



CANADA

# House of Commons Debates

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VOLUME 141 • NUMBER 146 • 1st SESSION • 39th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Thursday, May 3, 2007**

—

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, May 3, 2007

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

•(1005)  
[English]

### INTERPARLIAMENTARY DELEGATIONS

**The Speaker:** I have the honour to lay upon the Table the report of the Canadian Parliamentary Delegation to Trinidad and Tobago from April 2 to April 5, 2007.

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### GOVERNMENT RESPONSE TO PETITIONS

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

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### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, I have the honour to present this morning, in both official languages, the 47th report of the Standing Committee on Procedure and House Affairs, which was submitted by the subcommittee on private members' business.

Pursuant to Standing Order 91.1(2) this report contains items added to the order of precedence under private members' business that should not be designated non-votable.

**The Speaker:** Pursuant to Standing Order 91.1(2) the report is deemed adopted.

(Motion agreed to)

#### VETERANS AFFAIRS

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Veterans Affairs in relation to Bill C-287, An Act respecting a National Peacekeepers' Day, with amendments.

## PETITIONS

### FAMILY REUNIFICATION

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I am pleased to table two petitions today, both of which call on this House to adopt the NDP's Bill C-394, the once in a lifetime bill.

These petitions were circulated in Hamilton and Brantford, although the vast majority of the petitioners live in my riding of Hamilton Mountain.

All the petitioners agree that family reunification must be a key component of a fair immigration policy. The current family class rules, as we all know, are too restrictive and mean that too many close relatives cannot become eligible to come to Canada.

The petitioners are asking Parliament to pass Bill C-394 so Canadian citizens and landed immigrants are given the once in a lifetime opportunity to sponsor a family member from outside the current family class as it is currently defined in the Immigration and Refugee Protection Act so they may be reunited with loved ones from around the world.

It has been my privilege to work closely with the diverse communities of Hamilton to bring this petition forward on their behalf today.

### VISITOR VISAS

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Mr. Speaker, pursuant to Standing Order 36 it is my privilege to present a petition signed by approximately 300 concerned Canadians that were collected by the Canadian Polish Congress and the Lithuanian Credit Union of Toronto.

The petitioners demand that parliament pass and the government adopt Motion No. 19 calling for the lifting of visitor visas for the following EU member states: Poland, Lithuania, Slovakia, the Czech Republic, Latvia and Hungary. These countries are European Union members and the same visa regime should apply to them as to the other EU countries.

Canada's burdensome visa regime is a throwback to the days of the Cold War and should be modernized to reflect new geopolitical realities.

The Iron Curtain has come down. It is time for Canada's visa curtain to come down as well.

*Routine Proceedings*

## GUN REGISTRY

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, I am honoured to present a petition today on behalf of 90 residents of Victoria county in my riding of Tobique—Mactaquac.

The petitioners want to draw the attention of the House to the fact that the vast majority of violent gun crimes are committed by unregistered or illegal firearms, that the long gun registry has cost Canadian taxpayers more than \$1 billion, over 500 times its original cost, and that the long gun registry unjustly targets law-abiding citizens, farmers, sport shooters and hunters.

Therefore, the petitioners call upon Parliament to end the registration requirement for non-restricted long guns.

## WORLD POLICE AND FIRE GAMES

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I have the honour to table two petitions today. The first one has been signed by many residents of my constituency of Burnaby—Douglas and it calls on Parliament and the government to extend support for the World Police and Fire Games that will be held on the Lower Mainland of British Columbia in 2009.

The petitioners point out that this is an excellent opportunity for police and fire personnel to exchange ideas and make connections with others in their profession worldwide. They also point out the economic benefits to communities on the Lower Mainland for holding these games.

They call on the government to extend generous support to the organizing committee for the 2009 World Police and Fire Games on the Lower Mainland of British Columbia.

## BILL C-394

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, the second petition has been signed by many people from the Toronto area.

The petitioners call on Parliament to ensure that there is an appropriate definition of family in the Immigration and Refugee Protection Act and to support the once in a lifetime bill that has been tabled by the NDP member for Parkdale—High Park, Bill C-394, which would expand the definition of family in the Immigration and Refugee Protection Act allowing a Canadian citizen or landed immigrant, once in his or her lifetime, to sponsor a relative outside of that restrictive definition that currently exists. I am glad to see the bill on the agenda.

## MARRIAGE

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, I have the honour today to present three petitions amounting to approximately 375 signatures.

All of the petitioners are asking that Parliament do what it can to preserve the traditional definition of marriage.

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## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for**

**Democratic Reform, CPC):** Mr. Speaker, Question No. 187 will be answered today.

[Text]

Question No. 187—**Mr. Bill Siksay:**

With regard to programs and spending by the Canada Mortgage and Housing Corporation, CMHC, within the riding of Burnaby—Douglas: (a) what was the amount spent in 2006; (b) what is the projected budget for 2007; (c) how many CMHC funded housing units for singles and families currently exist; (d) how many CMHC funded housing units for singles and families are planned for 2006 and 2007; and (e) what is the amount that CMHC has provided to housing co-ops in the riding for maintenance over the last two years and what will be the amount over the next two years?

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, CMHC administers housing programs through agreements with provinces and does not compile or analyze expenditure information by electoral district; information on CMHC program spending is disclosed in annual reports. However, over the course of the 39th Parliament, CMHC has undertaken efforts to identify federal expenditures by postal codes which it has then summarized by electoral districts using a tool developed by Statistics Canada. While there is some promise in this approach, there is also a significant potential for error. However, CMHC has, to the best of its ability, verified the location of the units and program spending contained in this answer to try to ensure they are in the riding of Burnaby—Douglas.

The following information is available with respect to programs and spending administered by Canada Mortgage and Housing Corporation, CMHC, within the riding of Burnaby—Douglas in 2006:

With respect to social housing, CMHC currently administers 1,054 co-operative housing units which provide housing for singles and families. These co-ops received annual subsidies of \$1,544,676 in 2006. Depending on the type of the co-operative program, the budget for 2007 can be adjusted due to mortgage renewals or changes in inflation rate. Under program design, there is no CMHC funding specifically earmarked for maintenance. Co-operatives set housing charges at levels sufficient to cover project operating costs including maintenance expenses and the provision of an allocation to a capital repair reserve fund. The funding provided by CMHC is used to offset or reduce these project operating costs and/or to subsidize housing charges for households in need.

In addition, CMHC provided funding to another 904 units in the riding of Burnaby—Douglas, committed under various programs, which provides housing for singles and families. Of this total, there are 668 units benefiting from a preferential interest rate and some of these units are also benefiting from a forgivable capital contribution grant equivalent to 10% of the original project cost. The remaining 236 units received annual funding of \$401,166 in 2006. The administration of these 904 units was transferred to the province on January 15, 2007, under a social housing agreement, SHA, with the province of British Columbia signed in 2006. CMHC annual funding contained in the Canada-B.C. SHA is currently some \$140 million. British Columbia also received a one-time lump sum amount of \$24 million for risks associated with future inflation, changes in interest rates and loan losses. The amount of subsidy available in 2007 is governed by the agreements between CMHC and the various sponsor groups and assumed by the British Columbia Housing Management Commission pursuant to the SHA.

There may be additional units located in the riding that received ongoing federal assistance in 2006 under various federal-provincial programs already administered by the province of British Columbia prior to last summer's signing of the SHA which are not included in the above unit counts. The province has the lead role for these units and does not report subsidies by project to CMHC. For the first nine months of 2006 the province had claimed federal funding of some \$75 million on these programs, covering some 27,000 units across the province. These units are also covered by the social housing agreement, SHA. Effective October 1, 2006 funding for these units is being provided through the annual funding of \$140 million contained in the SHA.

With respect to renovation programs, on December 19, 2006, the Government of Canada announced a \$256 million, two year extension of the housing renovation and adaptation programs, effective April 1, 2007. The funding will help improve the quality of housing for an additional 38,000 low income households in all regions of Canada. For 2006-07, British Columbia's allocation for these housing renovation programs is approximately \$16.2 million.

Under federal renovation programs in the riding of Burnaby—Douglas, some \$973,800 was committed for 163 units in 2006. CMHC is unable to provide a forecast of how many units and dollars will be committed in 2007, since this will depend on the number of applications approved.

With respect to the affordable housing initiative and Canada-B.C. affordable housing program agreement, under the \$1 billion affordable housing initiative, AHI, over \$130 million has been allocated to British Columbia. As of December 31, 2006, 4,432 affordable housing units had been committed or announced in British Columbia, representing federal funding of \$126.4 million. The province of British Columbia and others are matching federal AHI investments.

British Columbia Housing, B.C. Housing, administers the Canada-British-Columbia affordable housing program agreement. According to information provided by B.C. Housing, there were not any commitments under this program in the riding of Burnaby—Douglas in 2006. B.C. Housing is not required to provide forecasts

### Government Orders

of units planned by riding to CMHC, but it does report on projects approved during the year.

\* \* \*

[English]

### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, if Question No. 156 could be made an order for return, this return would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 156—**Mr. Brian Pallister:**

With respect to Canada Post Corporation: (a) have works of art been purchased by or provided to Canada Post during the period of time in which Mr. Ouellet was President, and if so, please provide a complete list; (b) have any works of art been given or sold by Canada Post to Mr. Ouellet during his tenure at Canada Post, and if so, please provide a complete list including the estimated value, the mechanism for determining value and the amount received by the Corporation from Mr. Ouellet; and (c) what was the total amount of non-receipted expenses claimed by Mr. Ouellet during his term as President of Canada Post for which no receipts have been provided?

(Return tabled)

• (1010)

[English]

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[Translation]

### CRIMINAL CODE

The House resumed from May 2 consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, as reported (with amendments) from the Standing Committee on Justice; and of the motions in Group No. 1.

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, it gives me great pleasure to speak today at the report stage of Bill C-10, an act to amend the Criminal Code.

*Government Orders*

When this bill was introduced and read the first time in May 2006, the government's goal was to toughen the Criminal Code by imposing minimum sentences for criminal offences involving firearms.

My Quebec colleagues and I carefully read and analysed this bill and quickly pointed out numerous flaws that prevented us from supporting the bill at second reading.

When the bill went to committee—and I want to commend my colleagues from Hochelaga and Châteauguay—Saint-Constant on their work—the committee rejected the clauses on minimum sentences.

We in the Bloc Québécois believe that adopting the automatic minimum sentences proposed by the Conservative government is detrimental and ineffective and will not help improve public safety, which is something that this government and we ourselves want.

Even though we have taken pains to explain why we are opposed to minimum sentences and have rejected these clauses in committee, the government is presenting us with the same clauses again today by way of amendments.

Obviously the Conservative government still does not understand that its approach is ineffective and will not decrease the crime rate and the recidivism rate, as it hopes.

As usual, the government is offering simplistic solutions, motivated by its electoral objectives, without taking into account possible solutions, and especially ones that are geared towards concrete and positive results.

So, this report stage gives us another opportunity to explain the reasons we reject the amendments proposed by the government, and we hope to convince them, once again, and try to wake them up to a new approach to crime.

When the then minister tabled Bill C-10 in May 2006, he said that the bill was in response to a crime rate that had, according to him, been increasing in Canada in recent years. Is this true? How many times have we heard members of the Conservative government tell us that society has never been this violent, that crime has never been so widespread, that crime rates are on the rise? But this is not true.

The statistics gathered by Statistics Canada—which this government has access to, and which I hope it takes the time to examine—show that crime, and in particular violent crime, has actually been decreasing since 1992.

Clearly the government is offering solutions based on false premises. Even worse—and the Bloc Québécois is completely convinced of this—they are damaging, ineffective and will not contribute at all to truly improving public safety.

Let us now look more closely at the solutions proposed by the government. The Conservative ministers and members keep telling us that minimum sentences will help fight crime more effectively.

•(1015)

Numerous studies have shown that minimum sentences have a dubious impact in the fight against crime.

One study done in 1997 by the federal Minister of Justice found that the mandatory prison sentences introduced in a number of western countries had no measurable effect on crime rates. I am sure that the government is aware of this study because when it introduces a bill, it must learn as much as it can and go over the studies.

In a press conference and before the Standing Committee on Justice and Human Rights, the Minister of Justice acknowledged that no Canadian study has demonstrated that new measures to introduce minimum penalties are effective in fighting crime.

As legislators, we all want to improve our laws to make our citizens safer. I believe that all members of this House want to do that. However, new measures must be supported by studies that demonstrate they are effective.

Clearly, the government has been unable to prove that the measures in the bill are effective. Rather, it has shown that its vision is based on a simplistic, populist ideology that has obviously sought too much inspiration in the American model. The American model imposes harsher penalties and puts more people in prison, yet the homicide rate is three times higher there than it is here. The Conservatives should be able to understand that the government will not reduce the crime rate by filling up our prisons and building new ones, which is what the Americans have been doing.

It is important to note that Canada puts far fewer people in jail than the United States does. According to the most recent statistics, Canada incarcerates 116 people per 100,000 while the United States incarcerates 702 people per 100,000. As I said before, the homicide rate is three times higher in the United States than it is here. How can anyone suggest that the American method works? Obviously, it does not, as the studies have shown.

As my colleague, the hon. member for Marc-Aurèle-Fortin, already mentioned, criminals do not read legislation and do not know what the minimum sentences are. When they are planning a crime, their only concern is not getting caught. According to criminologists and experts on criminal behaviour, the criminal mind is convinced that there is no risk of being caught. From that perspective, the threat of a longer prison sentence would have no impact on that individual.

As I said at the beginning of my speech, as well as being ineffective, minimum sentences can also have a negative impact. I will share an example given by a renowned criminologist. Incidentally, the Conservative government should have hired a few such experts, since there seems to be a lack of real analysis here. So, according to André Normandeau, a criminologist at the Université de Montréal, minimum sentences can encourage judges to acquit an individual, rather than be forced to sentence that individual to a penalty the judge considers excessive under the circumstances, for cases in which an appropriate penalty would be a conditional sentence, community service or a few weeks in jail.

*Government Orders*

We must also fight against poverty, inequality and the sense of exclusion, which are all significant factors in the emergence of crime. These are the areas on which we should be focusing our efforts.

•(1020)

I am convinced that measures to prevent crime are more effective, although we cannot overlook the importance of imposing severe penalties when the crime committed is recognized as extremely serious. We had a preventive measure, but unfortunately, the government preferred to render it less effective.

Instead of waiting until it is too late, the Conservative government should reconsider.

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Mr. Speaker, I listened carefully to the excellent speech by my colleague from Berthier—Maskinongé regarding Bill C-10.

I was struck in particular by certain points that he made earlier. First, the Conservative government failed to consult statistics compiled since 1992 that show that the crime rate is declining. In addition, the member referred to a study published in 1997 that argues that mandatory prison sentences have no effect on the crime rate.

Does the member not feel that this bill is driven strictly by ideology? That is definitely how it comes across. We do not have the impression that the bill is based on an analysis supported by solid arguments and facts. I find the government's position very ambiguous. I would like to hear my colleague's thoughts on this.

**Mr. Guy André:** Mr. Speaker, I thank my colleague, the member for Saint-Maurice—Champlain, for his excellent question.

On average, Canada does not incarcerate or put in prison proportionally more individuals than other western countries, such as Germany or France. Furthermore, homicide rates are comparable. The United States has the highest homicide rate and it incarcerates the most people.

This Conservative government is adopting the dominant American ideology, which is not based on any scientific study but which seems to be very popular with certain segments of the population who, in some instances, have not really looked at the research. This is a populist approach. It is quite frankly simplistic and ineffective. They are adopting an American model that has not been proven.

[*English*]

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I hear with interest the argument, always from the Liberals, the Bloc and the NDP, that incarceration is not a deterrent to the commission of crime.

However, I would like to ask the member, if a criminal in the act of doing a crime thinks he is not going to be caught, would the member then support added resources for our law enforcement agencies so that word would get out that the probability of being caught has skyrocketed? Would that have an effect? Or does he really believe it would make no difference?

When I was driving down the highway the other day, I drove into a construction zone. I noticed a big sign that said the speed limit was 60, because we do not want to injure the workers building the

highway. There was another sign that said in great big letters that "speed fines double". That was the only time when I was going the speed limit that no one passed me. It seems to me that the fear of being caught, and the penalty attached to it, is in fact a deterrent.

I would like my colleague to comment on those ideas.

•(1025)

[*Translation*]

**Mr. Guy André:** Mr. Speaker, I said in my speech that all the members in this House truly want to reduce crime and ensure that the safety of Quebecers and Canadians is not in any way threatened. The preferred methods are where we differ.

I am a social worker by training and I worked for 20 years in a network with people who were often disadvantaged and whose parents had engaged in some form of crime. Crime must be attacked at the root, during childhood. Through prevention programs, support for the parents and support for the children, we can reduce crime. These are the measures we should be pushing for.

However, if we do not succeed through prevention, crimes will then be committed by a person who often had no support and who will need to be imprisoned because they committed a serious offence. We agree with this, but we do not agree with minimum penalties because they take the judge's place in rendering a judgment, and do not take into account the specific circumstances surrounding a crime. For these reasons, we will vote against the bill.

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, thank you for allowing me to speak to Bill C-10 to provide for minimum penalties of five, seven and ten years for certain crimes according to the number, if any, of previous convictions.

The Bloc Québécois has looked carefully at this bill. In fact, in committee, a number of amendments were withdrawn and now the government is presenting them again here. Why is the Bloc Québécois against this bill? Certainly not because it wants crime to increase.

The crime rate has gone down in Canada. In the past, we realized that prevention measures such as maintaining the firearms registry and better monitoring of the parole system would provide the necessary conditions for continuing to lower the crime rate. What will be the impact of the approach the government is proposing today? The incarceration rate will increase. There will be less money in the budget for prevention and less chance of reintegrating people into society.

*Government Orders*

For example, under the bill, for armed robbery there would be a minimum sentence of three years for a first offence and a minimum sentence of five years for a subsequent offence. What this does not say—it is there between the lines—is that an accomplice would automatically be sentenced to three years. An unarmed youth involved in an armed robbery would automatically be sentenced to three years. The government has deliberately and knowingly elected to automatically send a 19- or 20-year-old to crime school and likely create a career criminal. We currently rely on something very important and that is the intelligence of judges. Judges are humans with analytical skills. They are considered to have the competence to do this type of work and can take into account the entire context of a crime. This is not an area where automatic sentences will resolve the situation. They will not solve anything. If the bill is passed, I can guarantee that in 10 years, the penitentiaries will have bigger budget problems. The crime rate will go up and there will be less money for prevention. The result will be the exact opposite of what the government was looking for.

It is very easy to say that, for certain crimes, the more severe the minimum sentence, the lower the chances of recidivism. The entire situation must be analyzed. Some people are able to successfully return to society. It has been done in the past. There are also other tools that can be used, such as better supervision of parole. Greater effort is needed in this area.

The Conservative government, in good faith, wants to find a way to reduce crime. However, it is only looking at the first level, while concrete and practical solutions are to be found at the second and third levels. We must look further to achieve results. The American model offers a good example. There are more people in prison in the United States than anywhere else in the world. This breeds a team of criminals, contributes to organized crime and encourages people to become involved in organized crime. Here, we developed a system that allows people to reintegrate into society and return to a normal lifestyle. Thus, we are achieving a number of our objectives.

Experts indicate that the use of minimum sentences does nothing to lower crime or recidivism rates. Evidence to that effect was heard in committee. For example, a criminologist from the University of Ottawa, Julia Roberts, conducted a study for the Department of Justice Canada in which she concluded:

...mandatory sentences of imprisonment have been introduced in a number of western nations. ...The studies that have examined the impact of these laws reported variable effects on prison populations, and no discernible effect on crime rates.

No discernible effect on crime rates. On one hand, we have a knee-jerk, short-term approach, and on the other, we have a professional analysis of the situation. Since crime rates have dropped in Canada, I think we must continue to cultivate this different attitude towards such behaviour, developed in Quebec and in Canada. In the United States, they have not achieved the desired results. In order to continue to reduce crime rates, we need a major systemic intervention to create a society that has less poverty.

● (1030)

That is the primary factor here. Every society that does a better job of fighting poverty finds that fewer people commit minor, entry level crimes. These crimes are often committed by people who are just trying to make ends meet or because they are addicts and do not have

access to support programs. I think that is the solution we should be looking at.

More support and better supervision once offenders exit the penal system will help lower the risk to reoffend. We also have to find new ways of doing things. Today, parole is automatically offered once an offender has served one sixth of the sentence. We have to reconsider this. I think modifying the parole system is more important and more urgent than the approach the government has proposed, and would be more effective, too.

We think that bringing in automatic sentencing is a dangerous approach that has not resulted in desired outcomes in the United States and will not result in desired outcomes in Canada. That is why a majority of committee members voted to remove so many of the amendments. Now the government wants to put them back in. We will see what the House decides to do about this, but it seems obvious to me that this approach is not well thought out.

Introducing this bill was like a gut reaction; when you burn yourself, the first thing you want to do is put water on the burn, but that may not be the best solution. Something else might be needed. In this case, there should be a collective approach that allows the situation to be dealt with and worthwhile results to be achieved.

I would like young people, who unfortunately get involved in crime, to return to society as soon as possible and to be properly integrated, thanks to adequate support services. That is better than creating individuals who join organized crime and therefore cost more to society.

That is why the Bloc Québécois will be voting against this bill. We hope the hon. members in this House are paying attention to our arguments and that we will get the desired results. In fact, we hope this entire problem and this bill will be submitted for consultation—even if it is rejected—in order to come up with solutions that will truly improve the situation without making it worse.

We are not necessarily here to copy the U.S. model. The Americans make their choices, and we must not condemn them, but we do not need to copy their methods entirely because they do not necessarily correspond to our social values.

We would like, more than any thing else, to see reintegration as a possibility in our society. I hope that the hon. members in this House will listen to our arguments.



*Government Orders*

•(1035)

[English]

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** Mr. Speaker, I listened very closely. I may have missed something, but I am going to draw this to the member's attention. I spoke to a police officer just the other day who was frustrated enough to have called my riding office to speak to me. I will not mention names because of course I cannot. He spoke of a file that crossed his desk in regard to someone who has had 42 different charges and convictions against him in the last short period of time. The police officer asked, "How is it that this person keeps getting back on the street in order to commit the next one?"

The member opposite talked about how this is not a deterrent and about what the system is doing to the young accomplice, but what I will say to the member is that he never used the word victim. What about the victim? In the case of those 42 charges in a very short period of time, if there had been some sort of mandatory minimum for the person, 10, 20, 30 or 40 victims may not have been victimized by this criminal because he would have been spending time in our of our facilities instead of being out and re-victimizing people.

I am not here for punishment. I would love to rehabilitate the man too. However, as his own member said, criminals do not read the legislation. They are just concerned about not getting caught. As for this guy, he is getting caught and still is spending time back out on the street re-victimizing. Does the member think about the victims as much as he thinks about that young accomplice?

[Translation]

**Mr. Paul Crête:** Mr. Speaker, of course we think about the victims. That is another issue, different from what we are discussing now. Actually, we supported the creation of an ombudsman position to help victims.

However, the federal government's appointment of a unilingual anglophone is bad for victims. If they want to do something for victims, they should start by appointing an ombudsman who is bilingual. That would be the reasonable thing to do.

**Some hon. members:** Oh, oh!

**Mr. Paul Crête:** My hon. colleague, to whom I yielded the floor, apparently does not want to let me speak. I would like him to allow me to speak.

[English]

**The Deputy Speaker:** Order. People on this side were quiet when the question was being asked. Maybe people on that side could be quiet while the question is being answered.

The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup.

[Translation]

**Mr. Paul Crête:** Mr. Speaker, thank you for your understanding, because it is very important to have a dialogue in the House and present the arguments for each side. I have put mine on the table.

My hon. colleague just confirms their piecemeal approach. He said that he spoke with a police officer who told him about a certain

problematical situation. Maybe the same officer spoke to him 10 minutes later to say that he was in favour of gun control and the registry. The hon. member did not mention that because the police officer associations want gun control. They have told us so. We cannot listen to only half the message.

I agree with the hon. member that we need to work hard to ensure that people stop being criminals. We all agree here on that. Where we differ is on the kind of action we should take.

The Conservative Party wants to generate people from somewhere for the prison system. More and more people will be in there, where they may well learn what crime really is. What we are saying instead is that the emphasis should be on prevention. The best action is to help people re-enter society. That is the crux of the debate on this issue.

Judges obviously need to have a free hand when passing sentences. We should give them the leeway they need. We should not make crime an organized and systematized activity, with automatic sentences. I think that we need a more humane approach, which does not mean that criminals cannot be severely punished. All the necessary tools already exist. However, the approach that the Conservatives are taking today in this bill will simply lead to more crime, higher costs for the prison system, and less money for prevention.

That is why the Bloc Québécois opposes this bill.

•(1040)

[English]

**The Deputy Speaker:** Resuming debate? If no members are rising for further debate, we will proceed to the putting of the motions at report stage.

The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred. The recorded division will also apply to Motions Nos. 2 and 17 to 20.

The question is on the amendment to Motion No. 3. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

*Government Orders*

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Deputy Speaker:** The recorded division on the amendment stands deferred.

The question is on the amendment to Motion No. 4. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Deputy Speaker:** The recorded division on the amendment to Motion No. 4 stands deferred. The recorded division will also apply to the amendments to Motions Nos. 5 to 8.

The question is on the amendment to Motion No. 9. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Deputy Speaker:** The recorded division on the amendment to Motion No. 9 stands deferred. The recorded division will also apply to the amendments to Motions Nos. 10 to 16.

[*Translation*]

The House will now proceed to the taking of the deferred recorded divisions at report stage of Bill C-10.

Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The recorded divisions at report stage of Bill C-10 stand deferred until Monday, May 14, after government orders.

\* \* \*

●(1045)

[*English*]

**CRIMINAL CODE**

The House proceeded to the consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, as reported with amendment from the committee.

**The Deputy Speaker:** There being no motions at report stage on this bill, the House will now proceed, without debate, to the putting of the question of the motion to concur in the bill at report stage.

**Hon. Greg Thompson (for the Minister of Justice)** moved that the bill be concurred in at report stage.

(Motion agreed to)

**The Deputy Speaker:** When shall the bill be read the third time? By leave now?

**Some hon. members:** Agreed.

**Hon. Greg Thompson** moved that Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, be read the third time and passed.

**Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I am pleased today to speak to Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

On June 22, 2006, the government answered the calls of millions of Canadians, of victims groups, of the police, and of those who seek to protect our young people. We did this by introducing Bill C-22 and propose to raise the age of consent to sexual activity from 14 to 16, and in doing so, to finally and clearly prohibit adults from sexually exploiting 14 and 15 year olds.

The Standing Committee on Justice and Human Rights heard from numerous witnesses during its review of Bill C-22. Not surprisingly, witnesses expressed support for the government's objective to better protect young people against adult sexual predators.

Many witnesses also supported Bill C-22's proposed response to achieve this objective, but there were as well some misunderstandings as to what Bill C-22 actually proposes, and I would like to address exactly what Bill C-22 does and does not do.

The government's objective with Bill C-22 has always been very clear. It is to protect 14 and 15 year olds against adult sexual predators.

*Government Orders*

Bill C-22 does this by proposing a close in age exemption for 14 and 15 year olds. Under this proposed exemption 14 and 15 year olds can still consent to sexual activity with another person, providing that the other person is less than five years older and the relationship does not involve authority, trust, dependency, and is not otherwise exploitative of the young person.

Bill C-22 does not criminalize 14 and 15 year olds from engaging in consensual activity with other teenagers, but it does very definitively and very clearly prohibit any adult who is five years or more older than 14 or 15 year olds from engaging in any sexual activity with that young person.

Of course, Bill C-22 maintains 18 years as the age of protection where the sexual activity involves prostitution, pornography or it occurs with a relationship of trust, authority, dependency or one that is otherwise exploitative of the young person.

Bill C-22 also recognizes that when the new age of protection comes into force, there may be some 14 and 15 year olds who are already married to a partner who is more than five years older than they are or who are already in an established common law relationship with such a partner, so the bill, as introduced, proposes a one time limited or transitional exception to protect these relationships.

It would protect existing marriages. It would also protect existing common law relationships where the 14 or 15 year olds and an older partner had resided in a conjugal relationship for a period of at least one year or for a shorter period if there was a child born or expected of the relationship and again, if the relationship was not otherwise exploitative of the young person.

Bill C-22 will still allow 14 or 15 year olds to marry a partner in provinces where that is allowed if that partner is less than five years older, where that couple satisfies the applicable provincial or territorial solemnization of marriage requirements after Bill C-22 comes into effect. As introduced, however, it would not have allowed such a relationship to be established after Bill C-22 came into effect where the partner was older by five years or more.

For example, as introduced, Bill C-22 would not allow a 25 year old or a 50 year old to marry a youth that was 14 or 15 years old because this is contrary to what Bill C-22 is all about. It is about criminalizing any adult, who is five years or more older than a 14 or 15 year old, from engaging in a sexual relationship with that young person.

Similarly, Bill C-22 did not, as introduced, and does not, as amended, propose a permanent exemption for common law relationships. By definition, such a relationship requires conjugal cohabitation of at least one year or a child born or expected of that relationship, conduct which would, as a result of Bill C-22 passing, now be a sexual assault against that young person.

However, Bill C-22 was amended by the opposition during the justice committee's clause by clause review to make the proposed transitional marriage exemption permanent.

• (1050)

As a result, Bill C-22 would now allow a 25 or even a 50 year old to marry a 14 or 15 year old where such a marriage is permitted under provincial and territorial solemnization of marriage laws.

Such a marriage would not be allowed at all in three jurisdictions and in the remaining jurisdictions, it would only be permissible upon prior judicial or ministerial approval, and that in four of these jurisdictions only if the young girl was pregnant. In other words, after the commission of what would now be a sexual assault under Bill C-22. The government did not support this amendment because on its face it would condone a sexual relationship that Bill C-22 condemns.

Statistics indicate that the number of youth 15 years old, for example, who are married are very few and exceptional. Nonetheless, in those jurisdictions, where it is possible for a person under the criminal age of protection to marry, presumably the court or minister who is asked to approve of such a marriage will indeed be guided by the Criminal Code, as amended by Bill C-22, in determining whether the marriage of a 14 or 15 year old to a partner who is five years or more older should be approved.

The government's preference would have been to have Bill C-22 supported as introduced. There are however processes in place at the provincial and territorial level to enable the clear objective and intent of Bill C-22's reforms to be realized in practice.

Bill C-22's reforms are long overdue and we do not want to further delay their enactment. In fact, over the past many years victims groups and the police organizations have called for Parliament to act and for too long, Parliament denied that. There are many in the House and many in Canada who are very pleased that we are now taking a step to protect our young people from adult sexual predators.

We have heard repeatedly from law enforcement that 14 and 15 year olds are at a greater risk of being sexually exploited, especially through what is referred to as Internet luring. Parents and teachers know that teenagers are big users of the Internet in chat rooms. Indeed, kids know more about these new technologies than most of us; that is, except for Internet predators.

It was quite alarming to hear testimony at the justice committee about the savvy that these Internet predators have, the determination they have, and the network they have to go after and exploit what was then our too young age of consent in Canada. We even heard testimony of predators from other jurisdictions, other countries even, where their age of consent is higher, specifically targeting Canadian young people, so that they could have a relationship with a 14 year old; some of these people being in their 40s and 50s.

The relative ease of use and the perceived anonymity of the Internet has attracted such predators to this medium as a preferred way to lure youth. They prey upon the vulnerabilities of young people. They do so by building a relationship of trust and then betray that trust when they seek to sexually exploit them.

*Government Orders*

Bill C-22 will provide much needed added protection to 14 and 15 year olds against such predatory exploitative behaviour. Bill C-22 is both needed and supported and now is the time to support its expeditious passage.

I will take this time to acknowledge many in the House and many in my party who over the years have consistently advocated raising the age of consent to protect young people who heeded the calls of victims groups, of child exploitation experts, and of the police when they were saying over and over that Canada had become a destination for people seeking to sexually exploit young people.

I am proud of their efforts to see the age of consent raised and I am proud of the government's efforts for bringing forward this much needed legislation.

• (1055)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I thank the member for outlining the provisions of the bill. This matter has been dealt with by the House on other occasions. I believe there were two private members' items. As I understand it, and perhaps the member would care to confirm it, there is a difference in this bill, in that it makes appropriate provisions for close in age exemptions. I wonder if the member would simply confirm that and clarify for the House specifically what that means.

**Mr. Rob Moore:** Mr. Speaker, Bill C-22 is designed for what people have been calling for years, which is that we not criminalize activity between young people of a similar age but that we protect our young people against adult sexual predators.

