."

I believe it is this kind of foolish gentleness toward terrorists that caused the Liberals to propose weakening the penalties in Bill C-75. They spent months arguing for and defending the inclusion of that clause before finally backing down and supporting the Conservatives in removing it. It took months of pressure and hard work to make this one obvious change, but even with that change the bill remains deeply flawed.

Bill C-75 would still weaken the penalties to as little as a fine for many other serious crimes. Among those are serious sexual crimes, such as using the date rape drug, forced marriage, marriage under the age of 16, polygamy and acting as a pimp. I wonder how the Prime Minister can claim to be a feminist while simultaneously weakening the punishment for such terrible crimes.

In addition to the sexual crimes I mentioned, the Liberals are also weakening the punishment for corruption and fraud. A lighter penalty would be possible for those convicted of bribing municipal officials, insider trading, forging currency, using libel for extortion, fraud through the use of arson, or even illegally influencing political appointments.

Perhaps most shocking is the list of violent and gang-related crimes that would be eligible for a summary conviction: infanticide, hiding the body of a child, obstructing or assaulting an officiating clergyman, abduction of children under the ages of 16 and 14, conspiracy and participating in criminal gang activities.

While I know my time is nearly up, I would be remiss if I did not take the time to point out that this is the Liberals' second attempt to remove or amend section 176 of the Criminal Code after abandoning their changes to Bill C-51. Assault of officiants during a religious service is very serious and should remain an indictable offence, yet here the Liberals are breaking yet another promise despite the fact they committed to keeping full protections in place for religious officials.

There are many more serious crimes that we see a weakened response to. In fact, I find myself wondering if this is not the intent of the bill. The previous Conservative government passed the Victims Bill of Rights and this is the Liberals' response. Again and again, we see examples of the Liberals' obsession with making criminals lives easier.

As one final example, the Liberals recently introduced a plan to provide needles to prisoners who use drugs, despite a zero-tolerance policy on drugs in prisons. It would take a Liberal to square that circle. This ridiculous plan puts correctional officers in the line of danger, for no other reason than to assuage Liberal guilt. Jason Godin, president of the Union of Canadian Correctional Officers, said the following about this ridiculous idea: "It's pretty obvious the policy changes the government is making are making it more dangerous for us, more dangerous for inmates and obviously more dangerous for the general public."

Why does the government insist on placing the rights of criminals above the rights of victims, police, guards and of citizens overall? As I have said before, Canadians deserve better than a government that treats victims like criminals and criminals like family.

● (1750)

[*Translation*]

The Assistant Deputy Speaker (Mr. Anthony Rota): It being 5:52 p.m., pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the report stage of the bill now before the House.

[*English*]

The question is on Motion No. 1.

A vote on this motion also applies to Motions Nos. 11, 13 and 14.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Assistant Deputy Speaker (Mr. Anthony Rota): I declare Motion No. 1 carried, and I therefore declare Motions No. 11, 13 and 14 carried.

(Motions Nos. 1, 11, 13 and 14 carried)

The Assistant Deputy Speaker (Mr. Anthony Rota): The next question is on Motion No. 2.

A vote on this motion also applies to Motions Nos. 3 to 10 and 12.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Assistant Deputy Speaker (Mr. Anthony Rota): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Assistant Deputy Speaker (Mr. Anthony Rota): All those opposed will please say nay.

Some hon. members: Nay.

The Assistant Deputy Speaker (Mr. Anthony Rota): In my opinion the nays have it.

And five or more members having risen:

The Assistant Deputy Speaker (Mr. Anthony Rota): Call in the members.

● (1830)

(The House divided on Motion No. 2, which was negatived on the following division:)

(Division No. 940)

YEAS

Members

Aboultaif	Albas
Albrecht	Alleslev
Allison	Anderson
Angus	Arnold
Ashton	Aubin
Barlow	Benson
Benzen	Bergen
Berthold	Bezan
Blaikie	Blaney (North Island—Powell River)
Blaney (Bellechasse—Les Etchemins—Lévis)	Block
Boucher	Boulerice
Boutin-Sweet	Brassard
Brosseau	Calkins
Cannings	Caron
Chong	Choquette
Christopherson	Clarke
Cooper	Cullen
Davies	Diotte
Donnelly	Dreeshen
Dubé	Duncan (Edmonton Strathcona)
Dusseault	Duvall
Eglinski	Falk (Battlefords—Lloydminster)
Falk (Provencher)	Finley
Gallant	Garrison
Généreux	Genuis
Gladu	Godin
Gourde	Hardcastle
Hoback	Jeneroux
Johns	Julian
Kelly	Kent
Kitchen	Kmiec
Kusie	Kwan
Lake	Lauzon (Stormont—Dundas—South Glengarry)
Laverdière	Liepert
Lloyd	Lobb
Lukiwski	MacGregor
MacKenzie	Maguire
Malcolmson	Martel
Masse (Windsor West)	Mathyssen
McCauley (Edmonton West)	McLeod (Kamloops—Thompson—Cariboo)
Moore	Motz
Nantel	Nater
Nicholson	Nuttall
Poilievre	Quach
Ramsey	Rankin
Rayes	Reid
Rempel	Richards
Sansoucy	Shields
Shipley	Sorenson
Stanton	Stetski
Strahl	Stubbs
Sweet	Tilson
Trost	Trudel
Van Kesteren	Vecchio
Viersen	Wagantall
Warawa	Warkentin
Waugh	Webber
Weir	Wong
Yurdiga	Zimmer– — 118

NAYS

Members

Aldag	Alghabra
Amos	Anandasangaree
Arseneault	Arya
Ayoub	Badawey
Bagnell	Bains
Barsalou-Duval	Baylis
Beaulieu	Bennett
Bibeau	Bittle
Boissonnault	Bossio
Boudrias	Bratina
Breton	Brison
Caesar-Chavannes	Carr
Casey (Cumberland—Colchester)	Casey (Charlottetown)
Chagger	Champagne
Chen	Cuzner
Dabrusin	Damoff
DeCourcey	Dhaliwal
Drouin	Dubourg
Duguid	Duncan (Etobicoke North)
Dzerowicz	Easter
Ehsassi	El-Khoury
Ellis	Erskine-Smith
Eyking	Eyolfson
Fergus	Fillmore
Finnigan	Fisher
Fonseca	Fortier
Fortin	Fragiskatos
Fraser (West Nova)	Freeland
Fuhr	Garneau
Gerretsen	Goldsmith-Jones
Goodale	Gould
Graham	Grewal
Hajdu	Hardie
Harvey	Hébert
Hehr	Hogg
Holland	Housefather
Hussen	Hutchings
Iacono	Joly
Jones	Jordan
Jowhari	Kang
Khera	Lambropoulos
Lametti	Lamoureux
Lapointe	Lauzon (Argenteuil—La Petite-Nation)
LeBlanc	Lebouthillier
Lefebvre	Leslie
Levitt	Lightbound
Long	Longfield
Ludwig	MacAulay (Cardigan)
MacKinnon (Gatineau)	Maloney
Marcil	Massé (Avignon—La Mitis—Matane—Matapédia)
May (Cambridge)	May (Saanich—Gulf Islands)
McCrimmon	McDonald
McGuinty	McKay
McKenna	McKinnon (Coquitlam—Port Coquitlam)
McLeod (Northwest Territories)	Mendès
Mendicino	Mihychuk
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)	
Monsef	
Morrissey	Murray
Nassif	Ng
O'Connell	Oliphant
Oliver	O'Regan
Paradis	Pauzé
Peschisolido	Peterson
Petitpas Taylor	Philpott
Picard	Plamondon
Poissant	Qualtrough
Ratansi	Rioux
Robillard	Rodriguez
Rogers	Romanado
Rota	Rudd
Ruimy	Rusnak
Sahota	Saini
Sajjan	Samson
Sangha	Scarpaleggia
Schiefke	Schulte
Serré	Sgro
Shanahan	Sheehan
Sidhu (Mission—Matsqui—Fraser Canyon)	Simms
Sohi	Sorbara
Spengemann	Ste-Marie
Tabbara	Tan
Tassi	Thériault
Tootoo	Vandal
Vandenbeld	Vaughan
Virani	Whalen
Wilkinson	Wilson-Raybould
Wrzesnewskyj	Yip
Young	Zahid– — 176

PAIRED

Nil

The Speaker: I declare Motion No. 2 defeated. I therefore declare Motions Nos. 3 to 10 and 12 defeated.

