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OFFICIAL REPORT
(HANSARD)

Thursday, June 4, 2009

—
Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Thursday, June 4, 2009

The House met at 10 a.m.

Prayers

• (1005)

[*English*]

INFORMATION COMMISSIONER

The Speaker: I have the honour, pursuant to section 38 of the Access to Information Act, to lay upon the table the report of the Information Commissioner for the fiscal year ending March 31, 2009.

[*Translation*]

Pursuant to Standing Order 108(3)(h), this report is deemed permanently referred to the Standing Committee on Access to Information, Privacy and Ethics.

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PUBLIC SECTOR INTEGRITY COMMISSIONER

The Speaker: I have the honour to lay upon the table the annual reports on the Access to Information Act and the Privacy Act of the Office of the Public Sector Integrity Commissioner for the year 2008-09.

[*English*]

These documents are deemed to have been permanently referred to the Standing Committee on Justice and Human Rights.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

ELIMINATION OF RACIAL AND RELIGIOUS PROFILING ACT

Mr. Bill Siksay (Burnaby—Douglas, NDP) moved for leave to introduce Bill C-407, An Act to eliminate racial and religious profiling.

He said: Mr. Speaker, I am pleased to table again a private member's bill entitled, "An Act to eliminate racial and religious profiling". This bill seeks to ban racial and religious profiling by federal law enforcement agencies and officials.

I and my NDP colleagues have been very moved and often angered by the experiences of racial and religious profiling shared with us by constituents and other Canadians. The impact of this practice has been very serious and costly to those who have been its victims and to our society. Such actions by law enforcement officers and agencies are based solely on false stereotypes. It is bad public policy and bad law enforcement practice, plain and simple.

This is an updated version of a bill introduced by the member for Vancouver East in the 38th Parliament. It defines racial and religious profiling as actions undertaken for reasons of safety, security, or public protection that rely on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion to single out an individual for greater scrutiny or different treatment.

The bill would require the RCMP, customs, immigration, airport screening officers and CSIS agents to eliminate racial and religious profiling. Those agencies would report to Parliament on their progress. They would also be required to have a working analysis of how racism functions in their law enforcement context.

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

* * *

STATE IMMUNITY ACT

Hon. Irwin Cotler (Mount Royal, Lib.) moved for leave to introduce Bill C-408, An Act to amend the State Immunity Act and the Criminal Code (detering terrorism by providing a civil right of action against perpetrators and sponsors of terrorism).

He said: Mr. Speaker, I am pleased to introduce this bill which is an act to amend the State Immunity Act and the Criminal Code, co-sponsored by my hon. colleague from Toronto Centre.

Routine Proceedings

Canadian law presently shields state sponsors of terrorism from justice for Canadian victims. Canadian law presently offers immunity to those countries that expressly seek to harm Canadians. Canadian law regrettably denies a remedy to victims of terror. This bill will right this injustice.

The bill provides justice to victims immediately. It comports with our obligations under international law to both prohibit and combat international terrorism and to provide such a remedy. It does not shield itself behind an escape clause that renders it completely ineffective until foreign states are named on a case-by-case basis. Such an approach politicizes justice.

As Victor Comras, formerly of the U.S. state department, testified here before a Senate committee, let us please learn from the American mistake.

We need to value Canadian rights over foreign state sponsors of terrorism, value action over acquiescence, and value justice over politics.

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

* * *

•(1010)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, if the House gives its consent, I move that the 18th report of the Standing Committee on Procedure and House Affairs, presented to the House yesterday, be concurred in.

The report concerns gifts under the Conflict of Interest Code for Members of the House of Commons.

The Speaker: Does the hon. member have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, if the House give its consent, I move that the 12th report of the Standing Committee on Procedure and House Affairs, presented to the House on May 15, be concurred in.

The report concerns changes to the Standing Orders.

The Speaker: Does the hon. member have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

PETITIONS

LIBRARY MATERIALS

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I am pleased to present three petitions from people in Ontario and Alberta. These petitions add to the many petitions that I have presented before in support of Bill C-322, An Act to amend the Canada Post Corporation Act (library materials) that would protect and support the library book rate and extend it to include audiovisual materials.

FALUN GONG PRACTITIONERS

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to table a petition signed by over 80 people from greater Vancouver, including some from my riding of Burnaby—Douglas, who are very concerned about the arrest of thousands of Falun Gong practitioners by security agencies of the People's Republic of China.

They are particularly concerned about the detention of Shuming Gao and Qinming Gao, whose sister, Xiaoming Gao, lives in Vancouver.

The petitioners call on the Canadian government to make a clear statement on the human rights violations and persecution perpetrated against Falun Gong practitioners in China.

PUBLIC SAFETY OFFICERS COMPENSATION FUND

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, as the House knows, each year firefighters from across Canada come to Parliament Hill to advise us on some of their priorities. The first priority for the last number of years has been the issue of compensation for families where one firefighter or other public safety officer has lost his or her life in the line of duty.

This petition has been forwarded to me by Captain Mark Train from the Mississauga fire services. He and the petitioners would like to draw to the attention of the House that police officers and firefighters are required to place their lives at risk in the execution of their duties on a daily basis and that the employment benefits of public safety officers often provide insufficient compensation to the families of those who are killed on duty.

The petitioners point out that the public also mourns the loss of a police officers, firefighters or other public safety officers killed in the line of duty and wish to support in a tangible way their surviving families in their time of need. The petitioners therefore call upon Parliament to establish a fund known as the public safety officers compensation fund for the benefit of families of public safety officers killed in the line of duty.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 121, 134 and 140.

Routine Proceedings

[Text]

Question No. 121—Hon. Dan McTeague:

With regard to projects funded in whole or in part by Treasury Board Vote 35 in the Main Estimates 2009-2010: (a) what appropriations have been created or supplemented with funds from Vote 35; (b) what is the name of each project which has received funding from Vote 35; (c) what is the amount of total federal funding, including funds other than money from Vote 35, for each project; (d) how much of the federal funding was provided directly by Vote 35 for each project; (e) which federal department and program is the funding being provided to; and (f) what was the rationale for using Vote 35 to fund this project as opposed to other funds available to the government under other authorities?

Hon. Vic Toews (President of the Treasury Board, CPC):

Mr. Speaker, with respect to funding provided from Treasury Board vote 35:

In regard to a) and e) A list of departments, the appropriations supplemented, and the budget program that is being funded from vote 35 is provided in supplementary estimates A, pages 77-82.

In regard to b), c), and d) Allocations from vote 35 are allocated to departmental programs, not to specific projects. As such, information on specific projects is not available. Treasury Board approves departmental programs, and individual department or agency determines which projects to pursue. The administrative responsibility for the execution of spending on any particular projects falls under an individual department or agency.

In regard to f) The use of vote 35 supports timely implementation of budget 2009 initiatives by enabling Treasury Board ministers to allocate funds to departments for Budget commitments where there is a cash flow requirement before the next supply period.

The decision to report on the allocation of vote 35 funds in quarterly reports to Parliament on the economic action plan was presented in the House of Commons and formally passed by Parliament on February 2, 2009. As well, the government has committed to provide a summary of vote 35 allocations in supplementary estimates, the most recent of which were tabled in Parliament on May 14, 2009. An updated list of approved allocations from vote 35 to departments will be tabled in Parliament in the June quarterly budget report.

The economic action plan website, <http://www.actionplan.gc.ca/eng/index.asp>, provides information about specific initiatives and projects as they are announced.

Question No. 134—Hon. Larry Bagnell:

With respect to the Alaska-Yukon boundary dispute, since 2006: (a) what steps have been taken to resolve the Alaska-Yukon boundary dispute; (b) what discussions have been held involving the governments of Canada and the United States; (c) where were these discussions held; (d) who was involved in these discussions; (e) what departments or agencies from both governments were represented at these discussions; (f) what were the outcomes of the discussions; (g) who has been involved and who has been consulted in the efforts to develop Canada's position in these negotiations; (h) what is Canada's position; (i) when does the government anticipate a resolution in this dispute; and (j) has the government placed a high level of importance to this issue in its relations with the United States?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):

Mr. Speaker, there is no existing Alaska-Yukon boundary dispute. However, a very well managed disagreement exists between the United States and Canada regarding the maritime delimitation of part of the Beaufort Sea.

In regard to a) Since 2006, no formal steps have been taken to resolve this issue as it is well managed and neither Canada nor the United States have found formal discussions to be warranted.

In regard to b) Since 2006, no formal discussions between the governments of the United States and Canada have been held regarding resolution of the Beaufort Sea maritime boundary, as neither Canada nor the US have found it warranted. As recently as May 23, 2009, at the Seward Conference in Alaska, the US Ambassador for Oceans and Fisheries, who is also responsible for Arctic issues, described the situation in the Beaufort Sea as a well managed dispute. Canada is working cooperatively with the US in the Beaufort Sea.

In regard to c) – f) There have been no formal discussions as this issue is well managed and neither Canada nor the United States has found formal discussions to be warranted.

In regard to g) There have been no negotiations as this issue is well managed and neither Canada nor the United States has found formal discussions to be warranted.

In regard to h) Canada's consistent and long-held position is that the 141st meridian is the proper boundary between Canada and the US in the Beaufort Sea, based on the 1825 Anglo-Russian Treaty of St. Petersburg.

In regard to i) This matter will be resolved when Canada and the United States deem it necessary to resolve it, as this matter is very well managed.

In regard to j) Canada continues to exercise its sovereignty in the Arctic. Canada and the United States consistently cooperate on Arctic issues, for example, Canada and the US are implementing an ecosystem based approach to oceans management in the Beaufort Sea and elsewhere. In addition, we are cooperating in the scientific work to delineate the extended continental shelf in the Beaufort Sea.

Question No. 140—Hon. Carolyn Bennett:

With respect to rare diseases and disorders: (a) what has the government done to work with the Canadian Agency for Drugs and Technologies in Health to carry out the recommendations in the 2007 Common Drug Review and work with its provincial and territorial Common Drug Review counterparts to establish a specifically designed approach for the review of drugs for rare disorders and for first-in-class drugs; (b) what is the government doing to follow up on the commitment to a national program for drugs and patients with rare disorders resulting from the 2005 pledge by the Minister of Health to consider the creation of an Expensive Drugs for Rare Disorders Program, and after the Health Council of Canada called for the government to re-engage on a national program for expensive drugs with rare diseases; and (c) what has the government done with regards to the recommendations contained in motion M-426 (rare diseases and disorders), which was passed during the 2nd Session of the 39th Parliament?

Routine Proceedings

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, in regard to a) As stated in the government response to the committee's report, response tabled in the House of Commons on April 8, 2008, "the Government of Canada supports the idea of exploring options to increase the adaptability of the [Common Drug Review (CDR)] for all types of drugs, including drugs used to treat special populations such as those suffering from rare diseases. [...] The Government of Canada is interested in pursuing discussions with CADTH (Canadian Agency for Drugs and Technologies in Health), participating provincial and territorial governments, and other stakeholders, on suitable approaches to assessing drugs to treat rare diseases."

The federal government continues to discuss issues related to the CDR with provincial and territorial partners via participation on the CADTH Board of Directors, composed of representatives from participating provinces and territories as well as the federal government, and the CADTH's Advisory Committee on Pharmaceuticals, composed of representatives from federal, provincial and territorial publicly funded drug plans, and health-related organizations. Through these activities, the federal government works to ensure the CDR continues to make a valuable contribution to the healthcare system, and that its process works well for all drugs, including those for rare diseases.

In regard to b) Under the National Pharmaceuticals Strategy, NPS, the federal government pursued work with provincial and territorial partners to develop a Canadian approach to expensive drugs for rare diseases. However, since the 2006 NPS progress report, collaborative work on a federal, provincial, and territorial approach has stalled, as the provinces and territories chose pursuit of new federal funding over meaningful collaboration on national approaches. In addition, some provinces, Alberta and Ontario, have moved forward with their own programs specifically designed for drugs for rare diseases.

The federal government remains interested in collaborative approaches to improve pharmaceuticals management. However, such work must respect jurisdictional roles and responsibilities. Prescription drugs provided outside of hospital are outside of the scope of the Canada Health Act and hence, provincial and territorial governments determine whether, and under what terms and conditions, to publicly finance prescription drugs, including drugs for rare diseases.

In regard to c) Initial analysis on Motion No. 426 was undertaken after it was adopted in May 2008 and before Parliament was dissolved. The government continues to consider the issue of drugs for rare diseases and the need, if any, for action in areas of federal responsibility. Further work in this area will require the active engagement of provinces and territories, who, as noted above, have primary responsibility for drug coverage.

* * *

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if

Questions Nos. 124, 125 and 139 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 124—**Mr. Wayne Marston:**

With regards to the New Horizons for Seniors program: (a) to which projects and to which organizations has funding been allocated from this program; (b) what is the amount pledged for each project; (c) on which dates were the funding decisions made for each project funded by the program; (d) what are the names of each federal riding that received funding from the program; and (e) what is the total for each project?

(Return tabled)

Question No. 125—**Mr. Dennis Bevington:**

With respect to the Building Canada Plan (2007-2014): (a) under the Building Canada Fund, (i) what projects have been approved for funding to date, (ii) where are they located, (iii) who are the partners involved, (iv) what is the federal contribution, (v) what are each partner's contribution, (vi) has the funding flowed; (b) under the Public-Private Partnerships Fund, (i) what projects have been approved for funding to date, (ii) where are they located, (iii) who are the partners involved, (iv) what is the federal contribution, (v) what are each partner's contribution, (vi) has the funding flowed; (c) under the Gateways and Border Crossings Fund, (i) what projects have been approved for funding to date, (ii) where are they located, (iii) who are the partners involved, (iv) what is the federal contribution, (v) what are each partner's contribution, (vi) has the funding flowed; (d) under the Asia-Pacific Gateway and Corridor Initiative, (i) what projects have been approved for funding to date, (ii) where are they located, (iii) who are the partners involved, (iv) what is the federal contribution, (v) what are each partner's contribution, (vi) has the funding flowed; and (e) under the Provincial-Territorial Base Funding, (i) what projects have been approved for funding to date, (ii) where are they located, (iii) who are the partners involved, (iv) what is the federal contribution, (v) what are each partner's contribution, (vi) has the funding flowed?

(Return tabled)

Question No. 139—**Hon. Carolyn Bennett:**

With respect to science and research, what is the government's strategy: (a) for funding health research to prevent a brain drain of qualified researchers to the United States; (b) to ensure there is increased funding for Canada's granting councils; and (c) to ensure scientific integrity in federal policy making?

(Return tabled)

[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.

GOVERNMENT ORDERS

● (1015)

[English]

CONTROLLED DRUGS AND SUBSTANCES ACT

Hon. Chuck Strahl (for the Minister of Justice and Attorney General of Canada) moved that Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, be read the third time and passed.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, it is a pleasure for me to begin the debate at third reading of Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts.

I am pleased to note that this bill was adopted by the Standing Committee on Justice and Human Rights of which I am a member. I would like to point out to the House that the bill was amended in committee and that most of the amendments were proposed by members of the Bloc Québécois and members of the NDP. I am pleased to see that these members worked hard and were able to submit constructive amendments to the bill, amendments which were adopted by the committee.

The Government of Canada recognizes that serious drug crimes including marijuana grow operations and clandestine methamphetamine labs continue to pose a threat to the safety of our streets and our communities. Bill C-15 is part of our strategy to address this problem. The bill proposes amendments to strengthen the Controlled Drugs and Substances Act provisions regarding penalties for serious drug offences by ensuring that these types of offences are punished by an imposition of mandatory minimum penalties. With these amendments we are demonstrating our commitment to improving the safety and security of communities across Canada from coast to coast.

During its review of the bill, the Standing Committee on Justice and Human Rights heard from the Minister of Justice, government officials, including officials from the Department of Justice, and a range of stakeholders, including representatives from law enforcement. The bill was supported by law enforcement representatives who testified and by various other stakeholders, although the bill was not supported universally, as I am sure my friends from the opposition will point out.

As has been mentioned before, the government acknowledges that not all drug offenders and drug trades pose the same risk of danger and violence. Bill C-15 recognizes this. That is why what is being proposed in this bill is a focused and targeted approach. Accordingly, the new penalties will not apply to possession offences, nor will they apply to offences involving all types of drugs. The bill focuses on the more serious drug offences and the most serious drugs are targeted. Overall, the proposals represent a tailored approach to the imposition of mandatory minimum penalties for serious drug offences, such as trafficking, importation, exportation and production.

For schedule 1 drugs, that is, for drugs such as heroin, cocaine and methamphetamine, the bill proposes a one year minimum for the

Government Orders

offence of trafficking or possession for the purpose of trafficking in the presence of certain aggravating factors.

The aggravating factors would be that the offence is committed for the benefit of, or at the direction of, or in association with organized crime; or the offence involved violence or threat of violence, or weapons or threat of use of weapons; or the offence is committed by someone who was convicted in the previous 10 years of a designated drug offence. Moreover, if youth are present or the offence occurs in a prison, the minimum sentence is increased to two years' imprisonment.

In the case of importing, exporting and possession for the purposes of exporting, the minimum penalty is one year if these offences are committed for the purposes of trafficking.

I should point out that this part of the bill was amended in committee by the government so that an offender who commits one of these offences and abuses his authority or his position, or if the offender has access to a restricted area and uses that access to commit a crime, a one year minimum penalty will be imposed. Moreover, the penalty will be raised to two years if these offences involve more than one kilogram of a schedule 1 drug.

A minimum of two years is provided for a production offence involving a schedule 1 drug. The minimum sentence for production of a schedule 1 drug increases to three years where aggravating factors relating to health and safety are present. These factors are: if the individual used real property that belonged to a third person to commit the offence; or if the production constituted a potential security, health or safety hazard to children who are in the location where the offence was committed, or in the immediate area thereof; or if the production constituted a potential public safety hazard in a residential area; or if the individual placed or set a trap.

For schedule 2 drugs, somewhat softer drugs such as marijuana and cannabis resin, the proposed mandatory minimum penalty for trafficking and possession for the purpose of trafficking is one year if certain aggravating factors such as violence, recidivism, or organized crime are present. If factors such as trafficking to youth are present, the minimum sentence, quite appropriately, is increased to two years.

● (1020)

For the offence of importing or exporting and possession for the purpose of exporting marijuana, the minimum penalty would be one year imprisonment if the offence is committed for the purpose of trafficking. The government amendment mentioned above would also apply for an offender who abuses his authority, position or access to a restricted area in committing the offence, and he would also receive the minimum one-year penalty.

For the offence of marijuana production, the bill as amended proposes mandatory penalties based on the number of plants involved. For the production of 5 to 200 plants, if the plants are cultivated for the purposes of trafficking, the penalty would be 6 months. The minimum number of plants was raised to five plants from one plant as a result of an amendment that was proposed and vigorously debated at committee.

Government Orders

For the production of 201 to 500 plants, the minimum mandatory sentence would be one year; for the production of more than 500 plants, it would be two years; and, finally, for the production of cannabis resin for the purpose of trafficking, it would be a minimum jail sentence of one year.

The minimum sentences for the production of Schedule II drugs would be increased by 50% where any of the aggravating factors relating to health and safety that I have just described are present.

The maximum penalty for producing marijuana would be doubled from 7 to 14 years' imprisonment.

Amphetamines, as well as the so-called date rape drugs such as GHB and Rohypnol, would be transferred from Schedule III to Schedule I, and would thereby allow the courts to impose higher maximum penalties for offences involving these all too common drugs where unsuspecting victims are subjected to date rape.

The bill, as further amended in committee, would give the courts the discretion to impose a penalty other than the mandatory minimum on a serious drug offender who has successfully completed a court treatment program. I submit that this diversionary tactic is one of the strengths of the bill, and I know this is universally supported by the members of the committee.