We have all heard the stories and have read them in newspapers of individuals who, in their own countries the age of consent might be 16 years, come to Canada to have relationships with 14 year olds. They develop the relationships over the Internet and then come here to have sexual activity with 14 year olds.

We heard at committee of a young person who may be in a relationship with someone much older, perhaps a 14 year old who has left home and is now in a relationship with a 30 or 40 year old. The parents try going to the police to see what can be done but are shocked to learn, as I think Canadians are shocked to learn, that it is perfectly legal in this country for someone who is the age of a parent or even a grandparent to pursue a sexual relationship with a 14 or 15 year old.

Bill C-22 would end that. Adults would no longer legally be able to prey on young people. However, Bill C-22, as the member mentioned, does have a close in age exemption, which means that a 14 or 15 year old can consent to sexual activity with someone who is no greater than five years older. Therefore, we are clearly not criminalizing relationships between young people who are of a similar age.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I have heard from a lot of people in my community of Hamilton Mountain about this bill and many share the government's desire to raise the age of consent. I am pleased to put those views on the record here. They, of course, are motivated by a desire to keep their children safe, particularly from exploitative relationships.

However, given that motivation, they are also really concerned because obviously they understand that no matter what we do in this

chamber some kids will be having sexual relationships with people more than five years older than them, which at times will put them at risk, particularly with respect to their sexual health.

I wonder if the government has given any thought at all to amending the Evidence Act so that when those teens seek medical attention for sexual health issues, they will be able to seek that without fear of putting their partners in jeopardy, which might be something that would actually prevent them from seeking the medical attention they may desperately need.

**Mr. Rob Moore:** Mr. Speaker, at the justice committee we heard testimony dealing with the sexual health of young people and the need for them to have access to their doctors. We also heard, overwhelmingly, that it was now time for the Government of Canada and all parliamentarians to act and to raise the age of consent from 14 years old to 16 years old.

What that says to those parents who are concerned about their young people is that it will no longer be illegal in Canada for a 25, 35 or 45 year old to have a sexual relationship with a 14 or 15 year old child.

Child exploitation experts have, overwhelmingly, called for this bill and it has been welcomed. I am pleased to see the support it now has in Parliament. It was a long time coming and probably way too long, but there was a need to bring our age of protection in line with what is currently the case in other jurisdictions. We needed to say, in a very meaningful way and in the strongest way possible, that we as a government do not condone these exploitative relationships. It was serious enough that we felt we had to amend the Criminal Code to tell adult sexual predators that our children in Canada are off limits to them.

• (1100)

**Mr. Paul Szabo:** Mr. Speaker, after hearing the question and listening to the answer just given I want some clarification. I believe there is some confusion here with regard to exploitative sexual activity.

Under the Criminal Code, exploitative sexual activity, regardless of age, is a criminal offence. This bill does not deal with just exploitative activity. This bill deals with sexual activity. I would like the parliamentary secretary to please make it very clear, because it is an important point, that sexually exploitative activity is already illegal under the laws of Canada and that this bill deals with non-exploitative sexual activity between persons 16 years of age and someone greater than five years older.

**Mr. Rob Moore:** Mr. Speaker, I noted that the hon. member ran into the chamber as I was ending my speech but if he had been here to listen to my speech he would know that twice in my speech I mentioned that in Canada for exploitative relationships the age of protection and the age of consent remains at 18.

*Government Orders*

What we have decided as a government and what Canadians have told us and child exploitation experts have said is that if there is an age difference, if someone is 55 years old and that young person is 14 or 15, then it is exploitative on its face.

We are raising the age of protection for sexual activity to 16. The reason the age is being raised is based on the testimony we heard at committee. What we heard was that the laws that were put in place, whatever merit they had, were not strong enough. The current provisions of the Criminal Code dealing with exploitative relationships or positions of trust or authority are also not strong enough. I was here when some amendments were made to the Criminal Code to protect young people. Even after that, we saw relationships where it was someone much older preying on someone who was 14 or 15 and the police said that there was nothing they could do about it, which is why we have this bill.

Not enough was done in the past and there was a reluctance by past governments to do what had to be done, which was to raise the age of protection to protect young people, which is, very clearly, what this bill does.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, it is a pleasure to speak at the report stage on Bill C-22, An Act to amend the Criminal Code (age of protection).

I would like to say, for those who are listening, that the Liberal Party of Canada supports this legislation.

Before I begin discussing the bill in detail, I wish to briefly address several remarks made by the Parliamentary Secretary to the Minister of Justice in his speech several minutes ago. He said that there were delays with the bill and that the government was happy that the bill was finally at this stage.

I wish to inform people that the Minister of Justice tabled Bill C-22 in the House of Commons on June 22, 2006. The House then adjourned for the summer. It came back at the end of September.

It is the government's prerogative to determine when it wants to move second reading and debate of its own legislation. The government moved debate at second reading on October 30, 2006. This was after the Liberal justice strategy was announced, after Liberals and the then Liberal justice critic offered to fast-track Bill C-22 and a number of other justice bills that the Conservative government had tabled.

Debate at second reading ended on October 30, 2006, which meant that there was an agreement by all parties not to delay debate in the House and to get the bill into committee as quickly as possible. It was referred to the justice and human rights committee, which was already conducting hearings on a series of other government bills and private members' bills.

The justice and human rights committee held hearings on Bill C-22, the age of protection bill, on March 21, March 22, March 27 and March 29, 2007. Members will remember that there was a two week adjournment for the Easter period.

The House returned on April 16 and the justice and human rights committee, which is scheduled to meet on Tuesdays and Thursdays, met on Tuesday, April 17 and on Thursday, April 19. The committee

concluded its clause by clause and reported the bill back to the House on April 23.

The government decides when to move debate at report stage and it only decided to move Bill C-22 at report stage this week. It was in a line of bills for which the government determines the order.

If any member of that government is dissatisfied with the length of time it has taken for Bill C-22 to pass through second reading debate, committee stage and reported back, and now be at report stage debate, they need only to look at themselves in the mirror.

As the House knows, the bill has returned to the House from the Standing Committee on Justice and Human Rights. It has been reported with an amendment, as was mentioned by the Parliamentary Secretary to the Minister of Justice.

The amendment added marriage as a defence where an accused is charged with: sexual interference, which is section 151 of the Criminal Code; invitation to sexual touching, section 152 of the Criminal Code; indecent acts, section 173.2 of the Criminal Code; and sexual assault, section 271 of the Criminal Code, in cases where the complainant is 14 years or older but under the age of 16. We Liberals worked alongside the other parties to bring this amendment through.

●(1105)

We are happy to see it included in the committee's report on the bill. We are also happy that, notwithstanding the fact that the Conservative members on the justice and human rights committee, including the Parliamentary Secretary to the Minister of Justice, opposed the amendment in committee, those members have not brought forth a motion to amend the report stage bill and remove that defence.

I had proposed an amendment to the bill. The amendment would have repealed section 159 of the Criminal Code. This section sets out anal intercourse as a criminal offence. This outdated section of the Criminal Code is a relic of Canada's past and in fact has been found contrary to Canada's Charter of Rights and Freedoms. Two appellate courts, one in Quebec and the other in Ontario, reached this conclusion.

When the government drafted Bill C-22, it could have acted then to remove this archaic section of the Criminal Code or, having failed to do that, perhaps through inadvertence—I gave them the benefit of the doubt that it was by inadvertence—the government at that point could have supported my amendment in committee, because even if an amendment is beyond the scope of the bill, if the government agrees to the amendment it is then admissible and can be debated, voted on and adopted.

The government, however, decided on two occasions, when it was forced to take on the issue with this outmoded, archaic section of the Criminal Code, which is clearly a violation of the Charter of Rights and Freedoms, that it would instead champion discrimination and homophobia. I think this speaks volumes to that Conservative government's values and the members of that government.

*Government Orders*

Be that as it may, the bill did pass through the committee without other changes. The committee hearings on Bill C-22 proceeded smoothly and brought forth the views of many Canadian individuals and organizations who have a stake in this issue. Most stakeholders spoke in favour of the bill, while some did speak against it.

Among all parties there was a strong desire to support the bill and to see it clear the committee process quickly and efficiently. I believe the dates that I mentioned show that this is exactly what we achieved.

• (1110)

[*Translation*]

I would like to repeat that our party supports Bill C-22. Since October 2006, we have repeatedly offered to fast-track a number of justice bills. Surprisingly, the minority Conservative government has refused our offer. It would seem that the government addresses justice issues only when it thinks it can manipulate them for political gain. This is a government that would have Canadians believe it is taking action, but that is not delivering the goods. This is a government that is far more interested in grabbing headlines than getting results that will make Canadians and Canadian communities safer. This is a pattern that has been repeated a number of times already, as in the case of Bill C-22.

In October 2006, my colleague, the member for London West, who was then our party's justice critic, offered the government the chance to fast-track a series of six justice bills that the government had tabled in this House, including Bill C-22. The government turned us down flat. With my colleague, the member for Wascana, who is the Liberal House leader, I made the same offer again in mid-March, and again the government turned a deaf ear.

Towards the end of March, the Leader of the Opposition also made the same offer. The government again did not listen and completely ignored this last offer. To top it off, the government even had the audacity to oppose a motion I tabled to immediately move to third reading of four bills that the government itself had tabled, that is Bills C-18, C-23, C-35, and of course C-22.

Bill C-18 deals with DNA identification. Bill C-23, which is presently before the Standing Committee on Justice and Human Rights, is an omnibus bill that makes corrections and technical amendments to the Criminal Code with respect to various procedures. Bill C-35 deals with the reverse onus of proof in bail hearings. This government has stated that this bill is all-important to its agenda and to its justice policy but has flatly refused to accelerate the process in the House. The last bill is Bill C-22, which we are currently debating. This is the first time, in my almost 10 years as a member of Parliament, that I have seen a federal government impede the progress of its own legislation. Who would have thought it possible? Anything is possible, it seems, for this minority Conservative government.

In conclusion, I simply wish to say that, from the time Bill C-22 was tabled in this House, in June 2006, the Liberal Party of Canada, the official opposition, has shown its support for this bill and has attempted to convince this government to fast-track it. However, it was the government that blocked any attempt by the official opposition to quickly adopt Bill C-22. We are very pleased that,

finally, this bill is in the House at the report and third reading stage. We intend to vigorously support this bill.

• (1115)

[*English*]

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, I appreciate the hon. member's comments, although there was some rambling on a number of things other than the specific bill.

One of the things I want to ask the hon. member about is the exemption on marriage. There have been a number of calls in my constituency supporting the government's raising of the age and also for Parliament to get on with its business in doing this. They are very concerned about the exemption that potentially has come back.

In the interests of recognizing that this is a minority Parliament and that the committee has spoken and wants us to get on with this, could the hon. member comment on the exemption? What do I say to my constituents? Is the balance of this bill, in spite of that exemption, going to be good? Are we making a tremendous amount of progress on that in spite of the exemption?

**Hon. Marlene Jennings:** Mr. Speaker, while I appreciate the member's question, I was not rambling on. First, I was giving precise dates for the procedure and tracking of this bill in response to a comment from the parliamentary secretary of the member's own government.

Second, I was also making a point in response to a comment of his own parliamentary secretary on the delay of this bill, in pointing out that the Liberal Party, the official opposition, had on four separate occasions attempted to see this bill in particular, along with others, fast tracked. It was the member's own government that blocked it every single time. It is the first time that I have seen a government blocking speedy passage of its own legislation, but it is up to those members to explain that.

Yes, I believe that Bill C-22, with this amendment, actually is a good bill. It is a better bill because of the amendment.

We heard expert testimony from justice officials themselves that we are talking about a very small percentage, a handful of those cases every year. In fact, the justice official, Carole Morency, said that according to the justice department projections we would not be talking about more than five individuals under the age of 16 but above the age of 14 who, if this bill came into effect, would find themselves in a situation where we are talking about marriage, and there would be a defence because their legal spouse would be more than five years older.

*Government Orders*

Because that same expert was able to explain what the conditions are for the solemnization of marriage in each of the 10 provinces and the territories, it reassured members of the committee that there in fact is a very clear legislative process. In most cases, we would be talking about a judge having to give consent to a marriage of that kind of couple, where one partner is under the age of 16, but over 14, and the other partner is more than five years or more older.

Therefore, the opposition parties felt that, given that a judge or a magistrate under the provincial law would have to give formal consent, it meant that the couple would have been considered in regard to whether or not the relationship had been sexually exploitive, et cetera. Therefore, we were comforted by that testimony we heard.

So yes, I think Bill C-22 is a good bill, and that is why the official opposition, the Liberal Party, is supporting it. That is why for months on end we attempted to have it fast tracked. We are thrilled that the bill is finally in the House. We hope the government will stop stalling the speedy passage of its own justice legislation.

• (1120)

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, I am pleased today to join the debate at the report stage of Bill C-22, a bill that raises the age of consent from 14 to 16 years of age for non-exploitative sexual activity.

Debate surrounding the age of consent for sexual activity remains a sensitive subject. We all have some idea of what the age should be for consenting to sexual relations. As a mother of a teenager, this debate concerns me directly. I understand very well the concerns that other parents may have regarding this subject. The fact is that we cannot always be near our children to protect them from potential threats when they need it.

Protection of our young people has no price. For my parliamentary colleagues and me that protection remains one of our absolute priorities, if not the most important.

In short, the bill raises age of consent for sexual activity to 16 years of age. To avoid criminalizing relations between teenagers, 14 or 15 year olds could consent to having sex with another person, provided that the activity was non-exploitative and the other person was less than five years older than them. Clearly, a 15 year old person could have non-exploitative sexual relations with another person between 16 to 20 years of age, without leading to criminal charges. I would add that raising the age of consent does not affect the provisions known as “enticement of a child”, which forbid any adult in a position of authority from having sexual relations with a young person of less than 18 years of age.

Another exception of the same type would allow 12 or 13 year olds to have non-exploitative sexual relations with partners who were two years older; in other words, with 14 or 15 year old partners.

Finally, Bill C-22 also includes a transitional provision. It provides an exemption from criminal charges in cases where, on the day the legislation comes into force, youths 14 or 15 years of age and their partners five years older, are married, are common law partners or have had or are expecting a child. Then, and only then will they be allowed to continue engaging in sexual activity.

These exceptions are very important. From reading letters I received and listening to concerns expressed by social groups in my riding, I know that opinions vary concerning the age at which young people should start having sex.

However, it is important to recognize that a good number of 14 and 15 year olds have sex, mostly with young people their own age or group. Bill C-22 recognizes this and its goal is clear: it seeks to protect young people against adult sexual predators and not to criminalize sexual activity between consenting teenagers.

Bill C-22 targets adults who exploit youth, not consenting youth. In addition to protecting our young people against sexual exploitation, the bill seeks to send a message to sexual predators that Canada and Quebec do not tolerate sexual abuse of youth. In the same way, on the international scene, Bill C-22 clearly establishes that Canada and Quebec are not destinations of choice for sexual tourism. That brings me to the Internet, a phenomenal innovation that all of us can use to communicate and gain instant access to information and resources around the world. But even though it is an educational tool for our young people, it is also a new way for pedophiles and other predators to sexually exploit children and youth.

It is one of many methods used by people looking to take advantage of legislation on age of consent to sexual activity. Sexual tourism must not be allowed here.

Fortunately, the Criminal Code already has provisions on Internet luring, sexual assault and relations with a person in a position of authority. I believe that these provisions are used as appropriate. As well, Bill C-22 will make it possible for victims to tell the court, freely and above all under protection, what they have suffered. That is what I wish and it is also what the Bloc Québécois wishes.

For all these reasons, my colleagues and I will support Bill C-22 so that it can get through third reading and move on to the Senate. However, we need to look beyond a tougher Criminal Code for ways to address our social problems. The answers do not all lie in piecemeal changes to the Criminal Code. There are many barriers to overcome in the fight against sexual assault of youth, and many of them will remain even if the bill we are debating today is adopted.

• (1125)

For example, the low rate of disclosure and reporting by victims of sexual assault is a major obstacle in combating sexual offences. It will always be impossible to intervene if young people lie or hide their relationship to protect their offender.

*Government Orders*

I listened to the witnesses who testified before the Standing Committee on Justice during the study of Bill C-22, who said that various surveys suggest that about 10% of sexual assaults are reported annually to the forces of law and order. This shows that victims are generally reluctant to report their situation because they fear the negative reactions of those around them and their attackers' reactions. Victims fear the problems they will experience in their role as witnesses in court.

Furthermore, I was saying how difficult it can be for parents to ensure the welfare of their children. Parents cannot always be at their children's sides. I also respect the deep desire of youth to seek a degree of autonomy and intimacy. But I hope with all my heart that, as each of them learns about life, nothing will happen to them. And the parents' responsibility must also be taken into consideration.

Hence the importance of prevention for our children. Sex education is a must if we really want to protect our youth from sexual exploitation. Not only must it teach them about their responsibilities concerning sexuality, that is, about the various sexually transmitted diseases and unwanted pregnancies, but above all it must give them the tools to protect themselves better from unwanted or exploitative sexual relations.

Better sex education enables children and youth to avoid some difficult and trying situations. Sex education provides young people with information, causes them to think and helps them make enlightened decisions.

Parents, schools and social services must contribute to this learning, since they all share this important responsibility of ensuring children's education. Effective sex education consists, particularly for adults, in delivering messages that are clear, unambiguous and appropriate to the age of the child or adolescent.

Bill C-22 is therefore a step in the right direction. The Bloc Québécois has always recognized the need to increase the protection of our children, and this bill does so.

In the circumstances, we will support this bill.

[*English*]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I rise today to speak to Bill C-22, which has as its principal design to increase the age of consent for sexual relations from age 14 to age 16.

The critics of the bill have characterized it in a number of ways: social engineering run amok; the attempt on the part of the legislature and on the part of the state to enter into the bedrooms of the nation, once again; to discriminate against our youth; and an attempt to impose morality, which is the one that we hear most often, by those individuals in our society who believe youth of ages 14 and 15 should not engage in sexual relations.

If we study the history of the legislation and, in particular, a number of the private members' bills, there is some validity to that last charge with regard to those prior bills. It is not valid with regard to this legislation.

Because it is to some degree an issue of conscience, we as a party will treat the bill as one that will not be whipped, that individual

members of our party will vote according to their values and their conscience.

I will be voting in favour of the legislation. If we go to the essence of the legislation, it says that at this time in our history as a country, as a society, it is appropriate in order to protect our youth of the ages of 14 and 15 from being exploited by predators. The best mechanism for doing that is this legislation.

It has two significant components. We are raising the age from 14 to 16 in terms of consent to sexual activity. We are also putting in what is known in legal terminology as a near age defence, and this is absolutely crucial.

The near age defence will allow individuals, couples, to have sexual relations where the age gap between the two persons is no more than five years. That will not constitute criminal activity. If it is beyond five years, then it will be criminal activity and will call for the sanctions that are provided for in the statute and in the Criminal Code more generally.

To give a quick history, the age of consent originally in Canada until the early 1900s was 12. I know this comes as a shock to a lot of people. We got that age from England, as we took its statutes and as our jurisprudence broadened itself, and we drew the age 12 into Canada. It stayed there until the early 1900s when it was raised to age 14.

There was more tinkering with the legislation and then fairly substantial work done on the age of consent through the late seventies, into the eighties and early nineties.

The approach at that time was to look at the relationship and to pass legislation that said in effect that this relationship, because it is inherently exploitive, would be illegal. As an example, if the relationship was one of authority to one of subservience, that was exploitive by its very nature and therefore illegal. Therefore, a number of sections were passed during that period of time.

Interestingly, in the legislation we dealt with in the last Parliament, Bill C-2, which was really the child pornography legislation, we took a fair amount of evidence on the age of consent.

• (1130)

What came out from the prosecutors and police who had to pursue the exploitive type of crimes was that the sections were grossly ineffective in dealing with that type of exploitation and in particular with the 14 year olds and 15 year olds. The charges are rarely laid any more because we simply cannot get convictions. That was the word we got from the prosecutors and it is backed up by strong statistics in that regard.

There is a bit more history in terms of legislative attempts. The Reform, the Alliance, even the Conservative members of Parliament primarily but not exclusively have brought forward legislation over the last 10 to 15 years to increase the age of consent. Without exception they did not put in any near age defence. We have to appreciate what we are talking about in terms of numbers.



*Government Orders*

In the last few years there are roughly 815,000 youth in that 14 year old and 15 year old category. The estimate is that approximately 125,000 of them are engaging in various forms of sexual relations. They would be caught by this legislation. Roughly 2,500 to 3,000 are or have been in relationships where the age gap was greater than five years, moving on from six and above. Those are the numbers.

The legislation that we saw coming before the House in private members' bills would have had the effect of criminalizing some of our youth. We have to appreciate in the legislation that simply raising the age from 14 to 16, would have had the effect of criminalizing 125,000 of our youth. Both parties to the relationship would have been engaged in criminal activity because one of the parties was having sexual relations with somebody who was under 16. That was a real problem and one that I have to say those parties in their various positions did not appreciate.

I finally convinced the former justice minister from Manitoba, who is now the President of the Treasury Board, to move an amendment to Bill C-2. We did it jointly. The amendment would have had the effect of raising the age with the five year near age defence. It took some convincing. I think his staff was fairly instrumental in convincing him but that is a bit of an aside.

I am making this point because I want to take a shot at the Liberals. When the amendment came before the justice committee in the last Parliament, the Liberals and the Bloc both voted against it and the amendment went down. It never got to the House. When I heard the Liberal member from Montreal ranting about delay, the reality is this particular piece of legislation could have been incorporated into Bill C-2. The attempt was made and it would have been in effect now for the better part of two years.

If there is any delay, it certainly lies in the lap of the Liberals and the Bloc for not supporting the amendment at that time. Interestingly, two years later, I think because of a great deal of political pressure, they finally have come on side.

There are still some problems with this legislation. We have heard that today. I am going to quickly go through it. I moved amendments on each one of these in committee, two of which were ruled out of order, one of which the Liberals had also moved. That dealt with the section that is clearly discriminatory, so found by a number of our courts including two courts of appeal, in Ontario and Quebec.

With regard to the discriminatory nature of section 159, which prohibits anal intercourse under the age of 18, male or female, that has been struck down repeatedly. Neither the Liberal Party in the 13 years when it was in power nor the Conservative government currently has seen fit to move to amend the code and take that section out. By the way, I introduced a private member's bill yesterday on this. In any case, it was ruled out of order in terms of amending Bill C-22.

There is another amendment that I moved. We heard a good deal of evidence about the concern of the legislation deterring young people in the age category of 14 years and 15 years from coming forward to get health care if they suspect they have a sexually transmitted disease because their partner may be five or more years older than they are. What I was trying to do in that amendment was to provide a protection within the Canada Evidence Act.

● (1135)

An example is if an individual came forward and said that he or she had a disease and needed treatment. Because provincial legislation requires the doctor or counsellor who is treating the individual to report that the other individual, the older person, has that disease, the younger person may decide that he or she is not going to give out that information and therefore will not get treatment or counselling.

The legislative amendment I proposed to the Canada Evidence Act was to provide people with the privilege that if they gave that kind of information, it could not be used against them or their partner in any subsequent criminal prosecution. Again, that was ruled out of order. I have prepared the amendment by way of a private member's bill, which I will be tabling in the House probably next week.

The final amendment I made was with respect to what I saw as a jurisdictional conflict between the federal government and the provincial government having to do with marriage where the age gap is greater than five years. There are jurisdictions that allow judges, along with parents and guardians, and/or ministers, usually attorneys general, to allow an individual who is younger than the stated age in the legislation, which generally is 16 to 18 across the country, to marry, usually when the couple is expecting a child.

If a judge allowed the marriage to go ahead even though the age gap was greater, the police and the prosecutors could bring that couple back, and the senior person in the relationship could end up being charged with a criminal offence. The judge would have to decide whether to convict that person. There is that anomaly.

I moved an amendment which was accepted by the committee. If a couple has the authority to get married even though the age gap is greater than five years, there is that kind of authority from the provincial government so that it would not be an infringement of this section of the Criminal Code.

In conclusion, this piece of legislation is not based on the imposition of a particular set of morals. It is about protecting our children.

Around the globe roughly 60% of the population lives in jurisdictions where the age of sexual consent is 16 or older. There is no clear pattern. We cannot say that some countries are more liberal or that others are more conservative; it does not seem to follow any pattern.

My analysis of it from some of the countries I have looked at is that we simply base it on facts, not on morality, and we say that at this time in our society we require this type of protection for our youth. That is what we have done here. It is appropriate that we have done so. As I have said earlier, I will be supporting this bill when it comes to its final vote.

*Government Orders*

●(1140)

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I am pleased to speak to this bill, which involves both the criminal law and a number of moral assumptions, and, of course, the way we think about protecting young people. In the Bloc Québécois, my colleague from Châteauguay—Saint-Constant was responsible for this subject, and we have all stated our support for the bill. The purpose of the bill is to raise the age of consent to sexual activity. I will have an opportunity to address this, obviously without getting too autobiographical, to show that behind this there lie changes in the way we see things. There are social facts that we must recognize.

We supported this bill, which raises the age of consent to non-exploitive sexual activity—that is, sexual activity that does not involve prostitution, sexual activity that does not involve people who are in positions of authority, sexual activity that does not involve dependency, and sexual activity between young people and between other consenting individuals—from 14 years, which is the age currently permitted, to 16 years. The government has also proposed that we no longer call this the “age of consent”, but that we now call it the “age of protection”. This is one way of seeing things, but the fact is that it will be raised from 14 years to 16 years. I mention this so that it is clear.

For us in the Bloc Québécois, very early on, when it appeared in the Conservative Party platform that this idea was going to become public policy, our leader, the member for Laurier—Sainte-Marie, asked that there be close in age clauses, and the reason for this is clear. We did not want young people in the same high school—for example, the school in Arthabaska, or Hochelaga—Maisonneuve, or Windsor—young people who were in grade ten and were engaging in sexual activity with young people in grade twelve, to be turned into criminals. That is why the bill contains exceptions in the form of close in age clauses.

This means that a young person who is 12 or 13 years old will be able to engage in consenting, non-exploitive sexual activity with a person two years older, and a young person who is 14 or 15 years old will be able to engage in non-exploitive sexual activity with a person a minimum of five years older. It will also be possible for a 19 year old to engage in non-exploitive sexual activity with 14 year old without risking criminal prosecution.

Logically, the bill also provides that people who are married or living common-law, with or without a child, at the time the bill comes into force will be able to continue to live together, even in contravention of the age clause. We understand that in the case of a spousal involvement, by way of a common-law relationship or by way of marriage, the relationship may continue and there will be no criminal charges.

The entire question of the age of consent gives us pause. First, the Bloc supports the bill because it is reasonable. In fact, as the member for Windsor said, half the countries on earth have already identified 16 as the age of consent for sexual activity. This is not unreasonable. I might mention a few examples: Alabama, Alaska, Algeria, Armenia, Azerbaijan, China, Cuba, the Dominican Republic, Finland and Hawaii. In more than 100 countries or states, the age of consent for sexual activity is 16.

I understand that when the government introduced its bill it particularly had in mind the phenomenon of sexual predators.

●(1145)

They pointed out to us, as everyone knows, that there are already provisions in the Criminal Code concerning the luring of children—I believe it is section 172—which provide for a penalty of five years or more.

However, we want to ensure that Canada and Quebec will not become welcome territory for sexual predators. It is true that in social terms, the fact that a 60-year-old person had sexual relations with a 14-year-old would be a questionable activity. There may be exceptional cases, where the conditions make that acceptable. However, as legislators, it is not unreasonable to believe that where the difference in ages is very great we are dealing with sexual relations that are exploitative or that are not healthy for the development of the persons involved.

Therefore, in the reasonable and enlightened spirit that has always characterized the positions held by the Bloc on the subject of justice, the Bloc Québécois has made it known that we support the bill. We heard from witnesses in committee and I believe that we are dealing with a good measure.

It is interesting because we began our work in the Standing Committee on Justice and Human Rights by listening to representatives from the Canadian Centre for Justice Statistics. It is a government agency that collects data specifically related to legal matters. I will summarize, in five points, what those representatives said to us about Bill C-22.

First, they reminded us that acts of sexual violence are the offences least likely to be reported to the police. Among all crimes and infractions, the ones least likely to be reported to the police are sexual offences. There are all kinds of reasons why this is so: fear of reprisal by the aggressor, a feeling that the offence is something personal that does not concern society, or a fear that the neighbours will know. For all these reasons, sexual offences are the least reported offences.

Second, young women between the ages of 13 and 15 are the most vulnerable to sexual violence. We can readily see that in raising the age of consent—which will now be referred to as the age of protection—to 16 years of age, the bill deals with a reality that is supported by the data.

Third, and this even more interesting, two-thirds of those charged are over 21 years old. Young men are the most likely to be charged with of this type of offence.

Fourth, fewer cases of sexual offences are dealt with by indictment. More often than not, the Crown will lay charges through summary proceedings rather than by criminal indictment. Sexual offences have one of the lowest rates of conviction. That is also upsetting. This fact was provided to us by representatives of the Canadian Centre for Justice Statistics.

*Government Orders*

Fifth, they told us that where there are convictions, the courts are lenient in dealing with sexual offences, particularly where the victim is a young person and the accused is a family member. They also reminded us that, unfortunately, in the case of sexual offences, those who commit the offence, the aggressors, are often people who are known to the immediate circle of the victim and, in many cases, are even members of the family.

Therefore, if the bill passes, it would raise the age of sexual consent from 14 to 16 years, with a close in age exemption. At age 12 or 13, a person may engage in sexual activity with people up to two years older. At 14 and 15, a person may engage in sexual activity with people up to five years older. The purpose of this is to adapt to the reality facing adolescents who attend the same high school or socialize within the same group of peers.

• (1150)

I am certain that every member of this House would like to tackle the problem of sexual predators. However, I doubt anyone in this House would like to penalize young people who are sexually active.

Consider the example of two of our young pages who fall in love before reaching the age of majority and suddenly find they are head over heels. As we all know, people can be impulsive at the age of 14, 15 or 16. Of course, no one would want that relationship to be subject to criminal prosecution.

At the same time, I would remind the House that the Canadian Federation for Sexual Health, which testified before parliamentarians, expressed some concerns. I would like to share those concerns with the House. The federation indicated:

The perception or reality that one could be prosecuted for participating in consensual sexual activities with a younger/older partner will likely result in young people becoming fearful and resistant to access appropriate health care services regarding contraception, abortion, STI and HIV testing and treatment, emergency contraception, etc.

STIs are sexually transmitted infections. The term STD is no longer used. They are now referred to as STIs.

We do not want to find ourselves as legislators in a position where we are an impediment as well to the impulse that young people feel to get informed about safe sexual practices. It is important for everyone to be informed. For instance, people need to protect themselves when they have sex. They need to respect the wishes of partners who are not ready to start a sexual relationship. They should not engage in risky practices, and those who might be pregnant should go get tested.

The Canadian Federation for Sexual Health told us that if the age of consent is raised, we should make sure that young people will still feel comfortable about getting the necessary information. The CFSH reminded us that it is important that sexuality be part of the curriculum in public schools in Quebec and Canada.

We could do a little survey right here. The average age in the House is obviously at least 50 and maybe even 55. I can say with some pride that I help to bring this average down. If members were asked whether they received any information on safe sex, I would not be surprised if many did not. There were taboos surrounding this subject. People said it was a family responsibility. It is, of course, but

our public authorities, including schools, also have a responsibility to ensure that the sexuality of young people is discussed.

I am personally familiar with a number of community groups. For example, there is GRIS, the research and social intervention group, which goes to schools to talk about HIV-AIDS. They use a quiz and have a very educational way of getting young people to think about these realities.

We are not living in times when young people have too much information. Contrary to what one might think, STIs or sexually transmitted infections like HIV-AIDS are not regressing. That should make us ask some hard questions about our society.

The Bloc Québécois will support this bill. We are very aware of the representations made by the Canadian Federation for Sexual Health.

• (1155)

We believe that, socially, it makes sense to increase the age of consent from 14 to 16, as a number of countries throughout the world have done.

A private members' bill on the issue of age of consent has already been introduced. My colleague, the hon. member for Wild Rose, introduced a bill a few weeks ago, Bill C-267. His bill had the misfortune, or the inconvenience, even the extreme oversight, of not including a close in age provision. We were criticized, but that is why the Bloc Québécois did not vote in favour of the bill presented by our colleague from Wild Rose.

The Bloc Québécois is very concerned about respecting the prerogatives of the provinces. We asked many questions in committee because this obviously involves the whole issue of the legal capacity for marriage. For example, who can get married? There is a law prohibiting first cousins, people who are related, from marrying each other. The law has also been changed to allow same sex partners to marry. These are basic conditions for determining who can get married. The restrictions on degrees of consanguinity are a federal government responsibility.