[*Translation*]

Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.) moved that the bill, as amended, be concurred in at report stage with further amendments.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

● (1840)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 941)

YEAS

Members

Aldag
Amos
Arseneault
Ayoub
Bagnell
Barsalou-Duval
Beaulieu
Bibeau
Boissonnault
Boudrias
Breton
Caesar-Chavannes
Casey (Cumberland—Colchester)
Chagger
Chen
Dabrusin
DeCourcey
Drouin
Duguid
Dzerowicz
Ehsassi
Ellis
Eyking
Fergus
Finnigan
Fonseca
Fortin
Fraser (West Nova)
Fuhr
Gerretsen
Goodale
Graham
Hajdu
Harvey
Hehr
Holland
Hussen
Iacono
Jones
Jowhari
Alghabra
Anandasangaree
Arya
Badawey
Bains
Baylis
Bennett
Bittle
Bossio
Bratina
Brison
Carr
Casey (Charlottetown)
Champagne
Cuzner
Damoff
Dhaliwal
Dubourg
Duncan (Etobicoke North)
Easter
El-Khoury
Erskine-Smith
Eyolfson
Fillmore
Fisher
Fortier
Fragiskatos
Freeland
Garneau
Goldsmith-Jones
Gould
Grewal
Hardie
Hébert
Hogg
Housefather
Hutchings
Joly
Jordan
Kang
Khera
Lametti
Lapointe
LeBlanc
Lefebvre
Levitt
Long
Ludwig
MacKinnon (Gatineau)
Marcil
May (Cambridge)
McDonald
McKay
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Mihychuk
Monsef
Murray
Ng
Oliphant
O'Regan
Pauzé
Peterson
Philpott
Plamondon
Qualtrough
Rioux
Rodriguez
Romanado
Rudd
Rusnak
Saini
Samson
Scarpaleggia
Schulte
Sgro
Sheehan
Simms
Sorbara
Ste-Marie
Tan
Thériault
Vandal
Vaughan
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Wilson-Raybould
Yip
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Lambropoulos
Lamoureux
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Lebouthillier
Leslie
Lightbound
Longfield
MacAulay (Cardigan)
Maloney
Massé (Avignon—La Mitis—Matane—Matapédia)
McCrimmon
McGuinty
McKenna
McLeod (Northwest Territories)
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)
Morrissey
Nassif
O'Connell
Oliver
Paradis
Peschisolido
Petitpas Taylor
Picard
Poissant
Ratansi
Robillard
Rogers
Rota
Ruimy
Sahota
Sajjan
Sangha
Schiefke
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Sohi
Spengemann
Tabbara
Tassi
Tootoo
Vandenbeld
Virani
Wilkinson
Wrzesnewskyj
Young

NAYS

Members

Aboultaif
Albrecht
Allison
Angus
Ashton
Barlow
Benzen
Berthold
Blaikie
Blaney (Bellechasse—Les Etchemins—Lévis)
Boucher
Boutin-Sweet
Brosseau
Cannings
Chong
Christopherson
Cullen
Diotte
Dreeshen
Duncan (Edmonton Strathcona)
Duvall
Falk (Battlefords—Lloydminster)
Finley
Garrison
Genuis
Godin
Hardcastle
Jeneroux
Julian
Kent
Albas
Alleslev
Anderson
Arnold
Aubin
Benson
Bergen
Bezan
Blaney (North Island—Powell River)
Block
Boulerice
Brassard
Calkins
Caron
Choquette
Cooper
Davies
Donnelly
Dubé
Dusseault
Eglinski
Falk (Provencher)
Gallant
Généreux
Gladu
Gourde
Hoback
Johns
Kelly
Kitchen

Kmiec	Kusie
Kwan	Lake
Lauzon (Stormont—Dundas—South Glengarry)	Laverdière
Liepert	Lloyd
Lobb	Lukiwski
MacGregor	MacKenzie
Maguire	Malcolmson
Martel	Masse (Windsor West)
Mathyssen	May (Saanich—Gulf Islands)
McCauley (Edmonton West)	McLeod (Kamloops—Thompson—Cariboo)
Moore	Motz
Nantel	Nater
Nicholson	Nuttall
Poilievre	Quach
Ramsey	Rankin
Rayes	Reid
Rempel	Richards
Sansoucy	Shields
Shipley	Sorenson
Stanton	Stetski
Strahl	Stubbs
Sweet	Tilson
Trost	Trudel
Van Kesteren	Vecchio
Viersen	Wagantall
Warawa	Warkentin
Waugh	Webber
Weir	Wong
Yurdiga	Zimmer– — 118

PAIRED

Nil

The Speaker: I declare the motion carried.

[*English*]

It being 6:42 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC) , seconded by the member for Victoria, moved that Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), be read the second time and referred to a committee.

He said: Mr. Speaker, two well-known Canadians, David Matas and David Kilgour, have uncovered something shocking. Their painstaking research has unearthed that between 60,000 and 100,000 human organs are being transplanted in Chinese hospitals each year, with virtually no system of voluntary donation in place. Most of the organs come from prisoners of conscience, primarily Falun Gong practitioners.

I make this speech today in the presence of people who have been arrested in China, and had their blood tested in prison. It may have been that the only thing that prevented their victimization was that they did not match a potential recipient. They understand, more than anything else, the importance of what is happening on the floor of the House today.

Today, I am moving a Senate bill to ask the House of Commons to rule on a fairly simple proposition, that the removal of vital human organs from living patients without their consent is morally unconscionable and must be stopped.

About a similar bill in the past, the parliamentary secretary has said that this bill raises some complex legal and social policy issues. There can be no doubt, though, that the moral issues raised by the bill are quite clear cut. On the legal side, the bill has been well studied by the Senate. I believe it significantly improves on Bill C-350 that I proposed, and also on the original Bill S-240, which was subsequently amended by the Senate committee to bring us the version we have today.

The legal issue is not particularly complex, but in an effort to stop this horrific practice, it does invoke the idea of extraterritoriality. This is where the state seeks to punish someone for a crime he or she committed elsewhere. This is relatively uncommon, although morally necessary in cases like this. Generally, states do not see it as their affair to prosecute crimes that take place elsewhere, because the government of the state in which the crime occurs is best positioned to undertake that prosecution. The government ought not to be indifferent to serious crimes committed by Canadians abroad, but it is generally wise to leave the prosecution of those crimes to the state where they took place.

However, the normal practices should clearly not apply in cases where the local government is indifferent to, is unable to respond to, or is directly facilitating a grievous violation of fundamental human rights. In such cases, Canada can and must prosecute Canadians who go abroad to abuse human rights. Human rights do not apply any less to human beings in other countries. Nation states provide the practical framework through which rights are generally identified and preserved, but this should not be an excuse for allowing their own people to be complicit in grievous violations of human rights.

In 1997, during the tenure of Liberal justice minister Allan Rock, Canada explicitly made it a criminal offence in Canada for a Canadian citizen or permanent resident to engage in so-called child sex tourism; that is, to go abroad and participate in the sexual exploitation of children. Exactly the same principle applies in this case. One notable difference, though, is that offences related to organ harvesting are probably easier to prosecute. Unlike someone who engages in the despicable practice of child sex tourism, someone who benefits from organ harvesting will have follow-up medical needs in Canada.

This bill is morally necessary and it follows a well-established legal track.

A brief word on the legislative history of this initiative. My friend, the member for Etobicoke Centre, began this process on February 5, 2008, with a very similar bill, Bill C-500. He is, for those who do not know, a Liberal. Bill C-561 was proposed by former Liberal justice minister Irwin Cotler in December of 2013. I proposed Bill C-350 in this Parliament before Bill S-240 was proposed by the very excellent Senator Salma Ataullahjan in the Senate.