Last, I should point out that the bill was amended to add a new section to the act. Proposed section 8.1 would require that a parliamentary committee undertake a comprehensive review of the provisions and operations of the bill two years after it comes into force.

To conclude, I am pleased that Bill C-15 has been thoroughly examined and rigorously debated by the justice committee and that we are rapidly approaching our goal of seeing this legislation passed into law. The bill was amended in committee, both by government members and by members of the opposition, and in my view these amendments are in keeping with the spirit of this bill and consistent with its objectives.

Bill C-15 is part of the government's continued commitment to take steps to protect Canadians and to make our streets and communities safer. We hear time and time again from our constituents that Canadians want a justice system with clear and strong laws that denounce and deter serious crimes, including serious drug offences. They want laws that impose penalties that adequately reflect the serious nature of these crimes. This bill would accomplish that lofty goal.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I want to thank the member for Edmonton—St. Albert for his work on the justice committee. He is probably too modest to talk about it, but he has extensive experience in the courts in Alberta. He understands what happens in the courts, when not all of us around here do.

Based on his experience at committee and his experience looking at the law and this bill in particular, I want to ask the member whether he thinks that trafficking is a conviction that is easy to get. We are talking about trafficking, selling for commercial purposes, drugs that are harmful, that are the currency of organized crime in many instances, that get into our youth areas and that are certainly a scourge on our communities today.

The fear seems to be that one person possessing one joint on the way to a high school reunion or something is going to be caught by this bill. It is trafficking. Does he think these offences would be easily met in a court of law in this country?

• (1025)

Mr. Brent Rathgeber: Mr. Speaker, I would like to thank the member for Moncton—Riverview—Dieppe for his and his party's support for this bill, both at second reading and at committee.

The member answered his own question. Getting a conviction for trafficking is not easy. There are a number of elements to that offence that the Crown must prove beyond a reasonable doubt.

This bill is not targeted at simple possession, the casual user who decides on any given night for recreational purposes to engage in what we call recreational drug use. It is not that I condone this, that is irrelevant; this bill is not targeted at that individual.

This bill is targeted at those who produce, who import, who export, and most important, those who traffic, those who sell to individuals. We hear time and time again from our constituents that those individuals are making the streets less safe, especially for children. It is those individuals we are targeting and, as the hon. member knows and supports, this bill would take steps to get those individuals off the street.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, my hon. colleague and I have differing views on the impact of this bill and what it is about.

I would like to ask him a question based on a letter that was submitted by the Canadian Association of Chiefs of Police. The association did not actually appear in committee, but it did send a letter. I presume he read it. It was dated May 25. In the association's drug policy summary, it says:

The CACP believes in a balanced approach to the issue of substance abuse in Canada, consisting of prevention, education, enforcement, counseling, treatment, rehabilitation, and where appropriate, alternative measures and diversion to counter Canada's drug problems.

It also stated:

Further, the CACP believes that to the greatest extent possible, initiatives should be evidence-based.

The letter does not actually state support for the mandatory minimums.

I wonder if the member would respond to the question that initiatives should be evidence-based and tell us what evidence this bill of mandatory minimums is based on. Where is the evidence? Even the Association of Police Chiefs is saying that it should be based on evidence.

Mr. Brent Rathgeber: Mr. Speaker, the hon. member is not a formal member of the committee, but she frequently provides great input. I know her riding of Vancouver East has issues with respect to trafficking and substance abuse. I certainly appreciate her input and perspectives, although as she quite rightly points out we are not always in agreement.

Government Orders

I have read the letter. As the member will probably recall, Chief Vernon White from the Ottawa Police Service appeared in committee and he was very supportive. He indicated in response to a direct question from me that this is a targeted response to what he thinks is a very serious problem in society.

When talking about evidence, I remember he quoted the situation of a person with an addiction problem living under the Wellington Bridge who may or may not be trafficking to feed his or her habit. Chief White was quite specific that this instance would not constitute the type of evidence that would in his view, and based on experience in his department, lead to a charge that would entail a mandatory minimum sentence.

Although the offence of trafficking includes the sale of quite small amounts, police have indicated that in the appropriate circumstances they will use their discretion not to lay charges against individuals who should not in their view be subject to the minimum sentence.

I am glad my friend talked about treatment programs. We believe drug treatment programs are important. I spoke about the drug treatment courts in my comments. Last September, we announced \$10 million for two new treatment initiatives. On January 15 of this year, we announced \$408,000 over two years for the McCreary Centre, \$342,000 for the Aboriginal Youth F.I.R.S.T. program and \$308,000 for the College of New Caledonia's youth outreach program. That is all in Vancouver. I am assuming some of that is in her riding of Vancouver East.

This government takes drug treatment very seriously.

• (1030)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it is unfortunate that the member did not touch on the only clause that really concerns me right now, and that is proposed section 8, which basically provides that there will not be mandatory minimums for any of the people he talked about in certain circumstances.

He will know that the proposed section 8 says that unless the judge is satisfied there was notice given prior to the accused entering a plea, there will not be a sentence. One of the key issues is what is happening in the courts with regard to plea bargaining and charges being dismissed when there are certain circumstances. There is a whole host of circumstances where mandatory minimums will not exist, even for crimes involving organized crime or more serious drugs. That is a problem. It is a matter of whether there are facilities to imprison these people, as well.

Those are important issues to this bill, and the member should address them.

Mr. Brent Rathgeber: Mr. Speaker, I thank the hon. member for Mississauga South for his interest in the bill, and for his constructive criticism, quite frankly.

This is an interesting debate. We have members from one opposition party saying this bill goes too far and members from another opposition party who say it does not go far enough. I can assure the member that law enforcement and crown prosecutors have asked for this type of legislation to give them the tools to put drug pushers in jail for minimum periods of time.

With respect to the technical requirements, which he is concerned the Crown might not exercise, please believe that the Crown wants these tools and they will exercise them. They are asking for this type of legislation to help keep our streets safe and free from these individuals.

Ms. Libby Davies: Mr. Speaker, to follow up on what the member said, I agree of course that treatment is very important. He quoted Chief White from the city of Ottawa, but he also said there is a lack of treatment beds. The idea that we have the treatment does not exist. There is a seven month waiting list even here in the city of Ottawa. In Vancouver, we also have a very dire situation in terms of treatment.

That is one of the problems with this bill. It focuses on enforcement and it does not provide a balanced four-pillar approach. For the member to suggest that somehow treatment is well and fine is really not correct. There is a severe problem with treatment accessibility.

Mr. Brent Rathgeber: Mr. Speaker, I did not really hear a question; that was more of a statement.

As I indicated, even in Vancouver the government has committed many millions of dollars for treatment. There will always be great need, but the government is committed to providing treatment through its funding of treatment centres, and also through the drug treatment courts, which are a diversionary tactic to keep people who should not enter the prison system on a more appropriate path.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I am pleased to join the debate at third reading of the bill. Yes, we dealt with it at committee. I want to thank all members of the committee for bringing to the committee a very intelligent debate on anti-drug laws.

It is interesting and somewhat refreshing when we have a news story that is actually accurate. There is a news story today about the bill. There is one quote in there that says the following about the offences in the bill:

These are trafficking offences, these are people who are in the commercial business of selling drugs. If you're convicted of trafficking in drugs, I believe you should do the time that is indicated in this bill.

That is a quote in a national news story attributed to me, and I am happy the newspaper got it right, because it is exactly how I feel about the bill.

It is curious about the opposition to the bill. All that was printed from the perspective of the other opposition parties, and maybe they did not get their whole quote and that is fair, that has happened to all of us, but the only real quotes from the opposition are that we are going down the road the United States has gone and it has been a failure.

There is nothing quoted, and I have heard nothing in the House, and I would have listened in the House on the occasions I had to speak to this bill or in committee for the many hours we spent on these issues in general. I would have listened, had there been some compelling evidence to suggest that a person convicted of trafficking in drugs should not go to jail.

Government Orders

It is important because occasionally we lose sight of the fact that there is a whole book called the Criminal Code that talks about what the offences are. What is trafficking? It is very important that the public perception not be that we are trying to put people in jail who are in possession of small amounts of drugs, particularly marijuana. This is where the pressure point of the public seems to be, that if individuals have a joint, they will go away for six months under this new law. That is not the case.

We heard evidence from the Department of Justice officials, and even the government would admit that DOJ officials are not always on side with everything that is brought down the pipe. They said very clearly that would not be the case.

These are issues involving trafficking. Trafficking, under section 5 of the Controlled Drugs and Substances Act, has been interpreted by the courts variously, but for instance, “—distribution means the allocation to a number of people and accordingly, cannot occur where there is one recipient.—” That is a case from the New Brunswick Court of Appeal.

Another one: “—where the transportation by the accused of a narcotic is incidental to the accused's own personal use of the narcotic, as distinct from transportation as part of a transaction involving others, there is not an offence of trafficking”.

As my friend from Edmonton—St. Albert indicated, with his years of experience, it is not a walk in the park to convict somebody of trafficking in drugs. Trafficking in drugs, even marijuana, means that people are selling drugs for the purpose of a commercial gain. They are trying to increase the use of drugs.

Particularly, the bill gets into an issue that is very near and dear to me. The young children of our community are going to school in a different environment than when I went to school, and certainly when the member for Mississauga South went to school, which was considerably more years before I did. These are different times, and drugs are front and centre of the dangers that little children face every day. They walk to school. They go through playgrounds. They are faced with the possibility of being drawn into the net of drug use, which can ruin lives, families, and eventually may ruin our social mores in our community in general.

I sit back and think of what I am saying. Do I sound like a rabid Conservative? Am I a person who has become the Republican road show that we have seen for the last three years over there? When I look at the member for Windsor—Tecumseh, I know that he is a family man. I know that he is a church-goer. I know that he believes in social mores. I have to think that he does not think that putting traffickers back on the street again so they can corrupt our youth and our society is a good thing.

This is where we draw the line with our friends who are free-willing on drug use, on drug sales, on drug trafficking, and the Conservatives who would say, if George Bush did it, it is okay. That is why we are the party of the middle, the party of responsibility, and we say this is a good act.

•(1035)

This legislation targets trafficking. For the first time the Conservatives might be getting it right. They are saying that in order to avoid sending someone to prison on a mandatory minimum

sentence, that individual would have the opportunity to take part in rehabilitation through diversion to a drug treatment court. These are great tools. They have been used extensively in western democracies for some time.

We have been critical of the government's national anti-drug strategy. Its strategy consists of a bunch of neoprene, blue placards placed in front of any television camera saying it has an anti-drug strategy.

Where is the funding for the drug treatment courts? Why are there not more drug treatment courts across this country? I live in Moncton, New Brunswick. New Brunswick is a province of this country. In fact, it is one of the first provinces of this country. There is no drug treatment court in New Brunswick, and that is a shame.

By supporting the bill we are saying to the Conservatives that for however long they might be government, and we all hope that might be a shorter time rather than a longer time, that they increase funding to diversionary tactics, treatment facilities and institutions like drug treatment courts.

The other aspect that the Conservatives are learning from the years of battering in justice committee is that it is important to have regular reports to committee and to Parliament with respect to how their legislation is doing. That is contained in section 8.1(1). Reporting to Parliament on the effect of this legislation would be a positive step.

The justice committee held one set of hearings in Vancouver. Members were astonished by the fact that marijuana, which in some popular parliaments might be seen as a recreational drug which makes one peaceful, is the currency of organized crime in western of Canada and probably in the rest of Canada as well. It is a serious problem.

We have to do something to include marijuana. I have heard nothing from the other opposition parties that it would be okay if it were crystal meth. Those members are trying to push the button of sensibility on the issue of moderate marijuana usage. It is wrong to think that marijuana and the trafficking of marijuana is part of our Canadian culture. It is not. It is part of the cashflow of organized crime.

We have been through this legislation. It is time to put the bill on the books and hold the feet of the government to the fire. Its anti-drug strategy must be something more than a 5 o'clock press conference.

With that in mind, I want to close my remarks by moving, seconded by the member for Cardigan:

That this question be now put.

•(1040)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, after listening to the Liberal member, I have to think that he has crossed the floor and gone over to the Conservative side because he is using the Conservative talking points. He is even using Republican talking points when it comes to drug policy. The Liberals say they went through the bill but I would seriously question that. If they did go through the bill, they came to the wrong conclusion.

Government Orders

What I find offensive is that Liberal members are really kind of playing the politics of fear. Right? They are talking about the schoolyard and talking about children. Nobody wants children to be in an environment where drugs are being sold.

The member knows full well that under the existing Controlled Drug and Substances Act possession for the purpose of trafficking is already a serious offence with a sentence of up to life imprisonment. Life imprisonment applies also to importing and exporting, and production for the purpose of trafficking. The member also knows that under the existing act there are already aggravating circumstances that include trafficking in or near a school.

Evidence shows that mandatory minimum sentences do not work. That is the question that Liberal members refuse to answer. Why is that?

Mr. Brian Murphy: Mr. Speaker, I thought that was precisely our point. Trafficking is a serious offence. I think the NDP is playing to an audience that believes that recreational drug use in the privacy of one's own home is an all right activity and should not be captured by new laws of Parliament.

I am not going to weigh into that debate. As Tip O'Neill, another Irish politician, said, "All politics is local". If one is trafficking in drugs near my children's school in Moncton, that should be punished. A minimum sentence in that regard for a person who is selling drugs is not a bad thing. The member talks about fearmongering. She talks about playing a political game. She and her party are playing a political game. They are trying to downplay what trafficking means.

She said in her own remarks that it is a serious offence punishable by up to 14 years. If it is a serious offence, what objection can there be to putting someone away who is trying to corrupt our youth near a school ground or trying to make money for the organized crime units in this country? She also has to remember that her party opposed mandatory minimums when they were first implemented by a Liberal government in certain specific circumstances. These are some of the circumstances that the people of Moncton—Riverview—Dieppe and I can live with.

● (1045)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I would like to thank and commend the member for Moncton—Riverview—Dieppe for his great speech and for his support of this bill. I will be supporting his motion that this question be put. I would like to thank him for all the hard work he does on this committee, and I commend him and his party.

However, I have a couple of comments. In the 39th Parliament, his party and caucus did not support a very similar piece of legislation. I do commend them on becoming born-again crime fighters, but will the member be as passionate in caucus and convince his friends in the upper chamber to pass this bill swiftly? Will he be as passionate about this in caucus as he was today in the House?

Mr. Brian Murphy: Mr. Speaker, that is a nice way of sliding by the hard questions I asked of the government in my speech to do something about rehabilitation and treatment. There are all these laws. It is almost like the Minister of Justice is sending all these buns in a bakery production line to the Minister of Public Safety.

Are we going to be sure that the government is going to take care of the orders it already has with respect to the criminal justice system in terms of incarceration and treatment? We hear about treatment everywhere in terms of spreading out the distribution of the drug treatment courts.

I am a father of three young children. I have been practising law for 26 years. Goodness gracious. I do care about the safety of my community. I think it is something that combines all of us in our belief. We believe in the safety of our community. If this minor tool will make the school grounds of our country and my riding better, I am for it, but by no means should that member think that he is off the hook and that the Conservatives can ride off on some white horse, providing justice and safety in our communities.

By no means should he think that. He should get to work from the back row of his benches and persuade the guys on the upper bench that they should resource the elements that they have put into place already. They should read some literature on prevention and treatment, and get on with the game of actually having an anti-drug strategy instead of just having a 5 o'clock news conference.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, my colleague just mentioned that he has been or was practising law for about 26 years. He should then know that Canada has extensive organized crime legislation already in place and that existing maximum penalties for serious drug offences already include life sentences.

I would ask him to maybe see if he can recall that maximum and minimum sentences do not actually solve the problem here. All they do is put more people in jails. By the way, our jail systems are already overcrowded at this point and now it is becoming a human rights issue. The fact of the matter is that there is not sufficient programming in place that deals with these offenders as soon as they enter the penal system. Maybe he would like to comment on that.

Mr. Brian Murphy: Mr. Speaker, clearly there is an issue with respect to capacity in our corrections facilities, but to look at criminal law and say, "Well, we better not punish something that is punishable because we have backlog" is not the right response.

The right response, and I hope we are united on this, is to push the government to give proper resources to provinces through transfers. As a result of the Minister of Finance's conversion to per capita financing for provinces, my own province has seen a cut of some \$40 million in transfers, which will create a problem. It is time for us to do our work and get on the government with respect to those issues.

With respect to sentencing in general, I refer to section 718, which includes more than the principle of rehabilitation. It includes principles of denunciation and deterrence. They are there.

The difference between her party and that party and our party is that we believe in all the principles in section 718: rehabilitation, deterrence, denunciation and others.

Government Orders

The Conservatives only believe in denunciation and deterrence, and it seems that the NDP only believes in rehabilitation.

• (1050)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I would ask the member if he could enlighten the House about the intent of proposed section 8, which requires that notice be given before an accused enters a plea with regard to the imposition of a mandatory minimum.

This is an out. This is passing off the decision of Parliament to impose a mandatory minimum to the crown attorney and to the courts. We either have to decide, I would think, that we want to have these punitive measures in place or that we really want to just say the court should have the discretion.

Mr. Brian Murphy: Mr. Speaker, that is a very good question. It is a very tough question, perhaps.

The member is probably getting even with me for the fact that I made some ageist remark about schools and his hair, and I want to apologize for that.

Clearly, he is on the right point. We struggle with it every day at justice. As to whether there is an attack on judicial discretion posed by much of what the Conservative government brings forward, in many cases, there is. There is such little respect for the judiciary over there.

Also, judges do not have a voice or an opportunity to come to the justice committee, to Parliament and so on, but they would tell you if given a chance that they do like clear direction in legislation. Ninety percent of the appeal court decisions are tied up with questions about legislation that was not carefully drafted, or thought of, or clear.

It seems me in this case that there is clear indication that the judge must do certain things in certain circumstances. There is a devolution of some discretion to prosecutors in some cases. They are very much a part of the system as well and have not been heard from too much in this whole debate.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to make a friendly remark before addressing the actual substance of Bill C-15, which is extremely important because it will implement the Conservative government's anti-drug strategy.

When I was first elected to this House, people said that when the Liberals were in power, they governed like the Conservatives, and when they were in opposition, they behaved like the NDP. Today, listening to my colleague talk about Bill C-15, I learned that Conservative policies haunt the Liberals, whether they form the government or the opposition.

That being said, this is an extremely important bill that is very disappointing. First of all, we have been hearing a lot of rhetoric from certain members suggesting that, if we seek some sort of alternative to minimum sentences and misguided crackdowns, it means we are going easy on organized crime in our communities. This kind of insinuation makes it extremely difficult to properly debate the issue.

The Bloc Québécois is against minimum sentences. We have maintained that position from the beginning of our existence, and I

will explain why. We oppose such sentences, unlike certain parties who say they are against them but voted in favour of Bill C-268. I imagine my NDP colleague will want to explain that when he gets a chance to speak, which will be soon.

We are opposed to minimum sentences and I will explain why. We do not, however, need any lectures about the need for vigilance against organized crime. I myself was the first member to introduce an anti-gang bill in this House, at a time when bombs were going off in Montreal, there were gang wars going on, and yet the elected representatives and officials of the government of the day were saying that there was no need for any new legislation and that organized crime could be broken up using the provisions on conspiracy.

That said, the Bloc Québécois is also responsible for the successful abolition of the \$1000 bill, which was obviously a favourite of major organized crime syndicates. The former Bloc member for Charlesbourg, Richard Marceau, was the one who, in the dying days of the Martin regime, convinced the government to pass legislation reversing the burden of proof in connection with the proceeds of crime. I myself put forward a motion in the Standing Committee on Justice and Human Rights that would be instrumental in cracking down on the most criminal groups, one of whom of course is the Hells Angels.