Nonetheless, there are issues related to the celebration of marriage. The conditions under which it is celebrated, the regulations on who can become an officiant or whether a marriage can be publicly celebrated, and the age of consent for marriage are all provincial responsibilities.

In committee we were told that not all the provinces had the same conditions. Some provinces allowed marriage at age 15, others at 16 and others at 14. We were concerned about having the federal government respect the varied legislation in effect. We think that the provisions in the bill on marriages which have already taken place when the legislation come into effect are there to reassure us that provincial and federal jurisdictions are being strictly respected.

*Government Orders*

This is a bill we had the pleasure of studying in parliamentary committee. It is a bill founded on common sense. And it is a bill that has received very few negative comments. In my opinion, there was only one thing that the groups brought up. I say this for the sake of clarity, to properly report the different views observed in committee. We spoke about section 159 of the Criminal Code. Section 159 deals with anal intercourse, and has various provisions. To legally consent to anal intercourse, a person must be at least 18 years old. The witnesses wondered why a person had to wait until the age of 18 to have anal intercourse, but could engage in other types of intercourse at the age of 16. We did not make a big deal out of it, since this is something rather intimate. But the question remains, especially since the courts in Ontario, Quebec, British Columbia, Alberta and Nova Scotia, as well as the Federal Court have ruled that this provision of the Criminal Code is a form of discrimination based on age and marital relations.

I will conclude my speech here. I am happy to take any questions my colleagues may have. I will not be able to take too many since I must meet a group, but I can take a few.

• (1200)

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, to begin with, I would like to congratulate my colleague from Hochelaga for his very refreshing presentation in this discussion about age. He really covered all the bases, as it were.

Indeed one wonders why the age of consent, which used to be 12, which rose to 14, should now become 16. Why should it not continue to rise? Maybe next year there will be another bill setting the age of consent at 18. It is very arbitrary, and it seems to me that it contradicts today's sociological trend whereby young people are getting older faster.

In this context, I would like to ask my colleague from Hochelaga whether sex education might be the best approach to take for protecting our young people. Age being a very relative thing, perhaps it is not the age that should be changed. We must definitely see how, through education, we can remove the taboos surrounding this issue.

**Mr. Réal Ménard:** Mr. Speaker, I thank my colleague for his question. It is true that there are no doubt considerable differences from one generation to another. This may be linked to the fact that young people have greater access to information, that they have more intellectual stimulation, that they are dealing with globalization. All of this means that young people are living in an environment perhaps less closed and controlled than we did.

I can tell you honestly that at the age of 14 we were still playing dodgeball. We were not thinking about sexual relations. So for me, I was 14 in the—

**Some hon. members:** Oh, oh!

**Mr. Réal Ménard:** . There is nothing wrong with that, except that I was always the one in the middle when we played dodgeball.

So my colleague is right. Sociologically there are some facts that should be recognized. Young people are having sexual relations younger, that is a fact. Is this a good thing or a bad thing? Everyone has an opinion. Still I do not think it is unreasonable to say that the

age of consent should be set at 16. We think this is sensible and can be defended.

Obviously, what reassures us is that in the bill from the age of 14 one can consent to sexual relations, as long as the age difference is respected.

Overall, this bill is balanced and has a very worthy objective, namely that of avoiding sexual predators. That is the reason why the Bloc will support this bill. Obviously I do not think that we will go on raising the age to 17, 18 or 19. I believe this debate will never go away permanently.

• (1205)

[English]

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, I will ask the member a question from my perspective as a principal of a school from grades K to 12 for a number of years and from grades 7 to 12 for another 10 years.

On a number of occasions I had to deal with a situation involving a 14 or 15 year old leaving home. The parents and the authorities were unable to remove that young person from a consensual situation. Has the member ever taken into consideration the impact of that kind of decision when it is allowed to be made by a 14 or 15 year old? These are kids. Like he said, he was thinking about playing ball when he was 14, nothing else.

I cannot understand why we have always neglected to discuss in full the major impact that kind of decision has on families. Parents are unable to do anything about it. The authorities are unable to do anything about it. If the parents try, they are arrested for trespassing, or interference, or whatever. It is always against the parents.

Bill C-22 would have corrected that even back in the days when earlier bills were rejected, and recently when the bill put forward by the member for Lethbridge was rejected.

Why have those members not put a lot of emphasis on that kind of thing? Do they not understand the importance of family and how strong a family needs to be? This bill in its present form, unless we change it, is a hindrance to that healthy family style.

[Translation]

**Mr. Réal Ménard:** Mr. Speaker, I do not understand the member's comments. The bill brought forward by his government has the support of all political parties in this House: the Bloc supports it, as do the Liberals, the New Democrats and, of course, the government.

I repeat that the Bloc believes that 16 is a reasonable age to consent to sexual activity, except for the close in age exemption that I explained earlier, which relates to sexual activity between young people in a school environment. My colleague is also right when he talks about unfortunate situations where a young person entered into a relationship with an older person and where parents feared, and rightly so, that the relationship was exploitative but did not have the tools to intervene. The bill addresses that problem and this is why the Bloc is happy to support it.

*Government Orders*

The member for Wild Rose did introduce a similar bill, the difference being that his bill did not contain a close in age exemption, which made us fear that we would be criminalizing young teenagers who engaged in non-exploitative sexual activity amongst themselves. That correction having been made in the government bill, the Bloc is happy to support it.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, in the debate today the Parliamentary Secretary to the Minister of Justice used the language about exploitative sexual activity in a context which may have been misunderstood.

Could the hon. member from the Bloc maybe make it clear that under the Criminal Code of Canada exploitative sexual activity at any age is already a crime under the Criminal Code, and that indeed what we have here is sexual activity, with the proviso that there is a five year near in age exemption? This means, should this bill pass, and I hope it does, that a 16 year old could have sexual activity with a 21 year old.

It is not to legislate anything different than that. There is a near in age exemption, but the exploitive aspect is something that should be clearly understood, that this is not addressing solely predators, it is addressing Canadians.

• (1210)

[*Translation*]

**Mr. Réal Ménard:** Mr. Speaker, our colleague is right. Any exploitative sexual activity must be condemned. It is very relevant that he should remind us of the Criminal Code provisions.

In closing, I will say that these provisions deal with sexual activity involving prostitution or a relationship of authority.

[*English*]

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, first, I congratulate you formally on getting second reading on your Bill C-343, to amend the Criminal Code, motor vehicle theft. I was very proud to support that.

I am pleased to have an opportunity to speak in support of Bill C-22 today. The bill amends the Criminal Code to raise the age from 14 to 16 at which a person can consent to non-exploitive sexual activity. This applies to sexual activity involving prostitution, pornography or where there is a relationship of trust, authority, dependency or any other situation that is otherwise exploitive to another person.

Bill C-22 will better protect our youth against sexual exploitation by adult predators and I believe it strikes an appropriate balance that will not target consenting teenagers.

The age of consent of 14 has been around since the Canadian Criminal Code was consolidated in 1892, and the change proposed in the bill is long overdue. Most of the U.S. states, by and large, have 16 as the age of consent, as do most of the states of Australia as well as the United Kingdom, New Zealand, Belgium, Finland and many other countries.

Bill C-22 was tabled on June 22, 2006, and we are fast approaching the one year anniversary of the government bringing forward the legislation. The Conservative government knows that a

majority of MPs in the House of Commons want to pass the bill, the government's bill, and yet we are debating a bill that could have been passed months ago.

I have been incredibly disappointed with the Conservative government's constant delay of legislation that it has put forward.

The Liberal opposition has tried three times in the last six months to expedite a number of government bills dealing with justice issues and each time the Conservative Party has shown that it is more interested in gaining partisan advantage than in actually passing its own legislation.

The Liberal opposition even tried to table a motion that proposed the immediate passing of seven of the nine bills that the government brought forward. All of this legislation could have been in the Senate long ago and some even passed into law, effectively disposing of more than half of the government's entire justice agenda.

Unfortunately, the Conservative House leader raised a point of order to block the Liberal motion and caused further delays in passing serious anti-crime legislation. The citizens of Canada are seeing for themselves how hollow Conservative words ring when it actually comes to implementing a serious crime agenda.

This is not the only legislative game the Conservative government is playing. It refuses to bring Bill C-30 to the House. It is delaying private members' business dealing with climate change in the Senate. It has delayed seven different justice related bills in the past few months. It is absolutely incredible.

Over that period of time in my own riding of Newton—North Delta, the city of Surrey has brought forward its own crime reduction plan, which I spoke to earlier this week. The Liberal opposition has brought forward a plan to hire 400 new RCMP officers and fast track justice legislation on which we all agree. Instead, we have seen dithering, delay and broken promises. The biggest being the Conservative government's promise to hire 2,500 new police officers, which it did not get it done. The mayor of Vancouver brought forward more money for new police officers this year than Canada's government for the entire country.

It is time for the Conservative government to stop playing politics with the issue of crime reduction and prevention. People expect better and rhetoric will not cover for the fact that this bill should have been passed months ago.

• (1215)

Passing Bill C-22 will give police more tools to stop predators that our officers see on the street every day. It will bring us in line with the majority of western democracies and most importantly, it will give us an even greater capacity to protect our children.

According to Detective Janet Hall of the Toronto Police child exploitative section, this bill will change for the better the way police investigate child pornography, underage prostitution and Internet luring. In effect, more kids will be protected and more predators will go to jail where they belong.

*Government Orders*

A senior member of the RCMP child exploitative unit has praised steps to raise the age of consent as another step toward protecting our children on line.

I am also on the access to information committee and I have heard the witnesses coming there. The Salvation Army has written that those between the ages of 13 to 15, who are most vulnerable to being manipulated into a sexual relationship, will be more protected and it will end any charge that Canada is in fact a destination for sex tourism and sexual trafficking.

Tamara Lampton from my riding of Newton—North Delta wrote to me and said: “It’s not about what party is right or wrong; it’s about protecting the most vulnerable in our great nation”.

Kathy Ford wrote to me and said: “I’m praying you will cast your yes vote on this bill and protect our children, who are our most valuable resource”.

Laurie Leiggett wrote to me and said: “I believe Canada must step up to the plate and be a leader in protecting children from sexual exploitation, not a haven for pedophiles”.

What does that say? This is exactly what I was saying earlier, that the Conservative government could have acted months ago to protect these children who have been exploited within that timeframe.

I realize that many members on the other side of the House agree with this legislation, but there is a big difference between moving the legislation and actually passing the legislation. The Conservative government will have to do a lot of explaining to those Canadians who are appalled at the partisan Conservative delay tactics that have stalled Bill C-22.

As a father of three young children and as an elected member of Parliament who has consistently reflected my community’s desire that we be tougher on crime and work toward crime reduction and prevention strategy, I implore the Conservative government to stop playing politics with the Criminal Code and allow this legislation to pass as soon as possible.

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, I appreciate and respect the fact that the member is here in this institution doing the best job he can. What I have a difficult time understanding is that the member is giving a canned speech. That is a canned speech.

First of all, if he were to look back over the last 15 years, he would never have made a statement that I and my colleague from Calgary Northeast and others over here have been playing games with this. We are not playing games with this. I have never played games with this kind of an issue in all the years I have been here and members on that side of the House darn well know it. I hate to be accused of those kinds of things. I hate to be accused of that when they know it is not true.

Second, I want to remind the member that my colleague from Calgary Northeast and I approached the first justice minister that was on duty, Mr. Allan Rock, about this very issue years ago. In all those years it was never brought forward to be dealt with, never. One minister after another refused to bring forward legislation.

The last point I want to make is that in 2005 we did have a vote on this and guess who voted no? The minority Liberal government at that time voted no, so I think it is too bad that the member has to read this canned speech which is not really very accurate. It is too bad for him because I think he is a genuine man with grandchildren who wants to protect children. I appreciate his support for Bill C-22 and thank him very much for that; however, I wanted to make that comment to set the record straight.

● (1220)

**Mr. Sukh Dhaliwal:** Mr. Speaker, I appreciate the member for Wild Rose standing up in the House and saying a few words.

This hon. member is going back 15 years. I would like to remind the member that if we go back just a month, I am sure he was present in the House at the time when the House leader of the official opposition brought in a motion to expedite seven out of the nine legislative bills on the justice agenda. What did we do? We wanted to support that. We wanted to make sure that we protect Canadians.

I have been in the House just over a year and a half. The member has been here longer than I. He should recall that this is the party that in this parliamentary setting wanted to pursue the justice agenda as far as we could without delaying it, but it was in fact his party that has played with our young children. If this legislation would have passed two months ago, then the youth, those 12, 13 and 14 year olds, would not have been at risk. I can say as a parent of a young family that there are many parents like me who feel that this Conservative government has betrayed those parents.

[Translation]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** I will begin, Mr. Speaker, by repeating that the Bloc Québécois supports Bill C-22. We believe, however, that strengthening the Criminal Code is not the only option. Notwithstanding what the Conservatives may think, strengthening the Criminal Code piece by piece, as contemplated, is not the only way to build a better Canada.

My colleague from Newton—North Delta said earlier that when it comes to sexual exploitation, poverty is a factor. I would like to know if he was referring to poverty leading to sexual activity at a younger age or poverty causing sexual exploitation.

In Canada, fewer people are poor. It is easy to say that there is less poverty, but I would point out that—and I would like my colleague from Newton—North Delta to comment on that—while the poor may be fewer, they are poorer. Hence the breeding ground for sexual problems and predation.

I would like my colleague to enlighten us, if he could.

[English]

**Mr. Sukh Dhaliwal:** Mr. Speaker, I would like to thank the hon. member from the Bloc for bringing this forward. In fact, I cannot agree more with him that strengthening the criminal justice bills is not the only way; preventing the crime is another way of doing it.

We have to be stronger when it comes to social programs. When it comes to poverty, I can say that I see this in Surrey and the Whalley part of my riding. When I went with my daughter to volunteer, I could see the homeless people. They are more vulnerable to exploitation when it comes to poverty.

*Government Orders*

Therefore, the government has to do something about it. When we cancelled the child care agreements, what does that tell Canadians? It tells Canadians that we are not serious about taking care of our children.

Every health professional in this country has made this clear, that the first six years of a child's life when it is growing up are the most important years. That means early learning and child care.

This is the government that cancelled those provisions that we had with the provinces. When it comes to poverty, I always stand here in the House and give my support, whether it is the homelessness situation or any social issue, and I see him supporting those issues as well.

I am very proud to see that because that is one way to alleviate poverty and take those exploited children off the streets as well.

• (1225)

**The Acting Speaker (Mr. Ken Epp):** The hon. member for York West.

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, it is interesting to see you sitting in the Chair. Maybe what you are doing is practising for the future, so there might be another opportunity for you.

I want to begin by applauding my colleague for his dedication and pursuit of issues like this. He never misses an opportunity to speak to the issues of protecting his community, protecting Canadians, and very importantly, protecting our children from exploitation.

I would like to ask the hon. member this. Does he recognize that the Internet has become such an explosive area for the exploitation of many people but especially our young and vulnerable children? Does he feel that Bill C-22 will be effective enough in achieving that goal?

**Mr. Sukh Dhaliwal:** Mr. Speaker, I would like to thank the hon. member because she was my mentor. I am very thankful to her for spending a lot of time in my riding in previous years.

When it comes to Internet exploitation, I touched on the fact earlier that I am on the access to information committee. We have heard witnesses at that particular committee that there is a problem with this. We are trying to tighten that in the legislation. We are going to study access to information in those computer-related exploitation cases. We will bring in strengthening laws, so that our police can do a better job and take immediate steps to deal with this situation.

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I appreciate the fact that the member for Newton—North Delta is supportive of the bill. It is a very important bill. It has been introduced in the House numerous times over the years.

I will give a little history for the member because I know that he is a new member in the House and may not understand the battle that took place over all those years just to bring the bill to this point. It was generated, for the most part, by the opposition at that time, which was Reform, Alliance and the Conservative Party.

The fact that he supports the bill is probably the most important issue and I know he wants to make it as tough as possible because several times he mentioned his children. It is not just his children but

it is the youngsters across this country who need protection. They are the vulnerable ones. They require the attention of this House to ensure that they live in a secure environment.

During the committee time, and I want to point this out to the member because I know he is not a member of the justice committee, Bill C-22 was amended. There was an amendment that affected the matter of relationships, that if the individuals were married, that could actually be used as a defence, so a 14 year old could be married to a 40 year old. I am wondering why he—

**The Acting Speaker (Mr. Andrew Scheer):** Unfortunately, I will have to interrupt the hon. member and allow the hon. member for Newton—North Delta a very short time to respond.

**Mr. Sukh Dhaliwal:** Mr. Speaker, as the hon. member for Calgary Northeast mentioned, I am not on the justice committee. When it comes to the issue of marriage, I would have to read more about it and get back to him. I certainly will get back to him once I have gone through that particular clause.

• (1230)

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, I would like to thank all members of the House of Commons who are supporting this measure. I and many of my colleagues have been waiting a long time for this.

Mr. Speaker, I will be splitting my time with the member for Calgary Northeast.

The member for Calgary Northeast and I have been here since 1993 and one of the first major meetings we had was with the then appointed justice minister, Mr. Allan Rock. At that meeting the member for Calgary Northeast pointed out to the justice minister, loudly and clearly, particularly from a policeman's point of view, the need for having this kind of legislation in place.

Strangely enough, the minister at that time seemed to agree that it was a good cause and, of course, I reinforced it from an educator's point of view. It seems police and educators work with the same people quite often on the same issues. I want to commend the member for Calgary Northeast on his dedication to correcting this situation over the years. I know he is as glad as I am today that this legislation is about to come to light and that it will happen.

I also want to point out that several members in the House of Commons are very positive about seeing this happen. Some of us think it is long overdue, but it is finally here. A colleague I would like to mention, who is my good friend but who is no longer here, is Darrel Stinson, the former member for Okanagan—Shuswap. He presented this bill way back in the early years, like many of us, and spoke many times on this kind of issue.

I could commend a lot of people, even from the Liberal side, who spoke quite strongly about getting this thing moving. It is going to happen but it is too bad that it takes so long under our process to get something accomplished that absolutely makes no sense not to get done soon. I really do not believe that some members in the House of Commons recognize or know the seriousness of allowing 14 and 15 year olds to be of legal age for age of consent.

*Government Orders*

I was an educator for about 30 years and the principal of a small town school which contained that age group. Even in small towns throughout this country there is the problem of 14 and 15 year olds being allowed to decide through consent that they can take up residence with an older person, basically for the purpose of engaging in sex or other activities, and not having to worry about getting their parents' permission. For the life of me, I could never understand how a country could consider 14 and 15 year olds anything other than children. They are young people and most of them in junior high school.

I can recall the days when we could not do anything in the schoolyard. When a 14 year old consented to get into a car and take off with a 20 or 21 year old, I wanted to run out and stop the person but I had no authority to do that because the 14 year old had the privilege of age of consent.

Many times parents came to me broken-hearted after having gone to the police and would ask me what they could do. Nobody could do anything. Yes, if children were lured or enticed and there was any evidence of exploitation in a relationship, then something could be done because it was against the law, but most of the time if a 14 or 15 year old indicated that he or she had given consent then nothing could be done.

• (1235)

I can name a number of cases where a father has removed his 14 year old daughter from that situation and has put her into a better place under better supervision only to be arrested and charged with trespassing or, if he forcefully entered a residence to withdraw his child from that situation, with assault or break and enter. That just does not make sense.

In 1993, when I was first elected, I said that I would like to see the existing laws, which have failed to protect our children better, changed. When I would visit some police departments I was amazed to hear about the problems, even in those days before the Internet, with child pornography and the difficulty the police were having in bringing those violators of this evil stuff to prosecution because we were too worried in this place about the rights of the criminal.

We have the Charter of Rights, which is a wonderful document, but along with the Charter of Rights there should have been a charter of responsibility: a responsibility that would protect our children and a responsibility that would give the parents the right to enforce what they need to enforce, no matter what it took because it is kids we are looking after. However, the laws of the land and the court systems would interfere and always seemed to put an emphasis on protecting the bad guy.

One of the first cases happened in Calgary. I remember a five year old girl being abducted from her backyard. This poor girl was handicapped. I believe she was deaf. Later that evening they found her body in a dumpster. She had been raped and murdered. When the perpetrator was found and arrested, do members know what happened? The perpetrator received psychiatric help. He was seen by psychologists and medical doctors. He was looked after. He was coached. All those things.

In the meantime, the family of the five year old girl, the parents and the siblings, were breaking apart at the seams. One can only

imagine how they felt but where was their aid? Where was their assistance? It just was not there, unless they wanted to cough up the money and pay for it themselves.

The member for Calgary Northeast and I have recognized for nearly 15 years how wrong that was and we fought hard to get everyone to recognize with their own eyes the evilness of child pornography and to get rid of it. However, we were always blocked. Nothing is more important than the protection of our children and yet we stumble over little things. We need to stop that.

I want to pay tribute to KINSA, Kids' Internet Safety Alliance, a group I met with last night in Toronto, which is a big supporter of this bill. Its members were happy to hear that Bill C-22, the age of protection, the raising the age of consent, would be coming to light. They were so happy that they wanted me to express this morning, if I had the chance, which I now have, their thanks to the House of Commons for finally getting this done. I, in turn, want to congratulate them and their organization, right from Bill Gates, down through Paul Gillespie, through to the whole pile of people who made a big effort in fighting this child pornography and this Internet garbage that is going on. I pay tribute to them. Let us help them by making the laws right. Today is our chance, with Bill C-22, to get things started.

• (1240)

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I have a question for the member for Wild Rose. Before I do, let me repeat that we support this bill.

At present, we can see that the low rate of disclosure and reporting by victims of sexual assault is a major obstacle in the fight against sexual offences. It is impossible to take action if a young person lies or hides a relationship to protect his or her assailant. Studies suggest that barely 10% of sexual assaults against young people are reported to the police.

I would like the member for Wild Rose to comment on this. How can Bill C-22 bring the 90% of young victims who do not report being assaulted to file a complaint? They are reluctant to report the situation because they fear retaliation from their abuser, among other things. I would like the hon. member to tell us how, once this bill is passed, these 90% of young victims will be able to come out and report their abusers.

[*English*]

**Mr. Myron Thompson:** Mr. Speaker, I hope we do not get tied down with the idea that this will cause people to clam up and not say anything. Parents are crying out for some authority and some ability to act on behalf of their kids.



*Government Orders*

Yes, it may be true that the 14 or 15 year old is demanding to stay in the situation and that they do not want to report it or talk about it. However, if mom and dad want to remove their child from a situation, they also should not be blocked from being able to do so. When they call on the police and ask them to remove their 14 year old daughter from the home of a 40 year old man who is exploiting and using her, a 14 year old who has consented but does not truly understand what she has done, this bill would give them the authority to do it.

All I am saying is that we need to get a lot of education involved. We need people to understand that exploitation is not acceptable in today's society. We need people to understand that raising the age of consent to 16 will help to prevent that from happening. It is about preventing it from happening in the first place.

Yes, I realize that 14 and 15 year olds who give their consent will not report it if they really believe they have done the right thing. However, the parents should not be blocked from trying to intervene. Our responsibility as parents is to intervene on behalf of our kids.

When I was 14 years old I had to be intervened with on a few things that did not have anything to do with sex. My father intervened quite often because I was a kid and I did not have enough brains to understand what I was doing. We need the public to understand this. We need to give the parents the authority. It is a family thing. Let us educate the world about it, but let us provide them with the ammunition.

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I am pleased to stand here today in support of Bill C-22, An Act to amend the Criminal Code (age of protection).

I have to reflect that, to say the least, over a number of years several members in this House attempted to bring this legislation forward in the form of private members' business. This goes back to 1996, as the member for Wild Rose pointed out. I would like to thank the member for Wild Rose for his gracious comments about our efforts to move this legislation forward.

The first time the bill was actually voted on in this House was back in 1996. There was a small amount of support from the current opposition regarding raising the age of consent. The opposition, namely the Reform Party at that time, voted unanimously to do so.

This is not the first attempt to bring this legislation into the House. It has already been here. It is very familiar to those members who have served in the House over time, and rightly so. I would like to point out what prompted this initiative on our part back in 1996.

I was a police officer prior to coming to this place. I can recall numerous occasions when parents agonized over the fact that they could not take their 14 year old or 15 year old daughters out of horrible situations that adult men had lured them into. They were in terrible situations. As police officers, we agonize with the parents. We want to help parents and we know it should be done, but there was no law to back up the police. That was the name of the game. That is why this legislation has come forward.

A very high profile case hit the front page news in 1995-96. It was over this very issue. It was reported that a 14 year old Edmonton girl was having sex with her father's AIDS-infected lover. She became infected. There was nothing anybody could do to clean up the

situation. She had consented to having that relationship with that 40 year old guy. Her parent, who was right there in the same house, did not object. Was there room there for the authorities to step in? I would have to say yes. I do not think any members in the House would disagree with that.

That was one issue, but a bill came forward in this House and was defeated. As I pointed out, there were members of the then government at that time who supported it.

Things have not changed over the years. In fact, they have become progressively worse. Pedophiles can see the advantage. Procurers stalked the areas where young runaway girls went. They would plot their course and lure them into their lairs. The Internet has brought this about too. It is an added dimension in this whole issue.

Let us fast forward nine years to 2005 and look at another issue involving a 40 year old man who had been having sex with a 14 year old mentally handicapped girl and was acquitted of sexual assault. According to her mother, the girl had a mental function equal to that of someone between the ages of seven and 12. At the trial, the girl testified that she did not want to have sex, but she was too scared to say no. Her mother, justifiably, called the whole situation "sick". The judge said he could not convict the man. Why? Because of the age of consent. He could not be sure that the girl had not consented.

● (1245)

With Bill C-22, there will be no question about what the decision of the judge will be. There will be no question about what the decision of the police will be. They will have the tools they need to deal with the matter.

As I mentioned, with each passing year this situation gets worse, not better. As I also previously mentioned, the Internet is a growing phenomenon when it comes to dealing with sexual luring and predation. These activities are dramatically on the increase as sex tourists and sex predators get more active in approaching and knowing how to approach youngsters on the Internet. They are going right into the very privacy of youngsters' homes using chat rooms. We need this legislation desperately.

At 14, Canada's age of consent is lower than that of many other countries, including the United States. This point has been brought up before. What that actually means in practical terms is that Canada is and will continue to be a haven for pedophiles. According to Cybertip.ca, a very significant advocacy group, about one-third of child luring cases in Canada involve Americans who have looked north of the border for younger prey.

I am going to refresh everyone's memories. Members will all remember the 2005 matter of the 31 year old man from Texas who was caught in an Ottawa hotel room, right in this city, with a 14 year old boy whom he met on the Internet. I do not think that is going to be any surprise to many people now. Some of these things were rather disturbing when we first heard about them, but they are becoming more prevalent and that concerns me. That concerns me as a grandfather now.

*Government Orders*

Nothing happened in that case, because these sex-related crimes, even though they were considered to be crimes, were not crimes because they were protected, as that individual was protected, by Canada's low age of consent law. It is becoming an all too familiar tune. I think it is one that we need to stop singing. We should stop singing it for the sake of our children and our grandchildren.

We have heard the discussions over this matter for some time in this House. As chair of the Standing Committee on Justice and Human Rights, I have heard all the arguments there, as have other members from all parties.

It is good that there is a change in viewpoint and that now all parties in this House are willing to embrace this potential legislation. It is long overdue. It will mean that Canada's 14 year olds and 15 year olds will be off limits. A clear message must be sent to any internal predators and to predators outside the country.

I would like to put to rest the concern of some people that this bill will criminalize the consensual sexual activity of teenagers. With the exemption, it will not. I would like to see a tighter exemption, but the exemption is in there, it is a five year exemption, and I think that is a very reasonable allowance.

I would certainly like to again thank the members in this House who will be supporting this legislation, for it is long overdue. I appreciate that they have, as many members have said in the House, the thoughts of their own children and grandchildren in mind, because we have a country full of youngsters who need our protection.

• (1250)

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I would like to put a very simple question to the hon. member for Calgary Northeast. First, I wish to remind the House that the Bloc supports this legislation and will vote accordingly.

It is interesting to note that, in the United States, the age of consent varies between 16 and 18, depending on the states. For example, in the states of New York and Texas, the age of consent is 17 years. I am wondering if the situation in the United States has influenced the Conservative government.

The Bloc Québécois is absolutely convinced that, once this type of legislation is passed, something else remains to be done. The real solution lies in prevention and in educating young people to recognize exploitative relationships and distance themselves from such relationships.

Could the hon. member for Calgary Northeast tell us whether his government intends to continue protecting young people by providing a solid education, in every region of Canada?

• (1255)

[*English*]

**Mr. Art Hanger:** Mr. Speaker, I thank the Bloc member for his words of support for the legislation. Granted, there are some things still to be added to the bill. It could be extended to further protect our children. As well, there is no question that education plays a key role.

However, it is targeting one other group. Not only does the bill protect children, but it targets the offender. The offender will come to realize very quickly that our 14 year olds and 15 year olds are not within his grasp. What better message could we send from this House than a message to tell anyone with an agenda opposite to that of moms, dads, grandmas and grandpas in this country that we do not want them close to our children? What better educational tool is there than to strike fear into the heart of those men who want to do that?

I know that the member is concerned about the possibility of influence by the United States. When I first brought the bill to the House in 1996, it was because of my own experience as a police officer as I saw it unfold in our country, watching parents wringing their hands and weeping and crying over their daughters, and sometimes their sons, who were held captive by predators. However, they were held captive in the sense that they wanted to be there to get away from their homes. It was not that their homes were that bad. They were runaways. This happened time and time again.

I did not necessarily know at that time what the situation was south of the border. This was an initiative that I saw as necessary here, and which many people, not only in law enforcement but in the judiciary as well, sought to see introduced into the law. It is a matter of protection. I think that is where we went with it.

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, I have just a brief question. I thank the member for the job he is doing. He is coming from a realistic point of view, like I am, in that we have seen these things from a police perspective and from a school teacher's perspective in dealing with parents and in dealing with the situation at first hand. I know that both of us approach the legislation from a common sense point of view and the experiences we have had.

Should this place not use a little more common sense? I would ask the member if he would agree. Bless the lawyers, and I love every one of them, but they get so legalistic. They want to enter into the legal end of things with fine wording and all of that. Should we not put more emphasis on the fact that it is the right thing to do and we have to do it?

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member for Calgary Northeast has a very short period of time for a response.

**Mr. Art Hanger:** Mr. Speaker, I have to agree with the member for Wild Rose 100%. If members of the House would sit down and look at matters from a practical point of view, we could come up with a collective judgment. There is a cross-section of people here, not just lawyers. Lawyers can argue the technical points when it comes to the legislation, but if we collectively put our heads together, I think we could have a much safer environment for our kids.

**The Acting Speaker (Mr. Andrew Scheer):** Resuming debate with the hon. Minister of Citizenship and Immigration. There has been an arrangement made between the parties, a trading of slots back and forth. That is the list that we have here. If the hon. member for Laval want to talk about it, maybe she could approach the table.

*Government Orders*

• (1300)

[*Translation*]

**Ms. Nicole Demers:** Mr. Speaker, the minister is making a speech today. Therefore, I will let her do it, because she is a woman who often delivers good speeches, and I will make my comments afterwards.

[*English*]

**Hon. Diane Finley (Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I thank the member. I am very proud to rise today as the seconder of Bill C-22, our new government's very important age of protection legislation. I am also proud to follow in the speaking order the members for Wild Rose and Calgary Northeast, my colleagues. I am so proud of the work that they have done, the dedication, the hard work, the passion they have shown for many years to see that this legislation goes forward. I want to thank them for their efforts over all those years.

I am also proud to have this opportunity to speak to this crucial bill that will afford greater protection to 14 and 15 year olds against adult sexual predators.

I take such pride in our government's actions on this file. One of the reasons I entered public life is that I firmly believe that Canada's young people deserve to be better protected than they have been from the shameless and disgusting predators who would prey on them. In fact, on my entry into public life, I made a commitment to my constituents in Haldimand—Norfolk that I would fight to raise the age of consent, now what we are calling the age of protection, from 14 to 16. I am both honoured and humbled to help deliver on that promise today.

The fact of the matter is that for far too long the former Liberal government allowed our young girls and boys to be preyed upon by sexual predators who have no other motive than to feed their disturbed and disordered desires. While Conservatives through whatever party fought long and hard for years and years to increase the age of protection for our children, the Liberals made excuse after excuse after excuse for why it could not be done. Once again, shamefully, the Liberals not only did not get the job done, but worse still, at that time they refused to get the job done.

That being said, I really am encouraged to see that the Liberals now appear to have recognized the error of their ways. I encourage them and all members of this House to support this much needed, long overdue legislation.