We have had four bills in 10 years, and now we have less than one year until the next election. When the next election is called, every bill will die and we will go back to the beginning. Four bills, 10 years, and fundamental human rights are at stake. If we do not proceed to a vote on this as soon as possible, I fear we will significantly reduce our chances of getting this done this Parliament. There have been four bills, 10 years and cross-party co-operation and engagement up until now. Let us not force the victims to wait any longer. Let us pass the bill as soon as possible.

● (1845)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, my colleague across the way made reference to many different people who supported this initiative. I want to provide a quick comment. Many Canadians across Canada have participated through petitions. Whether one is in full support of the legislation or does not support the legislation brought forward by my colleague, many Canadians from all regions have participated through petitions.

A number of members of Parliament have raised the issue on the floor over the years. I want to thank those individuals for taking the time for, at the very least, heightening the public awareness of this important issue. Whatever happens on the legislation, and we will have to wait and see, a significant amount of effort has been made by a number of people outside the House to raise the profile of this issue.

● (1850)

Mr. Garnett Genuis: Mr. Speaker, I agree with the member that a great deal of work has been done. It underlines the importance of passing the bill as quickly as possible, ensuring we get this done to help victims.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the member for introducing this bill in the chamber, a bill that originated in the Senate.

With respect to the research he has done on the bill and the discussion on the bill thus far, could he elaborate for the House his understanding of the practice of organ harvesting and organ trafficking, what organs we are talking about and where this problem is most acute?

Mr. Garnett Genuis: Mr. Speaker, the bill does not name specific countries or speak to specific situations in the text. That is very important because there are new situations in which this type of practice could be done that we may not see right now.

That said, the bill responds to a reality that exists in many countries of exploitation, whereby people's organs are taken without their consent, people are coerced. In particular, a major issue that I referred to in the People's Republic of China, forced organ harvesting, often involves political prisoners and Falun Gong practitioners very commonly. This research has been done excellently by David Matas and David Kilgour. Many others have commented on this as well. Other countries, such as Taiwan and Israel, have responded to this phenomenon by passing similar legislation.

It is striking how it was Canadians who did the initial research, yet we are behind in passing legislation to address this problem. Let us catch up, let us lead and let us get this done as soon as possible so this law is passed before the next election.

Mr. Kevin Lamoureux: Mr. Speaker, the member made reference to Irwin Cotler, someone who is well respected on all sides of the House. I would ask my friend to provide a clear and precise perspective as to what Mr. Cotler says about the legislation.

Mr. Garnett Genuis: Mr. Speaker, Mr. Cotler is very supportive of the legislation.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am very pleased to participate in the second reading debate this evening on Bill S-240. As has been discussed already, the bill would enact new offences to target organ trafficking and to make those who engage in such conduct inadmissible to Canada.

Illegal organ trafficking is a growing problem around the world. According to the World Health Organization, kidney transplants occur in 91 different countries around the planet, with liver and heart transplants also occurring with some regularity. Despite there being a legal and regulated environment in which these life-saving procedures occur, the demand for organ transplant surgery far outweighs the supply. For this reason, we are seeing a rise in this new form of crime, organ trafficking, although it is important to note that no known cases have occurred in Canada. According to some estimates, 10,000 kidneys are traded on the underground market each year.

I am very troubled to have learned about some of the numbers and circumstances surrounding organ trafficking and the fact that, as with other types of crime, it is often the most vulnerable members of society who find themselves at the greatest risk to be victimized. ln countries around the world, impoverished individuals may be provided little or no money in exchange for a kidney.

News articles have noted that the average payment for a kidney may be around $5,000 and, in many cases, there is no payment provided. ln contrast, the average purchaser will spend well in excess of $100,000 to be provided with a new organ. lt is clear, given those facts, that there is a great deal of money being made for those who operate in this illicit marketplace.

ln my riding of Parkdale-High Park, constituents have approached me to raise their concerns specifically about the practice of organ harvesting. Political prisoners, including Falun Gong practitioners, as mentioned by my friend opposite, have been subjected to organ harvesting in order to support the trade in human organs, and these abuses are ongoing.

I am happy that the member for Sherwood Park—Fort Saskatchewan raised the issue of former parliamentarian, David Kilgour, and his 2006 report. That report documented the many Falun Gong adherents who had been killed to supply the organ transplant industry. In that report, Kilgour stated that he and his fellow researchers “believe that there has been and continues today to be large-scale organ seizures from unwilling Falun Gong practitioners.”

● (1855)

[*Translation*]

Most human organ trafficking is fuelled by the fact that patients in rich countries cannot get access to the organs they need to survive in their own countries, so they turn to countries where organs can be purchased.

Bill S-240 seeks to target organ trafficking by creating new offences in the Criminal Code. I look forward to debating this bill.

Right now, the sale, purchase and trafficking of human organs outside our existing regulatory framework are strictly prohibited under provincial health laws and the Safety of Human Cells, Tissues and Organs for Transplantation Regulations.

I would also like to note that the Criminal Code already prohibits human trafficking for the purposes of organ removal. This offence focuses on the exploitation of another person. The Criminal Code states that, and I quote, "a person exploits another person if they cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed".

[*English*]

Bill S-240 seeks to focus on the demand side of organ trafficking. It does this through the proposed four new offences included therein that would apply to situations where Canadian citizens or permanent residents would travel abroad and engage in conduct that would be prohibited if it occurred in Canada.

Three of the bill's four offences are focused on the situation where an organ is removed from one person in order to be transplanted into another in a situation where there is proof that the donor did not provide informed consent. Bill S-240 was amended by the Senate to provide a concrete definition of informed consent, which is as follows:

> ...consent that is given by a person capable of making decisions with respect to health matters and with knowledge and understanding of all material facts, including the nature of the organ removal procedure, the risks involved and the potential side effects.

This presents a challenge, and I want to underscore this for the purposes of this debate, as proof would require evidence that the accused knew that he or she obtained an organ from someone who did not offer informed consent. This, in turn, would require evidence that the accused knew that the person providing the organ had the requisite knowledge level.

It is quite possible that the accused would have no information concerning who the person providing the organ was, let alone knowledge of the risks associated with the transplant procedure. I am looking forward to following the debate on this bill on this particular point.

In targeting the demand, Bill S-240 would also allow Canada to assume extraterritorial jurisdiction, as was outlined by the member opposite, and prosecute cases here at home, even when the conduct occurred abroad and was committed by Canadians or permanent residents. This is laudable and perhaps very appropriate, given the fact that much of the conduct targeted by this bill occurs abroad. Nevertheless, I would highlight, for the purposes of this opening debate, that extraterritorial investigations and prosecutions are indeed challenging. They require police-to-police co-operation as well as more formal methods of international co-operation to secure the necessary evidence. Frequently they involve Canadian police officers travelling abroad, and of course, they require the accused to either be present here in Canada or to be returned to Canada. Such investigations are costly and would be borne by the provinces and territories that are responsible for the administration of justice. These matters are worthy of close consideration by all of us as we examine Bill S-240 more closely.

Another aspect of Bill S-240 is the proposal to establish a reporting mechanism to track organ transplants in Canada. Under proposed section 240.2 of the Criminal Code, medical practitioners, under this bill, would be required to report to a federally established body, made via a Governor in Council appointment, information concerning the fact that a person they treated received an organ transplant. This requirement would apply in all cases, including in respect of organ transplants that occurred right here in Canada. This begs the question of whether such an approach is necessary, given that the purpose of Bill S-240 is focused on illicit organ trafficking abroad.

There can be no doubt to anyone in this House that illicit organ trafficking merits serious consideration and appropriate responses from all governments, including our own here in Canada. Even though it does not appear to be a significant problem domestically, we should not take an approach that treats this issue as a problem that does not concern us. Like all forms of transnational crime, criminals find ways to exploit loopholes in the international legal framework. ln this respect, it is right for us to be examining our laws, programs and policies to ensure that they are as comprehensive and effective as they can be.