So we have an impressive record that is clear evidence of our commitment, our vigilance and our desire to always foil organized crime and to keep our legislation up to date, since it is well known that organized crime is a constantly evolving phenomenon.

The government's problem is its ideological stubbornness, which is so deeply rooted that it sees everything in black and white. The Liberals, unfortunately, are no different in this respect.

Of course, when it is a matter of major drug trafficking networks, no one in this House would object to tough penalties. I am in favour of them and so, I am sure, are all my colleagues. If an individual gets involved in major organized crime and is involved in drug imports or exports, this has harmful effects on the legitimate economy of our communities and on the members of the community who get involved with these substances. We agree that the penalties need to be as tough as possible.

We do, however, believe that in the administration of these penalties there is a certain phenomenon at play. A judge assesses the context, and then has total freedom to reach his decision after having heard and absorbed all of the evidence, heard the witnesses, and of course examined the text of the law. That phenomenon is called judicial discretion.

Government Orders

●(1055)

The problem with this government is that, for basically ideological reasons, it has embraced mandatory minimum sentences. When the Minister of Justice appeared before the committee, my colleague from Vancouver and I asked him, notwithstanding the fact that mandatory minimum sentences were part of the Conservative election platform, whether anyone from his department had assessed their impact. In other words, is there a correlation between including mandatory minimum sentences in the Criminal Code and the deterrent effect sought and eventually observed? The answer is no. And yet, since becoming Minister of Justice, like his predecessor, he has been unable to provide studies that show conclusive evidence in support of mandatory minimum sentences.

Not only are mandatory minimum sentences an illusory ideology, but they also have an adverse effect on the administration of justice. In what way? Justice Paradis, a former judge from Vancouver who does not speak one word of French, told us that when he was on the bench and had to hear cases, minimum mandatory sentences made him uncomfortable. He also told us that when attorneys have to lay charges involving a mandatory minimum sentence that will tie the judge's hands, they prefer to choose other charges.

It was not the Bloc or the member for Hochelaga or our NDP colleagues who said that, but a retired judge who appeared before the committee.

I hope that we will eventually see the day when the Conservative government does away with its ideological dogma. Why not provide police officers with more tools? Every time our party has had the chance, it has supported putting more police officers in communities, broadening electronic surveillance and giving police forces more sophisticated investigative mandates. We agree that we need to fight organized crime and that we need a number of tools to do it. But we will not win by instituting mandatory minimum sentences.

The bill before us addresses trafficking. One kind of trafficking that is easy to condemn involves networks of people who import and export drugs. Often, seizures produce tens of kilos of cocaine and other controlled substances. The people involved are linked to organized crime, such as the Hells Angels and other similar groups seeking to profit from illegal activity and corrupt our society. But if four students get together to celebrate the end of classes and one of them has a joint that he or she passes on to another, according to the letter of the law, that constitutes a drug trafficking violation.

That can set in motion a mandatory minimum sentencing mechanism. For example, with respect to drug trafficking, thanks to God and the members who supported the amendment, the committee managed to get rid of the mandatory minimum sentence for trafficking in controlled substances if the person charged is in possession of fewer than five plants. A six-month minimum sentence still applies if the person is in possession of between 5 and 201 plants. Clearly, that is excessive. Those of us who are against mandatory minimum sentencing agree that just because three students have a little marijuana, that mechanism does not necessarily have to apply. That does not mean that we are inviting our fellow citizens to use marijuana. The Bloc Québécois is not suggesting that marijuana is part of Canada's food guide.

●(1100)

We know it is a drug, it can create dependency, and this is not desirable in a person's life. Of course, we hope, and we sincerely call for there to be awareness campaigns to prevent any kind of drug use. However, the prohibition route is really not the one we should be going down.

In fact, in that committee, when we considered Bill C-15, we also heard from law enforcement officials from the United States, and in particular Washington, who offered the example of New York. When we look at the American example, the results we see are striking. In terms of the administration of justice, the United States was the first to go down the mandatory minimum sentence road. But the states that have adopted mandatory minimum sentences are not the states that have won the war on drugs. There is no correlation between mandatory minimum sentences and winning the war on drugs. So as a society, we do better to put our efforts into awareness when we are dealing with something like trafficking in small quantities.

We should remember that on the last day of the Paul Martin government, this Parliament failed to adopt an alternative approach to penalties for marijuana offences. Once again, I would repeat that I have never smoked either cigarettes or marijuana, and that is not something I feel a need for in my life. But as a society, should we be putting offences relating to cannabis and marijuana and offences involving trafficking in large quantities, engaged in by groups like the Hells Angels, on the same plane in the offence scheme? That is where the bill makes no sense. We would have liked to see this distinction made.

For example, on the last day of the Paul Martin government, the Bloc Québécois had introduced this itself in this Chamber, and it was the member for Rosemont—La Petite-Patrie who led the charge. And lead it he did. He is a very active member and he is much loved by his constituents. He is the green conscience of our party, and the connection between his green conscience and all the battles he leads can be seen.

So when we are looking at small quantities of marijuana, we would have hoped to see an offence scheme adopted that favoured fines over criminal penalties. In fact, in a few days, we will be tabling a report by the Standing Committee on Justice and Human Rights about driving while intoxicated. Without disclosing the recommendations, which are confidential, I can say that our committee will be proposing a somewhat less enforcement-oriented approach than is now contained in the Criminal Code.

It is too bad this government did not heed the alarm sounded by extremely knowledgeable witnesses such as Line Beauchesne, a professor of criminology at the University of Ottawa. She reminded us that since the mid-19th century, the federal government has taken a prohibitionist approach. The government thought that the sanctions in the Criminal Code would deter people. That prohibitionist logic has not worked.

Government Orders

Obviously, that does not mean that I hope we legalize drugs and make them widely available. That means that we have to take different approaches to this problem. It is not as though we had a bill that increased the maximum penalties, for example. We have never had a problem with increasing maximum penalties. The government should have gone after major traffickers. Drug imports and exports are worth billions of dollars.

• (1105)

In 2001, the Auditor General determined that even with the whole existing repressive approach, the whole arsenal and all the money for the police—we are talking about millions of dollars—law enforcement authorities were able to seize less than 10% of the drugs on the Canadian market.

We are in favour of going after the major trafficking networks connected with the Hells Angels. That is why I want to mention a motion I have introduced in the Standing Committee on Justice and Human Rights. I hope that before long, we will be living in a society where membership in the Hells Angels will be an offence in and of itself. I hope that there will be a list. The Bloc Québécois is waging this battle, and I want to acknowledge that we are supported by government members, the Liberals and the NDP.

We will not really address the drug problem with mandatory minimum penalties. The Hells Angels and other criminal groups—there are 38 in Canada—make a living from selling drugs. But if we succeeded in getting rid of these groups, would we not be solving part of the problem?

Another amendment was passed in committee requiring parliamentarians to conduct a review. We will therefore have to review the legislation. I do not know what the composition of the House will be at that point, and I do not know whether I will have the pleasure of taking part. Still, we passed an amendment stipulating that, two years after the section comes into force, there is to be a detailed examination of this legislation and the effects of its application together with a cost-benefit analysis of mandatory minimum sentences by the committee of the House of Commons or of both Houses of Parliament, which Parliament designates for this purpose.

Obviously, this is increasingly common with bills. I recall our adopting such a provision for new reproductive technologies. I think parliamentarians adopted it when the set of regulations on tobacco was either passed or under consideration. It is one way for them to get feedback and verify a law's effectiveness. We could have objectives as lawmakers, but are these objectives met once the bill is passed? That, obviously, is a whole other matter.

We would have been more comfortable with the idea of aggravating circumstances rather than minimum sentences. The Criminal Code—as my colleagues no doubt know—provides in section 718 that a court may take into account a number of circumstances specific to a context and impose a harsher sentence.

We support, of course, the imposition of a harsher sentence when an offence is committed for the benefit or at the direction of a criminal organization. We agree that when an individual committing an offence uses or tries to use violence it should be considered an

aggravating circumstance, as should the use of a firearm in the commission of an offence.

We obviously agree that when an offence is committed within a school, in school grounds or in a place frequented by young people it should be considered an aggravating circumstance.

We would, however, not have wanted these specific circumstances to culminate in a mandatory mechanism that leaves no room for legal discretion. I refer of course to mandatory minimum sentences. That seems a mistake to us.

Those are the comments I wanted to make on Bill C-15. We will not support it in the vote at third reading.

• (1110)

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I thank the member for Hochelaga for his contribution to the justice committee.

We certainly disagree on this issue. I do respect, however, his statement regarding maximum sentences. He agrees with lengthy sentences for serious drug dealers, but he is opposed to minimum mandatory sentences. He reminded us of committee testimony from law enforcement officials from Washington, but I want to remind him of the May 11 testimony from Ottawa Staff Sergeant Pierre Gauthier, when he said:

In my opinion, organized crime is being targeted by this legislation. It's important that they get targeted. Organized crime is strong, it's out there, and it's recruiting people to do the dirty work for them. In organized crime there are always people at the top, and they're the ones who profit from all this. So we support this legislation because it targets them.

The member for Hochelaga has a great passion against organized crime. He has brought a motion that organized criminals be identified as such.

I want him to comment on the Ottawa staff sergeant's belief that this is a good bill and that it will target organized crime. Specifically, if he does not agree with minimum mandatory sentences, why does he believe the state can disrupt criminal enterprise and take the profit out of organized crime?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I want to thank my colleague. I too respect his contribution. He is one of the more moderate people on the committee. He is always under control, and I am sure the people around him appreciate his inner peace, which, I hope, survives all the ups and downs of life.

I do not deny that certain provisions of the bill could be very helpful to law enforcement agencies when they are trying, for example, to break up organized crime gangs involved in drug trafficking. We agree with the increase in the maximum and with this provision of the bill. What we are concerned about, though, is the elimination of judicial discretion and the unfortunate effects of minimum mandatory sentences. I have explained over and over in the House why they are harmful.

Government Orders

It is not true that such provisions were used for a few years to break up organized crime. There were no minimum mandatory sentences. The countries that have been most successful at fighting organized crime do not have these sentences in their legal arsenals. The hon. member is drawing an ideologically driven connection between effectiveness and minimum mandatory sentences. This connection is not supported by the scientific literature.

• (1115)

[*English*]

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I listened carefully to the member's excellent speech and I want to pull the two issues together.

The member from the Conservative Party brought up a concern that many people have, but it is based in many ways on convenient mythology. The reality is the status quo actually benefits organized crime. Prohibition benefits organized crime. Portugal decriminalized simple possession of a number of currently illegal drugs.

By all means, go after the top tiers of organized crime and throw the book at those criminals. However, the key to going after organized crime is going after its financial supports. The worst thing for organized crime would be if we ruined its market and one way to do that is to decriminalize simple possession, for example, of marijuana and allow people to have a couple of plants. It is presently illegal. What Portugal found was that drug use, organized crime, crime, harm and costs decreased.

Does my colleague not think that decriminalizing, at least to start, the simple possession of marijuana would destroy the financial underpinnings of organized crime, accomplishing the objectives we all have in the House?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I entirely agree with my colleague. I believe I recall him introducing a bill during the previous Parliament or the one before that.

The witnesses who were familiar with developments on the drug market told us there would be certain social advantages to decriminalizing small amounts of marijuana. First, it would reduce the burden on the courts because 60% of the drug-related infractions in Canada are related to cannabis. Second, there could be a different legal process, for example a fine rather than falling back on the criminal law. Finally, if we really want to deal with the drug market, we have to go after the top tiers primarily and not people whose drug use may pose no threat to society.

I entirely agree, therefore, with my colleague from Esquimalt—Juan de Fuca.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I would like to thank the member for Hochelaga for his very good participation at the committee and here in debate in the House. I am very glad that the Bloc looked at this legislation from an objective, rational, intelligent point of view and came to the same conclusion that we did, that there is no evidence to show that mandatory minimum sentences work for drug crimes.

In fact, the member made a very important point during his speech and reminded us of the Auditor General's report. I think it was in 1998 or 1999, or in fact when we sat on the special legislative committee on the non-medical use of drugs, and her report came out at the same time that showed that 90% of federal funds are used on enforcement.

One of the conclusions of that committee's report, as I am sure the member will remember, was to have a comprehensive approach to drug policy. We talked about prevention, treatment, harm reduction and enforcement, the so-called four-pillar approach that the report adopted.

It seems to me that the bill is going in an exactly opposite direction. I would like to ask the member what he sees as the impacts of this bill, if it is passed, in terms of an increasing prison population, particularly at the provincial level and certainly in Quebec.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, every time we use the criminal law to deal with drugs, especially in regard to the lower links in the chain, there will obviously be an increase in the provincial prison populations, given that the sentences are less than two years. These prisons have obviously reached their limits beyond which they cannot function.

I sat on the same committee as my colleague from the NDP and remember very well that this was not the approach we recommended in our report to the legislative committee. I am very sorry that the government did not listen to our recommendations.

• (1120)

[*English*]

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, my question is this: I would have a hard time going to my constituents and telling them that we do not want increased penalties, a two-year mandatory prison sentence for people dealing drugs such as cocaine, heroin and methamphetamines to youth or for dealing those drugs near a school or a place normally frequented by youth.

I do not know how I could go to the constituents in Northumberland—Quinte West and tell them that it is not a good idea. It is beyond the pale.

That is just one. I could go through the others, but since Speaker has asked for a short question, that is what it is.

Government Orders

[Translation]

Mr. Réal Ménard: Mr. Speaker, in cases where an individual is trafficking large quantities of cocaine, my colleague will have no problem convincing me that tougher sentences are needed, and we have no problem with maximum sentences. However, if six young people are sitting on the University of Ottawa campus and smoking marijuana, we might find that unfortunate, and socially speaking, we might want to see a campaign to discourage them, but I am not convinced that those six young people should be sent to prison for six months.

I find it unfortunate that this bill does not differentiate between two situations that should not be equated to one another.

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to debate the final stage of Bill C-15, which I am sorry we are doing. I am very disappointed that the Liberal members moved a motion to prevent any further extension of the debate. They have obviously done that very consciously because they, like the Conservatives, want to see this bill go through. They do not want to deal with any of the controversy around this bill, so that is very disappointing. Nevertheless here we are at third reading and I do have some comments to make about the bill, why it is seriously flawed and why we are opposing it.

I want to begin by saying that, as the Conservative member mentioned, I represent a riding, Vancouver East, where we have had a very serious drug problem. When I first was elected in 1997, I think the first issue I dealt with was that so many people were dying from overdoses that were entirely preventable.

The rate was alarming. It was higher than heart attacks, strokes, cancer or accidental deaths. It was from drug use and it was because people were buying substances on the black market, such as heroin, crack and various cocktails, and people did not know what they were taking. Sometimes something would hit the streets and it would be deadly, and we would have seven people dying over several days. It was one of the first issues I dealt with and it became literally a life and death issue that I felt compelled, as a newly elected member of Parliament, to deal with.

When I look back 12 years ago, at that time it would have been very easy to take this traditional response to substance use problems in our society, to say that we have to crack down, we have to get tougher and we have to have tougher laws. As I began talking with people in my own community, when I began speaking with doctors and health experts, when I began talking with drug users themselves who rarely get heard because they are very vilified and demonized in our society, I began to realize that the whole regime of our drug laws, the enforcement and the way it happens, is actually, in many cases, more harmful than the drugs themselves.

Criminalizing drug users continually and pushing people to the margins of society where they can get very little help and where they are outside the health care system was actually creating a worse situation in terms of the individual health of drug users, where we had a skyrocketing rate of HIV, AIDS and hepatitis C. It was the worst in the western world. It was an epidemic in the downtown east side, but it was also affecting the whole community in terms of crime

and a lack of feeling safe. It really affected the overall health of the community.

It was at that point that I began to realize that the approach we had traditionally taken in Canada, which was very similar to that in the United States, was a failure. Many of us began to look further, to what was happening in Europe, to see where very different strategies had been tried in dealing with substance use, where there were, for example, safe injections sites and a much broader continuum of dealing with drug use as a health issue and focusing on that. There was enforcement as well, but it was primarily focused on it being a health issue.

Europe had, for example, a heroin medication program for chronic users, where instead of people having to buy their heroin on the black market, they could actually get a prescription and go through rehabilitation. There are tons of studies on this to show that what happened in Europe over many years had a very different impact than what was happening in the United States and Canada.

I became very convinced that the so-called war on drugs and emphasizing a law enforcement approach was really a very failed strategy. As the member for Hochelaga pointed out, this was very much reinforced by the Auditor General's report in 1998 or 1999, which showed that 90% of federal costs on drug policy were actually spent on enforcement, to no effect. She questioned what the value was and what kind of rationale was behind these policies.

I thought for a while that we were making progress in this Parliament when we adopted the four-pillar approach. It began in Vancouver, led by big city mayors. It began with the former mayor of Vancouver, Philip Owen.

• (1125)

It was continued by the successive mayor, Larry Campbell. It was a municipal grassroots approach. It began in the local community because we needed a different approach to drug policies in this country. So the four-pillar approach, based on prevention, treatment, harm reduction and enforcement, was adopted, and it was beginning to move across the country.

I thought we really were beginning to make some progress and people were beginning to want to have an honest debate about drug policies and recognize that prohibition itself is an issue that we need to examine and take on, and that prohibition, just as we saw in the 1930s with alcohol, where it fueled organized crime, where it fueled increased violence that had an impact on innocent civilians, is exactly what we are seeing today in these gang wars that are taking place in Vancouver.

Then a Conservative government was elected and we embarked on this mad journey of a crime agenda that is so closely associated with what we have seen in the United States that I find it frightening. To me, it is not based on any sound public policy analysis. It is not based on any evidence. It is based on some sort of ideology and plays on people's fear, because there is fear about drug use.

Government Orders

All of us as parents worry about what happens to our kids when they are in school and whether they are being lured by dealers. These are all fears that we have about safety in our community, but what I find really difficult, because it is so politicized now and so politically motivated, is to lure people with the idea that by bringing in tougher and tougher laws that we are somehow solving the problem.

That is the problem with the bill. It is based on the premise that mandatory minimum sentences for drug crimes will improve the situation that we see in our local communities, that it will help our kids, that it will help drug users, that it will help deal with big kingpins, the big traffickers, the dealers that people worry about.

I believe we have a responsibility as members of Parliament to actually examine that question and to ask ourselves, is that the right direction? Is that the right route to take?

I began with the Minister of Justice and asked him to please show us the evidence that mandatory minimums work, because everything I had seen coming out of the United States was telling us that they do not work. In fact, many of the states are now repealing, have repealed or are about to repeal their mandatory minimums.

So I thought, if we have a Conservative government that wants to take us down this road, at least let us see the evidence that the government has that it will work. Let us see the evidence and the estimates of what it would cost the judicial system. How many more people would it put in jail? What would be the cost to the provincial and territorial system?

However, the minister could not answer that. All he could say was that Canadians had told him that they wanted this to happen.

I felt very dissatisfied by that answer. I thought it was a very pathetic answer, and it really exposed the lack of analysis and substance that brought this bill forward.

In committee, we heard from some pretty remarkable witnesses. We heard from 16 witnesses, 13 of whom were strongly opposed to the bill and to mandatory minimums. In fact, the executive director of the John Howard Society forwarded the committee information about 35 studies, and he actually produced 17 of them, that showed that mandatory minimum sentences do not work in this area. We had overwhelming evidence showing that this is a very failed approach.

I feel that we are at a point now where it is just pretty awful that the bill will go through. I have been listening to the Liberal members, scratching my head and wondering, what on earth are they thinking? Why are they trying to fool us? Why are they trying to fool the Canadian public that by somehow lining up with the Conservatives on the bill they are doing the right thing?