No one can deny that the damage done to children due to sexual exploitation of young girls and boys is incalculable. No, there may not be physical and visual scars, but there are the scars that are much deeper and take much longer to heal, the emotional scars.

Our government recognizes the need to protect innocent and vulnerable children from pimps and other sexual predators. I am proud to be part of a government that is taking real action in this regard.

We recognize that Canada's current laws are inadequate and the previous Liberal government's failure to protect children from sexual predators was unacceptable. To clarify the nature and intent of this legislation, it is important to note that Bill C-22 proposes to raise the

age of consent to sexual activity from 14 to 16 years and to rename it the age of protection.

This legislation supports a key component of our new government's commitment to get tough on crime and to afford greater protection to victims and to those who could be vulnerable to such crimes.

To be clear, the objective of Bill C-22 is to protect 14 and 15 year olds against adult sexual predators, not to criminalize consensual sexual activity between teenagers, what is often referred to as puppy love.

Currently, the age of protection for sexual activity involving prostitution, pornography or relationships involving authority, trust, dependency or that are otherwise exploitative of young persons is 18 years. Bill C-22 would maintain 18 years as the age of protection for these activities, but for all other activity or relationships, the age of protection is now 14 years, with one exception, what is often called a close in age or peer group exception.

Under this exception a 12 or 13 year old can consent to engage in sexual activity with a partner who is less than two years older and under 16, so long as the relationship does not involve authority, trust, dependency and is not otherwise exploitative of the young person.

Bill C-22 would maintain this two year close in age exception for 12 and 13 year olds, but would raise the age of protection from 14 to 16 and would create another close in age exception for 14 and 15 year olds.

• (1305)

In this way Bill C-22 would not criminalize consensual teenage sexual activity but would prohibit anyone who is five years or more older than the 14 or 15 year old from engaging in any sexual activity, whether it is sexual touching or sexual intercourse with that young person.

It is also worth noting that the police have been very supportive of Bill C-22. They view it as a much needed tool to help better protect those teens who are most at risk of being targeted by online adult sexual predators.

Just to illustrate the pressing need for this legislation, a recent report by the United States National Center for Missing and Exploited Children highlighted the findings of a 2005 survey of 1,500 youth Internet users, 10 to 17 years of age. The report showed that of the youth who were targeted for sexual solicitations and approaches on the Internet, 81% were 14 years old or older, 70% were girls and 30% were boys. Similar findings have been made in Canada.

Cybertyp.ca, as mentioned by the member for Calgary Northeast, Canada's national tip line for online child sexual exploitation reported in March 2005 that luring reports represented 10% of all reports received during its two year pilot phase. Of these reports 93% of the victims were female, and the majority, 73%, were between the ages of 12 and 15 years. That is 73% between 12 and 15 years.

*Government Orders*

These reports show very clearly that 14 and 15 year olds are at very great risk of being sexually exploited through Internet luring. Bill C-22 will therefore enable police to more effectively protect youth 14 to 15 years of age from such online predatory behaviour.

Bill C-22 will also bring Canada's age of protection into line with the many other western countries, including the United States, that already have a higher age of protection of 16 years or above.

Why is that important? Because unfortunately with the current age of 14, Canada has become known as a destination of choice for sexual predators. Predators from the United States where there are tougher laws know that they come here and get away with things that would never be allowed in the United States. That is not fair to our children.

This bill also has the support of several provincial justice ministers. In fact a few years ago, all 13 incumbent justice ministers in the provinces and territories were on side. In a survey done recently, 72% of Canadians wanted to see the age of protection raised to 16 and 8% wanted it raised even higher. That is 80% of Canadians who favoured this bill or something even tougher. Parents favour it as well. I suggest that all members of the House keep that in mind as they vote for this bill.

Our primary job as the government I believe is to protect the safety, the security and the health of the citizens and residents of this country. That includes our children who are our future.

I urge all members of the House and the Senate to send a direct and clear message to Canadians that we will no longer stand for the abuse of innocent children by sexual predators. I urge them to support our legislation to better protect children from sexual abuse.

It is time that Canada stopped being a destination of choice for predators. That is our choice. That is our responsibility.

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, I agree with the closing remarks of the Minister of Citizenship and Immigration that it is time. However, I want to make a comment and ask her a question.

I listened very carefully to her constructive comments with respect to the percentages and what has gone on with our young men and women. However, I have more of a concern with respect to predators who come in from other parts of the world to jeopardize the well-being of our youth.

As much as the age of protection can be increased through legislation, which is something we must do and, God willing, do as quickly as possible as the minister outlined, my concern is with the other stakeholders in this. As legislators, we can make all the laws in the world. My concern is that when we catch one of these perpetrators, how will the legislation be enforced?

This is the frustration coming from my constituency of Scarborough Centre. We make laws, but once we get the perpetrators into the courts, can we find people who will make judgments and have the willpower to impose sentences that will allow a message to be sent out to cause others to reconsider?

I am concerned also with 8 and 10 year olds. Would there not be some onus put on the parents? I have grandchildren, for example,

and I will monitor what they do as 8 or 10 year olds when using the Internet. Does the minister have any ideas how we can address that as well?

● (1310)

**Hon. Diane Finley:** Mr. Speaker, how we enforce laws has always been an issue. The first step is we need to have the legislation in place. We need to have the laws that will protect our children. Without them, as we have seen and as the member for Calgary Northeast cited in many examples, there was no way to charge people. We could not even get them to court because these predators were not breaking any laws. The first step is getting this legislation in place.

Police forces across the country support the legislation. They need it so they can lay charges and prosecute. It is not enough to prevent and protect. We need to have the ability to prosecute. This is the first step.

Obviously, we have to get perpetrators into the courts. I would hope that all judges in this land would have enough respect for our children that they would actually enforce this law.

[Translation]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I would like to remind the Minister of Citizenship and Immigration that the Bloc supports this bill.

Some young people are more prone to sexual abuse because they live in isolated communities or because they have physical or mental disabilities.

By “community”, I mean small towns where there are no police officers or remote first nations communities far from police outposts. I am sure the Minister of Citizenship and Immigration will understand what I am saying since this was part of her portfolio. I am also talking about the homeless and so on.

As for the philosophy behind this bill, does the Minister of Citizenship and Immigration think that people with disabilities or the homeless will be better protected?

[English]

**Hon. Diane Finley:** Mr. Speaker, the government has taken a very strong interest in vulnerable people across our country, whether they be the homeless or people who have limited job opportunities due to age or literacy issues. This is another case where we are trying to protect the vulnerable.

There are challenges, there is no question. There are challenges in remote communities. There are challenges in ensuring that people understand the issues from which they need to be protected. Sometimes people are too innocent to believe or to recognize when they are being exploited. That is the first step. That is why the legislation is so necessary. Too many young people get caught in sexually exploitive situations and do not recognize it. They think they are in love or the sexual predator promises money, or other things or treats them like grown-ups.

*Government Orders*

That is where parents have a responsibility to step in. Parents can recognize these things. Parents can recognize exploitive situations and we have to give them the opportunity and the tools to do something when they encounter these situations. Only by having this legislation in place will that occur. We need to give parents the tools to allow them the freedom to raise their children safely.

• (1315)

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to have an opportunity to speak to Bill C-22, dealing with the age of consent. There always has to be a few dissenting voices, so I will be one of them.

As we know, the current age of consent in Canada is 14, and there are already very strict provisions in the Criminal Code for youth. They provide protection for youth between 14 and 18 from exploitive relationships that involve a person in authority or trust. I know the bill speaks about the protection of youth, but I would argue that provisions are already in the Criminal Code to provide this kind of protection.

We also have very strict provisions in the Criminal Code that prohibit activities related to prostitution for anyone under 18, and I am very familiar with these provisions. I was on the all party committee that dealt with prostitution. It very strongly believed that there should be strong criminal sanctions against prostitution activities, sexual exploitation of youth under 18. There are also very strict provisions regarding pornography. Therefore, these are already covered in the Criminal Code.

I know from the messages, the emails and the people to whom I have spoken in my community and elsewhere across Canada, people are very concerned about the exploitation, harm, violence and coercion that can exist, whether it is in a sexual relationship or not, and the protection of young people generally. I concur with that. It is a very serious issue in our society and it is something on which we should focus.

The problem I have with the bill is it goes way beyond that because it is a very sweeping bill. It goes much further in laying down a regime that becomes kind of a generic law, which will criminalize some sexual activity for young people. We have to look at that and distinguish where there are harms and where there are not, where there is consenting activity and where there is not.

I know at committee, Andrea Cohen, who is the president of the Canadian Federation for Sexual Health, which I believe was formerly called Planned Parenthood, an organization with which we are very familiar, made it very clear that the Federation for Sexual Health was not for the legislation. She said:

We believe it's a rather crude instrument to deal with a pretty complex issue, which human sexual behaviour is, particularly around youth.

She laid out three concerns to the committee, which she felt needed to be addressed.

The first was that young people, because of the bill, would not be feel comfortable about seeking information around sexual health services because of fear of a lack of accountability. I think the concern is if the bill is approved, young people will be less likely to seek sexual health information or advice if they know their activities are outside of the law.

Ms. Cohen also laid out a concern about:

The perception or reality that a young person or his or her partner would be reported to authorities and prosecuted for consensual sexual activity outside of the five-year limit will result in sexually active youth not seeking or getting the health services they need.

I know this concern was very much echoed by the Canadian AIDS Society and the Elizabeth Fry Society as well.

The second concern of the Canadian Federation for Sexual Health was that the increased age of consent could be used as a justification for denying young people the sexual health education services they needed. Its concern was that it may actually place educators and health professionals in a very difficult position in that they may be reluctant to enter into conversations or exchange information with young people, under the proposed new age of consent, due to the uncertainty about their own legal obligations. We should be very concerned about this. We are in an environment where young people will be very reluctant possibly to come forward and to seek the kind of health advice, information, support and counselling they need.

• (1320)

The third concern of the federation was it pointed out that the Criminal Code included a clause that set the age of consent for anal sex at 18 years, which is higher than for any other type of sexual activity. It pointed out that there was no logical or medical reason to treat one type of sexual activity differently than the others.

Those were the concerns that the federation laid out. The NDP justice critic, the member for Windsor—Tecumseh, tried very hard in committee to get them addressed. He tried to get amendments in the bill that would reflect these concerns, but unfortunately they were not permitted, leaving us with a flawed bill. I thank the member for trying to get those.

Members of the gay, lesbian, bisexual, transgender community have also expressed their very serious reservations about the bill. People are concerned that this will lead us into a much more moralistic attitude and that will prevail. People are concerned that consensual sexual activities will be targeted, particularly in the GLBT community where there has been a history of prosecutions.

The government wants to raise the age of consent, and that is the main message in the bill. The message around the close in age exemption is not getting out. The main message is that the age of consent will be raised to 16. We have to be very concerned about the message that the bill sends out because it may create an environment where young people become very insecure and uncertain about their own rights and what they can and cannot do.

I also want to draw attention to another good presentation that was made at committee from the B.C. Civil Liberties Association, which raised a couple of concerns. This needs to be seen in a broader context over a lot of the legislation that we see from the Conservative government. The association said at committee:

—Bill C-22 represents a fundamental shift of policy and attitude toward sexuality. In 1992, the Supreme Court of Canada, in the Butler decision dealing with the definition of obscenity, signalled a fundamental shift from the legislation of morality to the legislation of harm.

*Government Orders*

This is a very important issue. Some members do not want to think about the direction that some of this legislation is taking. Since the Butler decision, there has been an emphasis to enact legislation that focuses on harm and the protection of individual rights, particularly where there are consenting activities. There is now a concern that this legislation will take us in another direction. We should be willing to debate this and to look at the implications and the consequences of that kind of direction. The B.C. Civil Liberties Association made an argument based on public policy and how it could change over the years.

The association also raised a concern that in the absence of evidence of harm, the rush to get through this bill is an unconsidered response to a moral objection rather than a legislative response to harms that have been shown. This is an important point.

I have heard some of the debate by Conservative members. I know they feel very strongly about their point of view, and I respect that. However, we have to also put on the table whether the legislation will accomplish what they are seeking to do, which is to protect young people from violence, exploitation, predators, rather than to put down this blanket that will criminalize youthful sexual activity even if it is consenting. That is my main concern about the bill.

The bill would criminalize consensual sexual activity for some 14 and 15 year olds. It sends a message of moral attitude and judgment rather than focus on harm and exploitation, which are issues with which we seriously need to be deal.

• (1325)

In the real world, teenagers do have sex. They do have sex with older people. Despite what the member for Wild Rose said, I think he said that kids were dumb, we have to recognize what this bill may end up doing in terms of the very people it seeks to protect.

This bill is flawed. I believe that it will tend to drive issues of youth sexuality underground. It will cause young people to be less open about what they need to protect themselves, and their sexual health and their sexuality.

I do not support the bill for those reasons. I do not support the approach being taken by the Conservative government. I do not support this kind of broad-sweeping legislation that I think will criminalize sexual activities of youth and will not in any way ensure their protection from predators. I have a great deal of skepticism about the bill.

Today I have heard members say that something like 80% of the population supports this measure. I do not know whether that is true or not. I am sure it is high. But, again, I think it is based on a very strong and legitimate concern about protecting young people from exploitation and predators, whether it is through pornography, prostitution or random sexual relationships.

However, I really feel that this legislation would take us beyond that, into a direction that would end up criminalizing young people who do not need to be criminalized and would actually put them into an environment where they would be less open about what is going on and less likely to come forward and actually seek protection and health.

I realize that is not a popular thing to say, but I do think it needs to be said. I think we should have very sober thoughts about this bill and what it would do. I have considered it very seriously and I have actually struggled with it, as have other members of the NDP caucus.

There are a majority of members of our caucus who support this bill, but nevertheless I feel that as a member of Parliament I have an obligation to put forward a view. I think there are some issues here that need to be addressed and for the reasons that I have outlined, I find that I cannot support this bill, not because I do not believe that children should not be protected, they should, but because I do not believe this bill would actually accomplish that.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I can assure the member that members of the Liberal caucus take very seriously the preoccupations and concerns that she raised about the possibility that the objective of this bill, while being the protection of our young people, could in fact have an unintended consequence in the sense of discouraging young people from getting sex health information. I am very aware of that. It is a real concern and we do share it. However, we have decided that we will nonetheless support this bill.

One question I do have, though, which I am not sure if this member addressed in her remarks on Bill C-22, is the issue of the government's decision not to repeal section 159 of the Criminal Code. That section, as the member would know, makes anal sexual intercourse for anyone under the age of 18 a criminal act and has been found to be a violation of the charter. It was found to be unconstitutional by two appellate courts, a court of Ontario I believe and the appellate court of Quebec.

This government had the opportunity, when it addressed the age of consent, to harmonize all pieces of the Criminal Code in order to ensure that there were no discriminatory sections of the Criminal Code and decided not to repeal section 159. Then again, in committee, when I brought an amendment to committee, it decided not to support that.

Even when there is a ruling that an amendment is outside the scope of a bill, the government, if it chooses to decide that it may be outside the scope of a bill but is something that was neglected and is in favour of it, can allow the amendment to go forward, and this government did not. I would like to hear what the member from the NDP has to say on that particular issue.

• (1330)

**Ms. Libby Davies:** Mr. Speaker, I did raise this in my comments at the beginning. This is one of the concerns that was put forward by the Canadian Federation for Sexual Health. I actually would point out that the member for Windsor—Tecumseh tried to bring this amendment forward as did the Liberal member.

I agree that it seems a contradiction that we would have this inconsistency in the law, that the age of consent for anal sex would be 18 whereas the current age of consent for other sexual activities is 14, presumably now going up to 16 with this bill if it goes through.

*Government Orders*

I appreciate the member's comments because what it does for me is reinforce the concern that I have with the government's refusal to address that contradiction, even though there have been legal decisions that have squashed that particular section, and I know the member is supporting it, and it is being brought forward on the basis that it has more to do with a moral view on what is right or wrong.

We are all entitled to those views. I have those views. Other people have those views, but to encode it in legislation and to not address the issue of anal sex and the inconsistency there really is a reflection of where the Conservatives are coming from. That is actually one of the reasons why I find that I cannot support this bill.

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I found my colleague from Vancouver East's speech very interesting because it raised more questions about an issue nobody really knows much about.

We know that children who are victims of sexual abuse display a range of symptoms, including anxiety, depression, post-traumatic stress, behavioural problems, age-inappropriate sexual behaviour and low self-esteem, all of which are harmful to young people.

How does the member feel this bill will help young people escape abusive situations? As the member for Wild Rose and the Minister of Citizenship and Immigration said, this bill was essentially created to help parents catch the perpetrators.

Can my colleague from Vancouver East tell us what is to become of the many children who are sexually abused but do not have parents?

[*English*]

**Ms. Libby Davies:** Mr. Speaker, it does raise the whole question of what we can do through legislation and what we need to do in other ways, and the fact is that sexual abuse in our society is a very serious problem.

Obviously, parents and caregivers are people who are in a primary position of responsibility to provide trust and support, but as the member has pointed out, sometimes that does not happen. Sometimes the abuse may be in the home or sometimes it may be in a foster situation, or it may be young people who are on the street already.

To me, that is why it is so important, and the Canadian Federation for Sexual Health points this out very well, that we actually need to have programs, supports and services that provide those services in a non-judgmental and accessible way for young people. If we think we are going to solve everything through legislation, then we are making a huge mistake and we are actually driving young people more and more into an environment where they will not seek help when they need it.

I represent a community where we do have street youth, where we have kids who are really at very high risk, and this legislation is not necessarily going to help them. What they need are services and supports right at the grassroots, right in the local community that they can believe in, that they know they can access. When that happens and a relationship of trust is developed, that is where we can

then work with them and help them make decisions about their own health, about their own lives.

However, if young people are fearful to go to that service or support program because they feel that they will be deemed illegal, then they are not going to do that. That is what I think is one of the consequences and problems with this bill, that we may be actually driving away the very young people who are at risk, who actually need help, because we will be putting them in this environment where they feel that they cannot come forward.

● (1335)

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, I listened to some of the speeches regarding Bill C-22. I must admit that the speeches I heard are similar but do have some major differences. I listened closely to the speech by my colleagues from Vancouver East and Calgary Northeast. The member for Calgary Northeast was a police detective and worked with my uncle for several years. I know how important law and order are to him.

However, while listening to the speech by my colleague from Vancouver East, I realized that, although we support this bill, there are certain points that should lead us to ask some hard questions as to some of its provisions.

I concur with what my colleague said earlier that setting the age of consent for anal sex at 18 is very discriminatory. Why are we attempting to protect boys until they are 18 years old and girls until they are 16? That makes no sense and is ridiculous. Is there a difference in how children are affected by unwanted sexual relations based on the victim's sex or whether the relationship was heterosexual or homosexual? I believe that unwanted sexual relations are abusive sexual relations and cause a great deal of harm. I do not understand why there is a difference.

At my age, 57, we have come a long way from when we believed that we could become pregnant by kissing our boyfriend. When I was very young, I kissed my first boyfriend. I felt so guilty that I did not want to talk about it to anyone. We did not talk about sex back then. We did not talk about it in 1960 and we still do not in 2007.

It is the responsibility of the adults who look after and are close to our young people—their parents and teachers—to teach them about sex, give them information, and make them aware of their sexuality.

Even today, sexuality is a very taboo subject. We speak very little about the sexuality of older persons. You might say that we do not want to admit that older persons—our parents and grandparents—have sexual relations. Yet, the best seniors' residences are those that allow older persons to have sexual relations. Just because we become older does not mean that we stop having feelings and sensations.

*Government Orders*

Unfortunately, sex has always been looked on as something dirty, something that people should do only for procreation or for momentary pleasure. In addition, very little is said about homosexual sex. Very little is said about children's sexuality. Very little is said about the sexuality of persons with disabilities. Yet they too have a sex life and are entitled to one.

We do not talk enough about sex with our children. We are reluctant to talk to them about it. In my opinion, it is not good to perpetuate such taboos and avoid talking frankly with our children about sex. It is very important to talk about it.

When we hear that children are being lured over the Internet, when we see children in hotels or restaurants with much older people, we wonder how these children could have fallen into the trap, how they could have been lured by someone who used the Internet to tell them all sorts of things that were not true. It happens everywhere.

● (1340)

I always monitor the websites my grandson visits. I have custody of my 14 year old grandson, and this is extremely important to me. I talk to him about sex, the dangers of the Internet and what life is really like, because I love him and I want him to become a young adult who behaves responsibly in his relationships with his friends. I want him to become someone who takes responsibility not only for his sexual activity but in all aspects of his life. I often talk to him about these dangers, and I check the sites he visits. I ask Alexis who he is chatting with, what he is doing, who someone is. He always tells me that I am worrying for nothing.

Last week, he came home on the weekend and told me that one of his friends had been approached online by someone who wanted to meet him. At that point, my grandson realized that there were dangers out there. His friend could not confide in adults and asked Alexis what he should do. He told Alexis that this person had asked to meet him somewhere. Alexis told him, "Call the police, call the authorities and tell your parents". He said that because that is what I have taught him.

We are the primary instruments in educating our children so they know what to do when they are being harassed, when they are being approached by people who want to have sexual relations with them without their consent.

It is quite clear that, when it comes to a bill that will set the age of consent at 16 years, we sometimes ask why this is the case. I understand that, for my colleague from Vancouver East, this may seem quite sanctimonious and it is probably that reason that led the party that introduced this bill to want to have it passed. It is rather its philosophy, its thinking, its ideology that are quite different.

In this regard, I remind the House that we must be very careful not to fall into any traps. Indeed, as we see in the United States, the people who are the most conservative are quite often those who are the most guilty of excesses. We see this presently with Mrs. D.C. with a committee chairman and with some political figures who are being forced to resign from their positions. We saw a little earlier that another member of the Republican Party also had to resign because he was making overtures to young pages who were working for him. I do not see anyone doing this here, although our pages are quite

good-looking. I am very happy that our young pages, who work so hard and so well to make our task easier, do not have to suffer such affronts.

Legislation should not be made only to maintain morality. When bills are written, we must be careful to protect the people for whom they are written. We have decided to support this bill, because we have managed, in spite of it all, to have included in the bill some measures that will limit the negative effects that it might have on some people.

I was saying that my grandson is 14. Right now, his girlfriends are the same age. However, he is 5 foot 9. He is a tall, well built, handsome young man. No doubt when he goes dancing on Friday nights, girls 15, 16 or 17 try to attract his attention. He looks older than he is. However, when someone looks like a 16 or 17 year old, that does not mean that he or she has the mindset that goes with that look or that he or she has the intellectual abilities of a 15, 16 or 17 year old.

So, I agree that we must adopt legislation to offer some protection, but we must be careful to make them fair for everybody. When my colleague from Vancouver East said that the bill would forbid anal sex between men or women 18 years old I did not understand. I was flabbergasted.

● (1345)

I think that we must go to the source of the problem. If we take a hard look at today's society, we realize that our children are not more sexually informed than us at their age. However, schools give sex education courses and have been doing so for many years in Quebec. Unfortunately, due to the cuts in federal transfers to provinces, services and courses for students have been reduced. Among other things, sex education courses were transformed into moral issues courses and that was detrimental to our children because they no longer know what to think and they must learn about sex through books, the Internet and the phone.

As I mentioned earlier, I look after my grandson. For me, his sexual life is part of his whole being. A few weeks ago, I took him with me to buy condoms. He was embarrassed and said: "Grandma, the parents of the other kids at school do not do that. What I am going to look like?" I replied: "You will look like a young man who wants to learn how to protect himself and the young woman or the young man with whom he is going to have sexual relations. This is what you will look like. You will look like a responsible person. Indeed, the fact that you love someone with whom you are in a relationship is not going to protect you from sexually transmitted diseases, or prevent you from transmitting such diseases."

Now that he understands that, he has asked me if I would also inform his friends. I told him: "No, grandma does not want to become an agency that talks about and provides information on sexual relations. I informed you. Now, go and tell your friends that they should get that information at home, because it is important."

As parents we have a duty to properly assume that responsibility. Let us stop burying our heads in the sand, and let us see the obvious.



*Government Orders*

Currently, there is a hypersexualization phenomenon throughout the world, among our young women and men, in the TV messages and on the Internet. Everything we see is hypersexualized, including messages that make us think in sexual terms as soon as we see them. It is not our children or pedophiles who are responsible for this. It is the agencies that come up with these messages.

All this needs to be re-evaluated by our society. How do we want to deal with our children? How do we want them to behave in life? How do we want them to view and understand sexuality? Sexuality is something that is good and wonderful, something that each person has the fundamental right to experience. It is something personal. By interfering with a person's sexuality, we could create a monster.

Therefore, we should not pass too many bills to prevent people from fully experiencing their sexuality, because it is a fundamental right. We are all born with sexual urges. Little children take great pleasure in touching themselves, and this is normal.

When I was young, I was taught by nuns. I remember them telling us that we had to sleep with our hands above the covers and not wash ourselves in the bathtub. At the time, there were no showers. We were not allowed to put our hands in the water to wash our lower bodies. That was prohibited. We had to use a washcloth and do it very quickly. We were not supposed to spend a lot of time on those parts even though those were probably the parts we would have wanted to spend the most time on because it felt good to clean them. I should point out that young people do not really like washing themselves.

This is why I say yes to bills that protect our young people, but we have to be careful not to go too far in trying to protect them. We must not protect them from themselves. We must protect them from people who want to hurt them and attack them.

• (1350)

We are trying to punish pedophiles and stop people from attacking our youth. We want to stop them from hurting our youth. We are not trying to stop our 12, 14, 16 or 18 year olds from exploring their sexuality because that is how they will become whole human beings and be able to smile as they walk down the street.

Too many of the people in this House do not smile enough. Perhaps that is because their sexuality is unfulfilled. If people were more comfortable with their sexuality, maybe they would smile more. Many of my colleagues smile often, but too many of them never smile. I would like to wish everyone here a fulfilling sex life. To ensure that our young people have the opportunity to develop their sexuality, we must protect their right to grow up without being attacked by people who want to hurt them.

[*English*]

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I should point out that I served in the Calgary police department with the uncle of the member for Laval. I know that as a police officer Mr. Syl Demers had a lot of concerns about this issue. I think we would find most police officers feeling very much supportive of this kind of legislation.

The member for Laval brought forward several points, along with her concern over what might be some shortcomings in the bill. I do not think those shortcomings are realized and I think there is going to

be far more good in the bill. The member has expressed concern about her children and grandchildren. That view is shared by just about every member in the House who has children or grandchildren.

In spite of all the shortcomings that the member might see, and I know you are supporting it, do you see any other areas that we could tighten up in the bill and that could make the environment more protective of our youngsters? I think that is the purpose of this particular bill, in addition to targeting those who want to abuse them.

**The Acting Speaker (Mr. Andrew Scheer):** I would remind the member for Calgary Northeast that he should address his comments to the Chair, not directly to hon. members.

[*Translation*]

The hon. member for Laval.

**Ms. Nicole Demers:** Mr. Speaker, I thank my colleague for his question. Unfortunately, this bill has already been studied and passed in committee, and has now returned to the House for debate so that it can be passed. Are there still things to be changed in this bill? Maybe there will be other bills to look at. I think that now, with the amendments that have been made, this bill is good.

As I was saying earlier, I know that there are some shortcomings when it comes to the age difference for people having anal intercourse. There are certainly some shortcomings, but I am convinced that we will be able to work reasonably well with this bill. Later, if there are other things we can do as parliamentarians, we will want to do them to protect our children. I am not worried, and I am happy to see that the member for Calgary Northeast is smiling at me.

[*English*]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I hasten to mention that I am smiling.

I very much appreciated the member's approach. She knows that I appreciate her interventions generally on all of the subjects that she raises. I agree with much of what she said and appreciate that she was as frank as she was about the discussions she has had with her grandson and other people on this particular issue.

I have a question for her, though, in that I agree with much of what she said, but I do not agree with her conclusion because I do not support this legislation.

The problem is that I believe we have good legislation in place that deals with many of the problems of relationships and sexual relationships. I believe that we have legislation in place that protects young people from being exploited where there is a relationship of power or authority. The current law is very clear on that.

It also is very clear on issues of prostitution. It is very clear on issues related to pornography and to its production. It is very clear and very restrictive.

All that the legislation we now have before us does is criminalize a consensual relationship between someone who is 15 years old or 16 years old and someone who is five years older.

### Statements by Members

I want to ask the member about what she thinks about dragging a relationship into court and criminalizing it and subjecting it to criminal sanctions where there is an age difference of six, seven or eight years or more, where it is a consensual relationship, where it has not been exploitive, where it has not been subject to a power imbalance, and where it has not been part of pornography or prostitution.

How does criminalizing that relationship help the people who are involved in that relationship? How does it address the problems of that relationship? How does it help a young person understand what it means to be in a full, appropriate and healthy relationship? How does taking it into the courts and the criminal justice system help that young person in the long run?

• (1355)

[Translation]

**Ms. Nicole Demers:** Mr. Speaker, I thank my colleague for his question. I have a lot of respect for him and he knows that.

It is true that concerns may remain about this bill. However, my colleague from Hochelaga has ensured that amendments would prevent people from being unduly prosecuted because they had a sexual relationship with someone.

We are talking about sexual relationships between a 15-year-old and a 21-year-old or between a 14-year-old and a 20-year-old. I said earlier that, when one is young, one can look totally like an adult. There are rites of passage. Some 14-year-old women have the mind of a 20-year-old and some have the mind of a 12-year-old. There is no telling.

I believe the bill has some tools to ensure there will be no witch hunts. If we think there are witch hunts, the Bloc Québécois will be the first to denounce them and to ensure that they stop, believe me. This is not what we want to do at all. We want our children to be protected, of course, but we do not want them to be unduly punished for having their first sexual experiences with someone who is a little older than them. That is not what we want.

**The Acting Speaker (Mr. Andrew Scheer):** There are four minutes left in the question and comment period, but we will have to continue after question period.

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## ROYAL ASSENT

• (1400)

[English]

**The Acting Speaker (Mr. Andrew Scheer):** I have the honour to inform the House that a communication has been received as follows:

Rideau Hall  
Ottawa

May 3, 2007

Mr. Speaker:

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the schedule to this letter on the 3rd day of May, 2007, at 10:30 a.m.

Yours sincerely,

Sheila-Marie Cook

Secretary to the Governor General

The schedule indicates the bills assented to were Bill C-26, An Act to amend the Criminal Code (criminal interest rate)—Chapter 9, Bill C-16, An Act to amend the Canada Elections Act—Chapter 10, and Bill C-36, An Act to amend the Canada Pension Plan and the Old Age Security Act—Chapter 11.

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## STATEMENTS BY MEMBERS

[English]

### AUTOMOBILE INDUSTRY

**Mr. Jeff Watson (Essex, CPC):** Mr. Speaker, our government supports Canada's auto industry. Budget 2007 implements 16 unanimous recommendations, made by an industry committee, to rebuild the industry.

What did the NDP-Liberals do? They reneged and voted against this help for the auto sector. That is not all.

Here is what the NDP-Liberals voted for. They voted for a Kyoto target and timeline to kill 275,000 jobs and plunge us into the deepest recession since World War II, something CAW president Buzz Hargrove said would be “suicidal for the economy” and would decimate the auto sector.

The NDP-Liberals also voted for a tougher than California auto emissions standard that Hargrove said leaves the Impala as the only car built in Canada that we can sell in Canada.

They want to kill the auto industry.

Thankfully, our green plan listens to industry and labour, but members do not have to take my word for it: “I think the environment minister is right on the money”. Who said that? Buzz Hargrove.

The NDP-Liberals turn their backs while our government is standing up for clean air and auto jobs in Canada.

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### CITIZENSHIP AND IMMIGRATION

**Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.):** Mr. Speaker, Canada's Department of Citizenship and Immigration is not treating people fairly in many countries.

Many of my constituents have family members who have been denied visitor visas without being given a valid reason. Some visitor visas are denied based on financial reasons, but I know they would not be denied if the ministry had read all of the attached financial documents.

Some visitor visas are denied to people who already have received them many times and have visited Canada during the time of the previous government, but now these same people, who followed all the rules before, are finding that their applications are being rejected without proper review.

This means that many Canadian families are not able to have their relatives or friends from overseas attend weddings, graduations and funerals. Even when a member of Parliament makes a personal guarantee for an applicant, the applicant still gets refused without any acknowledgement.

Canadian families are depending on the government to end the hardship. I strongly urge the Minister of Citizenship and Immigration to take immediate action—

**The Speaker:** The hon. member for Laurentides—Labelle.

\* \* \*

[*Translation*]

#### PAY EQUITY

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, this week marks the third anniversary of the Pay Equity Task Force report published in May 2004. It is sad to note that despite the broad consensus for the implementation of the report's recommendations, mainly to adopt federal pay equity legislation, the Conservative government, through its Minister of Labour, simply announced the addition of minor administrative measures to the existing legislation.