I would highlight, at this point, some of the comments made by my friend opposite in introducing this bill in this House, which came from the Senate. He underscored the fact that there have been successive efforts made by parliamentarians on both sides of the House to address this important issue. It is an important issue. It is one we take very seriously as parliamentarians. It is one that all parliamentarians in elected legislatures, literally around the planet, need to take seriously, in light of the fact that an illicit underground market has occurred for organs and that this underground market is actually exploiting vulnerable individuals in various nations around the planet. Whether it is in respect of kidney harvesting or liver or heart transplants, etcetera, these are concerns we need to draw attention to. That is why we are looking forward to concrete debate today and in the days and weeks to come on this bill to ascertain its merits.

● (1900)

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I am very honoured to rise to debate this matter. I am pleased as well to second this bill, brought to us by the hon. member for Sherwood Park—Fort Saskatchewan. It is the work of Senator Ataullahjan from the other place, the Senate, that led us here. I understand the bill passed with enormous support in the other place and I am hoping that it will have the same level of support here in this place.

Canada is a bit behind the times on this. I note, for example, that the Europeans have for quite some time had a convention entitled "Council of Europe Convention against Trafficking in Human Organs". The hon. member has already set out the cross-party support an initiative like that has had in this place for very many years, and it seems to me that the time has come to join the Europeans and other countries to deal with the scourge of trafficking in human organs this bill seeks to address.

I note that the bill "amends the Criminal Code to create new offences in relation to trafficking in human organs [and tissue]. It also amends the Immigration and Refugee Protection Act to provide that a permanent resident or foreign national is inadmissible to Canada if the Minister of Citizenship and Immigration is of the opinion that they have engaged in any activities relating to trafficking in human organs [or tissue]."

The hon. parliamentary secretary pointed out quite properly the difficulty sometimes of going after people in other jurisdictions. Of course, that has not stopped Canada dealing with sex trafficking, as has been pointed out, or "sex tourism" as it is called. We know that is the case. Also there is a section in Bill S-240 that would require any proceedings to be instituted only with the consent of the Attorney General, therefore making it likely that we could address these practical problems, to which he made reference, through that intermediary.

The scourge of organ trafficking is absolutely appalling and its exponential growth should cause concern for every member of this place. In her speech, the senator referred to situations that sound like horror movies. She cited the following:

> Waking up in a weary haze in an unfamiliar house on the outskirts of Delhi, India, Khan was greeted by a stranger in a surgical mask and gloves. As he began to ask where he was and what had happened, he was told very curtly, "Your kidney has been removed."

As another exposé published in the Haaretz newspaper indicates, thousands of Sudanese refugees living in Cairo have fallen victim to the illegal organ trade. These people are among the most desperate and easy prey for people who can simply push them aside, often by putting a mask with anaesthesia over their mouths, taking them to the back of a private clinic and removing organs, the most popular being kidneys, livers and others, and then sending them home after a while, still drugged, maybe unconscious, without the organ in question. Last year Professor Seán Columb of the University of Liverpool published a study showing a connection between the organ-harvesting industry and the societal exclusion of minorities and refugee groups in Cairo.

This is a huge problem. It has grown exponentially according to the experts, in part, as the parliamentary secretary pointed out, due to the fact that the demand has grown and the supply has become limited.

I feel that some practical steps have been taken recently in this place. The member for Calgary Confederation has introduced in the House Bill C-316, which would deal with information from tax records being used for an organ donor registry. That is another initiative I was proud to second and support. As the population ages, the demand will likely increase and these crimes by organized criminals will increase as well.

I do not want to spend much time on this bill. To me, it is a quintessential no-brainer. I want to join the Europeans. I want to join others around the world who are recognizing the scourge of organ trafficking and, as a Canadian, stand proudly with them and deal with this very real problem.

● (1905)

As my friend said earlier, we do not have a problem if we can come together, as other jurisdictions have, and say let us get this done in this Parliament to make a difference in people's lives right now.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it is a pleasure to address what is a really important issue. The whole issue of organ donations is something I am personally very interested in.

I was pleased with my colleague's comments about how individuals who are prepared to donate an organ should be made fully aware of what it is that he or she is offering to do. One of the other aspects of that debate is recognizing that it is not just the House of Commons. In fact, it entails having Ottawa work with different jurisdictions, the provinces and territories and possibly other stakeholders to deal with this issue. At the very beginning we recognized that it is an international issue of grave consequence that is having a serious impact around the world.

Even though, to the best of my knowledge, there has never been a case cited here in Canada, we have still seen Canada play important roles regarding leadership and trying to convey very strong messages on important issues.

The first question I asked my colleague across the way was with respect to a petition. I first heard about this issue through a group of individuals in my own community of Winnipeg who took the time to explain the issue to me personally. The degree to which that exploitation is taking place is fairly offensive, and I think the vast majority of Canadians would be very surprised.

I have had the opportunity to travel, as other members have, outside of Canada, and I have seen members of the Falun Gong group promoting and encouraging a higher sense of public awareness that goes far beyond our borders. That is one of the reasons I did not have an issue tabling petitions on it.

If I reflect on some of those petitions, they highlight the core issue. For example, they recognize that Falun Gong is a traditional Chinese spiritual discipline that consists of meditation, exercise and moral teachings based on the principles of truthfulness, compassion and tolerance. They make reference to the fact that back in 1999, the Chinese Communist Party launched an intensive and nationwide persecution campaign to eradicate the Falun Gong.

These are the types of issues that are being raised through petitions. I would suggest that these do more than just make those of us inside this chamber aware, because they engage citizens by requesting that they look at the petition, try to better understand the issue, and then sign in support of it. They reference David Matas, someone I have known personally for many years.

● (1910)

The former Canadian Secretary of State for Asia-Pacific, David Kilgour, conducted an investigation in 2006 and concluded that the Chinese regime and its agencies throughout China had put to death tens of thousands of Falun Gong prisoners of conscience. Their vital organs were seized and put up for sale at a high price.

Many doctors opposed to forced organ harvesting have collected about 1.5 million signatures in petitions over the years from countries all around the world. This bill references 50-plus countries, as well as the UN High Commissioner for Human Rights, who has called for immediate action to end the unethical practice of forced organ harvesting in China and an end to the persecution of Falun Gong practitioners.

The European parliament has taken some action to date with a resolution condemning organ harvesting abuse in China. The resolution called on the government of China to end immediately the practice of harvesting organs from prisoners of conscience.

To the best of my knowledge we have not seen a motion or resolution to that effect, and that surprises me. There have been a number of attempts made by some members to bring legislation forward. There appear to be a number of outstanding concerns that we hope to draw out during this second reading debate, and the debate that might follow in the coming days to address some of those concerns.

This issue has been raised already. The people who have signed these petitions are asking the Government of Canada to take action. This is not a new issue. It has been around for a number of years, as my friend pointed out. Even former prime minister Stephen Harper was unable to get it to a vote. We will have to see what takes place here.

This issue is recognized in the Criminal Code. Many aspects of this proposed legislation, from what I understand, are already covered in the Criminal Code, if not directly, definitely indirectly, dating back to 2005 when the Criminal Code was amended.

I would suggest that we look at clauses 279.01 to 279.04 of the code. The main trafficking in persons offence prohibits engaging in specified types of conduct in order to exploit or facilitate the exploitation of another person. Exploitation is defined broadly and includes causing a person "by means of deception or the use or threat of force or any other form of coercion, to have an organ or tissue removed."

In addition, it is an offence to receive a financial or material benefit knowing that the tissue or organ was derived from trafficking in persons. The concept of a material benefit is sufficiently broad to encompass the receipt of an organ in cases where the recipient knew the organ was obtained through deceit or any other form of coercion.

Canada's human trafficking offences also apply extraterritorially, in section 7(4.11), and therefore can be used to prosecute in Canada the Canadians or permanent residents who commit human trafficking offences abroad.

There are also provincial statutes that prohibit sales, purchase and dealings in human tissues or organs outside the applicable regulatory framework.

The point is that there are a number of issues, just as I am sure that former prime minister Stephen Harper recognized. Our government is looking at all aspects of this issue. We hope that the members across the way will maybe pick up on some of those points and possibly expand on them.