I know there are individual members there who probably do not agree with this bill. We just heard from the member for Esquimalt—Juan de Fuca who did introduce a bill on decriminalization of marijuana, which I very much support.

● (1130)

The bill is going in the complete opposite direction. I do not know how the member, or other members who I know have a similar view can, in any good conscience, can support this.

We know from the experience in the United States, contrary to what the Conservatives tell us, the bill is not levelled at the big kingpins. It is levelled at the low level dealers. It is levelled at the users who also deal because that is part of the cycle.

The idea that minimum sentences would be a deterrence to these folks is completely false. We have so much evidence to show that they are no deterrence at all. All minimum sentences will do is put more people in jail, people who already deal with substance use issues and need medical and social support, treatment and rehabilitation, and good housing.

We have to figure out why people become addicted and how to help them out of that. The government cannot just throw out a bill and give a six month sentence to one person and a three year sentence to another. People will be thrown into a system and will come out even worse.

The Canadian HIV-AIDS legal network recently produced a report about the lack of accessibility to harm reduction practices in our prison system, whether it is needle exchange or health support, which is truly shocking. People are being put into an environment and coming out much worse than when they went in.

The bill is completely harmful in its consequences. I really believe that it should be defeated, and that is why, from day one, the NDP made it clear that we thought it should be defeated.

I want to deal with some of the issues that have been brought forward.

There has been a suggestion in the debate that if we do not support the bill, there will not be any enforcement. It has been suggested that the bill is about bringing in an enforcement regime and that what we have is not working. There is no evidence of that.

Bill C-15 proposes to amend the Controlled Drugs and Substances Act. In the current act, trafficking, as I pointed out earlier, is already subject to life imprisonment, so is importing and exporting and production for the purposes of trafficking.

There is already a whole set of aggravating circumstances contained in the CDSA similar to Bill C-15. The courts already have the legal tools to use aggravating circumstances, whether it is carried use, or threaten to use a weapon, or the use of violence, or being near a school ground, or a previous conviction or the use of the services of a person under the age of 18 years to commit or involve such a person in the commission of a designated substance offence. These already exist in the Controlled Drugs and Substances Act.

I come back to the fundamental question that has to be answered by the government. Why are the Conservatives introducing a regime of mandatory minimums when there is no evidence showing that they will work? In fact to the contrary, this will only make it worse.

The Conservative member for Edmonton—St. Albert said in committee, after we had heard from the John Howard Society and the Civil Liberties Association:

Government Orders

I suppose I will accept the representation made from the John Howard Society and the Civil Liberties Association that this bill is targeted to the so-called low-level distributor or low-level dealer. You may be correct that it may not be as effective as we would like in going after the kingpins. I may accept that.

Conservative members know what the bill is about. Even though they say publicly that this legislation goes after the big guys, that it will make us all safe, because the bill is so broad and because it will capture so many people, they know it will be low level distributors, many of whom are also users, who will be caught.

I would argue that is why the Conservatives included a small aspect in the bill around drug treatment courts. They want to give people the idea that at least there is some alternative regime to allow people to go through a drug treatment court.

● (1135)

The big kingpins, the big drug dealers are not going through drug treatment courts. They are the ones who negotiate their way out of anything. They are the ones who have the resources to do that. The people who go to the drug treatment courts are the poorest of the poor. They are the people who are visible on the street. This is very much a class issue as well.

Drug use exists at every level of society, whether it is lawyers or professionals, but the visibility of what we see is on the street. That is where the enforcement is being levelled and that is where people are being sent into these drug treatment courts.

The evidence of the drug treatment courts is very mixed. I have serious problems with them. If we believe people should get help, why would we wait until they are convicted and then ask them if they would like get some treatment? Part of treatment is to make an early intervention. If we wait until people are all the way through the justice system and then say that we will help them is a completely ridiculous way to organize a continuum of support and help required for people who face addiction issues.

The Liberals are very much hanging their hat on the drug treatment courts, saying that they are going to go after the drug treatment courts, that we need more of them. However, they are very controversial as to whether they are working.

I would also like to read into the record what the Minister of Public Safety said when he appeared before the Standing Committee on Public Safety and National Security back in April of this year. He said:

Why is it that we're having to convert our prison system into a mental health hospital system? Why is it that people are ending up in prisons who shouldn't be? The fundamental problem is this. Why are we not getting adequate health care to individuals? Why, when they have their first couple of encounters with the courts, do they still not get adequate health care?

Understanding how you get there is important, because by the time someone has had serious enough problems that they're in the federal penitentiary system, it's pretty hard to put the puzzle back together again. What we want to do is find ways to deal with it well before that happens, and that's better for society. It's better for the individuals involved; it's better for the taxpayers; it's better for our prison system....

There are so many contradictions. On the one hand, the minister himself is questioning why so many people are being sent into incarceration who really should not be there. On the other hand, we have this draconian bill.

I did call it radical. I believe mandatory minimum sentences are a radical approach that has been shown not to work. We will be sending more and more people into the justice system where they are not going to get the help they need and they are not even going to get the help they need from the drug treatment courts.

The bill will go through. I am very glad that at least the NDP was able to get through a couple of amendments, one of which was to have a review of the bill within two years. I hope there will be enough of us around, and I am sure there will be a strong NDP contingent here, to ensure the bill is reviewed. We will do it very objectively, and as the member for Windsor—Tecumseh says, if necessary, have it repealed. That is very important. We were glad we were able to get through one amendment to provide an exemption for one to five plants.

At the end of the day, this is probably the worst crime bill the Conservatives have brought forward. It has no evidence to support it. It is purely driven by a political agenda. It is going to hurt people. It is going to send more people into our prison system. It is not going to solve our substance use issues in local communities or nationally. It is going to drive us down the road where the U.S. went, which has been the most colossal failure that we could imagine, financially, politically and in terms of its justice system.

That is where we are headed with the bill. It is a huge mistake. I am very glad the NDP is voting against it. I appreciate that the Bloc is voting against it also, but I wish the other parties would too.

● (1140)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I want to be very clear on what this bill is about. This is a tailored, targeted approach to the trafficking of drugs, which is plaguing our communities.

If people are selling drugs in areas frequented by children or selling drugs to children, they are going to get a mandatory minimum sentence. If there is violence involved in the trafficking, people are going to get mandatory jail time. If they are involved in organized crime and are selling drugs, they are going to get a mandatory minimum sentence under our bill. Canadians are asking for that.

The member for Vancouver East referred to this legislation as frightening. The only thing that is frightening is the fact that the member for Vancouver East and her NDP colleagues are advocating for the legalization of these drugs. I also heard the Liberal member for Esquimalt—Juan de Fuca confirm that he also supports that. It is shocking that this would happen in the House.

Could the member for Vancouver East find it in her heart to reconsider her position on the bill and do something to protect the innocent children of our country?

Government Orders

Ms. Libby Davies: Mr. Speaker, that was a very emotional appeal from the chair of the justice committee. He is smiling now. My position and the position of our caucus is based on a very analytical understanding of what drug policy is about. It is not easy for us to take that up. He has pointed out the politics of this. It is so easy to appease people and tell them that if they are worried about drugs, we will get a tougher law. We have decided that we need to be honest about what is going on with drug policy in Canada. We do need to have an honest conversation with people in our local communities and let people know that just bringing in another law will not solve those drug problems.

To that extent, it is from my heart, if I can respond to the member in that way. I deal with those folks on the street every day. They are my constituents. The people dying from overdoses and the people who have been pushed to the margins of society are the ones who gave me the heart to bring this forward. They are the ones who are the victims of our drug policies.

We heard from some of them at committee. The bill will make it a lot worse for those people. They know it and they feel pretty scared about it.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, we are talking about an area that is coming out of the justice committee. We are dealing with penalties, but I think I heard the member lay out a bit of detail about a national drug strategy and how the government is going to lead in addressing the problems of drugs on all fronts, including rehabilitation, prevention, health, et cetera.

Could the member review again for the House the importance of the four pillars?

• (1145)

Ms. Libby Davies: Mr. Speaker, I believe the member supports the four-pillar approach. I thought this well substantiated policy had been adopted. However, in the latest so-called anti-drug strategy that came from the Conservative government in September 2007, one of the pillars had been dropped, and that was harm reduction.

We know about the huge battle that has taken place in Vancouver to keep Insite, the safe-injection facility, open. In fact, the Conservatives have not been able to close it down because of the massive public support across the country. Insite and things like needle exchanges are part of the four-pillar approach. This has been well adopted across the country by many big cities and smaller communities.

It was adopted by the federal government, but that radically changed when the Conservatives were elected. They dropped harm reduction and are now hell-bent on the idea that they will eliminate any funding or support for any program that they deem to be under the category of harm reduction. Instead, they are now emphasizing an enforcement regime. That will hurt a lot of people who truly need medical and social support to deal with the addiction issues that they face.

The bill will not help those people. A four-pillar approach was a much more rational public policy to deal with substance use issues. Unfortunately, the bill is now taking us in the completely opposite direction.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I would like to congratulate my colleague, who represents a very difficult riding in the Vancouver area, and has done a tremendous job on the whole issue of narcotics, drugs and diversion programs.

In a perfect world, I would tell her she is right. But since we live a world governed by the Conservatives, who lean to the right, if not the far right, we have a problem on our hands, and that problem is Bill C-15, as my colleague has made clear.

I have just one question for her. I know we are running out of time and I want her to have time to answer. I would like to know what impact this bill could have, not on the penitentiary—and I will come back to that in a moment, since that will have a different impact altogether—but on the provincial court and provincial detention centres in her riding in the Vancouver, British Columbia area.

What impact will this bill's enforcement have on the provincial court and the provincial detention centres?

[*English*]

Ms. Libby Davies: Mr. Speaker, I wish I could provide some clear information to answer the member's question, because this is one of the questions we did pose to the minister. If the bill passes and a regime of mandatory minimums is enacted, we want to know the estimate of how many people would be convicted and would end up in the provincial system, which would be convictions of two years less a day. We need to know what the costs of that might be as well as the number of people convicted.

Our belief is that it will be very high based again on what we saw in the United States. We had evidence regarding that at the committee. As far as we know, there has been no work done by the government, or if the work has been done, the government certainly is not disclosing it.

My constituents and people in other places across Canada are going to be very fearful that because of these mandatory minimums when people get caught up in this net and they go through the court system, the first thing they are probably going to do is plead not guilty to try to get around the mandatory minimum. That is going to take up more court time, more lawyers' time. We are seeing the legal aid crisis, whether it is in Ontario or in British Columbia. This is only going to create more chaos in a system that is already overstressed.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I have a very short question for my friend. There are two aspects. One is around balance. We have talked a lot about the four pillar approach, but it seems that bills such as this one show the government only to be standing on one pillar out of the four.

Government Orders

Second, my understanding is it is the intention of all members in the House to reduce the misery and effects of organized crime. We see the ripple effects in my region of Skeena—Bulkley Valley. I asked the chair of the committee to produce one piece of evidence, one study, one report from a criminologist, a lawyer or an association anywhere which says that in order to get at the organized drug problem one should use the technique of mandatory minimum sentences that are proposed in the bill. All he could yell out at me was “logic”. Whose logic, his?

My colleague from Vancouver East is not an expert, unfortunately, on the misery of organized crime, but I wonder if she could speak to the lack of evidence that has been presented by the government and the Liberals to this point.

● (1150)

Ms. Libby Davies: Mr. Speaker, even the Canadian Association of Chiefs of Police talk about the need for a balanced approach. In their letter to the committee the police chiefs did not come out and say that they adopted mandatory minimums as the way to go. They were silent on that matter. They did talk about the need for enforcement to go after the big kingpins. Even they talk about the balanced approach.

The member has made a very good point that we have not seen the evidence that the bill will do anything to deal with the serious situation that exists with drug use.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts.

Government members seem to think all they have to do is come here and list the provisions of a bill and that is their speech, but that does not speak to why the government is doing things. It does not speak to the impact the government is expecting. It does not address what the opposing views may have been and how they have been addressed or how they have been dismissed or how they have been compensated for. When committees handle bills, it is important that they bring back to the House a sense of where they have been on their important journey dealing with issues that are very important to Canadians.

However, the starting point of this bill was flawed in the first place because it was presented as a justice bill. Therefore, members should understand that we are dealing with a justice issue, not in the context of other important elements such as health issues and certain other areas. In fact, it is even narrower than that because it simply is another proxy for the government to say that it is tough on crime because it has brought in mandatory minimums. If we listen to the speeches and read the transcripts of the speeches that government members have given on this bill, they have continued to say that there is going to be a mandatory minimum and people say that is good because the offenders are not getting a penalty otherwise.

Not one of the government members included in his or her speech, and I listened carefully, that all of the offences that are referred to in this bill are subject to penalties of up to life imprisonment. Do members realize that? I do not think a lot of the people who are following the debate realize that. We are talking about very serious criminal offences. We are talking about drug offences and trafficking

related to organized crime, utilization of weapons, dealing with these problems in the schools and being plagues on society. These are very serious crimes and they are subject to imprisonment up to life. I will read from the bill itself. This is the justice language, but these are indictable offences and liable to imprisonment for life. It says “for life”. It does not say “up to life”. Members have to read it. It is imprisonment for life. There is judicial discretion.

We are dealing with the most serious crimes. We are dealing with organized crime, those who are the plagues on society who use drug money to finance all other kinds of criminal offences. That is very serious. I suppose that anybody who is going to be charged with an offence related to organized crime is going to get a penalty up to life. If the government prescribes a mandatory minimum of one year, how is that important? Does it not say something? If a mandatory minimum is being put in, then some people are getting no sentence for this serious crime under the existing law. Is that true? I do not think so.

Mr. Brent Rathgeber: It is true.

Mr. Paul Szabo: There is plea bargaining; I understand that. If we want to talk about what happens in the real world, in the courts, we will see examples of where they will sacrifice prosecuting some low-level participant in criminal activity for an opportunity to get at the bigger kingpins, as it were.

There are all kinds of these things out there and people have to understand that. I am not a lawyer and I am not an expert in the courts, but I can say as a layperson that if we are dealing with an indictable offence that is subject to imprisonment for life and we say that we are going to also add a mandatory minimum of one year, that tells me that this life thing is not real. Why did the government members not explain that? They have to explain it.

● (1155)

There is a reason I want to speak to this bill. The member for Moncton—Riverview—Dieppe mentioned something about my age and that I have been around a long time. Well, it has been 15 years, but I have learned a lot.

Back on October 30, 1995 in the 35th Parliament, I stood in this place and gave a 40-minute speech. At the time, lead speakers actually had 40 minutes. I was the chair of the health subcommittee on Bill C-7 regarding the Controlled Drugs and Substances Act. This bill actually started under the former Mulroney government but was never dealt with. It finally came before the 35th Parliament and the subcommittee was set up because it was not just a problem of health; there were justice and criminal issues that had to be addressed. There was a whole bunch of issues within society about decriminalizing marijuana and the advent of designer drugs. All of a sudden, people were getting very clever on how to manufacture drugs which were not even known. They had different chemistries and names and they were not included on the list. As a consequence of second reading debate, we found that it was necessary to expand the list.

Government Orders

A subcommittee was established. The member for Hochelaga was on that committee as well. There were thousands of communications and representations and dozens of submissions and witnesses on broad aspects. One of the important reasons we were doing that is that Canada, which is a signatory to many international conventions, had been identified as having failed to live up to its international obligations and had become basically a shipment point for the export of drugs to other countries. This was a very serious issue. We were under a great deal of pressure. I will refer to that a little later.

When we were finished our work, it was clear that it was important that we not only have a national drug strategy but that we also have the tools and plans to make that drug strategy work. When a drug strategy works, it is not just a matter of someone having done something, whether it be possession or trafficking, being a given a penalty, going to jail and everything is fine; it involves people. There are people involved in drugs at all levels. There are users, traffickers, the people who are financing and everybody in between. People are hurt. Families are hurt.

As has been discussed by a number of members, there is the importance of having some balance, such as a harm reduction strategy. How do we deal with these things? There is the aspect of a four pillar approach: harm reduction, prevention, rehabilitation and treatment, and enforcement. It requires much more.

This bill is simply a proxy for the government to say it is getting tough on crime and there will be a mandatory minimum for terrible crimes. Incidentally, and the government does not tell us this, people are subject to life imprisonment already. It did not go far enough.

As a matter of fact, the other thing government members did not mention in their speeches was proposed section 8 in Bill C-15. Proposed section 8 states:

The court is not required to impose a minimum punishment unless it is satisfied that the offender, before entering a plea, was notified of the possible imposition of a minimum punishment for the offence in question and of the Attorney General's intention to prove any factors in relation to the offence that would lead to the imposition of a minimum punishment.

In other words, notwithstanding what the bill prescribes, the crown attorney has to give notice before someone enters a plea. There is discretion, in fact, if Parliament passes this bill, notwithstanding what members from the Conservative Party said that it is going to be mandatory and people are going to jail, no, the bill hands it over to the courts, to the crown attorneys, plea bargaining and all of that other stuff.

● (1200)

I should mention that the speech I gave was on October 30, 1995. It was significant in my life, and I think in Canada's life, because that was the day of the last Quebec referendum. That is why there were many people engaged in other things. I was asked to give the lead speech on it.

At the time, we debated, we discussed, and the committee went for over two years to address all the issues and concerns that had been raised at second reading. It went to committee. We started getting feedback from our international partners in terms of dealing with drugs, and Canada was a laggard and needed to do something.

Interestingly, many of the points now raised in this debate are the same issues and points that were raised in 1995.

We could not legislate a number of these things. These were recommendations coming out of the committee. These were pleas on behalf of a committee, and a committee report. It said not only does the bill have to be dealt with, we have to deal with scheduling of drugs and with designer drugs. We have to deal with fortified drug houses, for example, organized crime. We have to deal with rehabilitation and treatment and we have to deal with prevention. We could not put that into a bill because that was beyond the scope of the bill, but we reported on those things.

Still today, the solution to all problems of the government is that if people commit an offence it is throwing them in jail. I suppose that is fine for some, but what is the reality in the courts where people are going through the system and they are being judged with regard to the offences that are being referred to?

Back in 1995, the courts were overcrowded. There was no money for rehabilitation and treatment. There were no resources to have effective prevention programs. There was no comprehensive strategy to address the whole family of problems in the world of drugs. There was a plea by Parliament back in 1995, and the same kinds of problems continue today.

The fastest growing industry in the United States now is the prison industry: building jails. It is a system where if one commits an offence, one goes to jail. They say, "We will squeeze them in there. We will keep building jails. We will start privatizing them." It is a growth industry. It is the biggest growth industry in the United States.

In a small way we are following that same kind of pattern, that when we have crimes we put people in jail and that takes care of it. However, eventually those people come out of jail, they go back into society. Many of them are repeat offenders.

Our system of justice incorporates the whole principle of rehabilitation, but it does not often work. If there are no resources, how can we expect people to come out of jail with a sense that they did something wrong, it was not a good thing, it hurt a lot of people, their life is going to get fixed up and they are going to have the support to make sure they continue on the straight road.

That is not part of the Conservative philosophy. The Conservatives' philosophy is, "They are criminals. We are putting them in jail and we will throw away the key. We are getting tough on crime."

I think the country is probably worse off if all we do is continue to throw people in jail without trying to deal with the importance of rehabilitation, treatment and crime prevention. Where are those things?

Government Orders

As the federal government, we can pass laws that can amend the Criminal Code and drug laws. Who enforces those? Who is responsible? The responsibility for dealing with crime on the street is substantively within provincial jurisdictions. They, most of them, are the ones that are responsible for the courts. They are responsible for the programs. They are responsible for most of the jails. We have federal judges, but there are also provincial judges.

● (1205)

If we continue to pass laws that pass on more onerous responsibilities and all they are doing is filling up jails, who is going to pay for it? How are they going to be able to afford to discharge those responsibilities that are thrown at them by the federal level of government?