Even today, women who fall under the Canada Labour Code experience wage disparity that jeopardizes their economic security and that of their families.

The Conservative government has a very poor track record on women's issues. Discrimination against women must stop. This government is responsible for guaranteeing women's equality by adopting proactive legislation.

When will this government have the courage to follow the lead of Quebec, which has proactive legislation to guarantee pay equity for women.

\* \* \*

[*English*]

#### BURNABY LAKE

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, Burnaby Lake is smack dab in the middle of the city of Burnaby. It is key to our urban landscape, home to wildlife and a site of recreation and solitude for Burnaby's people.

As an urban lake, it is under great stress from the surrounding city. It is gradually silting in. Without a major dredging effort, it will become a swamp, an unsuitable habitat for the many species that need open water to flourish. Without open water, recreational uses also disappear.

The city of Burnaby has a plan to keep Burnaby Lake an open water lake. It has support from the GVRD and the province. Environmental approvals run out in September. The federal government has yet to agree to participate in this important project.

The previous Liberal government found money for similar projects in Liberal ridings. Surely the Conservative government can support a good project based solely on its merits.

#### *Statements by Members*

There are strong environmental reasons to do this work. The clock is ticking. I would urge the government to approve infrastructure funding for this important project to save Burnaby Lake without further delay.

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#### PARLIAMENTARY PRAYER BREAKFAST

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I had the privilege of attending the annual Parliamentary Prayer Breakfast this morning. It was absolutely inspiring. Besides hearing beautiful music and having representatives from all parties participate in reading of the scripture, we were all greatly touched by the story told by our guest speaker, Mr. Serge LeClerc.

In his words, Serge was the product of rape, born to a young Cree girl who was only 14 years old. His life story, with all the pain he endured during his growing up years, was painful to hear. He became involved in drugs and organized crime and spent a number of years in jail.

While in jail he was visited by a dedicated Christian who reached out to him in love. As a result, Serge experienced the life-transforming grace that can come only from God and his life was turned around. He also received a pardon from the government and is now working full time with an organization, Teen Challenge, that helps young people break free from the bondage of drug addictions.

It was a truly inspiring event.

\* \* \*

● (1405)

[*Translation*]

#### NEW DEMOCRATIC PARTY

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I rise in this House to denounce a bizarre political alliance, a sort of perverse marriage between the NDP and the minority Conservative government.

To everyone's surprise, we learned earlier this week that the member for Windsor—Tecumseh supported a series of retrograde amendments to Bill C-10. These amendments were tabled by none other than the member for Fundy Royal. Who would have believed it?

It is sad to see the NDP's enthusiastic support for such a reactionary government. This is not the first time; we all remember the travesty of the income trusts and the loyal support provided by the NDP.

There is no longer any doubt about the fact that the real opposition to the current government is the Liberal Party of Canada.

*Statements by Members*

[English]

**HEADWATERS HEALTH CARE CENTRE**

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, on May 3, 1997, a state of the art hospital opened in Orangeville, Ontario. The new hospital's name was Headwaters Health Care Centre. It included 108 beds and provided a range of acute care services for the town of Caledon and the county of Dufferin.

This year, Headwaters is celebrating its 10th anniversary of outstanding service and community excellence. This Saturday, the Headwaters Health Care Foundation will be hosting its annual dinner and auction in support of the centre.

Over the past nine years the volunteer committee has generated more than \$1 million for the hospital to purchase new equipment. I commend the tremendous efforts of this dedicated group of volunteers who ensure that this event is such a resounding success each year.

This is an excellent opportunity for all Dufferin—Caledon residents to congratulate the Headwaters Health Care Centre on 10 incredible years of providing superior health care. I wish the centre more years of success and excellence in our community.

\* \* \*

[Translation]

**WORLD PRESS FREEDOM DAY**

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, freedom of the press, which we are celebrating today, is one of the basic principles of democracy, which is based on freedom of opinion, freedom of thought and freedom of expression.

Unfortunately, in many countries around the world, this freedom often comes under attack.

The Bloc Québécois has always vigorously stood up for every person's right to his or her opinion. Those who would take that right away from others become slaves to the views they hold at that time because they abdicate the right to change their own opinions. As a result, they cannot remain true to themselves.

Thomas Paine said that “infidelity does not consist in believing or in disbelieving; it consists in professing to believe what one does not believe. It is impossible to calculate the moral mischief that mental lying has produced in society”.

The Bloc Québécois sincerely hopes that assaults on these basic freedoms, including freedom of the press, will end once and for all.

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**MEMBER FOR QUÉBEC**

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, this week, we learned that the Bloc member for Québec ordered a report recommending that the Bloc support the ADQ in its efforts to achieve independence from Ottawa. However, her leader calls himself a sovereignist and a Parti Québécois ally.

Instead of misleading the people to justify the salary and benefits received by powerless MPs, members of the Bloc would do well to recall what one of their own, who has since left Ottawa, said. In

2003, a former member of the Bloc said, “If the Parti Québécois does not win the next election, do not expect me to run in another federal election. Personally, I am not interested in speaking on behalf of Mario Dumont or Jean Charest here in the federal Parliament”.

I wonder whether the member for Québec agrees with what her former colleague said.

\* \* \*

● (1410)

[English]

**HOUSING**

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** Mr. Speaker, under the Conservative government Canadian families are being left out in the cold and are being forced to live in deplorable housing conditions, all due to the lack of action by the Conservative government on affordable housing.

In one of their first acts as government, the Conservatives cancelled the Kelowna accord, which would have earmarked a significant investment in housing to help reduce overcrowding and homelessness for aboriginal Canadians.

The Conservatives then rebranded the Liberal government's supporting communities partnership initiative, SCPI, a program funding communities, organizations and shelters that assisted Canadians in coping with homelessness, and instead announced the homeless partnering strategy, which had a funding amount equivalent to SCPI's.

The Prime Minister and the government need to take action. They need to show some leadership. They need to ensure that we have a national housing strategy in this country.

We on this side of the House support a national housing strategy. Will the Prime Minister step up to the plate and show some leadership to ensure that homeless Canadians get what they deserve?

\* \* \*

**GREEN PARTY LEADER**

**Mr. Rick Dykstra (St. Catharines, CPC):** Mr. Speaker, Green Party leader Elizabeth May has still not completely backed down from her comparisons of Canadian public policy to Chamberlain's appeasement, nor has the Leader of the Opposition withdrawn his support for her candidacy.

Last night on CBC's *The National*, Rex Murphy challenged Ms. May's comparisons and said:

There are a number of problems with injecting the Holocaust or its shadow into the current political debate on global warming and the separate debate on what to do about it.

Ms. May continues to qualify her remarks and offer only half apologies. She should have made an immediate, clear and unequivocal retraction.

The opposition leader has staked a lot on Ms. May. He has even disenfranchised Liberals of Central Nova to help get her elected to Parliament.

*Statements by Members*

Miss May has refused to completely retract her remarks. Will the Leader of the Opposition finally withdraw his support for his candidate in Central Nova?

\* \* \*

**POLISH CONSTITUTION**

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, I would like to pay tribute to Polish Canadians and, in particular, to the Polish community in my riding of Parkdale—High Park who celebrate the 216th anniversary of the Polish constitution of 1791.

The Polish constitution is generally recognized as the first modern national constitution in Europe and the second oldest in the world. It would later influence many democratic movements.

[*Translation*]

During the 20th century the celebration of the Polish constitution took on even more meaning for Poles around the world because it represented the reunification of Poland after the first world war. During the occupation of Poland after the second world war, official celebrations were prohibited.

[*English*]

For the Poles in Canada, the date was celebrated with an air of defiant determination in anticipation of the day when Poland would again become a sovereign country. Now Poland is a free, democratic and proud country within the European Union.

I am proud to join with the Polish Canadian community, all our neighbours and all those in this House to celebrate the proud Polish Canadian heritage on this special day.

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**GOLDMAN ENVIRONMENTAL PRIZE**

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, the Goldman Environmental Prize is the world's most distinguished award that honours environmentalists at the grassroots level.

I am especially proud to have the opportunity to congratulate one of this year's recipients, Sophia Rabliauskas of Poplar River First Nation in the boreal region forest of Manitoba, located on the eastern side of Lake Winnipeg. She is one of six individuals throughout the world to be recognized with this honour.

As a result of her tireless leadership and vigorous environmental vision, today the residents of the Poplar River First Nation can proudly say that they have secured interim protection for over two million acres of undisturbed forest land. She is only the third Canadian to have ever won this prestigious honour.

I invite all members of this House to join in honouring Sophia Rabliauskas and the residents of Poplar River First Nation.

\* \* \*

[*Translation*]

**DUCS DE LONGUEUIL**

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, this year, the Ducs de Longueuil, Longueuil's junior elite baseball team, is celebrating its 50th anniversary.

The team was founded by a Longueuil native, Émile "Butch" Bouchard, and has won a number of championships in Quebec's junior baseball league. A number of the team's players, including veteran Gaétan Groleau, have been drafted to the major league. The current mayor, Claude Gladu, and municipal councillor Normand Caisse, were once members of this illustrious team.

These young people between the ages of 17 and 22, who play on the team, are a real hit with the fans who go to the Paul-Pratt park in Longueuil every season.

The Ducs have been regular season champions of Quebec's elite baseball league for the past two years and they also won the president's cup in 2004 and 2006.

The new season starts in a few days and I want to offer the players, volunteers, management and all the fans my unwavering support and best wishes for success for the 2007 season.

\* \* \*

● (1415)

[*English*]

**AUTOMOBILE INDUSTRY**

**Mr. Lloyd St. Amand (Brant, Lib.):** Mr. Speaker, manufacturers and dealers of Canadian vehicles are disappointed with the government. The feebate policy in the budget levies a tax on Canadian made, advanced technology engines, a tax that will cost GM, Ford and DaimlerChrysler \$55 million.

The government announced this policy without consulting the industry, without realizing that the policy will punish Canadian manufacturers.

These levies will have an adverse effect in that consumers will keep their older vehicles longer, vehicles not as environmentally friendly as today's vehicles. The levies also penalize those who require larger vehicles for their families.

The measure does nothing to combat rising emissions. Canadians who want to purchase more fuel efficient, alternative fuel vehicles can do so but the infrastructure required to fuel those vehicles does not exist.

Experts note that feebates cost consumers more with little benefit to the environment and hamper our vital auto industry. The government should immediately address this flawed policy.

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**LIBERAL PARTY POLICIES**

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, Canadians are confused with the Liberals' contradictory positions regarding Canada's international reputation.

Yesterday, the Liberal MP for Bourassa was suddenly concerned about Canada's reputation abroad, attacking the government for supposedly undermining our reputation on the international stage.

*Oral Questions*

Shockingly, that is the same member who only days ago bragged to the press that during his trip to Europe for a NATO meeting of foreign ministers, he was going to bash Canada. When he came back, he bragged about how he had smeared our country. This position seems to go against his Liberal leader, who has stated, “I never, never will speak against my government when I am with international personalities”.

The Liberal leader has refused to remove Farhan Chak a his candidate in Edmonton—Mill Woods—Beaumont for his controversial comments and he continues to endorse his candidate, Elizabeth May.

I realize we are not in question period yet but I would like to ask the Liberal leader whether he condones his defence critic making a mockery of his position and words.

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## ORAL QUESTIONS

[*Translation*]

### AFGHANISTAN

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, the improv league continues.

Last week, the Minister of National Defence told us that there was an agreement, but the Minister of Foreign Affairs knew nothing about it. His parliamentary secretary said that there was no agreement but that talks were under way. The Minister of Public Safety said that there was no need for an agreement, because the work was being done anyway. Today, in an eleventh hour move to avoid an injunction, the government claims that it has an agreement.

My question is for anyone who wants to answer it, but they had better not all speak at once because they will contradict one another. Can they table this agreement immediately in this House?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the December 2005 arrangement on detainees remains in place.

We have said that we would work with the Afghan government to clarify its responsibilities for the treatment of Taliban prisoners. Working with the Afghan government, we have made explicit their responsibilities and we have identified and implemented these improvements to the existing 2005 arrangement, as we said we would do.

[*English*]

We are ready to table the agreement in the House.

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, there are other reasons to worry about this new step in this sad saga. The chief of defence staff said that he was not aware of the details of this agreement.

Did the Minister of Public Safety, the Minister of Foreign Affairs and the Minister of National Defence meet together, maybe in an elevator, to get their stories straight and, if they did, did any of them bother to inform the Prime Minister?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the confusion, as always, continues to come from the opposition benches. We have been consistent.

The December 2005 arrangement on detainees remains in place. We have said that we would work with the Afghan government to clarify its responsibilities for the treatment of Taliban prisoners, as we have told the House previously. Working with the Afghan government, we have made explicit its responsibilities and we have identified and implemented these improvements to the existing 2005 arrangement, as we said we would do.

[*Translation*]

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, it is very important to know. Regarding the detainees who have already been transferred to the Afghan government, will the government be able to determine where they are and whether they are being treated in accordance with the Geneva convention, free from torture?

• (1420)

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, we have arrangements in place and are satisfied that they are working.

I invite the Leader of the Opposition to read this agreement.

[*English*]

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, every day the government engages in frantic improvisation but disturbing new questions arise about the Afghan detainees. Documents obtained by the CBC suggest that there are in fact two separate procedures for handling detainees captured during combat operations.

Could the minister assure the House that every person transferred by the Canadian Forces to the Afghans has been documented by Canadians, is documented by the Red Cross and is receiving full Geneva convention protection?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the protection under the Geneva convention has always been a priority for us, for Canadians and for our troops. The arrangements are in place to ensure that happens.

I think the hon. member for Etobicoke—Lakeshore will find that the arrangements that are in place are all satisfactory and address every concern that he has.

[*Translation*]

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, there appears to be a double standard when it comes to the transfer of detainees captured by Canadian Forces. These detainees are transferred with no documentation of the transfer, without anyone informing the Red Cross and with no guarantee that they will be protected by the Geneva convention.

Can the minister assure this House that the new agreement, which the House is still waiting to see, will put an end to this questionable practice?

*Oral Questions*

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, as I said, we already have arrangements in place. They are working well and we are satisfied with them. I invite the hon. member for Etobicoke—Lakeshore to read the agreement.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, government counsel reported in court this morning that a new agreement was signed with Afghanistan regarding the transfer of detainees.

Will the government admit that, if a new agreement was signed, it is because the previous one was an utter failure, as it failed to respect the terms and conditions of the Geneva convention and failed to ensure the protection of the prisoners handed over to Afghan authorities?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, as I said previously, we have arrangements in place and are satisfied that they are working. An agreement was signed initially in 2005, to which improvements have been made. It works and we are satisfied with that.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, it must not have been working that well if they now have a new agreement.

When we suggested that it did not respect the Geneva convention, that they did not have any guarantees from the Afghan authorities, their line was that we were taking the word of the Taliban. The government should realize that we were right. So much so that it had to come up with a new agreement, which will be tabled in the House.

Will the government recognize that what it had before did not work at all?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, we have already indicated that we are satisfied with the arrangements in place. I want the leader of the Bloc Québécois to know that the original agreement was entered into by the previous Liberal government.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, we have learned that the previous agreement only applied to detainees interrogated by Canadian military personnel before being transferred to Afghan authorities and not to detainees transferred in theatres of operation. There is nothing in this new agreement to that effect.

I am asking the Prime Minister whether or not he can guarantee that this new agreement will not make any distinction between detainees and that everyone will be protected under the Geneva convention.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the December 2005 arrangement on detainees remains in place. We have said that we would work with the Afghan government to clarify its responsibilities for the treatment of Taliban prisoners, as we have told the House previously. Working with the Afghan government we have made explicit their responsibilities and we have identified and implemented these improvements to the existing 2005 arrangement, as we said we would do. The arrangement is working satisfactorily.

• (1425)

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I have seen the agreement. There is nothing in the current agreement that ensures that a distinction will not be made between detainees. A distinction was made in the former agreement. Nothing is set out in the new one.

Does the government intend to treat all prisoners equally, even if the prisoners are transferred to Afghan authorities, and to ensure that they are subject to the Geneva convention? That is the question and I want the minister to reply.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, Canada intends to respect the Geneva convention.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, some documents now clearly indicate that the previous government was at the origin of the fiasco in the transfer of detainees. This is now well known. However, the current government cannot use the Liberal government's mistakes to excuse its own performance regarding this issue. Today, we have asked repeatedly in this House whether all the prisoners captured by Canadians will be treated appropriately, under the Geneva convention, but the government official has refused to provide a clear and specific reply.

I am now giving him the opportunity to provide such a reply and to clarify things immediately.

[*English*]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the arrangements that we have in place are those that will allow Canadians to be able to deal with an effective oversight of the issue of Taliban prisoners in conjunction with the Afghan agencies and government. We are satisfied that those arrangements will work. I think we can take great comfort in the arrangements that we have struck.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, it is pretty hard for us to take comfort in this matter given what we have seen in the last year, which has been denial after denial of the issues that we have been raising here in the House for over a year.

Let me give another reason why we should be concerned and I ask the government to respond. The Prime Minister said he wanted to get to the bottom of this mess. The Minister of National Defence said he would not stand in the way.

Why then is the Attorney General of Canada telling witnesses that they should use the issue of national security to give them an excuse not to answer questions under cross-examination from a judge? Why is he doing it? Why not open the doors and answer these questions?

*Oral Questions*

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I am not sure if I heard the leader of the NDP correctly, but if I heard him correctly I think he is suggesting that we should disclose in public court public security information that could put soldiers in the field, as well as Canadians and other national interests, at stake. The reason things are matters of national security is that they represent a threat to Canada and to Canadians. I would hope he is not encouraging that those should be disclosed in open court for our enemies to hear.

[*Translation*]

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, the evidence is clear: this government is unable to deal with the crisis relating to Afghan detainees. For over a week now, the Conservatives have been unable to determine who is responsible for this situation. If the government does not want to assume its responsibilities, perhaps the courts will do it in its place.

Why do we have to bring issues before the courts to get this government to act?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, as the hon. member mentioned in court, it is clear that our ambassador and my officials in Kabul have succeeded in negotiating and signing an agreement with the Afghan government. That comprehensive agreement completes the December 2005 agreement.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, this government shows no initiative at all. It is not trying to correct the situation or ensure that transferred detainees are safe and sound. This agreement simply asks Afghan authorities to correct their own mistakes.

How will that agreement end the abuse, once and for all?

[*English*]

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, that is, of course, factually incorrect. We have enhanced the 2005 agreement. That is exactly what people were calling for. We have improved upon it. We will table it for all to see. Members opposite want to see it and we will give them the opportunity to see it. We will table it in the House when it has been translated.

This was an improvement upon a previous agreement that was put in place by the previous government. We have improved upon it. We have done what was asked by Canadians. We are going to see that it is implemented by the Afghan government.

•(1430)

[*Translation*]

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, on March 19, I asked the Minister of National Defence about four detainees who had disappeared after the Canadian Forces had transferred them to the Afghan national army.

Now that the CBC has revealed that there is a parallel process, can the minister confirm that these four detainees who disappeared are the reason for this parallel process?

I hope that the Minister of National Defence will answer my question.

[*English*]

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, when persons of interest come under the control of the Canadian Forces, they are processed as detainees. If they are transferred to the Afghan authorities, the International Red Cross and human rights organization are advised, or if they are released, they are both advised.

[*Translation*]

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, then perhaps the Minister of National Defence could say whether it is true that there is a parallel process where the Red Cross is not notified.

[*English*]

The problem is pretty clear. No matter what kind of deal the members on that side will try to make, we need a NATO-wide agreement. The Minister of Foreign Affairs and I were in Brussels and we spoke about that kind of issue.

I would like to know if the Minister of Foreign Affairs worked with NATO to find a real solution to ensure that human rights are protected and to put an end to this ongoing embarrassment?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, I welcome the hon. member back from the trip to NATO. He is in fact correct. We attended a NATO meeting in Oslo just last week and this was discussed.

This issue of detainees was taken very seriously by NATO member countries. There was a discussion and real concern expressed around the table, but what we have done today is very clear.

We have expanded the agreement that was in place signed by the previous government. We have in fact ensured that Canada will get full, unrestricted and private access to any persons transferred by Canadian Forces to Afghan authorities. We are going to continue to work with Afghan authorities to see that they get it right.

\* \* \*

[*Translation*]

## THE ENVIRONMENT

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, yesterday, during France's presidential candidates debate, the idea of imposing a carbon tax on products from countries that do not respect the Kyoto protocol was discussed. This tax would be consistent with WTO rules. Quebec accounts for more than 40% of Canadian exports to France.

Does the Minister of the Environment realize that by giving up on the Kyoto protocol in favour of the major oil companies, he risks penalizing all of Canada's exporters, but most of all those in Quebec?



*Oral Questions***AGRICULTURE AND AGRI-FOOD**

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, I do know that the hon. members from the Bloc have never done anything to reduce greenhouse gases. The goal of this Conservative government is to have real regulation for the first time in Canada in order to reduce greenhouse gases and atmospheric pollution. We are taking action. There is no need for further debate. We have to take action to truly reduce greenhouse gases here in Canada.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, what the minister is not saying is that his inaction will penalize Quebec's manufacturing industry. It is true, such is the reality. Cascades, along with other pulp and paper companies, is criticizing the government's plan, which does not afford enough consideration to the progress made before 2006. According to Mr. Marineau, vice-president at Cascades, "The plan ignores the fact that the industry has already reduced its greenhouse gas emissions by 30% to 40% compared to 1990 levels".

Is the minister going to dig in his heels on keeping 2006 as the reference year instead of 1990, as the Kyoto protocol provides, and penalize those like Cascades, who have already made an effort, for the benefit of—

**The Speaker:** The hon. Minister of the Environment.

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, this is very interesting. Can my colleague from the Bloc tell me whether he wants real reductions in greenhouse gases? Does he want to talk about the past 20 years? In the past 10 years, there has been a major increase in greenhouse gases in Canada. The Bloc member should read our plan. He would see that it has a key section on giving credits for actions already taken. This is a major part of the plan. He would see that we were ready to take action.

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**STATUS OF WOMEN**

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, the Pay Equity Network is on Parliament Hill today to mark the third anniversary of the Pay Equity Task Force's report. These women are not here to celebrate; they are here to ask the government to bring in new legislation that respects the spirit of the international Equal Remuneration Convention signed by Canada in 1972. Even now, in 2007, women earn 71 cents for every dollar earned by men.

Will the Minister of Status of Women finally listen to women and eliminate the injustice by—

• (1435)

**The Speaker:** The hon. Minister of Labour.

**Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC):** Mr. Speaker, we do not need new legislation; what we need is action. That is what we are doing. We began to take action last September. We have trained 90 inspectors. We are now going into companies to inform and educate employers. We are offering specialized mediation services. We are also working to ensure that companies comply with pay equity standards.

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I would like to give another example of the unfairness of this government. Agriculture Canada has decided to close the Farm Women's Bureau in Ottawa, after 26 years of existence. The minister is thereby cutting off an important source of information, available in French, for women farmers, as well as the francophone link to government resources and other women farmers in Canada.

Can the minister tell us why he decided to close this bureau, a resource that is so valuable to the Fédération des agricultrices du Québec, for whom this closure is a sign of this government's indifference to the needs of women farmers?

**Hon. Christian Paradis (Secretary of State (Agriculture), CPC):** Mr. Speaker, it always amuses me to hear the Bloc Québécois talk about unfairness. An additional \$4.5 billion has been invested in agriculture, an additional \$1 billion in budget 2007 alone. What about the savings account? What about the \$400 million for production costs? All of that, that is action. That is not just talk.

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[English]

**AFGHANISTAN**

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, when we are talking about a deal concerning the transfer of detainees by the Canadian Forces, how is it possible that the chief of the defence staff has said he does not know the details of this deal? Did the Minister of Foreign Affairs consult with anybody at the Department of National Defence or has the Prime Minister so completely lost confidence in that minister that he kept the minister out of the loop?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, obviously, the departments talked to each other throughout this process. We have a new ambassador now in Kabul, Arif Lalani. He has been working very closely with officials since he took his post in Kabul. We have had direct contact of course with DND as well as members of Correctional Service Canada for the implementation of this enhanced agreement. We are confident, where the Liberal government failed, and we are going to make sure this agreement works properly.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, this agreement was conveniently signed just hours before the start of the Federal Court proceedings this morning. Even the judge is said to have remarked on the curious timing of this particular agreement. Canadians were forced to learn therefore about this agreement from a Federal Court judge rather than from the responsible minister.

Did the foreign affairs minister push forward the signing of this critical international agreement in order to save the government from a public embarrassment before our courts?

*Oral Questions*

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, what foreign affairs did, and it had the lead on this particular issue, was work with all departments to ensure that we got it right. We have actually worked very quickly when one considers that the agreement was in place back in 2005.

When the issues came forward, we took action to enhance the agreement and to ensure that we got it right. We have ensured that this enhanced agreement will make explicit Canada's expectation and of course Afghanistan's responsibilities vis-à-vis detainees.

\* \* \*

**FOREIGN AFFAIRS**

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, the foreign affairs minister has been silent about the rising tensions between Estonia and Russia over the last two weeks. This is not surprising since the Auditor General's report this week exposed the disarray within the Department of Foreign Affairs. It painted a picture of a minister who has lost control of his department.

Can the Minister of Foreign Affairs tell the House what actions Canada is taking to ease the tensions between Estonia and Russia?

• (1440)

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, the short answer is that we take direct diplomacy very seriously. We talk to our allies. We talk to countries involved when these international disputes arise.

Vis-à-vis the question with respect to the Auditor General's report, we are clearly very committed to Canada's core values of freedom, democracy, human rights, and the advancement of good government practices. It is something that the members opposite know very little about.

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, we know a lot more, given the Ottawa convention as a good example.

Tensions between these countries are escalating. The Estonian ambassador was roughed up in Moscow this week. This is a serious issue. If the government is committed to having Canada play a role in international affairs, and so far the track record has not been promising, we need to take action immediately.

Will the Minister of Foreign Affairs take control in his department, take action, and support Estonia against Russian intimidation as other NATO countries have already done?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** By all means, Mr. Speaker, we stand very strongly with the people of Estonia in any kind of intimidation from Russia or any other country.

I would have the member opposite know that I spoke directly to the Estonian foreign minister when we attended NATO meetings. We are very aware of the world as it unfolds in terms of these tensions. We work directly with our allies. We work directly to promote democracy, democratic practices and the promotion of human rights.

**JUSTICE**

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, Canada has one of the lowest ages of consent for sexual activity in the western world, 14 years. Our government introduced Bill C-22 which seeks to raise the age of consent to 16 and protect our young people from sexual predators and exploitation.

Can the Minister of Justice inform the House, and I dare say the grandmas, grandpas, moms and dads in this country, on the progress of this legislation which shares widespread support among Canadians?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I thank the hon. member for Calgary Northeast and his colleague, the member for Wild Rose. For the last 14 years they have been championing the cause against sexual predators in our country.

When they approached the previous government, for 13 years all they got was some sympathy, but no action. I am very proud to be a part of a government that, when it comes to protecting children against adult sexual predators, actually gets the job done.

\* \* \*

**CANADIAN HERITAGE**

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, newspapers in the heritage minister's own riding have raised the question of abuse of office over this new sponsorship boondoggle. They point out that three weeks ago the minister went to the Lake Scugog Council to talk about how to spend the \$30 million in festival funding. At the same time, she was telling the member for Windsor West that she had no idea of the festival funding. It gets worse. When confronted by local journalists, she suggested that a local midnight madness sale was a prime example of a good festival.

Are we talking federal dollars for a sidewalk sale? What kind of pork barrel bamboozle is she trying to pull?

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, once again, we have that member making false accusations on unfounded speculation. When I appeared before council, I explained that we indicated an intent for a festival program in the budget. I was very proud to share elements of our budget with my local council.

I also explained that we were doing a consultation for many types of festivals, such as midnight madness, and looking for criteria so we could meet the needs of the communities, not only in my riding but across the country.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, is she consulting with The Brick, Leon's and Zellers as well? Her problem is that she cannot keep her storyline straight.

*Oral Questions*

Last October, for example, she relied on a senior broadcast executive to raise political funds on the eve of a major broadcast review. In that scandal she had to cancel the fundraiser and the Treasury Board president committed that every cheque would be sent back. Now we find out that a whole series of cheques from last October were cashed, and the list reads like a who's who of the broadcast industry.

It is the Pinocchio principle. The more she talks, the worse it gets. Why will she not just come clean with the House and say why she did—

• (1445)

**The Speaker:** The hon. government House leader.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the member—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. I know that everyone likes to hear the government House leader, but we now have to be able to hear the answer. We will have a little order so members can hear the answer from the government House leader, who has the floor.

**Hon. Peter Van Loan:** Mr. Speaker, the member for Timmins—James Bay has strong views on this. He said:

—even as an opposition critic, a Member of Parliament must keep a distance from stakeholders who could lobby in the prospect that the opposition critic becomes a Cabinet minister.

However, I took a few minutes to look some stuff up. Guess what? The member for Timmins—James Bay took a contribution from the Canadian Association of Broadcasters. I cannot believe it.

That double standard does not stop there. There were other donations. The NDP House leader got one and even the NDP leader. There could be more, but I did not have enough time.

\* \* \*

**FOREIGN AFFAIRS**

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, the government falsely claimed it would expand Canada's role in international affairs, but, once again, that is all talk and little action, another broken promise.

The Minister of Foreign Affairs has now announced the closure of 23 consulates around the world. How can Canada be expected to take a leadership role on the world stage when the minority Conservative government is busy putting up “closed for business” signs all around the globe?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** As is sadly so often the case, Mr. Speaker, that member's statement is completely false. There is not a scintilla of truth to what she has just said.

Let me give a fact about closures of embassies and missions abroad. Under the previous government there were closures of over 40 embassies.

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, when we came to office, we had a \$42 billion debt to deal with because of the Conservatives.

Our consulates are the front line of Canada's international presence in the world. For those seeking to invest in Canada, consulates are key. For those seeking to travel to Canada, consulates are key. For those looking to immigrate to Canada, consulates are key. When it comes to Canadians who are travelling abroad, consulates are key.

Why is the government pulling Canada off the world stage?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, unlike the member opposite and her previous government, we have been extremely proactive in asserting Canada's case on the world stage. In fact, it was the steady hand at the tiller of the Minister of Finance that enabled the government to run these huge surpluses.

What I can tell members is I am extremely proud of the Department of Foreign Affairs, of the work that is done by our consular officials, our missions abroad. We have extremely dedicated, hard-working public servants at all of our embassies and consulates around the world.

\* \* \*

**PASSPORTS**

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, the Minister of Foreign Affairs has allowed a surge in passport applications. He had one full year to prepare. It has become yet another fiasco. There are lineups at 4 a.m. and people are waiting all day. None of the new employees promised by the minister are actually on the job. Thousands of phone calls a week are being dropped.

How bad does the situation have to get before our passport offices have the resources to do the job?

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, I do not know where the hon. member has been. Clearly, there is a surge in passports because of the western hemisphere travel initiative. We are working with officials in Canada to deal with this surge. In fact, we have hired 500 new officials who are coming on stream.

The member opposite would be the first, I would suggest, to agree with me that we do not want to cut any corners. We do not want to take any shortcuts when it comes to ensuring the integrity of the passports. That is what is happening. These individuals are being trained. They will be on stream. We are getting the situation in hand.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, the facts are plain and simple. The government had one full year to prepare for this surge in applications. It knew it was coming, but it chose to sit on its hands and let down thousands of Canadians across the country.

When will the government act on this national embarrassment and give Canadians the services they deserve?

*Oral Questions*

● (1450)

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, in addition to the 500 new employees at Passport Canada, we have taken significant steps to deal with this surge.

I fully sympathize with the frustration felt by Canadians. We have a situation where we are getting as many as 18,000 applications a day. We have taken steps, including nighttime shifts, overtime, hiring new employees and having national blitzes on the weekends.

The officials at Passport Canada are working extremely hard to deal with this. We are taking more passports in at Service Canada locations around the country. We are continuing to work extremely hard to find new, efficient ways to deal with the situation at Passport Canada.

\* \* \*

[Translation]

**GASOLINE PRICES**

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, despite skyrocketing gasoline prices, the Minister of Natural Resources maintains that an investigation is not necessary. Yet, the former head of the Competition Bureau stated that the legislation did not give him enough power to investigate gas prices.

In view of escalating prices, does the government not think that it is time to give the Competition Bureau real powers to deal with this problem?

[English]

**Hon. Gary Lunn (Minister of Natural Resources, CPC):** Mr. Speaker, the real question that has to be answered is why are the NDP and the Bloc supporting the Liberal environment plan where under today's prices the price of gasoline in Ontario would be over \$1.90? Those are the absolute facts.