● (1915)

We know that there is an obligation for the government to work with other stakeholders, in particular our provinces and territories, and to listen to what Canadians have to say. We will have to wait to see how this debate ultimately evolves.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Mr. Speaker, I appreciate the opportunity to speak to this Senate public bill, Bill S-240, which proposes amendments that seek to tackle an issue that is of concern internationally and to Canadians, and that is the illicit trafficking of human organs.

Before I discuss the substance of this relatively small but important piece of proposed legislation, I would like to spend a few minutes discussing the issue on which it focuses. As I mentioned, this issue has affected many other countries around the world, yet as my hon. colleague for Winnipeg North has said, it is important to note that, to our knowledge, no known cases have yet occurred in Canada, nor would we want them to.

Organ trafficking is a lucrative and dangerous form of transnational organized crime. According to a 2015 study by the United Nations Office on Drugs and Crime, this activity purports to net in excess of $1 billion U.S. annually in illegal profits. What this illicit revenue is used for can be far-reaching, but one can well imagine that some of it is funnelled into other criminal ventures, which can undermine public safety, fuel corruption and negatively impact the rule of law.

It is also important for members to understand what it is we are talking about when we say "organ trafficking". According to the Council of Europe Convention against Trafficking in Human Organs, the only international treaty on this issue, trafficking in human organs includes the removal of organs from a person who has not provided free, informed and specific consent or who has received a financial benefit in exchange for the removal of organs.

We know that organ trafficking puts lives at risk. Medical procedures that might be performed in substandard and unregulated environments can impact those whose organs are being removed or those who are seeking organs themselves. Quite simply, this is an appalling and dangerous business, and it requires a strong legislative and operational response. It is against this backdrop that I would like to turn my attention to the substance of Bill S-240.

As I said earlier, this legislation is short and proposes amendments to both the Criminal Code and the Immigration and Refugee Protection Act. However, despite the protests of my colleague across the way, there are still some questions we must address.

I will start with the Criminal Code proposals, the most significant of which relate to the creation of new criminal offences punishable by considerable periods of imprisonment. Bill S-240 would enact four new offences targeting organ trafficking and related conduct.

The first offence, in proposed paragraph 240.1(1)(a), would prohibit obtaining an organ in order for it to be transplanted into one's body and in a situation where the person who has received the organ knew or was reckless as to whether or not the person who provided the organ gave informed consent. This particular proposed offence appears to be focused on the beneficiary of the organ and not on anyone else who may be involved in organ trafficking generally.

The second offence, in proposed paragraph 240.1(1)(b), would more squarely address the facilitators. This offence would target those who carry out, participate in or facilitate the removal of an organ in cases where they know or are reckless as to whether or not a person provided informed consent to have the organ removed.

The third offence, in proposed paragraph 240.1(1)(c), would address those who enable illegal organ removals by prohibiting acting on behalf of or at the direction of or in association with a person who has removed an organ and where the accused knows that the organ was removed from someone who has not provided informed consent or was reckless as to that fact.

Finally, Bill S-240 proposes an offence at proposed subsection 240.1(3) to target those who are involved in obtaining an organ for consideration. In essence, this offence would make it illegal to obtain an organ for money, even in cases where the organ was provided by someone who provided free and informed consent.

As I mentioned, these proposed offences would be subject to a significant maximum penalty, imprisonment for 14 years. As with other indictable offences, a sentencing court would also have discretion to impose a fine of any amount.

I am interested in our discussion of these proposed new offences, and I say this because I have a number of questions on these proposed new offences. While I will not be able to raise all of them here this evening, I wonder, for example, whether it is the role of Parliament to use criminal law to target someone who has purchased an organ, perhaps in another country where it may be legal to do so, in a situation where the individual who provided the organ did so freely, in a safe manner and under circumstances that were closely regulated. This type of action would be captured by the bill, because the bill also proposes to allow the prosecution in Canada of Canadians who go abroad to purchase organs.

These are extremely difficult and complicated situations. I can well understand why some who are faced with the prospect of serious health consequences or even death and who cannot otherwise obtain a necessary organ might look to other options for saving themselves or someone they love.

● (1920)

On the other hand, I also recognize the motivation behind the proposal and the need to ensure that individuals, often from developing countries, who may be vulnerable to abuse given their own economic situation, are protected from potentially exploitative practices.

Bill S-240 proposes a definition of informed consent that would be a key feature of the new offences. I would note that, as introduced, the bill did not propose to define this term but that a definition was added by the Senate out of concern for the need to be clear in the law, particularly given that we are talking about criminal offences.

From my own perspective, I welcome the changes by the Senate in this regard, in that they try to make the law clear and clearly understood. At the same time, the Senate committee did not appear to consider the impact of this change in any significant detail. I wonder, for example, whether this definition of informed consent is consistent with the approach that is taken in the medical assistance in dying regime or whether defining it in the Criminal Code in the manner that has been done is consistent with how that term is understood in the health law context.

I look forward to hearing more and considering these points further. I would also like to comment briefly on the changes proposed to the Immigration and Refugee Protection Act, which would result in someone who has engaged in conduct captured by three of the four proposed offences being inadmissible to Canada. In thinking about this proposed change, I wonder whether it is, strictly speaking, essential given that the current laws on inadmissibility already address criminality and organized criminality. I am curious as to why the offence prohibiting the receipt of an organ for money would not provide a basis for excluding someone from Canada when the other newly proposed offences would.

There can be no doubt that Bill S-240 is targeting an important issue and this issue is deserving of our attention. However, as we are talking about criminal law, which is one of the most blunt and powerful instruments available to a government, I think it is critically important that we do our due diligence and fully examine the proposals contained in this bill and the full range of consequences that flow from its changes.

I worked on Bill C-75, which has several hundred clauses, and being in the cut and thrust of such legislation is hard work. We need to do the homework and take the time to make to make sure that the laws to be passed in the country are fair and balanced for all concerned.

● (1925)

Mr. Matt DeCourcey (Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, I rise to speak to Bill S-240, which is private member's business relating to trafficking in human organs.

To begin, let me clearly state that our government is entirely committed to ensuring that our criminal justice system keeps communities safe, protects victims and holds offenders to account.

Additionally, our government has a proven record over the last three plus years of presenting a solid face on the international stage as it relates to trafficking in organs, to trafficking in people and to the illicit trafficking of arms exports.

Members in this House will recall that, not too long ago, under the leadership of our foreign affairs minister, our government introduced Bill C-47, which would allow Canada to accede to the Arms Trade Treaty, to ensure that arms sold to other state entities were not going places where they could contravene international law, where they could cause all kinds of horrific things to occur. Quite frankly, we introduced that bill and we believe in the philosophy that underlies it because we understand the importance of global human rights and the equality of human dignity and ensuring that international law is upheld. We certainly share that philosophy when it comes to any and all other matters that concern trafficking and activities that occur across borders in illicit ways. That would relate as well to the trafficking of human organs.

[*Translation*]

We want to eliminate human organ trafficking around the world. That is why Canada's criminal justice system is at the forefront of these efforts. We want to stop these kinds of activities from happening abroad.

[*English*]

Furthermore, we certainly condemn the illegal and exploitative trade of human organs in the strongest terms, and we say that both in Canada and on the international stage. People can be sure that the officials who represent Canada at embassies and in international forums abroad share that same message, as would all members on the government side of the floor, when meeting with constituents in their home ridings, representing the government from coast to coast to coast and when travelling abroad to represent the Government of Canada and all Canadians on the international stage.

Organ transplantation and donation is governed by a comprehensive legislative framework at federal, provincial and territorial levels in encompassing health and criminal law. We are talking about significant coordination between different federal departments and agencies, which all have to work together to ensure we can guard against the trafficking of human organs. It takes cross-jurisdictional conversations as well to ensure officials at provincial and territorial levels, as well as public safety officials, ensure these sorts of things can be snuffed out and guarded against, and that this sort of trafficking is prevented as much as possible. Trafficking is prevented in drugs and human smuggling at home or when things arrive at our borders or shores.

We want to ensure we take a public health approach when we look at these sorts of things as well to ensure, first and foremost, that we look after the safety, security, health and well-being of Canadians. When we do that at home, we have the ability to share that story around the world and work with other partners on the international scene who may not have the same level of capacity Canada has to deal with these issues. It is a lesson and something we share across the world. Where we have the capacity to step up and lead, Canada always has. It has certainly been the story under this government.