There has to be a shared responsibility. If the system is going to work, we need a strategy that covers all the possible approaches to dealing with serious crime whether or not there is a possibility of rehabilitation or appropriate treatment to deal with people who have been in the drug system. We have to deal with prevention.

I became a member of Parliament in 1993, and the first committee I was on was the health committee. I remember health officials coming before the health committee to talk about the state of our health system in Canada. They told us at the time that 75% of the money spent in the health system was on fixing health problems, addressing illness, and that only 25% was spent on prevention.

I will never forget it. There were 200 green rookies who had just been elected. Officials came before a committee of Parliament, and they concluded that how we spend our health dollars in Canada, with 25% on prevention and 75% on dealing with problems after we had them, was not sustainable. That has stayed with me all my years as a member of Parliament: the value of prevention versus punishment.

Our health system has tried to move in that direction, and it is very difficult, but I think that a dollar spent on prevention provides much more benefit in terms of better health for Canadians than a dollar spent on fixing problems and cures. We have to deal with it before it happens. That is part of why I wanted to speak on this.

I want the government members to know that I do not have a problem with mandatory minimums conceptually. If the courts are not able to do their jobs for one reason or another, there should at least be some period of incarceration. We need to defend the principles. The Liberals brought in mandatory minimums before the Conservatives. We had mandatory minimums in Canada, though not in all areas. It was not a philosophical thing, but it was not across the board.

However, the government seems to think that all it has to do is bring in 10 or 12 justice bills, prescribe mandatory minimums right across the board and that will tell everybody it is getting tough on crime. All it is really doing is filling up the jails and making angry people who will come right back to society. It is going to get worse, and it has in many cases, although some of the statistics I have seen seem to fly in the face of that in certain areas and for certain types of crime.

If we look at what happens in a period of recession and economic duress, the property crime in Canada goes up. It will track unemployment. It did in the last recession, and it will do so in this

one too. That is going to put more stress on the system. We have to learn from history about how this works.

I want to conclude by saying that if the members are going to speak in this place, I do not want them to read the bill or give me all the provisions; I want them to tell me why we are doing this and to tell me the truth, that these provisions have life sentences associated with them.

However, proposed section 8 with regard to mandatory minimums sets conditions and provisions whereby the crown attorney and the people in the courts can basically decide that there will not be a mandatory minimum. Not one of those members said it, because it takes away from their argument that we are getting tough on crime. We are simply delegating that decision to the courts. The bill is not setting mandatory minimums; we are delegating that opportunity to the courts. There is much more that goes on in the courts. The members have not addressed it, and they have not done their jobs.

● (1210)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I do have some comments, and probably not any questions, for the hon. member for Mississauga South.

I was a little confused listening to his speech. In one instance he was against the bill. He does not think it is tough enough because he thinks there is an escape clause in proposed section 8, but then he goes on to say that all it will do is fill up our jails with criminals who do not deserve to be there.

I am a little confused. Is he for or against the bill? If he is against it, why exactly is that? I will try to help him out. He was critical of my speech because it listed the salient features of the act and he did not like that. He does not understand proposed section 8, so I will attempt to explain it to him.

Proposed section 8 is the provision that entitles an accused person to notice if the Crown is seeking a mandatory minimum sentence. There is nothing new or novel about proposed section 8, and this was not the focus of debate or discussion at committee.

I appreciate that the member for Mississauga South is not a lawyer, but if he talks to the lawyers within his caucus, I am sure they will satisfy him that in our criminal justice system the accused is entitled to full disclosure. The accused is entitled to know the evidence against him and the Crown's intention.

There is nothing novel or new about section 8. The Criminal Code is full of notice provisions, for example, if the Crown is seeking incarceration on a subsequent impaired driving operation, the accused is entitled to notice of that. The accused is entitled to notice of all the evidence. There is nothing new or novel about that.

Government Orders

With respect to the need for this, the member for Mississauga South was quite right, the maximum penalties do exist. For some trafficking offences, life imprisonment is available. The problem was that the courts were not awarding anything close to the maximum sentences. We have all sorts of anecdotal evidence where people who were selling drugs were sentenced to house arrest or to conditional sentences. The government feels very strongly that those who are involved in those types of activities ought to be subject to minimum mandatory sentences—

The Acting Speaker (Ms. Denise Savoie): As there were a number of other members rising to ask questions, I will let the member for Mississauga South answer.

Mr. Paul Szabo: Madam Speaker, the first thing is the point about the mandatory minimums. My comments were about the principle of mandatory minimums brought in across all the legislation.

The member may recall, maybe he was not listening at the time, that I was referring to the series of bills that the government had brought in, particularly in the last Parliament. That is why I reached the conclusion that in all of those bills the mandatory minimums would tend to increase the prison population. It is not this bill. It will not. It does not have to. For serious crimes, when a person is subject to up to life imprisonment, clearly if they are not getting, and he said “close to the maximum”, are they getting mostly in the middle? To say it is one year, clearly that is a token. It does not reflect an explanation as to why it is one year. Is the reason because the courts are not giving any sentences? The member has to be clear in his question.

I explained very clearly that if the court has the discretion, the court is not required to impose a minimum punishment, et cetera. That is proposed section 8. It is not what the member said. He should read it himself.

•(1215)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I will make a comment before asking my question.

My colleague is quite right when he says that the court is not required to impose a prison sentence. However, we must read the clause in its entirety. The judge will have to justify and explain the reasons for his decision in the warrant of committal, which is forwarded to the prison. In addition, these decisions may be appealed. There is nothing more than that to guide judges. It would be exceptional. Furthermore, the accused must agree to participate in and complete a drug treatment program. That is what clause 8 says.

I would like to ask my colleague a question. In his riding, in the region he represents, what will be the impact of this bill on provincial prisons, the prisons that house adults serving a sentence of less than two years? Is the opportunity for rehabilitation not compromised by this bill?

[*English*]

Mr. Paul Szabo: Madam Speaker, earlier in the debate I started to jot down some notes, and one of the first things I did was to try to figure out what the assessment was of the current situation in the courts. I wrote down, “jails crowded, courts crowded, rehabilitation treatment not available for far too long”. The system has some

problems. If there is no room in the jails, then new jails are built or people are not sent to jail but given house arrest or whatever.

The member who just asked a question previously raised this and said that all we were doing is giving house arrests. If the member would just think it through he would have to ask himself why. Is it just because we are soft on crime, or is it because we have a problem in the prison system?

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I am a bit perplexed, quite frankly, by the position taken by my colleague from Mississauga South in his speech today.

He is obviously aware of the importance of prevention, and I fully support every comment he made in that regard.

My colleague is also fully aware of the impact of the bill in terms of incarceration rates both at the provincial level and at the federal level. The effect is going to be a substantial increase.

I think he is also aware that, yesterday or the day before, the federal Correctional Investigator came out with a report saying that any sudden influx would be dangerous to the system at the federal level to the extent of it being at the breaking point.

I think the member would agree with all those statements. If that is the case, how could he and his party possibly support this legislation when the effect is going to be so draconian and dire on corrections generally in this country?

Mr. Paul Szabo: Madam Speaker, I am speaking to the bill as a member who has had some involvement in the subject matter going back some time and I have heard these arguments before. I am going to support the bill because I do not think the bill would do anything.

In these particular cases, we are talking about the most serious crimes, such as trafficking in dangerous drugs, involving organized crime and use of weapons. If someone is given a mandatory minimum sentence of one year when they are liable to life imprisonment, there is something wrong in the court system. I cannot imagine anybody getting just the mandatory minimum as a total sentence. It has to be more than that, and if not, then there is a problem.

I spoke with a couple of individuals in the legal community. They asked whether I thought they would process the paperwork for a mandatory minimum sentence of one year. They are so overworked that they are not going to do it. The courts are already filled.

I am going to support the bill because I think it would do absolutely nothing.

•(1220)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Madam Speaker, I listened to my friend intently, and there was some suggestion that the government has not put into play rehabilitation services or drug prevention programs.

For the member's edification, I can tell him that just the other day I was pleased to work with the local health unit, which has targeted \$184,000 specifically to youth in high school.

Government Orders

I want to say “children”, because in the bill, some of the mandatory minimums deal specifically with people who want to sell drugs to our children at school. The member for Mississauga South knows that is one of the most precious places we send our children and they need to be protected when they go there.

The Acting Speaker (Ms. Denise Savoie): I will have to interrupt the member. I should have advised him that there was time for only a very short question.

The hon. member for Mississauga South has 10 seconds to respond.

Mr. Paul Szabo: Madam Speaker, if it is a very serious crime that is subject to life imprisonment, then what is the relevance of a one-year, or even two-year, mandatory minimum? There is a contradiction. It is a problem with the legal system, the court system, and the jails. The member should understand that.

I would like to see a comprehensive approach that would deal with all four pillars to address the drug situation.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I shall continue on the theme of the hon. member for Mississauga South and respond to his argument at the outset that it is a pity that the party he represents in the House has not understood the same thing as he has. If his party had understood the same thing as the hon. member for Mississauga South, we would not be at this point today and there would be no chance of this bill being passed. However it will be passed, thanks to the complicity of the Liberal Party. This bill seems to us totally unnecessary and dangerous. My colleague from Mississauga South is perfectly correct. We will not be filling the prisons with the real criminals, but with people in the early stages of becoming criminals.

The Bloc was opposed to, is opposed to and will continue to vigorously oppose minimum prison sentences because of four important points. This is not just my opinion. First of all, these minimum sentences “do not advance the goal of deterrence. International social science research has made this clear”. The Conservatives and some Liberals are vocal advocates of the opposite view. They need only look to the United States, where minimum prison sentences have been imposed, to realize that this has not solved the crime problem, which indeed is now much more deep-rooted.

In New Zealand and Australia, and specifically Northern Australia, an institute has produced a report entitled *Mandatory sentencing for adult property offenders*. They studied the issue thoroughly and found that a law passed in 1992 that imposed minimum sentences was useless and had solved nothing. Not only had it not reduced crime, it had increased it. Individuals are not prevented from committing crime by fear of a prison sentence. That is not my opinion: it is in the report.

The Conservatives are so vocal and insistent on this that we asked them to provide us with just one study. The hon. member for Lévis—Bellechasse can report to the members of his party and ask them if it is true that they have not produced a single study. Their answer will be incomprehensible. We asked them for one and they have not produced it, whereas we have submitted 12 studies. The Liberals submitted a few, and the Conservatives not that many, since they do

not have any, but the Bloc and the NDP have invited expert witnesses who have studies that demonstrate that minimum prison sentences are of no use.

I ask my colleagues, including the hon. member for Lévis—Bellechasse, to listen to what these studies have said.

The evidence shows that long periods served in prison increase the chance that the offender will offend again... In the end, public safety is diminished, rather than increased, if we “throw away the key”.

This was said by the federal Minister of Justice in a 1990 study entitled *Directions for Reform: Sentencing, Corrections and Conditional Release*. This was when the Conservatives were in power under a certain Brian Mulroney, though it is true that at that time they were called Progressive Conservatives, whereas they are now Reform Conservatives. So we have it in black and white. They have seen the studies, but they continue to maintain their position.

We also need to draw hon. members' attention to the fact that mandatory minimum sentences have been harshly criticized in a number of other major studies, including the report of the Canadian Sentencing Commission.

•(1225)

This is not our idea. It does not come from the evil separatists. The ones who say so are the Conservatives, the Reformists, and they turn up with this bill. That was my first point, but I have three more.

Second, the Bloc Québécois has always and will always be opposed to mandatory minimum jail terms, and will fight them vigorously because they:

...do not target the most egregious or dangerous offenders, who are already subject to stiff sentences. [—precisely because of the nature of the crimes they have committed]

I will repeat for the hon. member for Lévis—Bellechasse and certain members of his party, who will perhaps understand.

More often, it is less culpable offenders who are caught by mandatory sentences and are subjected to extremely lengthy terms of imprisonment.

Those are not our words. They are written in black and white in reports and all my quotes are from those reports. The position of the Bloc Québécois is based and focused on that. It would be interesting for my colleague from Mississauga South to speak to his Liberal party colleagues, who do not get it at all. The member for Mississauga South and the members of the Standing Committee on Justice and Human Rights got it somewhat, but they claim they have no choice.

No choice but to do what? Fill up our prisons?

One thing is for sure: the prisoners will get out one day. Our Conservative-Reform friends have to realize that the prisoners will get out one day. Mandatory sentences are given to the least guilty offenders, and they are the ones who get sent to crime school. When it comes to minimum prison sentences, the problem with the Conservatives and some of the Liberals is that they do not understand that a person given a minimum one-year prison sentence, for example, is eligible for parole and will get out after serving one-third of the sentence. That does not solve the problem. The Conservative-Reformers do not get it. They do not understand that the prisoners will get out.

Government Orders

Usually, people who work for organized crime—the real target of this bill—are given heavy sentences anyway. As recently as yesterday we saw that in the Hells Angels file in Quebec.

I still have two points I want to discuss. My third point is this:

Mandatory minimum penalties have a disproportionate impact on minority groups who already suffer from poverty and deprivation. In Canada, this will affect aboriginal communities, a population already grossly over-represented in penitentiaries, most harshly.

I am not the one who said that. A federal Reform-Conservative organization said that. Juristat, the Canadian Centre for Justice Statistics, reported on the issue in *Juristat: Returning to Correctional Services after Release: A Profile of Aboriginal and non-Aboriginal Adults Involved in Saskatchewan Corrections from 1999/00 to 2003/04*. That appeared in vol. 25, no. 2, published by Statistics Canada in Ottawa in 2005.

I do not think that the Conservatives get it. They will be targeting a poor and disadvantaged segment of the population. We all know that. I will not elaborate on that now. My NDP colleague from Vancouver has already discussed the huge problem with aboriginals and minorities several times.

●(1230)

They are the ones who are going to pay for an unfair, unacceptable law that makes no sense. We will keep on opposing it. Mandatory minimum sentences are not the answer.

Last but not least, I want to make the point that mandatory minimum sentences subvert important aspects of Canada's sentencing regime, including the principles of proportionality and individualization—the member for Lévis—Bellechasse should not move, because I am going to explain what these two big words mean—and reliance on judges to impose a just sentence after hearing all facts in the individual case. What this means is that the government is trying to direct the judicial system by introducing laws that will require judges to impose mandatory minimum sentences.

What the Reform Conservatives and part of the Liberal caucus do not yet understand is that the problem is not when offenders go into prison, but when they come out.

These guys—90% of inmates in federal prisons are men—go to prison after the judge has explained to them why he imposed a three-year sentence, for example. The judge explains his reasons and talks about rehabilitation. In some cases, he may tell the offender that it is not appropriate to talk about rehabilitation, because there is not much chance that rehabilitation will be available for him. The judge will also tell him that it is important that society be protected and that, as the offender does not seem to have understood that, he is being sent to prison for three years.

Imagine the judge's surprise when, eight months after handing down a three-year sentence, he sees the guy in the street. The judge calls the police and explains that he sentenced the offender to three years in prison. The judge is told that the offender was a model inmate. The judge replies that he had trafficked in drugs and had been given a three-year sentence. Yes, but he went before the parole board, and because this was his first offence and he was not a bad guy, he was released.

There is the problem and that is what the Conservatives do not understand. It is simply that prisoners do not serve their sentences. One day the Conservatives and part of the Liberal Party caucus will have to realize that the problem is not when offenders go into jail but when they get out.

There absolutely must be respect for judges. This bill does not respect judges; it imposes minimum sentences. All the necessary tools were already in place.

I know we must refer to specific sections and clauses. Let the Conservatives go and look it up. They did not read section 718 of the Criminal Code carefully. They should reread it. It sets out the sentencing principles to be followed by a judge when imposing a sentence. It talks about rehabilitation, the protection of society and the risk of recidivism. All the criteria are found in that section and judges are familiar with it.

When a guy appears in court for drug trafficking for the fourth time, will the judge give him a conditional sentence? Of course not. Only a few Conservatives believe that.

I was a lawyer for 30 years and I can say that when I went before a judge with a client charged with his fourth trafficking offence, there was no question of obtaining a conditional sentence. The judge would speak to the individual, explain to him that it was clear he had not yet understood, and explain why he was giving him such and such a sentence.

Respect for the judiciary is extremely important as is the principle of sentencing. We are not the ones saying it. The Supreme Court of Canada has acknowledged that incarceration should usually—I say usually—represent the criminal sanction of last resort and that it may be less appropriate or useful in the case of aboriginal offenders.

I cite the Supreme Court ruling in the Gladue case in support of this argument. The Conservatives do not get it and do not seem to want to understand that there must be respect for judicial discretion.

●(1235)

Imposing minimum sentences solves nothing and does not reduce the crime rate. There is no study showing that, and goodness knows I did try to get hold of one. I started by asking the minister, then his staff, and then all the deputy ministers and representatives in the Justice Department, but no one could provide a study that proved that minimum sentences solve anything.

The problem with Bill C-15 is that it has the effect of depriving judges, when passing sentence, of the discretionary power to properly determine the penalty that best balances the fundamental objectives of sentencing.

I will try to put it in simpler terms for some of my Conservative colleagues so they can understand. The more you imprison people, the less you solve the problem. If they do not get that, it is a pity. They can come up with tons of bills, but there is no room in the prisons. They just need to go and check that out. It is not hard to do so, so let them go and check it out.

Government Orders

There is a provincial jail in the Quebec City area, another near Amos and one near Hull. So they do not need to travel far, there is one just across the river and it is filled to overflowing. It is chock full. They do not even know where to put inmates awaiting trial or sentencing. The problem is that they are filling up the prisons but offering nothing to inmates.

When we look at Bill C-15, we see one aspect, that the individual can receive a lesser sentence—the judge will not be obliged to impose a minimum sentence—if he successfully completes a treatment program appropriate to his condition. The problem is that there are no treatment centres. It is all very well to put it into a bill but there are no treatment centres.

The problem with the member for Lévis—Bellechasse is threefold: one, he does not hear two, he does not listen; three: he will repeat it back all wrong. There is no appropriate treatment centre. There is no money for it. They will send people to prison but they are not able to provide appropriate treatment. We are hearing this from the penitentiaries.

Does he know how it works? The member for Lévis—Bellechasse still does not understand. With a three-year sentence, an individual is eligible for parole after one third of his sentence. Eight times three is 24, so after eight months, he is eligible.

That individual has no prior offences, it is his first sentence and his first time in prison. What happens in such cases? It takes four months to even look at his case. What happens then? He is sent to the Sainte-Anne-des-Plaines federal reception centre, put in a corner and observed. Officials will wait a little and analyze his case in order to choose the appropriate treatment. Then, after three or four months, a decision is finally made: he is sent to a minimum security prison or a maximum security prison.

The problem is that there are no services for him in the meantime. If he is eligible for parole after serving a third of his sentence, what happens? He had a two-year sentence—eight times three is 24—so he has four months left to serve. What will he do? He will go play cards and he will not be offered any services. None. That is the problem that the Conservatives just do not understand. Mandatory minimum sentencing solves nothing.

I know I am nearly out of time, but if I could pass along a message to our friends in the Liberal party, I would say they should reconsider their position and have another look at this bill, which solves nothing and will not reduce crime rates. I will not waste my time on the Conservatives, who will understand nothing of this. The only way to make the Conservatives understand that minimum prison sentences are useless is to beat them in the next election, and that is what we are all hoping for.

• (1240)

[*English*]

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Madam Speaker, I appreciate the opportunity to address this issue.

I was curious about issues presented by the hon. member. He seemed to have two different issues in his comments, one in regard to minimum sentences and the other in regard to having enough facilities and enough concentration on rehabilitation.

I also had the opportunity of being a criminal lawyer in northern Alberta where 25% of the population is aboriginal, and I have seen the large proportion of aboriginals in that particular area who go to jail. It is not acceptable.