I suggest the member may want to go back and ask his constituents if they support that price for gasoline. That is what would happen under the Liberal environment plan and those members know it.

[Translation]

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, I think he has misunderstood my question. I will put it a different way so that he understands.

Citizens are right to ask questions. A refining margin between 5¢ and 7¢ is normal, whereas a margin of 27¢ is excessive. I will tell the minister again that in Halifax, Esso refines for everyone; in New Brunswick, it is Irving; in Quebec, it is Ultramar; and in Montreal, it is Petro-Canada and Shell.

Does the minister not find it normal for people to wonder? Is it not time to give the Competition Bureau the power to investigate?

[English]

**Hon. Gary Lunn (Minister of Natural Resources, CPC):** Mr. Speaker, the real question is how can the NDP, the Bloc and the Liberals support the Liberal environment plan, which independent economists Mark Jaccard and Don Drummond have studied and said

that the price of gasoline would rise to \$1.90 per litre under the Liberal environment plan? Those are the facts. That would happen.

They can yell all they want. They are yelling because they do not like the truth and that is the truth. They are supporting the Liberal environment plan and that is what would happen. They should go back and talk to their constituents in their ridings.

\* \* \*

**EQUALIZATION**

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, we have news from two of the government's top dogs, and it is not good for Nova Scotians. Yesterday the finance minister confirmed the Atlantic accord deals will be ignored. Respected economists and provincial government officials have identified a loss of over \$1 billion to Nova Scotia.

The regional minister has rolled over and played dead at the cabinet table, telling Nova Scotians he would see them in court and the finance minister has treated the deal like a fire hydrant.

The minister should give Nova Scotians back what they already had. When will he show some respect for Nova Scotians and honour the accord?

**Hon. Jim Flaherty (Minister of Finance, CPC):** First, Mr. Speaker, I can tell the House I had very constructive discussions yesterday with the acting minister of finance in Nova Scotia. He offered the view to the media there that budget 2007 was an extremely positive document from an infrastructure perspective for the province of Nova Scotia, as indeed it is.

We are honouring the accord. The option is there for the government of the province of Nova Scotia to either choose the accord or choose the new O'Brien formula. It also has the choice this year, which it has chosen to exercise, to get an additional \$95 million for the province of Nova Scotia.

\* \* \*

**CANADA PENSION PLAN**

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, seniors and people with disabilities in my home riding of Peterborough, and right across Canada, have long been calling for changes to the Canada pension plan and the old age security program with respect to access to their benefits.

I know our government has done a lot of great things for seniors and persons with disabilities such as income splitting for pensioners and seniors and a new registered disability savings plan.

Could the Minister of Human Resources and Social Development please tell the House what the government has done to address the concerns about access to benefits?

*Oral Questions***EQUALIZATION**

•(1455)

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, today I stood on the steps of Parliament with the Hon. Marjory LeBreton and representatives of the disabled and seniors communities as we celebrated the passage of Bill C-36, which extends disability benefits to people who should have access to the Canada pension plan. It makes GIS more accessible for seniors. We were happy to celebrate that with those groups.

We have also announced a new seniors council so seniors will have input on these important issues. We are getting the job done.

\* \* \*

**INFRASTRUCTURE**

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, today Canada's big city mayors are meeting in Toronto. They are calling on Ottawa to make cities full partners in Canada's prosperity. They need a long term transit program, permanent infrastructure funding and stable revenues that grow with the economy. Cities are the engines of our economy where most Canadians live and work.

When will the government finally act in the national interest and invest in the quality of life and competitiveness of our cities?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, clearly she has it right. We are doing exactly that. We are investing in our communities. We are putting \$8.8 billion in gas tax. The Liberal government did not do it. We are taking care of public transit. Shortly we will be announcing the new design for the building Canada fund, which Canadians will be able to use to their best benefit.

\* \* \*

**SECURITY CERTIFICATE DETAINEE**

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, Hassan Almrei, never charged, never convicted of any crime, is now the only security certificate detainee at the Kingston Immigration Holding Centre and his hunger strike continues at day 147.

The Standing Committee on Citizenship and Immigration recommended that the government urgently find alternatives should there be only one detainee left at KIHC due to concerns about solitary confinement and again called for the appointment of the correctional investigator to mediate.

When will the government make a serious attempt to end Mr. Almrei's hunger strike? What steps will it take to ensure he is not subject to any form of solitary confinement?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, I am pleased to say that there are regular visits by medical officers to that facility for whoever is there. Certainly it is within a person's right to refuse certain types of food if that is the person's choice, but three meals are served there daily, along with snacks.

I can assure my colleague who is concerned about this that anybody's health—I cannot mention a specific individual—but the health of anybody who is in that facility is very carefully monitored on a daily basis and will continue to be done so.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, yesterday the Minister of Finance flew to Nova Scotia to pour gasoline on the burning embers of the torched Atlantic accord. He had a six hour meeting, after which he emerged to say there was nothing new and the betrayal will continue.

The Conservative government of the province of Nova Scotia indicated yesterday that this deal, this betrayal, this double-cross, will cost Nova Scotia up to \$200 million next year alone.

Why did the government break its word on the Atlantic accord? When will the regional minister get some backbone and stand up for Nova Scotia?

**Hon. Jim Flaherty (Minister of Finance, CPC):** As usual, Mr. Speaker, the Liberal member opposite has his numbers wrong. There is \$95 million more for the province of Nova Scotia this year than it would have had under the old agreement. There is \$59 million more next year for the province of Nova Scotia than it would have had under the old agreement.

Let me say something else to the hon. member. Yesterday's discussions with the acting minister of finance for the province of Nova Scotia were very constructive, very helpful, just the opposite of what we hear from the Liberal members from Nova Scotia here.

\* \* \*

**AIR TRANSPORT**

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, on Tuesday I was pleased to be part of a great event at the Hamilton International Airport in my riding of Niagara West—Glanbrook.

The Minister of Transport and a gathering of dignitaries and guests were on hand to celebrate the arrival of the first international flight direct from the U.K. thanks to this government's blue sky policy.

Could the Minister of Transport please tell the House more about this event and the economic prosperity that the blue sky policy will bring not only to Hamilton, but to all of Canada?

•(1500)

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, this indeed is a good news question. As the member just stated, Tuesday was a great day for Hamilton, where they are starting to get the benefit and the experience from our blue sky policy.

*Business of the House*

As part of it we negotiated an open skies agreement with the United Kingdom last spring. A year later we witnessed new non-stop flights to the United Kingdom from Calgary, Edmonton, Toronto, St. John's and Deer Lake.

The business trip to London and the family reunion in Scotland will be cheaper, easier and within the reach of more Canadians than ever before.

\* \* \*

[Translation]

**GOVERNMENT BUILDINGS**

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, on the recommendation of companies belonging to the Bank of Montreal and Royal Bank groups, the government is getting ready to sell nine buildings in its inventory.

This would be unremarkable if the two companies proposing the sale were not also going to get a commission on the sale. The whole thing smacks of conflict of interest.

How can the government claim to be protecting taxpayers' interests when the two banks have a vested interest in suggesting that these buildings be sold so that they can get a commission for brokering the deal?

**Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, this process is in the best interests of taxpayers and all Canadians.

We will continue to do what we promised to do during the election campaign: respect taxpayers' money. There is no conflict, contrary to what my friend just said. What we are doing here is in the best interests of taxpayers. We are going to carry on with our plan as we said we would.

\* \* \*

[English]

**TAXATION**

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, northern households spend \$15,000 more per year on essentials than other Canadians. Northerners need relief from the high cost of living. Let us make their taxes fair by increasing the northern residents tax deduction.

The Canadian Chamber of Commerce says to make the taxes fair. The Legislative Assembly of the Northwest Territories voted unanimously to make the tax fair.

When the Minister of Finance increased the capital gains he said it was needed as it had not been changed in almost 20 years. It has been 20 years since the working families in the north got some tax fairness. When will the minister bring tax fairness to the north?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, this is a subject which I have certainly spoken about with the premier of the territories.

At this point we are focused on economic development in the north. That is the key to create jobs and employment opportunities. There is the Mackenzie Valley pipeline in particular and the \$500 million socio-economic fund.

This is a government that is committed to the north. The Minister of Finance has been very committed to economic development and prosperity in the north.

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**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Dr. Jaime José Matos da Gama, the President of the Assembly of the Portuguese Republic.

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

[Translation]

**The Speaker:** It being Thursday, I believe the member for Westmount—Ville-Marie has a question.

\* \* \*

**BUSINESS OF THE HOUSE**

**Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.):** Mr. Speaker, could the leader of the government advise the House of the agenda he intends to follow for the rest of this week and through next week?

Could he also confirm to all members of this House that he will give high priority to Bill C-30, Canada's Clean Air Act?

[English]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, today and tomorrow we will continue our focus on making our streets and communities safer by cracking down on crime.

This morning we completed the debate at report stage on Bill C-10. That is a bill to introduce mandatory penalties for gun related crimes and other violent acts. Our government proposed amendments at report stage to restore what the Liberals had gutted from the bill at committee, mainly those aspects that will ensure violent criminals actually serve time in jail. We will be voting on these amendments next week.

We will continue this afternoon with Bill C-22, which is the age of protection legislation, followed by Bill C-27, the dangerous offenders legislation that would require criminals who are convicted on two separate occasions of a violent crime to prove to the court why they are not a danger to the community.

Next week will be strengthening accountability through democratic reform week. It effectively kicked off today when Bill C-16, the fixed dates for elections act, received royal assent.

On Monday we will resume debate on Bill C-43. That is the bill that proposes to give Canadians a say in who they want representing them in the Senate.

Our government will be introducing a number of new measures in the House of Commons next week, which I will address at the appropriate time.

Of course, we still have Bill S-4, the bill to establish Senate term limits, which has been languishing in the Senate for almost a year now. It would be nice if the Senate passed that. It would be nice if the Liberal senators could get on with it, so that we could actually have that bill here in the House of Commons as part of our focus on democratic reform next week.

• (1505)

[Translation]

Tuesday, May 8 and Thursday, May 10 will be allotted days.

Pursuant to Standing Order 66 I would like to conclude debate tomorrow on the 11th report of the Standing Committee on Justice and Human Rights, and I would like to conclude debate on May 11, 2007 on the 13th report of the Standing Committee on Public Accounts.

[English]

Subject to an agreement with other parties, there may be interest in concluding debate at second reading of Bill C-33, the income tax bill, as early as tomorrow.

On the question of Bill C-30, we see elements of that legislation that we brought forward that are very valuable relating to biodiesel, alternative fuels and so on, and we will seek ways of introducing that in the House of Commons. However, we have absolutely no intention of bringing forward the Liberal carbon tax plan, which is now at the fore of that bill, which would establish an unlimited right to pollute for polluters. All they would have to do is pay and they would have an unlimited right to pollute. That is not our approach. We are bringing in regulations to achieve real reductions in greenhouse gases. That is our approach.

**The Speaker:** That concludes the Thursday question, but I believe the hon. the government House leader has submissions he wishes to make to the Chair on a question of privilege. If that is the case, I would be pleased to hear him on that subject now.

\* \* \*

[Translation]

## PRIVILEGE

STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I would like to respond to the question of privilege raised by the hon. member for Argenteuil—Papineau—Mirabel on May 1, 2007.

The hon. member accused Merlin Preuss, a government official with Transport Canada, of intimidating witnesses who were to appear before the Standing Committee on Transport, Infrastructure and Communities. This is a very serious allegation, because intimidating witnesses is clearly unacceptable.

## Privilege

However, I maintain that the question of privilege raised by the hon. member is invalid for two reasons. First, there is no proof that the situation described by the hon. member constitutes a prima facie breach of parliamentary privilege. This is a question of the interpretation of facts.

Second, this matter concerns the standing committee's work. Since the committee has not presented its report on the matter, it cannot be examined by the House as a valid question of privilege.

I would first like to present the facts of the situation. Mr. Holbrook, chair of the Canadian Federal Pilots Association, appeared before the committee on February 21.

The hon. member referred to an affidavit by an assistant to Mr. Holbrook. In this affidavit, she indicated that Mr. Preuss had mentioned to her before the meeting of the committee that, if Mr. Holbrook planned to have any Transport Canada inspectors with him, he would "have an issue with it", the insinuation being that this shows that Mr. Preuss' intention was to intimidate a witness. This allegation was examined by the standing committee at its March 28 meeting. At that time, Mr. Preuss stated that it never was his intention to intimidate or influence potential witnesses. He said, and I quote:

My sole purpose in making the call was to find out whether Mr. Holbrook intended to have civil aviation inspectors appearing with him, so that I might ensure that everyone involved knew of their roles, rights, and responsibilities.

At no time during this brief phone conversation with Mr. Holbrook's assistant did I make any threats regarding the appearance of inspectors before this committee.

There is therefore no evidence to suggest that witnesses have been intimidated. I understand that, during the April 23 meeting of the Standing Committee on Transport, Infrastructure and Communities, the chair actually made remarks to that effect, saying that there was no evidence to support these allegations.

At best, we are dealing with diverging interpretations of the facts with respect to the conversation Mr. Preuss had with Mr. Holbrook's assistant. I submit that there are no grounds to conclude that a prima facie breach of parliamentary privilege had occurred.

From a procedural point of view, I also submit that there can be no prima facie case of privilege at this time, given that the Standing Committee on Transport, Infrastructure and Communities has not submitted a report to the House on this matter.

As the *House of Commons Procedure and Practice* by Marleau and Montpetit indicates on page 128:

Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which directly deals with the matter and not as a question of privilege raised by an individual Member.

Since the Standing Committee on Transport, Infrastructure and Communities has not tabled a report on the matter, I submit that this is not a valid question of privilege at this time.

• (1510)

**The Speaker:** I thank the hon. Leader of the Government in the House of Commons for his comments and observations on the matter. I will take them under advisement and I will give my decision to the House in due time.

*Points of Order**[English]*

The Chair has notice of a question of privilege from the hon. member for Selkirk—Interlake and we will hear him now.

COMMENTS BY MEMBER FOR WINNIPEG SOUTH CENTRE

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, earlier today I gave notice of my intention to rise on a question of privilege relating to threatening comments made to me on the floor of the House of Commons by the member for Winnipeg South Centre. This occurred just prior to the votes taken last night.

I was in my chair when the member for Winnipeg South Centre approached me in regard to some ten percenters that we had sent into her riding. She said that she was would be taking legal action against the Manitoba Conservative caucus and then went on to say, “You’d better stop doing this or I have a photo and a story which will blow the lid off your caucus”. I really feel that she was trying to intimidate me.

As you well know, Mr. Speaker, evidence of intimidation or threats against members constitute a prima facie question of privilege. This incident was witnessed by the hon. members for Avalon, Palliser, Niagara West—Glanbrook and others who are prepared to support my complaint.

Mr. Speaker, you will be aware of the numerous threatening incidences outlined in Marleau and Montpetit beginning at page 86 that have been considered prima facie evidence of contempts. Should you find that a prima facie case exists, I am prepared to move the necessary motion to refer this matter to committee.

**The Speaker:** I thank the hon. member for Selkirk—Interlake for his submission. Given the presence or absence of members in the House at the moment, I think it probably prudent that the Chair take this under advisement in case there are other submissions on the matter before a decision could be made. Accordingly, I will take the matter under advisement.

The hon. member for Palliser is also rising on this point and I will hear him now.

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, I would like to validate the comments of my colleague from Selkirk—Interlake. I was in my seat and witnessed this exchange exactly as he described it for the record, as was my colleague from Avalon and the member for Niagara West—Glanbrook.

• (1515)

**The Speaker:** I thank the hon. member for Palliser for his assistance.

I believe the hon. the parliamentary secretary to the government House leader has a point of order he wishes to raise.

\* \* \*

**POINTS OF ORDER**

BILL C-280—IMMIGRATION AND REFUGEE PROTECTION ACT

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, before I begin my point of order I must say that while I recognize I am raising this point of

order today, I also recognize the fact that a ruling by yourself will not be made before third reading debate takes place on Bill C-280.

It is on Bill C-280 that I rise today. Without commenting on the merits of the private member's bill, I would appreciate your consideration, Mr. Speaker, on whether Bill C-280, An Act to Amend the Immigration and Refugee Protection Act, requires a royal recommendation under Standing Order 79.

The Immigration and Refugee Protection Act was adopted as Bill C-11 by the 37th Parliament and received royal assent on November 1, 2001. Bill C-11, which was accompanied by a royal recommendation, specified in clause 275 that:

The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

Bill C-280 seeks to amend section 275 of the Immigration and Refugee Protection Act to stipulate that, despite the coming into force provisions adopted in 2001, sections 110, 111 and 171 would come into force on the day Bill C-280 receives royal assent.

The substantive effect would be to establish a refugee appeal division at the Immigration and Refugee Board. This would involve significant new expenditures to cover the appointment of adjudicators to hear appeals; the administrative officers to establish, receive and process applications for appeal; office space to conduct appeal hearings; and other activities required for the operation of a new appeals division.

The Department of Citizenship and Immigration estimates that the initial start-up cost would be at least \$8 million and ongoing annual costs would be over \$12 million. This does not include the considerable costs associated with the provision of legal aid.

Those estimated costs also do not take into consideration the potential significant costs of implementation should the bill fail to include transition provisions, without which, could potentially lead to an immediate backlog of approximately 40,000 additional cases.

Of course, the creation of a refugee division was contemplated by the original legislation. However, this was accompanied by a qualification in clause 275, that the timing of its creation would be subject to a future decision of the governor in council, namely, when to bring in sections 110, 111 and 171 into force.

The procedural authorities and precedents indicate that the royal recommendation, which accompanies a bill, fixes not only the amount of an expenditure but also the way in which it will be incurred.

Beauchesne's 6th edition, page 183, citation 596, indicates:

...the communication, to which the Royal Recommendation is attached, must be treated as laying down *once for all*...not only the amount of the charge, but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge.

On March 26, 1985, on page 3353 of *Hansard*, the Speaker cited this section of Beauchesne's in ruling an amendment to a government bill out of order because, by eliminating a legislated deadline, it would relax a condition of the royal recommendation.



*Speaker's Ruling*

On October 17, 1986, at page 473 of *Hansard*, the Speaker ruled that an amendment to an income tax bill was beyond the scope of a royal recommendation, even though it did not change the overall expenditure, because “It changes the intent of the Bill”.

The intent of the Immigration and Refugee Protection Act, as clearly expressed in clause 275, was that the governor in council would determine at what time clauses 110, 111 and 171 of the Immigration and Refugee Protection Act would be brought into force. In other words, that the governor in council would determine at what time the expenditures associated with those clauses would be incurred.

This was a condition of the royal recommendation for Bill C-11, which members of the 37th Parliament accepted and which is, therefore, inseparable from the authorization for expenditures for a refugee appeal board.

Since Bill C-280 seeks to relax that condition by removing the Governor in Council's determination of the timing of the crown's expenditure, Bill C-280 is beyond the scope of the original royal recommendation and, I submit, should be accompanied by a new royal recommendation.

• (1520)

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, I listened as my colleague from across the way tried to put up a roadblock to Bill C-280. However, Bill C-280 is not an amendment to Bill C-11. We only ask for implementation. Bill C-11 already received royal assent. It has been voted on and studied. We only ask for the implementation of a measure included in Bill C-11. I do not see where the problem lies.

In concluding, I reserve the right to speak again to the issue.

**The Speaker:** Once again, I thank the hon. member for Laval and the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons for their submissions on the issue.

[*English*]

I will take the matter under advisement.

I recognize that this bill is scheduled for debate tomorrow. I frankly doubt that I will have a ruling in time for the debate, so if by some chance the matter comes to a vote tomorrow at third reading, I am sure that hon. members will force the vote, and that the vote will then be deferred, as the rules require, until next Wednesday, which will give me ample time to render a decision that I hope will be satisfactory to all hon. members in respect of this bill.

BILL C-52—BUDGET IMPLEMENTATION ACT, 2007—SPEAKER'S RULING

**The Speaker:** I am now prepared to rule on the point of order raised by the hon. member for Scarborough—Rouge River on April 17, 2007, concerning the procedural admissibility of Bill C-52, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007.

[*Translation*]

I would like to thank the hon. member Scarborough—Rouge River for having raised this issue as well as the hon. Leader of the Government in the House of Commons for his submission.

[*English*]

In raising this point of order, the member for Scarborough—Rouge River appealed to the Chair to find that Bill C-52 is improperly before the House by virtue of the provision included in subclause 13(1) of the bill, which amends paragraph 122.1(2)(b) of the Income Tax Act.

This provision, if enacted, would regulate the taxation of existing income trusts during a transitional period by providing for interim taxation rates based on the “Normal Growth Guidelines” issued by the Department of Finance on December 15, 2006.

The hon. member drew the attention of the Chair to the absence of a corresponding measure from a ways and means motion tabled on October 31, 2006, Ways and Means Motion No. 9.

In reviewing the hon. member's submission, it became apparent to the Chair that the hon. member for Scarborough—Rouge River must have been referring to Ways and Means Motion No. 10, tabled on November 2 and concurred in on November 7, 2006, since Ways and Means Motion No. 9 is still on the order paper and has not been concurred in.

That being said, the member is quite correct in pointing out that while the motion to which he refers does provide for a transitional exemption applicable to existing income trusts, it does not include the protocol based on the “Normal Growth Guidelines” which later appeared in subclause 13(1) of the bill.

Describing these “Normal Growth Guidelines” as “no more than a press release”, the hon. member characterized the effect of the provision in question as “a delegation of subordinate law, not by regulation nor by ministerial directive, but by press release”.

He expressed concern about the possibility alluded to in the minister's press release that criteria not included in the bill might be invoked after its coming into effect to rescind the taxation deferral with respect to specific income trusts and he declared that this would amount to the imposition of an unlegislated supplementary tax burden.

[*Translation*]

The hon. member went on to cite a number of authorities, including the Statutory Instruments Act, in support of his contention that subclause 13(1) of the bill attempts to exempt from parliamentary scrutiny by the Standing Joint Committee on the Scrutiny of Regulations a measure that is, in all but name, delegated legislation.

[*English*]

Finally, the hon. member stated that subclause 13(1) of the bill fails to conform to the government's own drafting guidelines, in particular to its standards for the making of proper subordinate law as expressed in the *Guide to Making Federal Acts and Regulations* promulgated by the Privy Council Office. He concluded with an appeal to the Chair to rule subclause 13(1) of Bill C-52 null and void.

*Government Orders*

The hon. government House leader responded to the point of order on April 19. On the issue of the prior inclusion of the provision of subclause 13(1) in a previously adopted ways and means motion, he drew the attention of the Chair to Ways and Means Motion No. 20, adopted by the House on March 28, affirming that the latter motion did indeed include the provision in question.

With respect to the argument that subclause 13(1) of the bill provides for the inappropriate delegation of the right to make subordinate law, he declared that the provision in question violates no procedural prohibition recognized by this House and is therefore a matter for debate. He added that the same principle applies to the issue of the conformity of the bill to the government's drafting guidelines.

• (1525)

[Translation]

The hon. Government House Leader also noted that it is not at all uncommon for bills to establish forms of delegated legislation not subject to the Statutory Instruments Act.

[English]

I have examined this matter with care in view of the complexity of the issues raised. As I have done on many occasions in the past, I must remind the House that my role here is restricted to ensuring that our rules of procedure and our practice are respected. Potential questions or difficulties with respect to the interpretation and future implementation of bills currently before the House are matters of law and are not for the Speaker to answer or resolve.

The legal status of the "Normal Growth Guidelines" issued by the finance department on December 15, 2006 and referred to in subclause 13(1) of the bill and the authority of the minister to issue such guidelines are likewise beyond the purview of the Chair. What does or does not fall within the definition of "statutory instrument" is a legal question and not one of procedure.

In our practice, the Standing Joint Committee on the Scrutiny of Regulations has the duty of examining whether the government is employing "the appropriate principles and practices...in the drafting powers enabling delegates of Parliament to make subordinate laws". That quote comes from page 689 of *House of Commons Procedure and Practice*.

It is not, however, for the Speaker to rule on such questions or to evaluate the government's compliance with its own rules for drafting legislation. There is, furthermore, no procedural objection to making reference in legislation to documents which are not subject to review by the House or its committees. Whether provisions which do so should be adopted, amended or rejected is a decision for the House to make.

With regard to the issue of the link between ways and means motions and legislation based upon them, it is perhaps useful to quote a passage from *House of Commons Procedure and Practice* at page 760. It states:

Ways and Means motions can be expressed in general terms, or be very specific, as in the form of draft legislation. In either case, they establish limits on the scope—specifically tax rates and their applicability—of the legislative measures they propose.

[Translation]

This principle is reflected in Standing Order 83(4), which states in part:

The adoption of any Ways and Means motion shall be an order to bring in a bill or bills based on the provisions of any such motion—

[English]

Having carefully examined the ways and means motions relevant to this question, the Chair agrees that the contested provision in subclause 13(1) of Bill C-52 does not appear in Ways and Means Motion No. 10, to which the hon. member for Scarborough—Rouge River refers, which was tabled on November 2 and adopted on November 7, 2006.

However, as the government House leader has indicated, the provision does appear in Ways and Means Motion No. 20 tabled on March 27 and adopted on March 28, 2007. Bill C-52 is based on Ways and Means Motion No. 20. Since the wording of the bill accurately reflects that of the motion, the Chair must conclude that the bill is fully in compliance with the requirements of Standing Order 83(4).

The other issues raised in the point of order of the hon. member for Scarborough—Rouge River, while interesting and cogently argued, are related to the substance of the bill and to legal issues arising therefrom and not to procedural considerations. While they may well be of interest to members as they consider this legislative proposal, they are beyond the purview of the Chair.

In conclusion, the Chair has not found any procedural irregularities in this matter. Subclause 13(1) of the bill and Bill C-52 as a whole are in order and the bill can proceed in its current form.

I would like to once again thank the hon. member for Scarborough—Rouge River for his vigilance in drawing these matters to the attention of the House.

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## GOVERNMENT ORDERS

• (1530)

[English]

### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, be read the third time and passed.

**Mr. John Maloney (Welland, Lib.):** Mr. Speaker, I am pleased to join in the debate on Bill C-22, an act to amend the Criminal Code of Canada regarding the age of protection.

This issue has been the subject of many private members' bills and proposed government legislation over many years and many studies by the Department of Justice.

*Government Orders*

It has also been the subject of much community interest, many white ribbon campaigns in strong support for raising the age of consent to 16 years of age while others have even advocated raising the age to 18.

Over the years the subject has generated numerous constituent letters, as well as press and editorial commentary in my riding of Welland. These representations have been heard and will be reflected in my support of the bill.

Bill C-22, an act to amend the Criminal Code regarding age of protection, amends the Criminal Code to raise the age from 14 to 16 years at which time a person can consent to non-exploitive sexual activity. The existing age of consent of 18 years for exploitive sexual activity will be maintained. This applies to sexual activity involving prostitution, pornography or where there is a relationship of trust, authority, dependency or any other situation that is otherwise exploitive of a young person.

Bill C-22 creates an exception with respect to an accused who engages in sexual activity with a 14 or 15 year old and who is less than five years older than the youth. It also creates an exception for transitional purposes for an accused who is married to a youth or who is the common law partner of a youth and is expecting a child with the youth and the sexual activity was not otherwise prohibited before the act comes into force. The bill maintains an existing close in age exception that exists for 12 or 13 year olds who engage in sexual activity with a peer who is less than two years older, provided the relationship is not exploitive.

The history of the age of consent has evolved considerably in the past century in that the existing Criminal Code prohibitions against sexual conduct with young people bears little resemblance to those that were in place as recently as 20 years ago.

Historically in Canada, the age of consent was 12 until 1890 when it was raised to 14. At no time has it ever been set higher than 14 in Canada. At one time Canadian criminal law did provide very qualified protection from sexual exploitation for females over 14. Between 1886 and 1988 there were several incarnations of a provision banning intercourse with a girl over 12 and under 16 who was of "previously chaste character". This qualified protection for girls, not boys, applied only to intercourse and no other form of sexual contact.

In 1988 the qualified protection was revoked in favour of new offences called "sexual interference" and "invitation to sexual touching" that prohibit adults from engaging in virtually any kind of sexual contact with other boys or girls under the age of 14, irrespective of consent.

Introduced at the same time the offence of sexual exploitation also made it an offence for an adult to have any such contact with boys and girls over 14 but under 18 where a relationship of trust or authority exists between the adult and the child. This also means that child pornography includes any youth under the age of 18 regardless of consent.

The 1988 changes implemented more equitable, broad-sweeping protection for all young people regardless of gender, type of offence or the complainant's sexual history.

As time and further reflection have passed, an additional protection for youth has been advanced. In a previous Parliament, the Government of Canada tabled Bill C-2, the child protection act. As I do support raising the age of consent from 14 to 16, I was disappointed that Bill C-2 at that time did not do this, although I understand there was no consensus or agreement from the provinces which is required for this issue to move forward.

In its place the government proposed a new category of sexual exploitation that did not consider whether or not the young person, covering youth between 14 and 18 years of age, consented to sexual activity, but examined the relationship and motives of the accused.

The argument was that this provision should effectively prohibit any exploitive sexual activity between an adult and youth under the age of 18. I do think that this was a good provision and strikes at the heart of the intention of people who want to raise the age to 18. The call to increase the age of consent to 18 was all about protecting young people between the ages of 14 and 18 from exploitation and the new provision says that regardless of whether or not consent was given by the young person. I feel this is key. The nature of the power of dynamic in the relationship would be scrutinized by the court.

● (1535)

The current bill is not without its critics. One criticism of the bill that has been raised by those who generally support it is that the five year age exemption is too large. Rather than allowing a five year age gap, three years should be more than enough.

Some other supporters of the bill have proposed that the age of consent be set at 18. This would eliminate the anomaly of 16 year olds who can legally consent to have sex yet be unable to vote, serve in the military, smoke or drink. Many have argued that most teenagers do not have the maturity to handle the responsibilities that come with sex, such as practising safe sex and using reliable birth control. A more appropriate age of consent, they argue, would be 18, when one legally becomes an adult.

It is interesting to note that the most common age of consent in the United States seems to be either 16 or 18. Sixteen is the age of consent in Australia, Belgium, Hong Kong, Finland, The Netherlands, New Zealand, Norway, Russia, Singapore, the Ukraine and the U.K. Canada is now coming in line with these other countries.

Bill C-22 also addresses Criminal Code provisions regarding luring a child. Section 172.1 of the Criminal Code creates the offence of using a computer system to lure children for the purpose of committing certain sexual offences. The section lists various sexual offences, which depend upon the age of the child. The offence is committed if the child is under the particular age specified or if the accused believes the child to be under that age.

Subsection 172.1(3) sets up a rebuttable presumption that the accused believed the child was under the relevant age if there is evidence the child was represented to the accused as being under that age. There is no defence that the accused believed the child was over the relevant age unless the accused took reasonable steps to ascertain the age of the child.

*Government Orders*

New paragraph 172.1(1)(b) will make 16 the relevant age for the offence of facilitating the commission of an offence under section 151, which is sexual interference, section 152, which is invitation to sexual touching, subsection 160(3), which is bestiality in the presence of a young person, or subsection 173(2), which is exposure to a young person. These offences are being added to a list that previously consisted only of section 280, which is abduction of a person under the age of 14.

The relevant age for all four of the added offences will be raised from 14 to 16. Thus, the use of a computer system to facilitate the commission of these offences when the complainant is less than 16 is being made an offence.

Since 16 will now be the relevant age, paragraph 172.1(1)(c) is amended to remove reference to the age of 14 for offences under sections 151 and 152 and subsections 160(3) and 173(2). Henceforth, luring someone under the age of 14 by means of a computer system will be an offence only if it is done to facilitate the commission of an offence under section 280(1), which is, again, the abduction of a person under 16.

Members of our police forces welcome Bill C-22 for the very message it sends. They see a fair number of people between the ages of 14 and 16 being manipulated by older predators. Any new tools the police can use to stop predators are most welcome.

The bill will also change the way police investigate child pornography, underage prostitution and Internet luring. There will be a new group of kids being protected and a new group of pedophiles being charged.

Protecting our children, however, goes beyond a simple and arbitrary increase of the age of consent to sexual activity. It means addressing the broader issues of the safety and well-being of our children. Our objective is to develop and maintain effective, comprehensive measures to support provincial and territorial measures to improve public safety for children and to protect children from serious injury and even death at the hands of adults.

The achievement of this objective rests in a collaborative effort by the provinces, the territories and the Government of Canada. While the provision of services to children who are in need of protection is the responsibility of the provinces and territories, the assurance that appropriate offences and penalties are available for serious harm done to children remains the responsibility of the Government of Canada. By targeting extreme forms of harm through the Criminal Code, the Government of Canada will provide strong support for provincial and territorial initiatives to protect children.