We have to be aware of trafficking in human organs and other illicit goods, especially in the context of increased migration and flows of people who are on the move more so than we have seen since the end of World War II. In many cases, people are fleeing persecution. In some cases, they are fleeing gang violence and other activities that have caused them personal, physical, mental and psychological harm. Therefore, it is important we understand why people are on the move, what other illicit activities could be camouflaged with people moving around and how we guard against any trafficking at all, but certainly a proliferation of trafficking of things like human organs, persons or other illicit goods.

Another point is that the Criminal Code in Canada currently prohibits the removal of an organ without the informed consent of the donor. If we lacked that provision in our Criminal Code, think how terrible it would be to have an organ removed without one's consent. We have taken steps in our country to ensure that is not the case. It is reflected in our view that human dignity is to be upheld in all cases. Having someone's consent to have an organ removed is upheld in Canada.

● (1930)

With the few minutes I have left, it might be worth re-emphasizing for those who have been watching over the last few minutes how seriously we take the issue of trafficking in human organs, just like we take all matters that would have a negative or deleterious effect on the health, well-being, safety and security of Canadians or on the Canadian population.

An hon. member: Deleterious?

Mr. Matt DeCourcey: I hear one of my colleagues snickering about my use of the word “deleterious”. I would encourage that colleague to look it up and perhaps use it in debate in the House before the end of the coming session. I am sure he will find the usage of such words can be helpful in really painting a picture of the negative consequences that not addressing these issues seriously can have on individual Canadians and our population as a whole.

[*Translation*]

I just highlighted the importance of paying attention to these issues, of speaking out about the negative effects of these activities and speaking out on the international stage to send a message that Canada is and will continue to be a leader on these issues and all matters that affect the well-being of Canadians and people around the world.

[*English*]

Mr. Garnett Genuis: Mr. Speaker, I rise on a point of order. In light of the urgency of this, I think the direction in which the debate is going makes clear that the key arguments have been made.

I would seek unanimous consent at this point to deem the motion adopted at second reading stage so we can proceed to the urgently needed study at committee, and review any amendments that allow us to move forward with the bill. I am seeking unanimous consent for that motion.

● (1935)

The Assistant Deputy Speaker (Mr. Anthony Rota): Do we have unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Assistant Deputy Speaker (Mr. Anthony Rota): Unfortunately, we do not have unanimous consent.

Resuming debate, the hon. Parliamentary Secretary to the Minister of Science. I want to point out that she will have about nine minutes and then we will have to call it a night for this debate.

The hon. parliamentary secretary.

Ms. Kate Young (Parliamentary Secretary to the Minister of Science and Sport and to the Minister of Public Services and Procurement and Accessibility (Accessibility), Lib.): Mr. Speaker, I thank the hon. member for bringing this to the House. It is an important debate that we need to have. It will be a debate that will continue, I am sure.

What has been stated before, of course, is very true. Our government is committed to ensuring that our criminal justice system keeps communities safe, protects victims and holds offenders to account. We condemn the illegal and exploitive trade of human organs in the strongest of terms.

Organ transplantation and donation is governed by a comprehensive legislative framework at both the federal and provincial and territorial levels, encompassing health and criminal law. The Criminal Code currently prohibits the removal of an organ without the informed consent of the donor. I think that last part, informed consent, is especially worth noting. That is in and of itself the most important part of any discussion about human organ donation.

Organ trafficking is a growing concern internationally. I appreciate the fact that this has been brought to the House to debate, but no known cases have occurred in Canada, and we hope it never happens.

In Canada, organ transplantation and donation is governed by, as I mentioned, a comprehensive legislative framework at both the federal and provincial and territorial levels. Health regulatory offences apply where organs are removed, transplanted outside the regulatory framework, while criminal laws apply where the organ donor did not consent or was coerced.

More specifically, provincial statutes prohibit the sale, purchase and dealing in any human tissues or organs outside this regulatory framework. These laws require the explicit consent of the donor or next of kin in the case of deceased donation. Federally, the safety of human cells, tissues and organs for transplantation regulations, administered by Health Canada, prohibit transplant activities unless carried out by a registered establishment.

In Canada, we talk a lot about encouraging people to donate organs. It is an ongoing issue. I think probably everyone in this House knows someone who has been on that waiting list, sometimes waiting months for an organ transplant. We have to encourage Canadians to make sure that they sign up so that they can become organ donors, if in fact the situation arises where they would be considered a donor.

That is what we need to address in this House. We need to encourage education so that people understand the differences between consent of an organ donation and what is actually going on around the world that I agree is abhorrent in nature.

The Criminal Code also includes a number of general and specific offences that can respond to the conduct targeted by Bill S-240. In 2005, the Criminal Code was amended to enact a number of specific offences that comprehensively address all aspects of trafficking in persons. For those who want to look it up, it is sections 279.01 to 279.04.

The main trafficking in persons offence prohibits engaging in specified types of conduct in order to exploit or facilitate the exploitation of another person. Exploitation is defined broadly, and includes causing a person "by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed." "Coercion" and "consent" are the two main words in this discussion.

● (1940)

In addition, it is an offence to receive a financial or material benefit knowing that it was derived from trafficking in persons. The concept of material benefit is sufficiently broad to encompass the receipt of an organ in cases where the recipient knew the organ was obtained through deceit or any other form of coercion. It is terrible to think that people get so desperate in this world that they know the organ they are receiving has been taken from another human being without their consent or through coercion. That is the worst possible point of this bill that we must address.

Canada's human trafficking offences also apply extraterritorially and, therefore, can be used to prosecute in Canada those Canadians or permanent residents who commit human trafficking offences abroad. There are Canadians who travel abroad and knowingly go there in order to receive an organ from someone who was either paid or coerced. That has no place in our civilization.

In addition to the human trafficking offences, criminal offences of general application could also be used to respond to organ trafficking. Depending upon the facts of the case, aggravated assault, unlawfully causing bodily harm, uttering threats, organized crime offences or extortion could all be used to address organ trafficking conduct involving coercion of the organ donor and all are punishable by significant penalties of imprisonment, as they should be. These provisions, however, do not have extraterritorial effect.

There are some real important issues that need to be discussed and I am certainly glad that my hon. colleague brought this forward. Trafficking in human organs is something that no one in the House would agree with. It needs to be debated, though, because there are laws that may conflict with this bill and we need to make sure we get it right. It is certainly something that, as a government, we are looking into. We need to address it and have the discussion both here in the House and possibly at committee stage.

We can all understand that some people take matters into their own hands and there have to be rules and regulations around trafficking in human organs to make sure people are not leaving Canada to get organs in this way. We also have to educate people in Canada to the fact that, yes, organ donation is a very positive thing to do, but people have to be able to consent and no coercion can be involved at all.

The Assistant Deputy Speaker (Mr. Anthony Rota): The time provided for consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1945)

[*English*]

CARBON PRICING

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, on June 14, I asked the Prime Minister a very specific question. I asked how much the Liberals' new carbon tax would cost Canadians. While Canadians listening to the official reply from the government would have been baffled by the response—an attack on small business, and another payroll tax increase—it is evident from that non-response that the last thing the government wants people to know is how much poorer the Liberals' carbon tax is going to make all Canadians.

When it comes to the Canadian government's talking points on the cost of the new Liberal carbon tax, Canadians know they are hearing government spin. Carbon taxes will become a tax-and-spend grab that lets the government spend ever greater amounts on wacky left-wing experiments in social engineering as it tries to move Canadians ever closer to the dystopian world described by George Orwell in his novel *1984*.

I will quote the member for Ottawa Centre from that same question period, as her comments apply to her own non-answers to the legitimate carbon tax cost concerns of Canadians: "it is really sad that we have fake news coming from the other side, misinformation and fake news." That comment comes from a minister in government whose Prime Minister thinks the novel *1984* is prophecy. The author of that novel, George Orwell, is reported to have said that in a time of universal deceit, truth-telling is a revolutionary act.