Many of those aboriginals are my family members. I remember one in particular who spent two and a half years in jail for a simple assault. In fact, he was rehabilitated. He spent time in Drumheller, in the correctional centre there, and he came out rehabilitated. He now has a wonderful family with five children, and he is doing very well. He is sober. Things are looking much better for him.

Indeed, I have had the opportunity to see it both from a family perspective and also as a criminal lawyer. I had a very active practice there.

I saw inconsistencies across the country. I saw individuals being convicted of a trafficking charge in Vancouver receiving a fine, and individuals with a trafficking conviction in Alberta receiving a year in jail for the same type of offence.

I think we need to stand up for victims in this country and we need to have consistency across the country. I want to ask the member, particularly because I do have the experience, why is he not in this particular case standing up for victims? He is talking about criminals and about not enough being put aside for rehabilitation.

By the way, this government has allocated a tremendous amount of money for new prisons and rehabilitation, and we are looking at different ways to help prisoners once they are in there.

We want to stand up for victims before it happens, before there is a re-offence. I am wondering why in this particular case the member is not thinking about the victims instead of the criminals.

[*Translation*]

Mr. Marc Lemay: Madam Speaker, the member might be a lawyer, but he did not learn from the right people. It is not complicated. We are not here to talk about victims. We have other ways of addressing victims' rights, such as help centres for victims of crime, some legislation and even an ombudsman. That is not the problem.

Whether my colleague likes it or not, the Criminal Code, which he would do well to reread, does not apply to victims. That is not my fault; that is the way it is. If he thinks that he can protect victims with a bill that imposes minimum prison sentences, I wish him luck. He will not fix anything.

The problem is that minimum prison sentences do not solve anything. Rehabilitation centres will offer some solutions. When we make rehabilitation our priority, we will start thinking about it more seriously. Yes, we need time-outs and prison sentences in extreme cases, but not for first offences.

Yes, I agree that trafficking drugs is not a good thing, especially not near schools. We all agree on that. However, we have to ask ourselves why it happens near schools. I know that my colleague from Lévis—Bellechasse does not get it, but if it is happening near his school, then maybe there is a problem in the community.

Government Orders

Unfortunately, victims often get stuck in a system, but this bill is not about protecting victims. It would be wrong to say that we are protecting them.

• (1245)

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, the member for Abitibi—Témiscamingue quoted the Conservatives from 1990. I have not been here for very long, and I would like to ask him what caused the Conservatives to change their minds. In 1990, they would have been against this bill, but today, they are in favour of a bill that provides for minimum sentences.

Can he explain the difference between the 1990 Conservatives and today's Conservatives?

Mr. Marc Lemay: Madam Speaker, the answer is very simple.

I thank my colleague from Nickel Belt, my riding neighbour or almost.

The answer is simple: they tailor their policies to win votes. They think that if they touch the right nerves, the public will be more on their side. They would have the public believe that they are solving problems, even though that is not true. They will not solve any problems; they will just create new ones. They will no longer be here, but I would love to see some of these members again in 10 years to see how they solved the problem. I am not at all sure that they will be successful.

[*English*]

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Madam Speaker, this discourse has been absolutely fascinating, and I want to say a couple of things.

As a result of my 16 years working in drug and alcohol programs as a physician and also working in jails, the fact is more than 70% of the people in federal and provincial institutions have a substance abuse problem and often a psychiatric problem in addition. It is called “dual diagnosis”. The majority of those who traffic, usually low-level drug dealers, traffic to earn money to pay for their addiction problem. The underlying problem for most of the low-lying drug dealers is this addiction problem. The bill will matter a lot worse.

Does my colleague not think we have to introduce solutions that will treat individuals, prevent drug abuse and also ensure, particularly in provincial institutions, that individuals have the substance abuse treatment, the skills training and the psychiatric treatment they require?

[*Translation*]

Mr. Marc Lemay: Madam Speaker, my colleague from Esquimalt—Juan de Fuca is quite right, but it is too bad he has not said that to the rest of his gang. He is quite right. Is the government thinking about rehabilitation and social reintegration? No.

My colleague should talk to the other Liberals, because he is quite right. Rehabilitation systems must be implemented, and that means reintegration and treatment in detention. People wind up in prison because they have serious problems. Of course, I agree that there are true criminals, but 80% or many of these criminals should not be in prison. They are there because of a great many factors.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, I thank my friend from Abitibi—Témiscamingue for his eloquent statement. I would like him to help me understand the Liberals' position.

In committee, since they have had a new leader, they seem to be thinking in two directions, and the right hand does not know what the left hand is doing.

I would like my colleague to remind us what the Liberals' position is.

Mr. Marc Lemay: Madam Speaker, the Liberals' position is somewhat surprising, which is the least I can say in the circumstances and still preserve the dignity of Parliamentary debate.

They are opposed to the bill, although sometimes they are in favour of minimum sentences because they can be useful, but then again some could be opposed because sometimes rehabilitation centres present problems since there is not enough money.

I had a hard time understanding. I sat on the committee and I listened very carefully to the questions they asked. The questions from the Liberal Party were clear, but I have the impression—just a little feeling—that they felt an election coming on. I think the tough on crime ideology is somewhat attractive to them. They have a right-wing Liberal base that is a little risky and they are afraid of losing it. So they say they will support this bill, that they will try to amend it and that, after that, they will fight for rehabilitation centres.

Well that is not how it works. Unfortunately, the damage will be done and it will be irreparable. The Liberals who support this bill will pay the price, I guarantee it.

• (1250)

The Acting Speaker (Ms. Denise Savoie): If the member for Lévis—Bellechasse still wants to ask a question, I will give him the floor. Because he was named in the speech, I will give him a chance to speak.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you, Madam Speaker.

I would like to thank my colleague. I am very proud to represent the riding of Lévis—Bellechasse and Les Etchemins. My colleague from Abitibi—Témiscamingue must be jealous, because it is one of the most beautiful ridings in Canada. That is why we have a legislative agenda on legal issues that is constructive and progressive. I would also like to thank the member for the kind words he had for the Conservatives and the previous Conservative government. I am proud to be part of it.

That said, I am sorry my colleague has taken an ideological approach to the bill that is before us today. I expected, given that he really is such a great advocate, as we must acknowledge, that he would take a more pragmatic approach.

The 2010 Vancouver Olympic and Paralympic Games are on the horizon. We have street gangs. Unfortunately, we have them in all our communities, and these people manipulate young people, particularly young women. We see sexual exploitation, unspeakable and unacceptable things. We cannot close our eyes to these situations.

Government Orders

I call on my colleague to answer this question: how can he abandon those victims and let the criminals back out on the street before they have served their sentences, which terrorizes the victims? I call on my colleague to state why he is taking the side of the criminals and not standing up for the victims, as our government is doing.

The Acting Speaker (Ms. Denise Savoie): The hon. member for Abitibi—Témiscamingue has time for a very short answer.

Mr. Marc Lemay: Madam Speaker, first of all my colleague is not referring to the right bill. Second, my colleague just does not get it as he has just demonstrated. In fact, the problem is that inmates get out of jail too quickly and do not serve their sentences.

That is why they will be able to strike fear into the victims of their crimes. We are not here to defend the victims, although I hold them in due regard. We are here to amend the Criminal Code. Bill C-15 will not reduce crime.

[English]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Madam Speaker, great passions are stirred in this place when drugs and organized crime are discussed. Mix that in with politics and one has quite the elixir.

First, I will address the passion that is elicited by all members of the House. I think that underneath the contentious issue of Bill C-15, there lie common interests that need to be enhanced, explored and then considered in light of what the bill proposes. I think when we agree on those common interests, even members of the House who show support for the bill, particularly those who have not read it, will perhaps give some pause and reconsideration. The effects of this will be very real in their communities and constituencies.

Most notable is the effect that is intended by the government's own writing, and from the support we are hearing from the Liberals, in a strangely hypocritical way, is not going to have the effect of reducing organized crime in Canada. As its first principle, we must all agree to that. The organized crime intervention within the drug trade is causing ruination and havoc within our communities.

We must do away with the concept and idea that this sits only within the urban centres of Canada. In the northwest of British Columbia, as in northern Alberta where my friend from Fort McMurray comes from, the encouragement of the organized drug trade does not know the bounds of a city limit. It does not stay within Calgary, Edmonton, Vancouver, Toronto or Montreal. It exceeds beyond those limits. The organizational level of drugs coming into our communities has increased year after year.

Some of my colleagues have referred to the difficult times we are in right now and that drug use goes up among Canadians particularly in an economic downturn. However, it also happens in the reverse.

• (1255)

Even in very good times, when there was more money than folks knew what to do with in places like Fort McMurray, the drug trade was as strong as ever, if not stronger. We see it in the downtown offices of Toronto on Bay Street. We see it absolutely everywhere in society. The touch and the influence of organized crime within this trade has become more and more prolific, despite the efforts of successive government that time and time again have stood in the

House and said that they will get tough on organized crime and that this bill or that bill will do it.

There is some belief within the powers that be in Ottawa that they have the answers, that they have somehow figured out the magic bullet to solve this. In fact, they go against many of the wishes of those working at the grassroots level, at the street level, in the clinics and in the public advocacy groups, which are fighting on behalf of the victims of organized crime. Those people have made serious interventions and contentions about the bill, backed with evidence, and I will get to this in a moment, and the government chooses to ignore that evidence.

The government has said time and time again that law must be based on fact. That seems reasonable. We are lawmakers in this place. We seek to write laws that will then be used in our courts and by our lawyers to punish those guilty of crime and to let free the innocent. When I asked the chair of the committee for those facts, the studies and research, he said that it had to be logical and that was all. As if that was an argument ever to be presented in Parliament, an argument that one member's opinion of logic therefore overrides the idea of research, or study, or understanding of an issue. That does not work. That is not serious debate. That is no way to write law. That is no way to help protect innocent lives of Canadians.

There has been much talk about, from the New Democratic side at least, the concept of the four pillar approach to drug crime, particularly organized drug crime. This does not come from nowhere. This came from municipalities that had been dealing with the ravages of organized crime year after year. When they looked to their federal and provincial governments, they found them wanting. Therefore, this solution came from the people who dealt with the issue.

The first of the four pillar prevention approach to drugs is prevention. It is to try to make the thing not happen in the first place, which is usually the most cost-effective way to make anything happen. It is always more expensive to clean up the mess after the fact than to stop it from happening in the first place.

The second pillar is treatment and understanding that those who are addicted to drugs often face a whole list and multiplicity of challenges within their lives. These are not folks who are simply hell-bent on causing wanton destruction in our communities, despite the advertisements we see in the mail from the government. These folks are facing all sorts of challenges.

I believe there is a compassionate element somewhere buried deep within the Conservatives. I scratch and search for it day after day, a compassionate, truly almost spiritual element that says they must have compassion for people, they must not sit in complete judgment of all those, but that they must show themselves to be compassionate legislators, compassionate leaders of the country, except when it comes to an issue like this. Then suddenly compassion and understanding are not to be found. The Conservatives scream out loud and they condemn groups and societies. There is a class tone somewhere in there that we pick out of the fibre of the speeches given by Conservatives.

Government Orders

However, we seek compassion always. It is our better nature. It is what we as Canadians take pride in and it ultimately achieves the very goals that we all hold in common, which is to reduce the crime, the misery and suffering and the power and the influence of organized crime. We are all seized with that, as we should be, not political opportunism, not moments to score points and produce another couple of million mail-outs prior to elections to try to convince Canadians that tough on crime means something. Everything we do in this place, at our best, should be based on evidence and understanding of the issue.

Now there is always the law of unintended consequences. There is always the law that says when we try to do one thing, even with good intentions at times, another thing might happen.

● (1300)

Fortunately for Canada, the lesson has already been lived out in the U.S., south of the border, where every extreme measure available to government was taken to tackle organized drug crime. The Americans tried everything, and the further south it went, the crazier it got, to the point where they were making such draconian laws, they simply could not build jails fast enough to catch everybody.

How did the drug crime situation fare by taking out every weapon they possibly could and making every law they possibly could as draconian as possible? Drug crime in the U.S. went consistently up, to the point where a number of the major states that led in this initiative of minimum mandatory sentencing for drug crimes are now rescinding those laws.

Here is Canada, with the Conservative government showing up late to the party, looking at no evidence but only ideology, because it is logical to them and therefore must be true, presenting no facts, no evidence, and saying, "This must be the right course because George W. Bush said so; this must be the right course because we in the Conservative Party think so".

If our true intention is to alleviate the suffering and pain caused by the drug trade and organized crime, if we arrive back at that first principle and we then seek from that first principle the solutions that we can all agree with, then we could arrive at something that would, lo and behold, look a lot like the four-pillars approach where we had prevention, treatment, harm reduction and enforcement.

With four pillars, one almost imagines four legs of a table, that in order to build something strong, we would try to make those legs strong and of somewhat equal length so that we could put something on it, such as a community.

When we look at government spending to this point on those pillars, we see harm reduction, one of the most important, at 2.5% of all spending. We see prevention, preventing the bad thing from happening to the person and society in the first place, at another whopping 2.5%. When we look at research and treatment, we see 7% and 14%. Now let us arrive at the big ticket item, enforcement, which is at 73%.

The table that this government and the previous government have constructed is so lopsided, how can the government expect anything other than the condition and the seriousness of organized drug crime to continue to get worse? The organized criminal groups are laughing at and mocking the government.

The government came in with a so-called crime agenda. What have we seen in the streets of our communities and cities since the government came in saying it was going to get tough on crime? It worked well in a pamphlet. It did not work well in legislation and it continues to fail Canadians each and every day.

I do not understand why the government would not at least sponsor a study or two, something it could make public for us to enter into the debate with that says minimum mandatory sentences, in some cases, would work really well, that the government has done some research and it actually lowers the effect of drug crime in Canada. However, the government does not produce a thing. The members just scream out logic. What kind of argument is that? Did these members of Parliament come to this place and promise their constituents that they would not do research, they would not read things, they would not improve their knowledge of a situation to enhance the debate and then arrive at laws that all of us could agree on and work towards?

Instead it is this divisive thing again, divide and conquer, the so-called wedge issues that the party seems obsessed with, as if forming government were just a practice in manifesting wedge issues, time and time again, as if that were leadership, as if that would take Canada to any new place, a better place for Canadians. It just develops a bunch of random issues that the Conservatives think their base, whatever that might mean, might get excited about, and wedge just enough of the electorate over so they could grab absolute power, and then look out. Then they would do the things they want to do.

That is not leadership. That is no way to govern. That is no way to be the Government of Canada. That is not something to be proud of.

I step back to Skeena—Bulkley Valley, the place I represent in northwestern British Columbia. We have seen both sides of the economic cycle. We have seen the boom and we watched the gangs move in with their drugs. We have seen the bust and we watched the gangs move in with their drugs. They get organized in the city, and they take their shipments and all the rest and move them up the line. The misery goes up the line, and property crime, abduction and people entering into prostitution follow for us as well.

Our communities are tightly knit. They are small. They are truly community-based. We see it in our community halls. We see it in our churches. We see it at the local coffee shop every day when we hear about somebody else's kid who hit the road down to Vancouver or who is off in Edmonton and cannot be found. They do not know where they are. They do not know what happened to them.

Government Orders

●(1305)

There is no one in this place who should stand up and say that one party or another has somehow the territory or the marked ground to say they care about these issues and another one does not. It is insulting to all of us. It is insulting even to the person who says it. There is such a lack of grasp and intelligence and compassion as to speak ill more of the speaker than the receiver.

The government must come to understand when we are dealing with such a serious issue as this, and not simply take all the hard work of those municipalities, organizers and community groups that have said we must not simply do the enforcement alone but must have other aspects of this if we hope to achieve our goals, and toss all that out the window and say, "I have the solution; it is minimum mandatory, and whisk, whisk, it will all be done".

This is also a government that used to pride itself on fiscal management. Obviously, that reputation has taken a sound beating, because every time the finance minister opens his mouth, the budget deficit grows again, time and time again. Fiscal management might not be one of the things the Conservatives will campaign on in the next election, but we will see.

Even now, at this point, we ask the government to produce one document, one estimate of the expected cost of the bill, something the government consistently asks for when dealing with private members' bills, bills that come from New Democrats and others. It is one of the government's first questions: "What is it going to cost the taxpayers? We are fiscally prudent; we are Conservatives."

Lo and behold, when we ask what is the cost of this little number, the government says it is not going to tell us. Why is that?

Part of the reason is that most of the costs are going to be incurred by the provinces, because most of the folks who will be ensnared by the bill will end up in provincial jails. Therefore, I guess the government says it is not its concern because it is the federal government. It is all the same taxpayer. The taxpayer has a right to know, when the government proposes a piece of legislation, what the cost may or may not be.

We are not even asking for the exact figure, but just a range, an estimation, a best guess. We are asking for something so that when the government makes these choices, when it spends more than three quarters of its money on one pillar and virtually ignores the rest, the taxpayers can know what kinds of costs, considerations and choices the government is making.

Ultimately, being in government, having the reins of power, having the significant levers of power that a government has, boils down to choices and options and what the government thinks are the best choices for the betterment of all Canadians, not its wedge issue, not its base, not some sort of narrow thing it can slap into a ten percenter in a mail-out and convince Canadians that it is in fact the knight in shining armour to save the day. It has been doing it for years and still things get worse.

The costs are an important element. It just simply cannot be ignored. I still await a single Conservative member to stand up in the debate today on the bill that we are about to vote on, or even a Liberal member, because the Liberals are going to support it, and say

what they think the costs are. That would be fair. That would be honest. That would be intelligent. That would be wise leadership to simply say what the range of costs would be, and some of it will be taken by the federal government and some of it will be taken by the provincial governments. The taxpayer needs to know. Is that fair? Is that understandable?

I encourage my Conservative colleagues, if we can have a few moments of questions and comments, to slide in the figure if they know it. If they do not know it, they can say that too, and that is fine.

However, to simply ignore the costs as though they are not a factor at all in making a law seems ludicrous, as though it does not exist, as though, if they just do not mention it, it will not be there. Perhaps my wishes will be answered, but I suspect not.

We also need to ask ourselves if the first principles remain for all of us, if we can find that sacred little piece of common ground in this contentious and passionate debate. Organized crime and drug laws should be passionate, because that is why people send us here. It is to express our passion and use our intelligence and find the best ways forward. If that sacred common ground around the idea of reducing organized crime in Canada will be satisfied with Bill C-15 through the use of minimum mandatory sentences, a little bit of evidence would go a long way.

●(1310)

There were 18 reports presented and another 15 or so cited in the committee hearings. An overwhelming number of witnesses spoke to the harm of these sentences, not even the harm as much as the ineffectiveness, the inability to cause the effect that the government is hoping for.

When the Association of Chiefs of Police, I believe it was, came forward, they talked about the bill but made no comment whatsoever on minimum mandatory sentences in this bill. If they were so fantastic and the police were dying to have that tool in their kit, one would think they would have mentioned it. One would think they would have said, "By the way, the government has really knocked it out of the park on this one", but the witnesses did not say that, and witnesses presented evidence to the contrary.

At the end of the day, crime can be a difficult thing. It is obviously a difficult thing to handle. The Conservatives came in with crime as one of their main pillars. They were going to fight crime, hopefully not perpetrate it.

In that agenda we have seen time and time again the ineffectiveness of the law. Presenting this minimum mandatory piece to specifically address drug crimes and say it will go after the big gangsters is a little reminiscent of the initial attempts at prohibition in the U.S., when the logical idea, which was probably said in Congress at that time during the debate, was to simply stop the alcohol runs, bust them up, just Eliot Ness them all. That would do it. That would stop all that illegal Al Capone business.