• (1540)

**Mr. Lloyd St. Amand (Brant, Lib.):** Mr. Speaker, I congratulate my hon. colleague, the member for Welland, on his speech. He is typically very thoughtful and analytical and certainly his speech today is a reflection of those qualities.

I would like to ask him specifically about feedback, if any, from constituents in his riding. I will put this in the context of what I have heard from constituents in my riding of Brant, which is essentially that there is widespread approval for the passage of Bill C-22. My constituents tell me that the age of consent in fact should be raised from 14 to 16 and that by and large they are content with the five

year close in age exemption, recognizing that there has to be some close in age exemption.

I wonder if the member for Welland has heard similar things from his constituents.

**Mr. John Maloney:** Yes, Mr. Speaker, my experience has been exactly the same as the hon. member's in his riding. There is a general feeling, a consensus and actually a shock when people perhaps appreciate that the age of consent is currently 14. The movement to increase it to 16 is seen as a very welcome initiative and one that will be well received in my riding.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I commend the member on what he had to say.

I want to make a point and see if he agrees with me. I am going to cite a special case in my constituency. The point that I think needs to be made is that sometimes we MPs forget that delaying legislative changes such as this may cost lives and/or allow deplorable situations to exist.

I do not know if the member is familiar with the case in my riding that was covered nationally on the news. In fact, it was covered on *The Verdict*, a CTV program. It involved a man who tried to rescue his daughter from the influence of her boyfriend, a drug pusher. That man, Kim Walker, is now serving a life sentence in prison.

We have to wonder if the situation would have turned out differently if the police and authorities could have intervened earlier. If the bill that we are debating today would have been in place, the age of consent possibly would have allowed the police and others to rescue this particular youth, Jadah Walker, from an abusive relationship.

We have many other youth in Canada involved in these abusive relationships where men take advantage of young girls and boys. In the Kim and Jadah Walker affair, we had a father who was desperate and we now have a man who is dead. Jadah said that she too would have been dead if something had not been done.

I have listened to the discussion here today, but I think it is about time to consider the victims of these abusive relationships where older adults take advantage of vulnerable girls and boys. The Kim and Jadah Walker case may have turned out very differently if this law had been in place.

For those who do not think we have a problem, I think they need to take a closer look at what is happening. There are other things that need to be changed in the system as well, I grant that, but there are problems within the system which indicate that this bill would be a good start in fixing them.

I have written to the attorney general of Saskatchewan about this case. I do not expect the member to know the details of it, but I have asked the attorney general to review this case to see what changes need to be made to the system. A tragedy like this one can be prevented. Changing the age of consent to 16 is a good start.

If the member has any comments, I would appreciate hearing them.

**Mr. John Maloney:** Mr. Speaker, I recall vaguely the situation that the member addressed, but I cannot put a date to it.

*Government Orders*

Certainly with respect to this legislation, it has moved along very expeditiously. The bill was introduced in June 2006. Shortly thereafter we adjourned for the summer. The bill came forward at second reading in October 2006. The bill went through in one day and was reported by the committee in April after hearings in March and April of this year. Knowing how justice legislation sometimes needs a lot of input, discussion and consideration, I would say that this current piece of legislation has moved very quickly. I would think the hon. member would appreciate that.

If this legislation had been in place when the situation with Mr. Walker arose, it very well might have given the police the tools to move on the situation. The good news is that this legislation will be in place before we adjourn for the summer, hopefully, so that similar situations will not have to happen and, again, so that the police will have the tools to be used to protect our children when required.

• (1545)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am not a member of the committee nor am I a lawyer, but I have looked at some of the transcripts and the editorial commentary from the print media. One of the items the paper noted under the definition of what constitutes sexual activity was that even kissing is covered under the ambit of the definition. I think it would be interesting to ask the member to clarify for members the scope of sexual activity that falls under this Criminal Code legislation.

**Mr. John Maloney:** Mr. Speaker, I have seen those commentaries and certainly I think it is a stretch to call kissing a sexual activity. It perhaps could lead to sexual activity, but ordinarily speaking, kissing is a sign of affection and friendship. We see that even in this place with members acknowledging each other with a little peck on either cheek, et cetera. For those reasons, I think it is a stretch to call kissing a sexual activity.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I have a question for the member about the issue of the repeal of section 159. Section 159 is the section of the Criminal Code that makes anal intercourse a criminal act for anyone under the age of 18. Right now all other sexual acts are legal as of the age of 14. This legislation would make 16 the age of consent, meaning that sexual activity under the age of 16 would prima facie be criminal, but there is protection for closeness in age.

However, the government, knowing that two appellate courts, that of Ontario and that of Quebec, have ruled that section 159 is a violation of the charter, is anti-constitutional and should have no effect, decided in its wisdom not to harmonize the age of consent for all sexual activity. Rather, it preferred to leave that section on the books. Not only did the government do that, but it then opposed an amendment that I attempted to bring in committee in order to repeal that section.

I would like to know what the member thinks about a government that has an opportunity to ensure that a discriminatory and homophobic section of the Criminal Code, which has been deemed to be that by our appellate courts, but decides not to take advantage of its Bill C-22, which we Liberals do support, to harmonize that and to ensure that there are no longer any homophobic and discriminatory sections in the Criminal Code.

**Mr. John Maloney:** Quite frankly, Mr. Speaker, I would have thought that the government would have taken this opportunity to

rectify that situation. When the courts have clearly said that prohibitions of this nature are homophobic and discriminatory, I think it would have been prudent on the government's part to allow that amendment to go through.

It would have been a good opportunity to do that. It is disappointing that it perhaps did not happen. Notwithstanding that, I make no judgment call on the sexual act itself. That is not our function. When the court does make that finding, then we have a duty to respond accordingly and clear up that situation.

• (1550)

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am glad to have an opportunity to again address the issue of Bill C-22, the age of protection, age of consent legislation. It is the second time I have been able to speak in this debate. I believe this is very important legislation. It is important to many people in my community of Burnaby—Douglas and across the country.

There are many different positions on this. There seems to be some unanimity in this place. There is an emerging consensus that the legislation will pass. However, I believe there are important opinions and understandings of sexual expression, the age of consent, what is appropriate sexual expression and relational models, that need to be part of this debate.

I am one person who does not support the legislation because of some of the serious flaws I see in it. At the same time, recognizing there are other opinions, I believe people have taken this issue seriously and we have had a serious debate on this matter, both here in this chamber and in committee. I have read most of the transcripts of the presentations at the committee.

The NDP caucus has also had the opportunity to discuss the legislation as well. Even in this caucus there is a diversity of opinion on this legislation. However, I do not think anyone wants to diminish the importance of it.

It is important that we take all possible precautions to ensure there is not exploitation, particularly of young people in our society. We all want to ensure that we have the best and most appropriate tools at our disposal to ensure young people are not exploited. How we do that, I think there can be some discussion and debate about. I want to take the opportunity today to talk about this attempt to do that.

For many of us this is a very personal issue and we come to it with various personal experiences. Some of us may come to the debate because of a concern we had of a young person who was involved in a relationship with someone much older. Others come from other kinds of experience to this debate.

*Government Orders*

As a gay man, I have a particular experience of a time when in Canada my sexual expression was criminal. It was illegal to engage in homosexual activity, to engage in a gay or lesbian relationship. I grew up in that period in the 1960s when it was criminally sanctioned. That was not an easy time for me as a young person coming to terms with my own sexuality. It was not an easy time to go through all that learning about what it meant to be a full human person, what it meant to experience one's sexual self at a time where any expression of my understanding of my sexuality could have resulted in criminal sanction. That is totally outside the issue of the age of consent. It was just plain illegal to do that.

That was a very difficult time, not to mention the social sanctions that were also present around being gay or lesbian at that time, or the ordinary difficulties that any young person might have in expressing their concerns, or their experiences or their questions about sexuality. It is difficult enough as it is. As young people, it is hard to have those kinds of discussions with people who care about us and with people who we look to for information. That is hugely difficult and remains through most of our society. However, on top of all of that, it was illegal. It was a crime to engage in that activity.

It was very difficult to come to terms with who I was as a person and who I was as a sexual person when there were those social and criminal sanctions. I do not really want to wish that on anyone else. I do not want to wish that circumstance of a criminal sanction around the time when we are learning about our sexual expression and learning about what it means to be a sexual person. Criminal sanction is a huge burden to place on anyone going through that period of time.

● (1555)

There are still social sanctions around relationships where there is an age difference. There are still difficulties for young people to raise their questions about expressing their sexuality, the meaning of their sexuality, dealing with health issues or problems in any relationship, let alone one where there might be an age difference. We are complicating that even further by adding a new criminal sanction around expression of sexuality for our youth.

I say this recognizing that we have very good legislation on the books now. We have a good law on the age of consent in Canada that essentially had sections of it amended in 1987 under a previous Conservative government and minister of justice, who went on to become the governor general, Ramon Hnatyshyn. The law very clearly stated that between the ages of 14 and 18 any circumstance of exploitation, the misuse of trust, dependency and authority was a sanction that protected a young person in that age group. The legislation was very clear.

I was working on the Hill at the time. I remember there was widespread support for the legislation. People saw that this was an important way to elucidate the places where harm could come to someone, the ways in which a relationship, particularly a sexual one, could be exploited. That law went a considerable way to outline that.

At the time I worked for a member of Parliament, who defended the issue. Because of his outspokenness, it generated lots of phone calls to the office where I worked. I had conversations with many people about the law. I think people understood that the law went out

of its way to protect young people from exploitation and did so in many ways.

What is more, in the previous Parliament improvements were made with Bill C-2. It was made more explicit. Issues of prostitution, pornography and luring on the Internet were explicitly dealt with in the amendments to the age of consent legislation, which were debated and passed in the 38th Parliament. Those amendments went some way to making it very clear. It took something that was already good and made it crystal clear in some very key areas, which many people have justified and serious concerns about in the ways in which young people are exploited.

It is very clear about a pimp who is pimping a person of that age group. It already was, but it made it explicitly clear. Similarly, it is very clear with regard to using a young person to produce pornography. On the whole exercise of luring someone on the Internet, the law is very clear now.

The only effect of this legislation is to criminalize consensual sexual relationships of 15 and 16 year olds outside of a certain five year age gap parameter, and that is my concern.

We have very clear legislation that outlines the problem areas in relationships with young people, as I have just explained. The current legislation goes out of its way to be very clear about how a young person can be exploited in that kind of relationship. All we are dealing with are relationships that are consensual, where a young person gives consent to be in that relationship.

We may not like the fact that 14 or 15 year olds are in relationships with who is 6 or 10 years older, or perhaps even older than that, and we may have reasons to be concerned about it. However, I put it to members of the House. I do not completely understand how criminalizing those relationships is going to add to the ability to solve whatever problems may exist in those relationships or how dragging the people involved in those relationships before the courts is necessarily going to address any of the current concerns we might have.

● (1600)

Why should young people involved in those kinds of relationship have to see their partners dragged before the court because of a relationship they consider to be consensual, but we consider detrimental, even though we can not prove it with the existing laws? How does that solve the problem. I think it creates more problems for the people in that relationship, particularly the young people. That is one concern I have about the legislation.

I have other concerns too. When we criminalize sexual activity, we will drive people underground. We will make it more difficult for young people to raise questions with somebody who may have advice to offer them about the course of their relationship when they have a problem, particularly if the people they are involved with are older than the five year limit.

We will make it more difficult for a young person involved in that kind of relationship to seek treatment for a sexually transmitted disease, for instance. This is a very serious issue that many sexual health educators across the country have raised. They have said that this is a serious problem with the kind of legislation we have before us.

*Government Orders*

I am very concerned that this kind of change in the legislation will drive behaviour underground. It will make it more difficult to assist people who are in these relationships, particularly young people where there might be exploitation or other problems that need to be addressed. That is another key reason why I cannot support the legislation.

There has been a lot of discussion about this legislation. The NDP debated this at our convention last September. The party referred it to its federal council. The federal council did approve a party position on it. I want to read the resolution that was passed. It says:

WHEREAS the Conservative government plans to increase the basic age of consent for sexual activity to sixteen (6) years of age; and

WHEREAS Bill C-2, passed into law in 2005, already prohibits any exploitative sexual relationship with a person under 18; and

WHEREAS there is no evidence to indicate that the proposed legislation will protect young people from predators; and

WHEREAS youth are significantly less likely to seek sexual health information or advice if their activities fall outside of the law; and

WHEREAS an increase in the age of consent is opposed by the Canadian AIDS Society, EGALE Canada, The Canadian Federation for Sexual Health, The Coalition for Lesbian and Gay Rights in Ontario and others,

THEREFORE BE IT RESOLVED that Convention direct Caucus not to vote for the Conservative legislation to increase the basic age of consent for sexual activity to sixteen years of age; and

BE IT FURTHER RESOLVED that the NDP Federal Caucus work to ensure that the Age of Consent for anal sex be consistent with that for all other types of sexual activities.

We have a very clear party position about this kind of legislation, after considerable debate within the NDP. It is important to point out that it was a very careful debate within our party and we heard from a lot of people.

We also heard very clearly from the youth wing of the NDP that it was were opposed to the legislation. Young people took a very active part in that debate, calling for our opposition as New Democrats to this legislation. That is an important consideration.

As well, we have court decisions saying that the anal intercourse provisions of the Criminal Code violate the charter because they are unconstitutional. While we have those kinds of decisions, the government failed to integrate them into the legislation when it brought it in. That also indicates one of the important flaws with the bill.

For many years, this has been called in this place. In fact, back in 1987, I believe an all party committee of the House wrote a report called "Equality for All". One of the recommendations of that report was that there be a uniform age of consent for sexual activity, no matter what that sexual activity. That has been a long-standing recommendation that came from an all party committee of this place, and it is still to be implemented here.

It belies the bias of the government. It could indicate that there is an anti-sex bias in this kind of legislation. The failure to deal with an important constitutional issue and the whole question of uniformity of the age of consent legislation is a very serious problem with the bill. It is another reason why I will not support it.

• (1605)

I am glad that my colleague, the member for Windsor—Tecumseh, has tabled private member's legislation to deal with that

particular aspect of the bill. However, I think if this had been a serious attempt to deal with the problems of the age of consent legislation in Canada, that provision would have been part of this legislation, or at least the amendments that were proposed at committee by the member for Windsor—Tecumseh and others to add that provision to the legislation would have been accepted and we would have that before us today, but sadly, we do not.

I am also concerned that the legislation is becoming increasingly complex. The existing legislation that is in force now in Canada can be explained effectively. I actually wish that that legislation were taught in our schools. I wish there would be some attempt to inform young people. It probably should be taught in other places so that people come to an understanding of what the requirements are for an appropriate relationship, of what it means to be in a position of trust or authority in a relationship, what it means to be exploited sexually in a relationship, so that we could have frank discussions on that. The existing legislation is an excellent tool.

Back in 1987 when the law was changed to what we have today, the Department of Justice produced an excellent resource about the age of consent legislation. I personally, through the constituency office that I worked in, gave away probably thousands of copies of that booklet. It was such a helpful resource for people trying to understand the issue of the age of consent laws, trying to understand the importance of relationships, what they meant and how a relationship could be conducted appropriately. I am sad that that resource is long out of print because I think it did go some way to helping people understand what it would be to have an appropriate relationship.

I want to point to testimony that was offered by the B.C. Civil Liberties Association and the president, Mr. Jason Gratl, at the committee that was looking at the legislation. It is important to note the issues that that group raised. They saw the legislation before us today, Bill C-22, as a fundamental shift from the way Canada has chosen to deal with issues of harm to young people and of social policy.

I just want to quote from what Mr. Gratl said to the committee looking at the legislation. He said:

I'll begin with a general comment expressing our concern that Bill C-22 represents a fundamental shift of policy and attitude towards sexuality. In 1992, the Supreme Court of Canada, in the Butler decision dealing with the definition of obscenity, signalled a fundamental shift from the legislation of morality to the legislation of harm. From that point forward, the legislature and the courts were to look for specific types of harm, not necessarily scientifically measurable types of harm, but analytically discoverable harm, such as attitudinal harm—changes in people's attitudes toward each other that are fundamentally anti-social, psychological harm to individuals.

The idea was to rationally connect appreciable types of harm to the type of legislative endeavour underway. To our mind, that commitment to legislating against harm rather than legislating morality is endangered or imperiled by the approach this committee currently seems to be taking.

The existing protections for young people are adequate, in our submission. Sexual predators who exist in the world need to be taken account of, and much has already been done to ensure that those sexual predators are controlled, punished, deterred, and so forth, by the existing criminal law. The committee is well familiar with the crime of exploitation, as well as the restraints placed on persons in positions of trust, power, and authority to refrain from sexual contact with minors. Those go a long way to ensuring that young people are protected.

*Government Orders*

The B.C. Civil Liberties Association raises an important point about how this legislation departs, from a recent tradition at least, of legislating against specific harms rather than against morality in general. The direction of this legislation in that broad sense is also one that I find difficult.

•(1610)

Other organizations such as the Canadian Federation for Sexual Health, formerly known as Planned Parenthood, that do a lot of sexuality education across the country, have said that we need to be putting more resources into educating people and young people about sexuality. They said that we need to put more resources into sexuality and relationship education and that would go some way toward dealing with those kinds of problems. They do not support the current legislation. They see the difficulties it causes for health education and for ensuring that young people are able to make mature and responsible decisions about sexual expression. This legislation would complicate that.

We need to get on with promoting the excellent legislation that is currently on the books, with teaching the law that we have currently on the books. I believe that would help all of us make better decisions about relationships, make better decisions about our sexual relationships. I will not be able to support the legislation as it currently stands.

**Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, parents in my riding have often raised the point with me that protection of our children is essential in today's modern era of the Internet and other communication tools.

By raising the age of consent from 14 to 16 years, what type of message does the member think that would send to the international sexual predator community? Would it be a message that Canada is getting tougher on this activity or softer?

**Mr. Bill Siksay:** Mr. Speaker, I believe that Canada has tough legislation on the kinds of issues to which the member referred. We have tough legislation currently on the books about Internet luring, about using children in pornography, about exploiting children in prostitution, about exploiting children in a relationship of trust, authority or dependency.

If we talked about the legislation that was currently on the books rather than soft selling it or underplaying it all the time, we could go some way to educating people here in Canada and around the world that we do not stand for the exploitation of our children, that we very clearly have taken measures to prevent that, to prosecute that where it arises.

I do not think anyone should downplay the importance of the legislation that we have on the books. It has developed over many years. It was initiatives by a former Conservative government that set us down this important path of being absolutely clear about the kinds of problems that caused people to get into trouble in terms of their sexual expression and in terms of the kinds of relationships they have.

I do not think anyone who is seeking to exploit children will find any solace in the existing legislation in Canada. It is absolutely clear.

It is absolutely well defined. If there are problems with the existing legislation, then we should have addressed those specific problems.

I do not believe that the kind of blanket measure that Bill C-22 proposes is going to help protect any young person in Canada. I think that it complicates their lives, that it criminalizes their sexual activity. I do not think that it is an appropriate way of proceeding.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I congratulate my colleague on an excellent speech on a difficult subject.

I have struggled with this subject as well. I have taken the time in all the touring of my extensive riding to ask at all public meetings that I have had what people think about changing the age of consent. I have asked it in small first nations communities and in many, many different settings. I have asked it in high schools in the last three weeks. I have talked in three different high schools and brought up the subject and asked students what they thought about it.

I have polled my constituents and I find that there is a lot of wisdom in what they said. Among the elders there is very strong support to move ahead with this legislation. The people who perhaps were in residential schools understand how sexual expression from older persons to younger ones could change young people's lives in a way that at the time was not criminal but changed their way of thinking and led to different patterns of behaviour in the future. That was a difficult thing to legislate, to understand how someone who was a teacher, a priest or an RCMP officer could ask a young person to commit to the other person in a way that was exploitive but not criminal.

What we have here is a law that raises the age at which a person can consent to non-exploitative sexual activity. That is important. On the other hand, when I talked to the schools and the young people, there was a strong sense that something was being taken away from them. There is a fundamental conflict in this.

Has my hon. colleague spent time in his riding consulting with the various groups to understand how the different aspects of this work?

•(1615)

**Mr. Bill Siksay:** Yes, Mr. Speaker, I have had many conversations. As I have said, I have had conversations about this for over 20 years. I would contend that I have had probably more conversations than any other member of Parliament on this particular issue just from answering the telephone in a very busy constituency office where this issue cropped up over many years. I have talked with many people. I have carefully read submissions that were presented to committee on this as well.

I actually was a staff assistant for a member of Parliament who was a representative on the committee that looked at the legislation back in 1987. I heard all of that testimony and saw all the briefs that were brought before the committee at that time. I am very familiar with the issues before us.

The exploitation that happened in the residential school system was criminal. No one can convince me that was not criminal activity and could not have been prosecuted at the time. We, our society, so downplayed the value of the aboriginal children in those schools that we did not see that crime before our very eyes. It was so blatant at the time.



*Government Orders*

I want to quote what the Canadian Federation for Sexual Health said about this legislation because it is very important. It goes to the situation of young people. Before presenting its specific recommendations, the federation presented a summary which states:

Bill C-22 does nothing to put knowledge and, therefore, power into the hands of young people to be able to protect themselves from sexual exploitation. CFSH proposes that any legislation designed to protect young people from sexual exploitation must also ensure that they have access to accurate, comprehensive, timely and non-judgmental sexual health education and services that inform them about their rights and options, and the risks and benefits of engaging in sexual activity.

The intent of Bill C-22 is to protect children and youth from sexual exploitation by adults, not to criminalize or stigmatize youth for their sexual activity. Unfortunately, once a law is passed, there is no way to control how it is used or interpreted. The intent may not always be honoured.

There is an eloquent statement of what some of the flaws are with this legislation.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, I know this has been mentioned before by the hon. member and others, but I was going to ask the hon. member a question which now, in retrospect, will be very difficult for him to answer. I was going to ask him if he believed that there would be a charter challenge to this based on the fact that courts in different provinces have already ruled that the disparity between anal sex and vaginal sex remains as the bill now stands. However, the people who would have used the court challenges program to challenge such a thing do not have the court challenges program to use any more.

I wanted to speak to the member about this because this goes against everything that the House has passed over the years with regard to equality between heterosexual and same sex couples. The fact that we maintained this in a piece of legislation goes against everything that the House has voted for over the last 11 years that I have been here. For me, this makes this bill, as it stands, clearly something that I cannot support.

I wonder what the member's comments would be. What does he think the recourse would be for people who are—

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member for Burnaby—Douglas.

• (1620)

**Mr. Bill Siksay:** Mr. Speaker, in my speech I did address the whole problem with the anal intercourse provisions of the Criminal Code. They are clearly discriminatory. The courts have found that they are unconstitutional and violate the charter. I think it is tragic that the government did not take that advice and include that in the legislation to clean it up once and for all. It is a very serious problem.

People are still being charged under those provisions of the Criminal Code. People are still being harassed. It is plain outright harassment, and it continues today using the provisions of the Criminal Code related to anal intercourse. It is totally inappropriate.

There are other problems with this legislation. The bill had to be amended because it did not take into consideration people who are already in relationships where there is a greater age difference. It did not take into consideration the fact that people can get married at 15 years of age in some jurisdictions in Canada. Changes had to be made there.

Changes were made to the legislation to deal with people in marriages, but it does not touch on the whole situation of common law relationships—

**The Acting Speaker (Mr. Andrew Scheer):** Resuming debate. The hon. member for Rosemont—La Petite—Patrie.

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, it is with great pleasure that I rise today to speak to Bill C-22. I am dedicating this speech to all Bloc Québécois employees, those who work in the office of the house leader, in the office of the whip and in the office of the leader, and to all those who take the time to prepare excellent notes that guide us through very interesting debates.

Bill C-22 is summarized as follows by the legislative staff:

This enactment amends the Criminal Code to raise the age, from 14 to 16 years, at which a person can consent to non-exploitative sexual activity. It creates an exception in respect of an accused who engages in sexual activity with a 14- or 15-year-old youth and who is less than five years older than the youth. It also creates an exception for transitional purposes in respect of an accused who engages in sexual activity with a 14- or 15-year-old youth and who is five or more years older than the youth if, on the day on which this Act comes into force, the accused is married to the youth. The exception also applies to the accused if, on the day on which this Act comes into force, he or she is the common-law partner of the youth or has been cohabiting with the youth in a conjugal relationship for less than one year and they have had or are expecting to have a child as a result of the relationship, and the sexual activity was not otherwise prohibited before that day.

Whether we believe it or not, this is the summary drafted by the law clerks for Bill C-22. This legislation seeks to better protect older teenagers from becoming victims of sexual exploitation. Bill C-22 also seeks to send a message to sexual predators that Canada will not tolerate the abuse of adolescents. At the international level, this bill will make it clear that Canada is not a destination for sex tourism. Consequently, the Bloc Québécois supports the principle of Bill C-22.

The Bloc Québécois has always recognized the need to increase the protection afforded to children, and it has been actively involved in the pursuit of that objective. We support this bill, because it seems to provide additional protection that will allow us to fight more effectively the exploitation of our society's most vulnerable members.

If we look at the protection currently provided, we can see that the Criminal Code already includes a number of offences. It prohibits a whole series of behaviours that violate a person's sexual integrity, in some cases taking into account not only the victim's age, but the perpetrator's as well. Sexual assaults are included in the chapter on crimes against people, and more specifically in the provisions on assault. There are three levels of crime: sexual assault, sexual assault with a weapon and aggravated sexual assault. The seriousness of these offences varies, depending on the circumstances and on the type of violence used.

There are other provisions that address specific needs for the protection of children, adolescents and persons with disabilities. These provisions are designed to prevent sexual exploitation, prohibit sexual interference with children under 14, and sexual exploitation of children between 14 and 18 by persons in a position of authority or trust towards them, as well as sexual exploitation of persons with a mental or physical disability.

*Government Orders*

Judicial intervention in cases of sexual assault is also governed by a set of rules of evidence and procedures that have greatly evolved in the past 20 years. These rules aim to protect the victim's private life and to facilitate their testimony. For example, they prohibit the names of victims from being published, abolish the requirement of corroborated testimony, prohibit evidence regarding sexual history, limit access to the victim's private file, whether they are minors or adults, and enable children to testify via closed-circuit television or from behind a screen. This is also a possibility for people who have difficulty communicating due to a mental or physical disability.

• (1625)

Moreover, the Criminal Code sets out the principles and objectives that the courts must follow when determining the penalty. Some provisions are particularly interesting when it comes to sexual assault.

For a short time now, the court has been able to declare a sex offender a long-term offender after a special hearing in accordance with the procedure set out in the Criminal Code.

After serving the sentence imposed, the offender is subject to a supervision order in the community for a period not exceeding 10 years.

Since July 2005, the Criminal Code has prohibited an individual of any age from exploiting his or her control or influence, and the age difference between them, to persuade a person under the age of 18 years to engage in sexual contact with him or her.

The individual is committing the offence of sexual exploitation as set out in section 153, liable to imprisonment for a term not exceeding 10 years. The individual may even be guilty of a second crime, luring a child, if he or she uses a computer to contact adolescents for the purpose of engaging in prohibited sexual contact with them.

Internationally, two United Nations General Assembly conventions support the fight for the rights of children and the elimination of violence against women: the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, and the 1989 Convention on the Rights of the Child. Signatories to these conventions, including Canada and, therefore, Quebec, must report to the United Nations every five years on the measures they have taken to eliminate violence against women and children. The Convention on the Rights of the Child recommends that the age of consent be set at 18.

Let us review the history of this bill. Bill C-22 was introduced on June 22, 2006, by the Minister of Justice. This was the first time the government introduced such a bill in the House of Commons. Similar bills have been introduced by private members in the past. On November 5, 2005, the Conservative member for Wild Rose introduced Bill C-267, which raised the age of consent from 14 to 16. However the bill did not include a close in age exception and would have criminalized sexual activity between teenagers. The bill died on the order paper at first reading when the election was called in late November 2005. This was not the member for Wild Rose's first attempt. He had introduced the same bill in November 2002.

Bill C-22 amends the Criminal Code and makes consequential amendments to the Criminal Records Act. It raises the age of consent from 14 to 16 and renames it the age of protection.

First of all, I must mention that raising the age of consent does not change the "enticement of a minor" provisions, which prohibit all adults in a position of authority from having sexual relations with a minor under 18 unless the two are married or common-law partners or have had a child as a result of their relationship.

If Bill C-22 were adopted, sexual contact between people of the following ages would be allowed, under the exceptions that are created: 12 and 14, 13 and 15, 14 and 19, 15 and 20. However, sexual contact between people of the following ages would be prohibited: 13 and 16, 14 and 21—unless the individuals are already married or common-law partners or have a child when the legislation comes into force—and 15 and 30.

The age of consent is the age at which the criminal law recognizes the legal capacity of a young person to consent to sexual activity. Below this age, all sexual activity with a young person, ranging from sexual touching to sexual intercourse, is prohibited.

• (1630)

Did you get that? "All sexual activity with a young person, ranging from sexual touching to sexual intercourse, is prohibited". Please get that clear.

At present, the age of consent to exploitative sexual activity is 18 and the age of consent to non-exploitative sexual activity is 14. Exploitative activity includes sexual activity related to prostitution or pornography or when there is a relationship of trust, authority or dependence or any other situation where a young person is otherwise exploited. This is just an overview.

In a substantive document based on extensive consultations, the Government of Quebec painted a picture of abuse and sexual exploitation. The document, published in 2001, contained specific sections on the reality of the exploitation of children and youth. This is how sexual assault was defined.

Sexual assault is an act that is sexual in nature, with or without physical contact, committed by an individual without the consent of the victim or in some cases through emotional manipulation or blackmail, especially when children are involved. It is an act that subjects another person to the perpetrator's desires through an abuse of power and/or the use of force or coercion, accompanied by implicit or explicit threats. Sexual assault violates the victim's basic rights, including the right to physical and psychological integrity and security of the person.

Again, from this same detailed document, which was the result of serious reflection by the Government of Quebec:

This definition applies regardless of the age, sex, culture, religion or sexual orientation of the victim or the sexual abuser, regardless of the type of sexual act committed or the social context in which it was committed, or the relationship between the victim and the sexual abuser. Sexual assault includes other descriptions such as rape, sexual abuse, sexual offence, sexual contact, incest, prostitution and child pornography.

It is an exhaustive list, to say the least. The document also provides some background:

*Government Orders*

Until the 1970s, although sexual assault of children was widespread, it was generally not talked about. The justice system was not really adapted to this reality nor to the needs of these young victims, and offered only limited protection to child victims of sexual assault. The focus was on evaluating the ability of the child to testify and under the rules of evidence, the testimony of a child who did not fully understand the nature of their oath was inadmissible. In 1988, following the Badgley report, the Canadian government adopted legislative changes to better protect child victims of sexual assault, to facilitate their testimony and encourage the disclosure of sexual offences committed against them, regardless of the social context in which these criminal offences were committed.

This document also paints a general picture of sexually abused children and the repercussions these assaults have on their psychological balance.

Just like adult victims, most child victims of sexual assault are female and know their attacker, since sexual assault is often committed by a family member, an authority figure or a person trusted by the child. Research shows that girls are more often victims of sexual assault within the family, whereas boys are more likely to be sexually abused outside the home. For some children, the risk of sexual assault is greater, given the isolation of their community or because of a physical or intellectual handicap. Studies show that sexually abused children have more physical and psychological problems than those who have not experienced such abuse.

● (1635)

Children who are victims of sexual abuse display a wide range of symptoms including anxiety, depression, post-traumatic stress, behavioural problems, age-inappropriate sexual behaviour and low self-esteem.

While the Bloc Québécois supports Bill C-22, we believe that strengthening the Criminal Code is not the only option and that, contrary to what the Conservatives may think, not all the answers lie in piecemeal amendments to the Criminal Code.

There are many barriers to overcome in the fight against sexual abuse of adolescents, and many of them will remain even if the bill we are debating today is adopted. For instance, the low rate of disclosure and reporting by victims of sexual assault is a major barrier in the fight against sexual offences. It is impossible to take action if a young person lies or hides a relationship to protect his or her aggressor. Studies suggest that, each year, barely 10% of sexual assaults are reported to the police. Victims are reluctant to report their situation because they fear a negative reaction from their entourage and their aggressor, among other things, and they are afraid of facing special problems in their role as witnesses in court.

The Bloc Québécois believes that sex education is a must if we want to really protect our youth from sexual exploitation. Not only must education teach them about their responsibilities concerning sexuality—in connection with STDs and unwanted pregnancies, for instance—but, above all, it must give them the tools to protect themselves better from unwanted or exploitative sexual relations.