For the benefit of Canadians who want to know how much the new Liberal carbon tax will cost them, here is the revolutionary act of providing some cold, hard facts. Using energy consumption data from Statistics Canada and imputing prices from average household expenditure on transportation fuels and provincial gasoline prices, we can calculate the impact of the carbon tax on a typical Canadian household. The costs to households will be significant.

Three provinces, Alberta, Saskatchewan and Nova Scotia, will be hit with more than $1,000 in carbon taxation per year to comply with the $50 per tonne carbon tax Ottawa has mandated for 2022.

Nova Scotia, at $1,120, and Alberta, at $1,111, will have the highest bills, followed by Saskatchewan at $1,032, New Brunswick at $963, Newfoundland at $859, and Prince Edward Island at $788. The average household in Ontario will pay $707 a year to comply with the carbon tax once it is fully implemented. But wait, federal, provincial and municipal taxes already make up 44¢ of the average fuel price at the pump in Canada of $1.34 per litre. The reality is that the typical Canadian driver already pays the equivalent of a carbon tax of $200 per tonne, costing more than $28 for a 64-litre fill-up and generating government revenues of $24 billion in 2018.

Ontario ratepayers have been paying a huge carbon tax for years. Itemized as a "global adjustment" on Ontario Hydro One electricity bills, the price paid is at least $8 billion or $655 per tonne of emissions per household. However, it gets worse. Carbon prices must continue to increase sharply to effectively lower emissions. At $100 a tonne, for example, households in Alberta will pay $2,223. In Saskatchewan they will pay $2,065 and in Nova Scotia $2,240.

In fact, at $100 a tonne, the average price for households in all provinces is well in excess of $1,000 per year. In Ontario, a significant number—

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. Parliamentary Secretary to the Prime Minister.

Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth) and to the Minister of Border Security and Organized Crime Reduction, Lib.): Mr. Speaker, in response to my hon. colleague's remarks, I have to say that of course our government cares about the cost of living for Canadians, and that is why the Government of Canada has a serious, credible plan with low-cost measures to make sure we tackle climate change head-on.

Carbon pollution pricing is a common-sense way to reduce our emissions, invest in a cleaner tomorrow for our kids and grandkids, and help Canada compete in the emerging global low-carbon economy. In fact, last year, the province with a price on carbon pollution also led the country in economic growth. We know from experiences in B.C., Alberta and other provinces that governments can make sure that a price on carbon pollution protects middle-class families from any negative economic impacts. Putting a price on carbon pollution creates incentives for individuals, households and businesses to build on investments they have already made to lower their emissions. Carbon pollution pricing also reduces our impact on the environment.

The upfront costs to businesses and households depend on the design of the respective carbon pricing systems, the types of fuel consumed and how revenue is used or rebated. Revenues from the federal system will be returned directly to the province or territory that they came from. Revenues from pricing carbon pollution can be used to support Canadians, grow the economy and protect the environment. We have seen this already in B.C., Alberta and Quebec. B.C. has reduced income and business taxes and provided northern and rural homeowners a benefit of up to $200 annually. Alberta provides rebates to low- and middle-income households.

Canadians want to take advantage of these significant economic opportunities in the low-carbon economy. Analysis by the Global Commission on the Economy and Climate estimates that transitioning to a low-carbon economy will deliver direct economic gains of $26 trillion U.S. and generate 65 million new jobs, and help avoid 700,000 premature deaths by 2030.

With that, I want to reiterate that we do care about costs that will be incurred by Canadians. That is why our plan puts in place measures to ensure that these costs are not directly borne by Canadians. At the same time, we are doing what we need to do to protect future generations from the scourge of climate change.

● (1950)

Mrs. Cheryl Gallant: Mr. Speaker, in Ontario, a significant number of households fit the definition of energy poverty; that is, 10% or more of household expenditures are spent simply procuring the energy needed to live, to power the home and for transportation. When we add up the costs to power the home and cars, 19.4% of Canadian households devote at least 10% or more of their expenditures to energy. Energy poverty is unconscionable in a country with the world's third-largest proven oil reserves and that is the fourth-largest generator of hydro power.

In Ontario, taxpayers have been paying the carbon tax on power since 2009. That year, the Ontario Liberal Party brought in a huge carbon tax on electricity. It was brought in under legislation properly referred to as the "greed energy act". The greed energy act was conceived by Gerald Butts, and as principal secretary today to the Prime Minister, Butts played the same role to the disgrace—

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. parliamentary secretary.

Mr. Peter Schiefke: Mr. Speaker, the reality is that not taking action on climate change comes with significant consequences that my hon. colleague refuses to mention. For example, more frequent extreme weather events are already taking hard-earned money out of the pockets of Canadians across the country. Also, across the country people are starting to experience first-hand the devastating wildfires, extreme flooding such as in my own riding, severe droughts and stronger storms that are associated with climate change. In fact, for the past six years, annual insurance payouts from extreme weather have been close to or above $1 billion across the country, and that is up from $400 million a year over the 25-year period from 1983 to 2008.

IMMIGRATION, REFUGEES AND CITIZENSHIP

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, when I rose in June to ask the Prime Minister if he still believed the United States was a safe country, the international community was still in shock at the Trump administration's blatant disregard for international refugee and human rights law by forcefully separating migrant children from their families as a deterrent to claiming asylum, and just announced that it would no longer accept asylum claims made on the basis of gender-based violence or gang or drug cartel violence. Sadly, the Prime Minister did not seem to care.

We know that there are now over 14,000 migrant children being held in detention facilities in the U.S. Tent cities have been erected. The President sent the military to the U.S.-Mexico border and suggested that the U.S. military should treat having a rock thrown at them the same way they would treat being shot at. Let us be clear: he was suggesting that the U.S. military should open fire on asylum seekers.

We are now learning that the U.S. is actively engaged not just in U.S. legislation, but in amending international agreements to define transgendered people out of existence. At both the UN and the U.S. Department of Health and Human Services, it appears the Trump administration is attempting to narrowly define human rights protections so that it would not apply to transgendered people. This is beyond troubling, and it cannot go unchallenged.

The goals of these policies are clear, to de-legitimize and dehumanize asylum seekers to deter them from attempting to find safety in the U.S. This abdication of international responsibility is as morally bankrupt as it is illegal under international laws, and yet the Prime Minister sits idly by, doing nothing, claiming the U.S. is still a safe country for asylum seekers. How is that possible?

We need to hold the United States accountable for what it is doing. Donald Trump is attempting to shut down the U.S. border to Central American asylum seekers by disqualifying the reasons they are in need of protection. A 2017 report by Doctors Without Borders found that of asylum seekers from El Salvador, Honduras and Guatemala, 39% cited direct attacks, threats, extortion, or forced gang recruitment involving themselves or their families as the reason they fled. Forty-three per cent had a relative who had died due to violence in the last two years.

ln 2017, Amnesty International also released a report outlining significant risk in the northern triangle region of Central America that LGBTQI individuals face. The report states, "Despite the difficulty in obtaining accurate figures from the countries' governments, there is evidence that Lesbian, Gay, Bisexual, Transgender and Intersex people (LGBTI) are particularly exposed to violence... and that this is related intrinsically to the multiple forms of discrimination LGBTI people face", yet the U.S. is moving to prevent all of these individuals from even having access to a fair hearing of their asylum claim.

By continuing to defend the safe third country agreement, the Prime Minister is not just remaining silent to these disturbing policies, he is actively supporting them by claiming the U.S. remains a safe country for asylum seekers. How can this be justified?

● (1955)

Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth) and to the Minister of Border Security and Organized Crime Reduction, Lib.): Mr. Speaker, I appreciate this opportunity to respond to the question from the member for Vancouver East in more detail.

As we know, the safe third country agreement is a treaty that was established with the United States in 2004.

[*Translation*]

Under this agreement, Canada and the United States are working together to ensure the orderly handling of refugee claims. The safe third country agreement is based on the principle that individuals should seek asylum in the first country they arrive in.

[*English*]

We have a strong working relationship with our U.S. colleagues, and we continue to collaborate closely on border issues to this day. That being said, the Immigration and Refugee Protection Act requires the continual review of all countries designated as safe third countries to ensure that the conditions that led to the designation as a safe third country continue to be met.