How did the U.S. stop it? It went after the money. It went after their taxes. It followed the money and then sucked dry that element of organized crime and alcohol and then lifted prohibition in that case.

Government Orders

How do the Italians pursue it now as they go after the Mafia? Do they run around giving minimum mandatory sentences? They go after the money. Time and time again, they go after the money.

What is the focus of organized criminals? They are in it for the money. If they could sell widgets and make this kind of cash, they probably would too. I hope the government does not ban widgets. One never knows; there may be a whole organized widget system going on and people will suffer under that as well.

We have to understand that if the government is serious and intends to craft better laws to fight organized drug crime in Canada, it must at least do two things to satisfy this place. One is to present the evidence that shows they work, because other jurisdictions have tried. The second is to present, as a choice for government, that the costs incurred, which the government has not admitted to yet and pretends it does not know, are justified, that this is a good choice in the four pillars.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am standing because the member asked for a Conservative member of the government to talk about costs. What I find most bizarre is that it would be an NDP member asking about costs, because the NDP is usually the last party in this place to care about what it costs for anything to be put in place.

While we are talking about that particular situation and the cost, I want to talk about the cost of losing a husband, father, mother or daughter while shopping on the streets of Toronto, or the cost of a repeat drunk driver. We know that statistic is far too high. Let us talk about the cost of a drug deal gone bad and somebody being killed or shot, or indeed, losing another family member.

Those are the costs that we need to talk about, the cost of protecting victims from people who continue to do random violent things against society. That is the cost we need to talk about in this place, not the cost of sending these people to jail if they have committed a violent crime or a crime where they need to go to jail and need to rehabilitate. That is the cost that we need to talk about.

It is the Conservative government that stands up to talk about that cost. I invite the member of the NDP to stand up and talk about that cost, the cost to victims of not implementing this type of legislation, because it has been going on far too long. I would like him to talk about that cost.

Mr. Nathan Cullen: First things first, Madam Speaker. I will remind my colleague, with whom I get along quite well and quite enjoy his company, that I gave him a sincere opportunity to tell Canadians what the bill actually meant in terms of dollar figures, which is always a consideration of a government, regardless of the legislation.

Second, and I preface this by saying I quite like my colleague, how dare he suggest that the loss of life of that young woman in downtown Toronto would have been prevented by the bill. How dare he use the loss of life and the suffering of Canadians to suggest that the bill would have done otherwise.

How dare he use the victims of crime as some sort of political football to throw around this place, to suggest that the bill his government has presented will do anything for them, when he knows

it will not and when he has no evidence whatsoever, presented in this place or anywhere else, that it is true.

If he has the evidence, then he should bring it forward. Otherwise, how dare he speak to those families, with no evidence in hand, nothing other than pure political opportunism, and use this moment to talk about the victims of crime and suggest that the bill, which has been shown and proven to be ineffective, will do anything for those families, will do anything for those victims, and will do anything for that young woman who was shot down in the streets of Toronto. How dare he.

He is a person of intelligence and, I thought, integrity. He needs to understand that if we go into this issue, we approach it with intelligence and integrity. If he has the evidence, he will not bother talking to his colleagues. He will stand up and say that here is the evidence that will prevent this from happening again. Here is the situation that he knows will be avoided because of the bill, because they have looked at it and researched it.

This has got to stop, this use of stories and victims to somehow justify draconian law with no evidence whatsoever. It is pathetic and it is beneath this place. The hon. member knows better, and he might leave, but the facts remain the same. He must present evidence. He must make logical statements based on fact, not on just anecdotal stories that are brought up to somehow convince Canadians that he is on the right track, even though he cannot present a shred of evidence otherwise. It is wrong. He knows better.

• (1315)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I thank the member for Skeena—Bulkley Valley for his eloquent, although somewhat all over the map, speech.

I do have some evidence. I serve on the justice committee, as does my friend from Windsor who was in Vancouver with me at the end of April to hear actual evidence on how to deal with organized crime which, as this member knows, being from British Columbia, is a plague in southern British Columbia.

One of the witnesses we heard from was Michelle Miller, the executive director of Resist Exploitation, Embrace Dignity, or REED. The witness talked about front line workers. This is what she said about Bill C-15:

First on Rohypnol—

—which is the date rape drug:

—I absolutely support that as being part of the bill. I think that will help women, because some women, girls, and boys will be less likely to be drugged and raped.

So we have experts. We have heard from experts and we have heard from people who do speak on behalf of victims. I would like the hon. member to comment. He talked about compassion on this side of the House. He is right, there is compassion. I have great compassion for victims. I think the bill does speak to victims and I would like him to comment on that.

Mr. Nathan Cullen: Madam Speaker, the idea of going after Rohypnol, often referred to as the date rape drug, is well intentioned and needs to happen. There has been no argument from this side whatsoever that this drug needs to be taken off the streets, and those who use it need to be punished to the full extent of the law. If the law needs to be extended that way, then absolutely.

Government Orders

My colleague will also understand that the piece of the legislation that deals with Rohypnol is buried within this context of using minimum mandatory sentences to go after organized crime. The majority of my speech and my contention with the bill is the falsehood that is perpetuated that minimum mandatory sentences are an effective tool to deal with organized crime.

If the government would like to bring forward a straightforward bill on the use and application of the law on Rohypnol, the date rape drug, we are all ears. We are absolutely willing to work with the government any time. The use of this is insidious. It goes after people when they are in their most vulnerable state, and obviously our law enforcement has been proven ineffective in dealing with this right now.

There is a reasonable space to have in dealing with drug crimes in Canada. I believe it in my very bones. When this thing gets pushed, as we saw in the previous question, into political jingoism, that is where we go off the rails. That is where bad laws come from, not good.

If the member would like to talk about Rohypnol, absolutely. If he wants to work with the NDP, absolutely we are there.

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I listened with great interest to the comments on the floor of the House.

I know the member for Edmonton—St. Albert, as a lawyer himself, would consider the views of the Canadian Bar Association to have some value in this debate. The national criminal law section of the Canadian Bar Association, which is made up of both prosecutors and defence counsel, is probably the element of the legal profession that is most intimately knowledgeable about the effect of criminal laws on what happens. Here is what it said in a written submission on the effectiveness of Bill C-15:

We believe the Bill would not be effective, would be very costly, would add to strains on the administration of justice, could create unjust and disproportionate sentences and ultimately would not achieve its intended goal of greater public safety.

That seems to me to be a comprehensive, reasoned and considered view. It is saying that the bill would not do what it is supposed to do. Being tough on crime, which is what the CBA is talking about, is not going to be effective if Bill C-15 is the means by which the government chooses to be tough on crime. It would do nothing additional by way of prevention and the percentage of money spent on prevention, some 2.5%, is so minuscule compared to the whole enforcement side. We have to find a better way.

I am really sorry to hear that the member for Edmonton—St. Albert does not recognize the views of his colleagues in the legal profession who know more about this than anybody else.

• (1320)

Mr. Nathan Cullen: Madam Speaker, with the exception of my colleagues who are here today, and as loath as I am to listen to lawyers, there seems to be an important need to address the comments made by those who actually watch the sentencing of the folks accused of crimes.

Community services, addiction treatment centres, and all of the rest of the front line social safety net, are getting torn up day after

day. It seems to me that we either pay for it upfront or we pay a lot more in misery and dollars later on.

We see that with the prevention numbers. The government spends almost nothing on prevention or treatment. Almost all of its focus goes toward enforcement and policing, and even there it seems to have screwed up. The government missed its promise to the RCMP in terms of the number of officers it wants to put on the street. The government is having money issues.

In terms of listening to the lawyers, the ones who actually prosecute, when they work out sentences and try to enforce the laws that this place designs, they say that minimum mandatory sentences will not work.

That seems to me very compelling evidence. I do not think any lawyers' association in Canada would come forward and say that if it were not true. I do not see what vested interest they would have in lighter sentencing. They want to see these folks prosecuted as well.

The government has just chosen ideology over fact and it is unfortunate for all of us.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, when I was preparing notes for today, I began thinking about my experience when I was at university, in law school in Windsor, the best law school in the country by the way.

In that period of time, prior to the Charter of Rights and Freedoms being brought into play in Canada, there was a sentencing provision under the Criminal Code that if someone imported any drug, there was a mandatory minimum sentence of seven years.

In this period of time, the mid-1960s, late 1960s and early 1970s, being across from Detroit, Michigan, a great deal of personal use of marijuana was going on. Quite regularly, people would be moving back and forth across the border. It is the most active border in the world, actually, certainly in North America. Families and friends were moving back and forth. They were shopping on both sides of the border. There was entertainment and recreation on both sides of the border.

People were regularly being caught and accused of possession of marijuana and of importing it into Canada. Then they were automatically exposed to a sentence of seven years. There were a number of those sentences imposed. Fortunately, in most cases our prosecutors had the good will and the good sense to drop those charges. If the prosecutors moved at all, they would move on charges of simple possession. However, what happened was that a good number of people's lives were ruined, people who were sentenced to prison for seven years for what was a simple possession of marijuana.

That ended shortly after the charter came into effect. Our courts simply said that the consequences and the penalties were so disproportional that it amounted to an offence under section 12 of the charter in terms of it being cruel and unusual punishment. So that section was struck down.

Now, some 35 years later, we see the government taking us back to that type of era. Maybe that makes them feel good as Conservatives, but it certainly does not make for good public policy.

Government Orders

What we are going to see, although none of the penalties in Bill C-15 are as severe as seven years in terms of mandatory minimums, is a substantial abuse perpetrated on people who are drug abusers and those who are trafficking in marijuana at the lower end.

From the evidence we have heard repeatedly from our police forces, including the evidence we heard in the committee hearings for this bill, we know that the vast majority of people who are going to be caught by this legislation, who are going to be imprisoned for mandatory minimum periods of time, anywhere from six months to three years, are by and large users of drugs, whether marijuana or stronger drugs, who have gotten caught up in the whole cycle, the whole under-life of the drug trade, and who are in fact trafficking in order to feed their habit.

I think it is appropriate that we think about and understand how organized crime has taken over, almost exclusively, all of the drug trade in this country, and to a significant degree right across the globe. We have to see it as a pyramid, a very large-based pyramid with a very small, fine point at the top. The kingpins and the ones who really make the money off the drug trade are the very small numbers at the top, and then there is this huge base below.

• (1325)

Although we hear from the government that the intent of Bill C-15 is to target the traffickers and that little group at the top, the reality is it will not do that. We know that beyond any shadow of a doubt because exactly the same type of approach was taken starting 20 to 30 years ago in the United States. We have gone through a whole generation using this approach. The intent was the same, that is, to go after the kingpins, the real leaders, the ones who really make the money off the drugs. What happened and what continues to happen, other than in those states that have begun to repeal those laws, is that it was the base that was caught. It was the base that was imprisoned for extended periods of time. It was the base that overloaded the prisons, which took money from other social programs and dumped it into the prisons because it was the only way to keep up with the need.

As we heard, there are some small parts of the approach in Bill C-15, such as the date rape drug change, and moving those drugs into a controlled substance list in order to be better able to try to control it, that in fact would gather support from ourselves and I believe from the Bloc Québécois.

This bill really is about ideology from the Conservative government. It is about an ideological belief that if the government throws all this weight behind a punitive approach to controlling the drug trade, it will be successful. It is glossed over to some degree by saying, no, the government's intent is to go this way, but the reality is the government knows it is not going to work. The Conservatives have absolutely no evidence to show that this will work and they have overwhelming evidence to show that it will not work.

When we hear the demagogic comments from the member from Fort McMurray about victims and when we hear other Conservatives in this debate stand and talk about victims, it is shameful they are taking that approach. It is shameful the way they have conducted this campaign in the last number of elections because they lead the Canadian public, who are victims of organized crime, to believe that this is a solution. That is dishonest. It is totally out of keeping with

what we know about how to deal with the drug problem. They continue to perpetuate that and that is shameful.

We know if we are going to deal with the drug problem, much as we dealt with alcohol abuse in terms of impaired driving, and much as we dealt with the campaign to try to reduce the consumption of tobacco, there are alternative methods, there are alternative programs that in fact are effective.

If we approach this as we in the NDP have argued, that the government look at prevention, that it look at enforcement, and only then go to the punitive, it would be effective. I can point to any number of countries around the globe that use that methodology to reduce drug consumption. In fact, even in those countries, there is an argument to be made that they could be doing more and be more effective in reducing it.

We can look at what has been done in this country to combat the consumption of tobacco and how effective that has been. The consumption of tobacco in this country has dropped from close to 50% at its peak, down to around 16% or 17% now. There is no reason to believe that we could not do the same thing with the consumption of illicit drugs and, in particular, with the consumption of marijuana and cannabis.

• (1330)

Then we look at what in fact is done. We spend this huge amount of money on enforcement and the punitive end, in terms of corrections in particular, and so little on the preventive end. In that regard, I want to draw to the House's attention what happened in the United States. In 1986, when the Americans began at a national level using mandatory minimums on drugs, the Federal Bureau of Prisons was expending \$862 million for corrections, just at the federal level. Each state also has its own prison system. Just two years later, the amount jumped to \$1.2 billion. Five years later, in 1991, it was \$2.1 billion. In 2010, for the coming year, the request is for \$6 billion to be spent on corrections. Over that 20 year period, if my math is correct, it has increased by a multiple of about eight.

We are going to see the same pattern here, although I have to say that the provinces are going to bear the brunt of it. As I said earlier, most of the mandatory minimums getting at that base are going to be in the six-month to 18-month range. All of those sentences, based on our relationship with the provinces, are spent in provincial prisons.

I want to emphasize what happened in the United States as the Americans moved mandatory minimums in at the state and federal levels. We heard evidence at the committee on this bill that in New York State, for every increased dollar that was spent on prisons and corrections in that state, a dollar was taken out of education in that state. There was a direct dollar-for-dollar correlation. Again, we have every expectation that is what is going to happen in Canada.

Because we will have to build additional prisons and increase the number of staff in the existing prisons, we are going to be looking at a shortage of tax dollar revenue for other social programs. Whether it be education or health, the dollars simply are not going to be there. That is particularly true given the current fiscal crisis and the economy overall.

Government Orders

There is another point I want to make about this. It was interesting to listen to the member for Mississauga South in terms of his analysis that this bill was somehow not going to do anything. Quite frankly, I hope he is right. I hope we do not see a significant influx of new inmates in our provincial and federal prisons. I have to say that I do not share that optimism. I believe we are going to attempt to enforce the terms of this bill right across the country in all the provinces and territories.

When we do that, we are going to see, in my estimation, increases at the provincial level of at least 10%, and it could be as much as 25%, in the incarceration rate in our provincial prisons. It will be less than that at the federal level. I can say this because we just had evidence as recently as a week ago in front of the justice committee of the impact that other legislation is going to have on the increase in population.

In spite of assurances from the Minister of Public Safety, the reality is that every one of our federal prisons is over-occupied already. We just had confirmation of that yesterday from Mr. Sapers, who is the federal Correctional Investigator. He said that any increase of any substance in the prison population at the federal level is dangerous. We do not have enough programming now.

We heard in front of the justice committee a week or so ago on another bill that we already have, in every single prison in this country at the federal level, cells that were designed for one person regularly over-occupied by a second person. We are at the stage where there are three inmates in cells that are only designed for one and that will continue to increase, not only because of this bill, although this is probably going to be the most significant one, but others the government has introduced.

● (1335)

In spite of what we heard from the member for Fort McMurray—Athabasca that more prisons are being built, that is absolutely false. There was not a dime for new prisons at the federal level in this year's budget or last year's budget. There was an increase in spending simply to deal with inflation, but there was not a dime for new cells. As we continue to overload the prisons, we are going to see cells with three inmates when there should only be one.

We are at a stage where we are so far behind in international protocols that we have signed onto in terms of the occupation in our prisons that we are probably going to be faced shortly with a charter challenge. That is going to mean perhaps a number of prisoners being released earlier. It is certainly going to affect the sentencing and what our judges are going to do if that case ultimately goes ahead and is successful.

This bill will just lop on a whole bunch more new inmates. We come back to the argument that if we do that, at least we get them off the streets for a while. I have heard that repeatedly from the Parliamentary Secretary to the Minister of Justice at the committee. What we also heard repeatedly at the committee from police agencies across the country is if we take the person off the street, because organized crime has so much control over the drug trade, that person is simply replaced by someone else immediately. That is a phenomenon which is not unique to Canada; it is true right across the globe. If organized crime is involved in the activity, the person

who went to jail is replaced by someone else immediately. It does not reduce the trade in drugs in this country one iota, not at all.

We have a policy that is going to increase the number of inmates. We have a policy that is going to cost a huge amount of money. It is not just the corrections systems. What is going to happen to legal aid? What is going to happen to the judiciary in terms of the number of judges we are going to need?

When faced with a mandatory minimum, people do not plead guilty. They may try to make a deal to get it dropped, but they do not plead guilty. Already as much as 50% of the cases in our courts are drug related. That is going to increase dramatically in terms of time consumption because people are going to stop pleading guilty, or if they do plead guilty, it is because the mandatory minimum was dropped. Therefore it makes the bill ineffective.

If the courts are going to continue to push for the mandatory minimum, which I believe they are going to do, the time consumption is going to go up dramatically for these cases. We are going to need more judges, more prosecutors, more police to be in court for longer periods of time. There has been no budgeting for that either.

There is a boycott right now in Ontario of the legal aid system because of the low rates that are being paid and it is the most extensive plan in the country. We are faced with that as another problem.

My colleague from Skeena—Bulkley Valley talked about unintended consequences. I would like to believe that the Conservatives do not know about these unintended consequences, but we told them. Our political party has told them. All sorts of experts have told them. The Conservatives are so ideologically driven that they are going to go ahead with the bill, and to the shame of the Liberals, they are going to support them. I cannot understand what the Liberals are doing, other than for straight partisan politics and not wanting to be seen as weak on crime. It is bad strategy on their part. It is bad for the country.

In summary, this is a bad bill. It is bad public policy. It is not going to do what it is supposed to do. It is absolutely useless and we should all be voting against it.

● (1340)

Mr. Chris Warkentin (Peace River, CPC): Madam Speaker, I listened with interest to my colleague across the way. I have a great deal of respect for the hon. member. However, what I heard was a lot of information on issues outside of the bill. Let us just remind members what we are exactly looking at.

There are a number of provisions within the bill that Canadians across the country, from coast to coast, have called for over the last number of years. Finally they have a government that has acted, and it seems like enough members of Parliament support the efforts that so many Canadians want.

First, there is a one year mandatory prison sentence for those people who deal drugs on the street when they do it combined with the efforts of an organized criminal organization or they carry a gun or some type of a weapon in the process of trying to traffic those drugs.

Government Orders

Second, there is a two year mandatory minimum sentence for dealing drugs such as cocaine, heroin or methamphetamine to our young people. I am certain, Madam Speaker, you have followed with interest the epidemic of our young people who become addicted to drugs and in some cases have their lives destroyed as a result of drug addiction. It concerns me that we would not, as parliamentarians, believe a two year sentence is not an appropriate sentence for somebody who would give a substance that would destroy the lives of young people.

There are three other provisions and I will get through them quickly. We have a provision that involves people who have more than 500 plants of marijuana in a grow op, so those are organized crime events. Also there is the date rape drug. We are going after those people who are trafficking the date rape drug. I cannot imagine that any parliamentarian would stand in this place and say that we should not protect our young men and women from this drug, which only has one purpose. What would the hon. member have to say about that?

• (1345)

Mr. Joe Comartin: Madam Speaker, let me do it in the reverse order.

First, I have already indicated in my speech that the use of the bill to deal with the date rape drug Rohypnol is one we would support.

As much as my colleague from Vancouver East and I have some disagreement over this, I at least would be willing to support the continued use of the drug courts as means of diverting people from the correction system. There are parts of the bill that we would support.