Better sex education will help children and youth avoid some difficult and trying situations. Sex education informs, stimulates thought and facilitates informed decision making. Parents, schools and social services have to stop passing the buck back and forth because they all share the important responsibility of looking after the sexual education of children. Effective sex education entails, particularly on the part of adults, delivering messages that have a clear and unambiguous meaning and are age appropriate.

[English]

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, today I want to speak as a parent of two young boys, age 13 and 11, who I think are normal, average boys. They are interested in video games and they hang out with their friends. The older one is actually starting to become interested in girls which is wonderful to see.

I liked the fact that the member raised the issue of informed consent. I think this is one of the major issues we need to deal with as a government. A government's job is to protect its citizens and its most vulnerable citizens are our children. I have heard this debate go back and forth and I think sometimes certain members are missing the important point and missing the issue.

I wonder if the hon. member would comment on what else he thinks the Government of Canada should do to help educate our kids and help protect the most vulnerable in our society. What does he think we could be doing better on than we are doing now, other than this legislation?

● (1640)

[Translation]

**Mr. Bernard Bigras:** Mr. Speaker, the answer is obvious.

For example, last week, the hon. member could very well have supported the bill to reduce violence on television, particularly at children's peak viewing periods. The hon. member mentioned the Internet and he was right. These days, some unacceptable messages are being disseminated through media like the Internet and television. We must intervene at the source. It is not only a question of law and order, but we must be in a position to influence—at their source—the factors that affect our kids.

We need better control on firearms and a better regulatory framework to ensure that the media like the Internet, video games and television that our kids use no longer expose them to stereotypes. In my view, we should adopt other legislation on the issue.

I hope that the hon. member will support the bill that I introduced to change the Broadcasting Act. That would be an important first step, along with the bill before us today, to help us reach our objectives.

[English]

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, it seems to me that the crux of the matter in the bill lies with the perceived need to ensure that children, young people between the age of 14 and 16, are not interfered in other ways other than the criminal ways that are already covered under the act.

*Government Orders*

What we are doing is making a decision about the nature of exploitation that is above criminality. I think that is the key to this discussion. We are saying that under our Criminal Code there is exploitation of young people between the age of 14 and 16 that is not criminalized now and needs to be criminalized.

What we have done, with very broad strokes, is to say that every relationship is criminal because obviously we have missed some in the way we are judging society now.

I would ask my hon. colleague to comment on the kinds of behaviours that he sees as being exploitative now and that should be criminalized, which make the fundamental point within the bill?

[*Translation*]

**Mr. Bernard Bigras:** Mr. Speaker, the reality is our children are considered as a vulnerable group. Unfortunately, in our society, some individuals try to use this vulnerability for their own purposes.

These past years, transmission and communication tools have increased considerably. We are no longer living in the era where people had to write a letter to communicate with children or youth. Media has developed. The most striking example is the great increase of Internet sites, where young children have access to sites that are unacceptable, intolerable and immoral.

There are also communication sites, quite often between youth and adults who pretend to be children. At some point, we must be able to better regulate and penalize, if necessary, this abuse of power. Provisions must be included in the Criminal Code, because there are communication sites where young adolescents come into contact with adults, through what is called *chat* or MSN. Such exploitation that is unacceptable.

Let us give ourselves the means to penalize this type of sexual exploitation. We must try to implement the Convention on the Rights of the Child, which was ratified and signed in 1989. It contains the spirit of the changes, both legislative and regulatory, that must be undertaken in Canada. This seems important to me.

• (1645)

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Mr. Speaker, in response to a question asked by the hon. member for Oshawa, the hon. member for Rosemont—La Petite-Patrie asked him whether he had voted for or against the bill intended to better protect our children from violence on television. A simple look at Hansard reveals that, in the end, he voted against the bill.

I would therefore like to hear the reaction of the hon. member for Rosemont—La Petite-Patrie. Can one really claim to want to protect children and, at the same time, vote against a bill that aims to reduce violence in television broadcasts?

**Mr. Bernard Bigras:** Mr. Speaker, my hon. colleague used the questions and comments period as an opportunity to verify if the hon. member for Oshawa voted for or against the private member's bill to reduce television violence, particularly during peak viewing hours for children. The member voted against that bill. There are two different approaches. The first involves increasing penalties by imposing minimum sentences, for example. However, that approach overlooks the fact that prevention is an important factor in reducing the violence and abuse inflicted on the most vulnerable members of our society.

I think we must work on prevention. The media that broadcast these messages and need to be better regulated should in fact be regulated. The example just given by my colleague illustrates the difference between our approach on this side of the House and the approach proposed by the government opposite.

Yes, we are in favour of Bill C-22, but we believe that education, awareness and preventive measures are effective tools we can use to reduce violence in our society. In that regard, we are in favour of Bill C-22, although it is certainly not enough to prevent the unacceptable exploitation of our young people, our children, our most vulnerable members of society.

[*English*]

**The Acting Speaker (Mr. Andrew Scheer):** It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Notre-Dame-de-Grâce—Lachine, firearms registry.

Resuming debate, the hon. Parliamentary Secretary to the President of the Treasury Board.

**Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC):** Mr. Speaker, I am proud to speak today in support of Canada's new government's decision to raise the age of sexual protection from 14 to 16 years old. This, in my view, is a step toward the kind of civility in our criminal justice system that Canadians expect.

For me and for my constituents this decision was quite easy. In fact, it is difficult for many to understand why it took so long for government to take this very basic and obvious decision.

It is the view of my constituents, and I share it, that children as young as 14 ought to be protected from adults who wish to engage with them in sexual relations. We do not believe, in my constituency, that adults should be permitted to have sexual relations with children as young as 14 years old, which is why I joined with the Conservative caucus for many years in fighting for that age to be raised.

I am proud to see that Canada's new government, under the leadership of our Conservative Prime Minister, has kept its word to raise the age of sexual protection from 14 to 16. In fact, I am proud that we acted swiftly to raise the sexual protection after years of delay by the previous Liberal government.

I think today of our broader criminal justice agenda, which seeks to restore accountability for criminals and protection for victims.

Just yesterday, Mr. Speaker, you had an excellent private member's bill to bring in mandatory jail time for those who steal cars repetitively and are convicted of doing so. How timely it was to have such a private member's bill because just yesterday police in the Montreal area discovered a massive junkyard containing as many as 100 stolen cars. I predict that when this crime is unravelled we will find that most of those cars were stolen by repeat offenders.

*Government Orders*

Mr. Speaker, had your tough justice law been in place at the time, many of those repeat offenders would have been behind bars, unable to carry out their systematic theft of private property. Unfortunately, the previous government did not support tough laws to combat criminality.

We were elected on an agenda to fix the flaws of the previous government's justice policy. We put forward over a dozen tough on crime bills but none of them received swift support from the opposition and many of them continue to languish before a committee. However, I am heartened to see that Conservatives on that committee work hard every day to see those bills pass as soon as possible.

Some of those bills include: mandatory jail time for criminals who commit offences with firearms; a three strikes and you are out, which means that if someone commits three violent or sexual offences they will be put away for life unless they can prove they are no longer a danger to society; and the onus would now be on the criminal instead of on the innocent victim to prove that he has reformed and is able to go out into society.

We have put forward a reverse onus bill that says that if someone is charged with committing a gun crime they cannot go back out on the street with cheap bail but, rather, they, because of the danger they bring to society, will be kept behind bars until they are acquitted.

Those are the kinds of steps that my constituents support. Conservatives have always stood for these things. Other parties have joined in supporting such policies at election time but when the votes are cast and the cameras are off, things seem to change. It is important for the spotlight to be shone on the other parties so that Canadians from coast to coast can understand their record on crime and know what they are voting for in the next election.

• (1650)

It is not right for people in places like Mississauga to vote for someone who they think will be tough on crime, because that is what the person promised on the doorstep, only to find out later that the person had been working for exactly the opposite ends.

I am proud to rise in this place and remain consistent with the promises I made to my constituents to toughen the justice system and to put away the most violent, egregious criminals, in particular those who consistently and habitually reoffend.

The Prime Minister has led the charge in building tough on crime legislation that will restore accountability in our criminal justice system. I know, Mr. Speaker, that you support these initiatives. I know you are a leading fighter in the cause of restoring public safety in your community. You have been fighting hard to advance the cause of a private member's bill that would mean that people would no longer have to face having repeat offenders steal their cars. Your bill would take those offenders right off the street so they could not reoffend.

The cost of crime in all of its forms is enormous in both social and financial terms. For example, the cost of repeat offenders stealing cars off the street raises insurance premiums by as much as \$70 per person in this country and yet some do not believe we ought to put people who habitually steal cars behind bars. Some believe those

criminals should serve their sentences in the comfort of their living rooms in what is called house arrest.

I submit that if people are willing to steal cars repeatedly they are probably not willing to honour an edict to stay home, especially when all they need to do is open their front door to carry out the next theft. I support your bill, Mr. Speaker, to put mandatory jail time in place for people who steal cars.

I support the three strikes and you are out legislation to put behind bars forever dangerous offenders who have committed three violent or sexual offences. It is up to people in the House of Commons to explain why they do not support those measures. In fact, I would encourage them to put a survey in their householder or in their ten percenters to find out how their constituents feel. I do not think there is a single member of the House of Commons who, if he or she were to conduct an objective survey in his or her constituency, would find that people oppose getting tough on crime.

I challenge the members of the House, as an experiment, to put a survey in their households or hire a survey company to do it for them, on the question of whether their constituents support the three strikes and you are out legislation that would put violent and sexual offenders behind bars forever if they commit three offences. I would be willing to wager that there is not one MP who would find his or her constituents oppose that sort of legislation. However, we find that the opposition parties are leading the charge against those kinds of measures.

We have a difference in values on the question of criminal justice in the House of Commons. We in the Conservative Party and this government believe in real consequences for hardened criminals. Others believe in a softer approach, which allows criminals back out on the street in the hope they might reform themselves.

The police, victims groups and the vast majority of Canadians have issued their verdict on this debate over values and overwhelmingly agree with our government in its efforts to crack down on crime.

• (1655)

At some point in 2009, there will be an election and I predict that members of all parties will have a moment of judgment with their constituents on the issue of crime. In the next election, when they go before their electors in communities across this country, communities like Mississauga, and explain why they spent years blocking government efforts to get tough on crime, I expect there will be many angry and betrayed voters who will demand some clear explanations for that decision. In our democracy, the voter will have the right to act accordingly.

### *Government Orders*

On the question of raising the age of sexual protection, our government has moved with as much rapidity as humanly possible to raise the age of sexual protection from 14 to 16. Our government believes, and we are now putting into law, in the principle that 14 year olds ought to be protected from older adult sexual predators.

For the last 13 years, our party, the Conservative Party, fought hard to raise the age of sexual protection. It came up against great resistance from others who were then in the government, but we fought on. Canadians have now given us the mantle of government and we followed through with our commitment to raise the age of sexual protection from 14 to 16.

I know that the decent people of Nepean—Carleton agree with our government's decision to raise the age of sexual protection from 14 to 16. They believe it will make our children safer and, frankly, they do not understand why the previous government refused to take these very same steps.

Today we are debating the passage of this legislation. Once it is passed through the House of Commons it faces another hurdle: the Senate. It is time for us to turn our attention to that question. What will the Senate do when it receives the legislation? Will the Senate execute the will of the Canadian people and pass into law a measure to protect our teenage children from adult predators, or will the Liberal Senate continue to delay our efforts to protect young people from adult predators? I hope not. I hope that for a change the Liberal Senate will recognize that Canadians are demanding that the age of sexual protection be raised from 14 to 16. It was promised by the government in the last election and we have delivered. Now we are calling on the unelected Liberal Senate to follow through with the will of the Canadian people and protect our children against adult predators.

There is no reason why the Senate cannot simply pass the legislation early next week, send it back with no amendments and allow it to be passed into law. There is nothing really to debate here. We are talking about protecting teenage children from adult sexual predators. How can the Senate claim, as it might, that it needs months and months to debate, study and amend such a simple proposition?

I am hoping that the Liberal Senate will recognize the will of the people to raise the age of sexual protection, will send the bill back without any changes and will help us codify the bill into law in the next week. There is no reason why they cannot and should not and I hope there is no reason why they would not.

I am honoured to represent the constituents of Nepean—Carleton. I celebrate any occasion when I can bring to fruition a promise that I made to them in the last election. Beyond the positive attributes of the bill, the fact that it protects our children, we can also celebrate a promise made and a promise kept. We said that we would do it, that we could do it and we have done it. It is now time for the Senate to pass the bill and move forward in protecting our youngest and most vulnerable.

• (1700)

Mr. Speaker, I thank you for presiding over this debate and for helping us to carry forward in the completion of yet another promise made and kept. I thank you for this occasion to speak before this

House. I now anticipate the questions and queries of my distinguished colleagues.

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## ROUTINE PROCEEDINGS

[English]

### FOREIGN AFFAIRS

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, I apologize for interrupting the debate. I was enthralled with the comments of my colleague from Nepean—Carleton and compliment him on his remarks.

Pursuant to Standing Order 32(2), I am tabling consent to table copies of a document entitled "Arrangement for the Transfer of Detainees Between the Government of Canada and the Government of the Islamic Republic of Afghanistan". I am tabling this in both official languages.

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## GOVERNMENT ORDERS

• (1705)

[English]

### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, be read the third time and passed.

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I recognized in his speech that my colleague has taken on a real mission here in order to support this bill and what it represents. I would like to say that he is not alone. There are very many of us who have had a number of calls from our constituents and indeed letters from people right across this country who want to see the law strengthened in this particular instance.

Today during this debate a number of members of other parties have been taking what I think are very cheap shots at the intent of this legislation. They have been very vocal in some of their expressions of doubt about whether or not it is a good bill, whether or not it is going to accomplish what it says, and also that it threatens certain of the freedoms they want to have.

I would like my colleague, if he would, please, to just comment on whether or not in his view this is a bill that is worth supporting and what his main reasons would be for that support.

**Mr. Pierre Poilievre:** Mr. Speaker, I note that the hon. member for Edmonton—Sherwood Park has been working for over a decade to raise the age of sexual protection, because it has been one of his main objectives to defend the most vulnerable in our society. He has fought for tougher laws in our justice system to protect the innocent against the guilty. He has fought to raise the age of sexual protection from 14 to 16 in order to protect teenagers against adult predators.

*Government Orders*

I am proud that our Conservative government has kept its promise to raise the age of protection from 14 to 16 and to protect our most vulnerable from adult predators. That is the right thing to do. I am proud to have been part of a government that has done this. I am proud to be part of a Conservative Party that keeps its promises.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Mr. Speaker, I reviewed *Hansard*, our proceedings and our votes and I was a bit saddened to see that last week, the member for Nepean—Carleton voted against the bill aimed at regulating violence on television.

I wondered how one could claim to want to defend and protect children but nonetheless accept that there is so much violence on television. Furthermore that violence is shown during prime time, when many very young children whose behaviour and personality are developing can watch this kind of program, which goes unregulated by the CRTC. I find it rather paradoxical.

We notice that Conservatives—and that is also true for the member—spend much energy representing themselves as a tough on crime government. They are tough on crime once it has been committed instead of preventing it. I would invite the member to do a survey in his riding and to ask his voters if they think that it is better to punish criminals or to prevent crimes.

For this Conservative government, prevention is a wasteland. We know that it continues to oppose maintaining the full gun registry. The majority of Conservative members voted against the bill to reduce violence on television. We know that there are countless crime prevention programs. Community groups and groups working in our ridings are waiting for the grants blocked by the federal government. These programs have already been approved by joint federal-provincial committees. They only require the signature of the Minister of Public Safety; the programs are still not in place.

In the end, they are being hypocritical and doing nothing. They block initiatives to prevent crime and then say that they will pass legislation so that individuals spend more time in prison.

It changes nothing for victims of crime if their attackers or those who commit these crimes spend more time in jail. This does not remove the pain of what they had to endure and it does not make amends for the crime.

In my opinion, the Conservatives are guilty of gross hypocrisy. The member who voted against the bill of my colleague from Rosemont—La Petite-Patrie has a double standard in this matter.

• (1710)

**Mr. Pierre Poilievre:** Mr. Speaker, first of all, there are already many regulations governing violence on television. We already have regulations. We do not need the Bloc, which has not accomplished anything in its 13 years here in Parliament, to change that.

Secondly, this criticism comes from a party that voted against minimum sentences for violent offenders who use firearms to commit crimes against innocent victims. This party has voted against every measure to strengthen our justice system.

That is why I refuse to accept any advice from that party. Its statements are extreme and its ideas are not in line with the values of Quebecers and Canadians.

[*English*]

That party, the Bloc, along with the Liberals, voted in committee to allow arsonists, car thieves and burglars to do their sentences in the comfort of their homes. Instead of doing those sentences behind bars through mandatory jail time, that party, the Bloc, along with the Liberals, voted in committee that we should allow those people to have house arrest.

I would be willing to bet that the grand majority of that member's constituents would tell him that they do not want car thieves, arsonists and burglars living in their neighbourhood doing house arrest. They would rather have mandatory jail time for them.

That is what our party has stood for. That is what our government stands for. It is what the vast majority of people in this country believe, including those in Quebec. Quite frankly, in the next election campaign, that member is going to have to explain his out of touch views to his constituents when they learn of his record and his party's soft on crime record.

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Chatham-Kent—Essex should know that there are two minutes left, so perhaps we can have half that time for the question and half for the answer.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Mr. Speaker, I will make this quite short. We have all been watching this with quite some interest. I have listened to the member's speech. We share the concern, as he does, that we really have to adjust our attitudes.

I recall an incident not that long ago when we were discussing the punishment of crime. I would like the member to comment on some of the remarks that I heard. There was a reference to prison as repression. I heard that reference a number of times from the Bloc.

Would the member care to comment on that? Is there something I am missing here? Have we turned a page in history?

• (1715)

[*Translation*]

**Mr. Pierre Poilievre:** Mr. Speaker, one problem with the Bloc Québécois is that it will never be able to do anything. That much is obvious and everyone knows it. The party also has a far left ideology that does not reflect Quebecers' ideas. When it comes to crime, the Bloc does not support simple measures that the vast majority of Quebecers and Canadians support. Those are the two problems with the Bloc.

*Government Orders*

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am very much in favour of this bill and I know that members throughout the House have voted and spoken in favour of it. I am going to limit my comments rather than speak out the clock. I am going to make a few comments and then I will be sitting down. If the members would like to have the bill today, so that we could have this piece of legislation, they will not talk the clock out with questions, but simply put the question. I offer that to the House as an opportunity for the bill to be called for the vote before we reach the time for private members' business.

I do not have to go into much detail on this bill. Bill C-22 would raise the age of consent for sexual activity from 14 to 16. This is non-exploitive sexual activity I am talking about and it would also create the exception in respect to an accused who engages in sexual activity with a 14 or 15 year old youth and who is less than five years older than the youth, referred to as the close in age exemption.

It is to correct situations like we had in the last Parliament where legislation similar to this from private members did not include this provision. It meant that a person 17 years of age having sexual activity with someone 15 years of age would in fact be in violation of the law and subject to Criminal Code sanctions of up to 10 years imprisonment. That was never the intent of the legislation and I believe that the correction to this has now been made.

It also has a couple of other minor exceptions which many members have already outlined to the House and to the public, so I will not repeat them.

I do however want to make a couple of comments with regard to, as the prior speaker spoke extensively about, 11 or so crime bills. As a member of Parliament who tries to keep close to what the constituents are saying and to keep informed about the public at large, I am not sure whether I agree with 11 or 12 bills which are solely targeted at getting tough on crime with absolutely no evidence whatsoever of crime reduction and crime prevention.

I raise that because an effective criminal justice system has to provide for prevention, deterrence and rehabilitation. Just recently the Canadian Centre on Substance Abuse issued a very striking report which indicated that 42% of all criminal activity involves the use of alcohol and an additional 8% involves the use of drugs. So we have situations where people who may have addictions are also falling into the criminal activity area.

That is why we need judicial independence. That is why we need judicial discretion. Each case is not the same. Each offence is not the same. Maybe the charge is the same, but the circumstances surrounding it are not the same. That is what I do not see there.

The member who just spoke also laid out that there were somehow some delays, but when I saw the article in the *National Post* which commented on this, it was described as a series of one-off bills. If we consult the speech from the member for Windsor—Tecumseh, he laid out in a very eloquent speech that there were a series of small bills, all of which were amending the Criminal Code.

Traditionally in the House, when we are doing a cleanup of the Criminal Code, there would be an omnibus bill. It would have accelerated the process very substantially, but the government chose

to milk every opportunity. In fact, this bill, which everyone is supporting, was not introduced in this Parliament until June 22, just before the House rose for a three month break. It does not make much sense.

• (1720)

Then, because there were so many other bills at the justice committee, the committee could not even get around to it until March 21 when it had its first meeting. However, the members worked on it right through until April 19 and it was reported back to this place on April 23.

There is no delay. The fact is that if we want to make the appearance of doing lots of things we could take Criminal Code amendments, break them down into their smallest pieces and announce, "Look at all the legislation". That does not help because all it does is bog down the criminal justice system by having the justice committee have so much work that it could not possibly deal with so many individual pieces of legislation.

I want to suggest that we have worked very diligently. In fact, the opposition has been calling for more police officers on the street, greater crime fighting collaboration among all levels of government and law enforcement agencies, the modernization of investigative techniques, more Crown attorneys, and a full complement of properly appointed judges. I have some honest fear that the government is not of the same view. Judicial independence is not a value of the Conservative government.

We are also trying to help to ensure the best possible job of catching and convicting criminals. Prevention is an integral part of the criminal justice system and the approach to dealing with crime. Members will know because the jurist statistics are there, that the criminal sanctions, the penalties in the United States, are more onerous, more severe than they are in Canada and yet, the crime rate in the United States is three times higher than it is in Canada. We have to look at those things.

I would also point out that there are other certain circumstances, for example, fetal alcohol spectrum disorders. We know that a very significant majority of crimes are committed by people who suffer from alcohol related birth defects. They are in the jails of Canada. Rehabilitation is not applicable. Why have we not dealt with that? These statistics would be clarified if we understood and dealt with mental illness, and treated it properly under the criminal justice system as well as dealing with appropriate crime prevention techniques.

There are about seven minutes left if members have burning questions. I support the bill. The Liberal Party supports the bill because it specifically includes the close in age exemption. That was the stopper in the last Parliament. We have the opportunity to call the vote on the bill now if the members really want the bill. Let us do it.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Mr. Speaker, the hon. member is calling for the vote, but I think some of us still have some questions as to some of the statements that were made and more particularly the fact that jail times do not result in a slowdown on crime.



I would like to express some of my own experience. I have two sons who are police officers. They often tell me about their frustration. There is a term to which they refer to: “catch and release”. They say they are doing their jobs as policemen, they are catching the guys who are repeating time and again. The result is that they are back on the streets.

I am a little confused when the hon. member begins to question whether or not we are going in the right direction when we as a government, incidentally I think it is also fair to say that it is also the direction of the public, say that we are fed up with this. There has to be a consequence for actions that are taken.

We can use statistics and studies, and I am sure there are studies on both sides, but the fact remains that we have habitual criminals, individuals who insist on breaking the law time and again. We are not talking about the young person who makes a mistake and gets into trouble. We are talking about people who have violently offended. We are talking about people who have stolen cars not once or twice but over and over again.

We are talking about people who have no regard for the law and no regard for our police officers. After repeatedly being arrested and repeatedly standing before the judge, at what point do we then say they have to pay for what they have done, there is a penalty for their actions. At what point would the hon. member say that we now have to take some action?

• (1725)

**Mr. Paul Szabo:** Mr. Speaker, the official opposition offered to pass all of the justice bills in quick fashion, but the government turned it down, so I am sorry. If the member would like to know a little more about that, I would refer him to the reviews in the justice committee where the experts were. If the government would like to have Bill C-22 voted on, now is the time to do it.

**Hon. Vic Toews (President of the Treasury Board, CPC):** Mr. Speaker, it is my pleasure to speak to this bill which I had the pleasure of developing and working on when I was minister of justice. There are a few comments that I would like to make in the course of addressing the bill.

I noted that the NDP member for Burnaby—Douglas talked about the fact that the laws in this country were already quite tough in that respect. That, of course, is not borne out by the facts at all.

I would point out, for example, the provision relating to the trust relationship dealing with children between the ages of 14 and 18. I know that was an argument that the previous Liberal government had advanced, saying that we could always rely on this. If there is an exploitation in the context of a trust relationship, the Crown can bring a charge.

What that particular section does not do is actually protect the child on the stand. The whole weight of the prosecution rests on the child to demonstrate that there was a trust relationship and that trust had been breached. Crown attorneys, police officers, and others who work with children in this context have indicated time and time again that the law was not effective. It simply does not hold those predators to account because, quite simply put, the children are the ones who are then put on trial.

### *Private Members' Business*

The age of protection law that we are bringing in here removes that kind of onus on the child and puts it squarely on the shoulders of where it should belong and that is on the shoulders of the predator. Quite clearly, a child between the age of 14 and 16 does not have to justify that this was a trust relationship that was somehow exploited. The comments by the member were quite inaccurate.

The member for Burnaby—Douglas and the Liberal member for Vancouver Centre talked about section—

• (1730)

**The Acting Speaker (Mr. Royal Galipeau):** It is with regret that I must interrupt the hon. President of the Treasury Board. When we return to the study of Bill C-22, there will be 17 minutes left to the hon. President of the Treasury Board.

It being 5:30 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

### EMPLOYMENT INSURANCE ACT

The House proceeded to the consideration of Bill C-269, An Act to amend the Employment Insurance Act (improvement of the employment insurance system) as reported (with amendments) from the committee.

[*Translation*]

#### SPEAKERS' RULING

**The Acting Speaker (Mr. Royal Galipeau):** There is one motion in amendment standing on the notice paper for the report stage of Bill C-269.

Motion No. 1 will not be chosen by the Chair because it could have been introduced at committee stage.

Since there is no report stage motion, the House will now proceed without debate to the vote on concurrence motion at report stage.

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ)** moved that the bill be concurred in at report stage.

**The Acting Speaker (Mr. Royal Galipeau):** The question is on the motion for concurrence. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

*Adjournment Proceedings*

**The Acting Speaker (Mr. Royal Galipeau):** In my opinion the yeas have it.

Pursuant to Standing Order 98, a recorded division stands deferred until Wednesday, May 9, 2007, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

### FIREARMS REGISTRY

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, on April 18 during question period, I asked the Minister of Public Safety a question concerning whether or not the minister would bring forth the government's own legislation, which would abolish the firearms registry, for debate at second reading in this House and whether he would have a vote on the firearms registry. I asked him if he did in fact bring it forth if he would respect the will of Parliament once and for all.

The Minister of Public Safety simply went around the question. He did not answer it. He talked about how he has met with the president of the Canadian Police Association and that we are getting there and we are going to begin the process of seeing 2,500 more municipal officers right around the country.

There are two things here. First, the Conservatives' commitment during the last election in 2006 that they would engage and allow provinces to hire 2,500 more municipal police officers has been a big fat zero. It is a promise that this government has not kept. It has not budgeted money in its 2006 budget, nor in its 2007 budget, in order to provide extra resources to the provincial and territorial governments so that they might have money to hire more police officers at the municipal level.

Second, and even more important, this is a government that has been trying to make political hay and headlines by saying that the opposition is stalling its justice and law and order agenda. This is a government that brought in legislation last June to abolish the firearms registry, to virtually gut the firearms registry, and this government has not had the courage to move a motion to have that bill debated at second reading. It is almost a year to the day since the Conservatives tabled that legislation. Why have they not brought a motion to have this House debate their bill that would gut the firearms registry, to have it debated in this House and voted on?

If he wants to talk about Tony Cannavino, the president of the Canadian Professional Police Association, let me read for members the association's firearms registry motion: "The Canadian Professional Police Association (CPA) supports a firearms registry system that provides accurate information on all firearms", not just handguns, but long guns as well, "and is accessible to police officers in a timely manner to improve the safety of all police officers and community members in Canada".

That is interesting. The Canadian Professional Police Association has recommended to this government not just to maintain the firearms registry but to ensure that all firearms are in fact registered. That is in direct opposition to what this government has attempted to do with its legislation.

However, this government will not put its pants on and put its courage behind its political decision. If the Conservatives are so certain of their political position on the firearms registry, I ask the Minister of Public Safety, as I asked him on April 18, to move a motion for second reading debate of the Conservatives' bill on the firearms registry. Let us have the debate in the House. Let us have the vote in the House. Let them abide by the results of the vote.

• (1735)

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, Canada's new government is committed to effective gun control. As the Prime Minister has said, "We want to make sure that what we do is actually effective". That is why the government has proposed in Bill C-21 the repeal of Canada's costly and ineffective long gun registry.

The Minister of Public Safety has been very clear. The government will maintain registration of restricted and prohibited firearms, including all handguns and automatic firearms. However, non-restricted firearms, generally ordinary rifles and shotguns, will be removed from the registry if Bill C-21 passes.

The hon. member suggests that police speak with one voice in support of the long gun registry. However, that is simply not the case.

In April 2006, more than 11 years after the Firearms Act was introduced, the president of the Winnipeg Police Association said, "The Winnipeg Police Association has never supported the long gun registry".

The Manitoba Police Association, which includes Winnipeg, Brandon and rural police associations, passed a motion in the spring of 2006 calling on Ottawa to scrap the registry.

The head of the Saskatchewan Federation of Police Officers stated in 2006, "We've been against it right from the beginning....That's been our position since 1994 and it hasn't changed".

The deputy police chief of the Toronto police stated last year that, "The \$1 billion could be better spent elsewhere". He said, "It really has done nothing to solve the crime problem. The gun registry registers legal guns. Gangsters don't register their guns".

Many other local and provincial police associations as well as working police officers across Canada oppose a long gun registry that focuses on law-abiding Canadians, not criminals. We need to remember that the firearms registry contains both firearm registration and individual licensing information.

Parties opposite have claimed that the government is in some way getting rid of gun control in Canada. That in no way represents the government's position.

*Adjournment Proceedings*

All firearms owners will still be required to be licensed and will be screened for public safety. That will not change. Individual licensing information, critical for determining whether an individual may or may not lawfully possess firearms, will be maintained and will remain available to police across Canada.

In fact, the government is focusing resources more effectively on what works best in our system. That is why budget 2007 commits \$14.2 million over two years to enhance screening new firearms licence applicants.

For the first time, this investment means that 20,000 new licence applicants and their two references will be interviewed by a firearms officer before determining that applicants should be issued his or her first firearms licence. That is a real investment in public safety and that is the difference between this government and the previous one. We want to focus on what works best and what is the greatest benefit to Canadians. We believe that rank and file police officers will join with us in meeting that objective.

• (1740)

**Hon. Marlene Jennings:** Mr. Speaker, if the parliamentary secretary wants to give a few quotes, let me do the same.

We've always said that information is the lifeblood of policing.

The more information we can give our front-line officers, the better position they're in to perform their duties. If the registry is shut down or even if the long-gun registry is shut down, they're going to lose an important database of information and that would be very unfortunate.

That was stated by Chief Jack Ewatski, President of the Canadian Association of Chiefs of Police and Chief of the Winnipeg police force, in the *Globe and Mail*, on May 16, 2006.

"Our last six or seven police officers were killed with long guns. That's very sad". That was said by Tony Cannavino, President of the

Canadian Professional Police Association on May 16, 2006 on CTV news explaining that gun—

**The Acting Speaker (Mr. Royal Galipeau):** The hon. Parliamentary Secretary to the Minister of Public Safety.

**Mr. Dave MacKenzie:** Mr. Speaker, I guess we are getting into quotes, so I have a couple.

The current Chief of the Toronto Police Force, Bill Blair, stated, "we know the gun problem in Toronto is overwhelmingly a problem of illegal handguns." That was in the *Toronto Star*, on May 17, 2006.

Gangsters who carry guns in the city of Toronto do not register those guns, so any changes in the gun registry are not going to have a significant impact on our efforts to control the operation and use of illegal handguns on our streets.

That was also said by Chief Bill Blair.

Former Chief Julian Fantino of the Toronto police force and currently the commissioner of the Ontario Provincial Police broke ranks with the Canadian Association of Chiefs of Police that supports the long gun registry saying that it should be scrapped. He recognizes that forcing law-abiding Canadians to register their rifles does nothing to reduce gun crimes and the money would be better spent on front line police resources.

Perhaps more important, retired Montreal police Detective Sergeant Roger Granger, who investigated the Polytechnique massacre, said that the federal gun registry—

[*Translation*]

**The Acting Speaker (Mr. Royal Galipeau):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a. m., pursuant to Standing Order 24 (1).

(The House adjourned at 5:44 p.m.)



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**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

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