Factors that are monitored on a continuing basis include whether the U.S. is a party to the refugee convention and convention against torture, and to an agreement with Canada such as the safe third country agreement, as well as U.S. policies and practices with respect to claims under the refugee convention, and with respect to obligations under the convention against torture and its human rights record.

We take our responsibility to monitor the U.S. as a safe third country seriously, and always have. We also remain in contact with the UNHCR, which is responsible for interpreting the refugee convention and associated international obligations.

Canada has carefully analyzed recent developments in the United States, including the executive orders related to immigration and refugee matters, and we consider the United States a safe country for asylum claimants to seek protection there. This finding is also shared by the UNHCR, something I encourage my hon. colleague to take note of. While the safe third country agreement remains an important agreement to ensure the orderly handling of asylum claims, the reality is that much has changed since this treaty was first negotiated.

● (2000)

[*Translation*]

Biometrics and other modern technologies provide opportunities that did not exist 14 years ago. That is why it is important that both countries identify and explore various ways to improve that agreement, since the current context is different than the one in which it was originally signed.

[*English*]

As the Prime Minister has said many times, our government remains committed to ensuring an orderly and efficient immigration process, to protecting the safety of Canadians and to keeping our borders secure. That is exactly what we are doing.

Ms. Jenny Kwan: Mr. Speaker, the government is blind to this fact. We know that in the current migrating caravan travelling to the U.S. border, there is a small subset caravan of transgender women and gay men. They are forced to band together in order to keep themselves safe. Not only did they flee their homes because of the violence and the discrimination they faced, but they face similar dangers as they make the journey to the U.S. border to make an asylum claim.

My colleague, the member for Esquimalt—Saanich—Sooke, has called for Mexico to ensure the safety of this highly vulnerable group, for the U.S. to allow these clearly valid asylum claims to be made and that the condition of this group be monitored by NGOs like Amnesty International.

The government claims to be a champion of human rights. If these vulnerable individuals are denied having their claims heard at the U. S. border, will that finally be enough to make it realize that the U.S. is not a safe country for asylum seekers?

Mr. Peter Schiefke: Mr. Speaker, I want to reiterate that Canada has a strong working relationship with our U.S. colleagues and we continue to collaborate closely on border issues.

The Immigration and Refugee Protection Act requires the continual review of all countries designated as a safe third country to ensure that the conditions that led to this designation in the first place as a safe third country continue to be met. That is exactly what we are doing with the United States.

We will also remain in contact with the UNHCR, which is responsible for interpreting the refugee convention and associated international obligations. That is what Canadians expect from us. That is exactly what we continue to deliver to Canadians all across the country.

MARINE TRANSPORTATION

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, when I picked this issue up initially, I was talking with the transport minister about an issue of key passenger and marine safety in my riding, Nanaimo—Ladysmith, which I am honoured to represent. I asked if it was true that the transport minister would allow passenger vessels to sail with engineers five decks above critical machinery and steering equipment, an arrangement that we do not allow on boat cargo ships. I asked the minister whether this was what he meant by increasing marine safety and he mostly avoided the question.

When I posted this online, I got a huge response from people in the riding. They certainly were concerned about the issue. In fact, we had described a scenario as a possibility. If there were a loss of power incident, an engineer, as opposed to being in the engine room, in the machinery space, to help shut parts of the engine down or to turn other parts of the engine on, would have to travel a great distance, in this case six floors between the bridge and the engine room. An incident just like that happened a week after I had asked the question in the House, so it certainly got people's attention.

Since then, this is what some of the crews working with this arrangement, this great separation between machinery space and the bridge, have had to say.

This is a quote from Dan Kimmerly, who is the president of the Ships Officers' Component of the BC Ferry and Marine Workers' Union and marine engineer second class. He said, "Coastal passenger ferries regularly sail in congested waters very near land. These sort of passenger ships regularly go almost full speed a few hundred feet from the rocks, with pleasure vessel traffic making the task even more difficult. Having personnel in the machinery spaces to immediately take local control of machinery and emergency steering is essential. Interpreting the control room as being part of the machinery space, while being five decks above, is putting the safety of unsuspecting passengers and pleasure boaters at an unnecessary risk."

If that were not enough, in the draft marine personnel regulations, which are now under consideration, the transport minister is proposing that passenger vessels under 2,000 kilowatts can operate without any certified engineers on board at all. The transport minister now proposes replacing marine engineers, who have years of specialized education and experience, with small vessel machinery operators, who have a three-day course and a month's sea time. This means the minister is allowing these passenger vessels to sail our waters without anyone trained or certified to make safety critical repairs.

The passenger vessels that are affected by this proposed regulatory change are not small vessels. For example, the MV *Quinsam*, the ferry that takes me and my family, neighbours and constituents back and forth to Gabriola Island where I live, is 89 metres, just under 300 feet in length, weighs 1,400 tonnes, has four engines, carries large volumes of commercial cargo, including dangerous goods, and carries up to 400 passengers and crew at a time.

How could that not be interpreted as a watering down of marine regulations and a threat to marine safety?

● (2005)

Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth) and to the Minister of Border Security and Organized Crime Reduction, Lib.): Mr. Speaker, the safety and security across all modes of transportation is our government's priority and the safe crewing of Canadian vessels is a key part of that work. A Canadian vessel's minimum crewing complement and its qualifications are determined by Transport Canada marine safety and security officials. The marine personnel regulations are reviewed regularly and adequate amendments are made to reflect modern technology.

BC Ferries' Salish class vessels do not have unmonitored machinery spaces. This is simply not true. The three BC Ferries' Salish class vessels are equipped with technologically advanced machinery control and monitoring systems. This means that the equipment in the engine room can be controlled and monitored from a remotely located engine control room which is required to be continuously manned by a qualified engineer.

Transport Canada officials analyzed the matter and confirmed that a continuously manned engine control room is the equivalent of a continuously manned engine room. This arrangement of having a centralized machinery control station on vessels is becoming more and more common with technological advances. The Salish class vessels reflect some of the most recent advances in machinery monitoring and is used extensively in the marine environment and even in the warships of the Royal Canadian Navy.

In this structure, a qualified engineer and engineering rounds personnel are continuously monitoring not only the ship's engines but also the ancillary systems necessary for power generation, pumps and firefighting equipment. This construct permits personnel to respond directly from a central location and keeps passengers safe from a number of possible incidents.

Our government remains committed to ensuring that Canadians have a safe and secure transportation network. The member may rest assured that the engine rooms of BC Ferries' three Salish class vessels are adequately manned and that these ships are operated in a safe and adequate manner.

Ms. Sheila Malcolmson: Mr. Speaker, this is what the BC Ferry & Marine Workers' Union is saying to me. Transport Canada just released the draft regulations on November 8. It held the national consultation meeting on November 14 and the Vancouver consultations took place yesterday. The closing comments are in February, but if they are not in by January, they will not be addressed and the regulations will not be brought back for any further national consultation prior to gazetting.

It sounds like it is drafting these new regulations on the fly. As a representative of coastal communities, I certainly have not been informed of it. Again, how does this square with the government's commitment to consultation and marine safety? It looks like a lowering of the bar.

Mr. Peter Schiefke: Mr. Speaker, I would like to thank my colleague for her passion and commitment to this issue.

I want to reiterate some key facts. A Canadian vessel's minimum crewing complement is determined by Transport Canada marine safety and security officials through a thorough assessment based on the marine personnel regulations. BC Ferries' Salish class vessels do not have unmonitored machinery spaces. They are, indeed, equipped with technologically advanced machinery control systems. This means that the equipment in the engine room can be controlled and monitored from a remotely located engine control room which is required to be continuously manned by a qualified engineer.

Our government, as I stated earlier, remains committed to ensuring that Canadians have a safe and secure transportation network. I would like to reassure my hon. colleague that these vessels are adequately manned and are operating as per the regulatory requirements.

The Assistant Deputy Speaker (Mr. Anthony Rota): The motion to adjourn the House is now deemed to have been adopted.

● (2010)

[*Translation*]

Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 8:10 p.m.)

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