Where the fault lies in the bill is that it is a bit of a camouflage for what it really does, which is increase the use of mandatory minimums in the drug prosecution area. It does not work and it will have such dire consequences on the judicial system, the criminal justice system and the corrections system. It does no good to move that way. It is a gross disrespect for our judiciary as well.

The member made the points about drugs being sold around schools and other places where there are children and where drugs are sold and a gun is involved. Our judges are giving sentences that are appropriate for that type of conduct, but it is typical of the government, all the way up to the Prime Minister. We have seen how disrespectful he is to our judiciary. The Conservatives know they are being disrespectful and they are intentionally being disrespectful. However, they have absolutely no studies to show that in a factual situation when people are convicted of selling drugs in schools that they will get a penalty that is at least as high as the mandatory minimum that they put in. They have not done any studies on that whatsoever, but the evidence would show that.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, I have a whole lot of time for the comments of the member for Windsor—Tecumseh. He and I have worked together for many years on justice issues.

I want to direct his attention to a section of the bill, which, to me, manifests in some way kind of a cynicism. It has led me to the conclusion that much of the bill is part of a sequence of a shameless litany of posturing and pretence on the part of the government, that

what it is doing by tweaking little pieces of the Criminal Code every two or three weeks is somehow increasing public safety, that by increasing a sentence in some minor way, the bad guys out in the street will know.

I asked a question in the House to see how many members knew what the sentence would be for an armed robbery, and nobody knew. We are the legislators and we do not even know what the existing sentence is, yet we think the relatively uneducated criminals out on the street will know the penalties. I do not think so.

The impact of clause 8 of the bill says that the mandatory minimum, which the government is flaunting as the centrepiece of the bill, cannot even be asked for, used or applied unless the attorney general of the province gives notice before the plea, before the arraignment—

Hon. Vic Toews: Always the plea.

Mr. Derek Lee: Yes, the plea of the accused before the court. The minimum sentence cannot be used unless notice is given of intent to prove the factors. No attorney general will take the time to prove the factors when it comes to the little guy. When it comes to the big guys, how could we naively think they would get away with a custodial sentence of less than a year to begin with?

• (1350)

Mr. Joe Comartin: Madam Speaker, my colleague from Scarborough—Rouge River and I have worked on a number of justice issues. I know he has identified this as a point, as has his colleague from Mississauga.

I wish I could share their optimism. I think there are attorneys general across the country, much as in the ideological bent of the Conservative government, who will give directions to the prosecutors at the local level to give notice that they will be attempting to use the mandatory minimums on a regular basis. We hear that they will only use it when they are going after the top end of that pyramid, about which I talked. I am not that optimistic this will happen.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Madam Speaker, I would like to ask my colleague, as somebody who has a lot of experience in these areas, a couple of simple questions.

Does he not think that one of the great challenges of the federal government is to work with provinces to ensure that provincial institutions, where the majority of inmates are serving two years less a day, have the resources to ensure inmates have access to skills training and drug and alcohol treatment?

Also, one of the great challenges of our country is the prevention of fetal alcohol syndrome and fetal alcohol effects. Fifty per cent of inmates are deemed to have FAS or FAE. This is the leading cause of preventable brain damage in children. Their average IQ is about 78 and it is entirely preventable.

Does my colleague not think FAS, FAE and the measures I mentioned to work with the provinces is one of the most pressing issues of our country and if we address these issues, then we will go a long way to preventing a lot of crime and reducing our inmate population?

Statements by Members

Mr. Joe Comartin: Madam Speaker, there is no question, the answer is yes. One problem at the provincial level is the sentencing is usually of a relatively short nature. Because they have so little programming, hardly anybody gets any treatment at the provincial level.

At the federal level, we find it is quite usual, even in lengthy sentences of more than five or seven years, that people do not get treatment with those kinds of conditions until the last six months or a year. It is not long enough, and we know that.

I want to make one other point. About three years ago, a member from the Correctional Service Department came before the public safety committee come forward and said that more than 50% of all the people incarcerated that year were suffering from not just mental health problems, but severe psychiatric level mental health problems and that they should not be in our prisons, but in psychiatric institutions, where they would get daily treatment for their severe conditions. We are not even touching that group at all, and they eventually get out.

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I am pleased to have an opportunity today to join in the debate on Bill C-15, an act that has the effect of imposing mandatory minimum sentences for drug offences.

I listened with great interest to my colleague, the member for Windsor—Tecumseh, explain the rationale behind the bill, if there is such a rationale, which is an attempt to somehow, through minimum mandatory sentences, increase public safety in our country, and the failure of this bill to have that effect.

Lest we be under any illusions, we should know one thing. The starting point is a current law when it comes to offences under our Controlled Drugs and Substances Act. The seriousness of the penalties already exist. The maximum sentence for trafficking, exporting, importing and production for the purposes of trafficking in schedules I and II in the act is life imprisonment.

There is no doubt that our criminal law already takes extremely seriously this type of crime. The law recognizes that this kind of activity can be seriously detrimental to individuals and to our society. That is the maximum sentence.

The fact is the appropriate sentence for an individual case is a matter for the discretion of a judge. The judge will use his or her judgment in accordance with the law, legal precedent and the facts and circumstances of each case to define an appropriate sentence. What this law does is say that Parliament will say, regardless of the circumstances, the individual, the facts of a particular crime, there will be a mandatory minimum.

Here is what Justice John Gomery said about the previous bill to the same effect. I think parliamentarians know a lot about Justice Gomery and his inquiry into the scandal related to the activities of the previous government, the Gomery Inquiry. Mr. Justice Gomery said, "This legislation basically shows a mistrust of the judiciary to impose proper sentences when people come before them".

However, it does more than that. It fails to follow the principle that our judges have been given an important task in determining not only the guilt and innocence of an accused, but also the appropriate sentence under the supervision of appeal courts.

The bill also fails to follow a principle of governance, that decisions should be evidence-based. If the Conservatives are going to say that the bill will protect the public, as we have heard speakers from the other side say, then let us see the evidence that supports this.

In fact, the justice department said in 2002 that mandatory minimum sentences did not appear to influence drug consumption, which is one of the things people are concerned about, or drug-related crime in any measurable way. If we are talking about being tough on crime, the bill, according to the justice department in 2002, is not going to influence drug-related crime in any measurable way.

• (1355)

Where is the evidence to support any notion that Bill C-15 would in fact reduce drug consumption or drug crime? If we do not have that, what are we doing seeking to push through a bill that is going to do something that is harmful, and I will get to that in the rest of my speech, costly and ineffective in reducing crime, or doing the thing we want to do, which is to influence a reduction in drug consumption?

That is the problem with this bill.

The Acting Speaker (Ms. Denise Savoie): The hon. member will have 14 minutes when the debate resumes.

STATEMENTS BY MEMBERS

[*English*]

2010 OLYMPIC WINTER GAMES

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, in 252 days, Canada will host the world at the 2010 Vancouver Olympics. Athletes from all across our nation will have the honour to demonstrate Canada's excellence, talent and courage to the world.

Unfortunately, this extraordinary event will also be an opportunity for women and children to be trafficked across our nation for sexual exploitation.

Recently, Canadians have been inspired to believe.

I believe Canada will win its first gold medal on home soil.

I believe Canadian athletes will own the podium in 2010.

I also believe that Canada has a crucial opportunity to demonstrate to the world its commitment to fight human trafficking.

I believe that Canadians support a national strategy to combat human trafficking.

I believe we have the capability to be the true north, strong and free.

Do others believe?

Statements by Members

●(1400)

VETERANS AFFAIRS

Mr. John Cannis (Scarborough Centre, Lib.): Madam Speaker, during question period on Tuesday, the Minister of Veterans Affairs, in my opinion, was not accurate in his response to a question that was posed to him by the member for York West about compensation for widows of veterans who were exposed to agent orange.

The minister stated that the Liberals refused to act. As the former chair of the veterans affairs committee who chaired a special session on agent orange, I say that the minister was not accurate in his response.

I will remind the minister that it was the Liberals who held a special session on agent orange. It was the Liberals who appointed Dr. Dennis Furlong to do the inquiry. It was the Liberals who allowed the minister, then a member of the opposition, to participate in that special committee hearing. Then there was an election.

As we commemorate D-Day and pay tribute to our military, I ask the minister, if he cares for our men and women in uniform, not to politicize this issue but to be accurate with his statements, unlike the Prime Minister who misled Ms. Joyce Carter, a veteran's widow.

* * *

[Translation]

FRANCIS MURPHY

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, at the closing ceremony of the 88th annual conference of the Quebec union of municipalities held in Gatineau from May 12 to 16, the title of rising star of the year among the new crop of municipal councillors went to Francis Murphy, a young municipal councillor from Val-d'Or and a resident of my riding.

Only 24 years of age, Mr. Murphy has already served four years as a very active councillor. He is also a member of the young people and municipal democracy committee of the Quebec union of municipalities. In this capacity, he recently took part in a tour of young municipal representatives aimed at encouraging young people from all over Quebec to become involved in municipal politics.

We do not yet know whether he will run again in the next elections. I encourage him, however, to do so. Politics at all levels needs dynamic, motivated young people who in turn can motivate others. Congratulations, Mr. Murphy.

* * *

[English]

ABORIGINAL AFFAIRS

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Madam Speaker, *niigaaniin*, which means “to go forward”, is a culturally appropriate, community-based social assistance program that is making a big difference for the seven communities in the North Shore Tribal Council.

Niigaaniin's successes are many, such as the delivery of adult education in all seven communities. Previously there was no funding for this type of important work. The staff view their role as that of a community office and not a welfare office, turning stigma around

and focusing on finding long-term solutions with the ability to deliver short-term help. Niigaaniin is part of a first nations cost of administration and employment supports pilot project.

First nations in Kenora and London are also implementing similar projects that are financed by Ontario Works. Ontario is meant to be reimbursed for these costs at a minimum of 50% from the federal government, as part of the 1965 Indian Welfare Agreement. Sadly, this program's funding is only guaranteed until the end of March 2010. This program might exist for less than four years if funding is not secured.

New Democrats join first nations communities in calling for secure funding agreements that would allow success stories like Niigaaniin to continue forging community-based solutions, working with and for the people by offering a hand up, not a hand out.

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[Translation]

TAG CANADA

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Madam Speaker, it is in difficult times that technological innovation makes strides, and a firm in Lévis is the proof.

On May 28 in Gatineau, I took part in the launch of the controlled vacuum fare collection system of the Société de transports de l'Outaouais, developed by a firm in Lévis, TAG Canada.

This revolutionary system is used to collect the fares of public transit users. I am extremely proud that the STO turned to a company in Lévis to be at the forefront of world technology in this area.

TAG won two awards at the Lévis chamber of commerce's prestigious Pléiades 2009. It was founded in 1995 and has got off to a promising start.

I would like to congratulate TAG's president, Gilles Tardif and his dynamic team on its innovativeness. With leaders like Mr. Tardif, Canada will come out of these difficult economic times all the stronger.

* * *

●(1405)

CHILDREN

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Madam Speaker, on August 19, 1982, the United Nations General Assembly proclaimed June 4 to be the International Day of Innocent Children Victims of Aggression. This day reminds us that there are millions of children the world over who are victims of various forms of cruelty and that the need to protect the rights of these children is urgent.

Throughout the world fifty million people have been uprooted. They are refugees who have sought safety in other countries, and more than half of them are children.

Statements by Members

Over two million children have been killed in conflicts in the past decade. More than six million other children are believed to have been wounded, and one million of them are orphans. In 87 countries, children play near and around some 60 million landmines.

Knowing of this situation, the government has the duty and responsibility to take specific measures to make the voice of these vulnerable children heard and to come to their defence.

* * *

[English]

DUCKS UNLIMITED CANADA

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Madam Speaker, today is a historic day for Ducks Unlimited Canada, a trusted and respected conservation company.

Senior executives, staff and members of the board of directors have met with parliamentarians throughout the day to educate them about Ducks Unlimited Canada's outstanding 71-year track record.

Ducks Unlimited Canada's partnership with the federal government is best showcased within the North American Waterfowl Management Plan, an international conservation plan signed by Canada, the U.S. and Mexico, in 1986. This plan has invested over \$1.5 billion to conserve over four million acres of wetland ecosystems.

Ducks Unlimited has worked with all levels of government, first nations, industry, private landowners and others, to conserve 4.6 million acres, while influencing 33 million more acres through policy and conservation measures.

Ducks Unlimited Canada has 173,000 supporters, an annual budget of \$78 million and a core volunteer force of duck hunters and anglers who raise conservation funds in the U.S. and Canada.

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[Translation]

WORLD ENVIRONMENT DAY

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, every year, around the world, June 5 marks World Environment Day. In addition to being the occasion for numerous activities, this day is intended chiefly as a promotional tool to educate the population about the major issues we are facing.

Launched in 1972 by the General Assembly of the United Nations, World Environment Day is designed to encourage people to become active agents of sustainable and equitable development, so as to ensure a more prosperous future for the generations to come.

The theme for 2009 is "Your Planet Needs You—Unite to Combat Climate Change". It reflects the urgency for nations to agree on a new deal on the specific subject of climate change, which will be central to the discussions in Copenhagen.

The Bloc Québécois regretfully notes the inertia of this government in recognizing the importance of taking immediate action against climate change.

This is a very sad anniversary.

[English]

POLAND

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. speaker, 20 years ago today, Poland held the first free parliamentary elections in what was then the communist eastern bloc. The overwhelming winner was the Solidarity free trade union movement. For the first time in four decades, a democratic government came to power. Solidarity's triumph helped to tear down the Iron Curtain and led to the non-violent collapse of communism throughout central and eastern Europe.

Within mere months of this election, nearly all of the communist governments across the region fell. Democracy, for which many Poles and other disenfranchised Europeans had given their lives, finally saw the light of day.

The success of Solidarity, personified in the leadership of Lech Walesa and inspired by Pope John Paul II, is an accomplishment worthy of commemoration. I am proud to stand up today for the recognition of the 20th anniversary of free elections in Poland.

Today, Poland serves as an example to those who are still fighting for freedom and democracy around the world. On this 20th anniversary of the beginning of the end of communism in central and eastern Europe, Canadians should remember its significance and be mindful of the need to always stand up for the values that we hold dear: liberty, human rights, the rule of law and democracy.

* * *

NATIONAL CHIEF OF THE ASSEMBLY OF FIRST NATIONS

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, after an unprecedented three terms, National Chief Phil Fontaine has decided not to run for re-election next month, thereby ending nine years at the helm of the Assembly of First Nations.

A gifted and highly respected leader, he has been instrumental in bringing about positive change and advancement for first nations people.

A proud member of the Sagkeeng First Nation in Manitoba, he was a leading force in the resolution and settlement of claims arising out of the 150-year-old Indian residential school tragedy. As a master negotiator, he helped secure last year's historic residential schools apology.

He has received many awards and honours, including four honorary degrees and membership in the Order of Manitoba. His lifelong dedication to issues facing first nations and to the advancement and self-determination of indigenous people in Canada and around the world is worthy of the House's recognition.

We extend our best wishes to Chief Fontaine as he moves on to a new path in his life's journey.

Statements by Members

●(1410)

1989 TIANANMEN SQUARE PROTEST

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, today marks the 20th anniversary of the tragic events in Tiananmen Square. At the time, Canada took a strong, principled stand and unequivocally condemned the communist government's murderous crackdown on its own peaceful citizens.

For this, the government of the day was criticized by some who felt that standing up for human rights in China could jeopardize Canada's investment opportunities in that country.

In addition to the demonstrators, among the heroes of Tiananmen Square are the Chinese government officials, such as Zhao Ziyang, who sympathized with and supported the protestors at great risk to their own personal safety.

That is why, when the world learned of Zhao Ziyang's death in 2005, Canadians were once again proud to see our current Minister of Citizenship, Immigration and Multiculturalism visit Zhao's family home to pay his personal respects. Once again, as with our principled stand in 1989, the Minister of Immigration was criticized by some who were concerned that this would damage Canada's commercial interests in China.

History can never be purged of the truth, and memory is more powerful than oppression. We hope that China will use the opportunity to examine the—

The Speaker: The hon. member for Winnipeg North.

* * *

FILIPINO COMMUNITY IN MANITOBA

Ms. Judy Wasylcia-Leis (Winnipeg North, NDP): Mr. Speaker, this is the 50th anniversary of the Filipino community in Manitoba. What a heritage moment and historical milestone. From 1959, when four nurses settled in Winnipeg, there are now almost 50,000 Filipino residents in Manitoba.

Today, more immigrants come to Manitoba from the Philippines than from any other country, with the Filipino community making up a larger percentage of the population in Manitoba than they do in any other province.

They are a formidable force in the economic, social, cultural and spiritual life of my province and a key player in Canada's multicultural mosaic. They are living testimony to just how much immigration is needed to sustain economic development and strengthen respect for cultural diversity in Canada.

The 50th anniversary will be celebrated in conjunction with Philippine Heritage Week, starting with the flag-raising this weekend at the Philippine-Canadian Centre of Manitoba.

[Member spoke in Filipino as follows:]

Mabuhay sa mga Kababayang Pilipino. Maligayang pagbati sa anibersaryo. Salamat po.

[Translation]

HISTORY OF CANADA

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, west of the Parliament Buildings is a 19th-century building known as the Carbide Building, which reminds us of the inventor Thomas Carbide and other pioneers who created our magnificent country.

[English]

Those who walk or run by the building could easily ignore it and ignore our history. On the 65th anniversary of D-Day, I challenge my colleagues in this chamber and Canadians everywhere not to ignore our history.

For the sake of those Canadians who participated in that magnificent yet horrific event, such as Alan Dean, James Mannall, Ernie Renwick and Bob Hubbard, who were all members of the Canadian Legion on B.C.'s Sunshine Coast; for the sake of my uncle, the late Smokey Smith, who was Canada's last surviving Victoria Cross holder; and for the sake of my late father, a World War II prisoner of war, we must not ignore our history.

We must not ignore our historic buildings. Even more importantly, we must not ignore the sacred rights we enjoy today, thanks to the sacrifices of those brave soldiers who changed the world on D-Day. We will remember them.

* * *

[Translation]

PAY EQUITY

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, while this government stubbornly refuses to recognize pay equity, Quebec is taking action. The unanimous passage in the National Assembly of Quebec of Bill 25, which updates the Pay Equity Act, constitutes a historic gain for women working in Quebec.

Gone is the time when traditionally female jobs were avoided because they were less well paid. With all of the new provisions, the right to pay equity can now be deemed a vested right. As of today, it can be said that in the area of employment, Quebec women have the same rights, privileges and opportunities as men.

The only exception we have in Quebec is for women who work in federally regulated undertakings. For them, pay equity continues to be an impossible dream as long as this government is in power.

If the Conservative government ever wants to finally join the 21st century on pay equity, it need only follow the example of Quebec.

* * *

●(1415)

[English]

HUMAN RIGHTS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, this month marks the 25th anniversary of the Indian army intervention at the Golden Temple in Amritsar.

Oral Questions

As we express our empathy with our fellow Sikh Canadians who are commemorating this solemn event, we also reach out to all those who have been the victims of violence in India and beyond. These terrible events include the Air India bombing and recent attacks in Mumbai and Lahore.

They remind us of the futility and the destruction of violence, and the resilience of the human spirit in overcoming it. They also remind us of our solidarity with all the people of South Asia, of India, Pakistan, Afghanistan and Sri Lanka.

We are in the world, and the world is in us. In this Parliament, we stand together for justice, democracy, peace and respect for pluralism and human rights at home and everywhere.

* * *

[Translation]

LEADER OF THE LIBERAL PARTY OF CANADA

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, despite the cries, the insults, the indignation from the members of the official opposition, Canadians need to know what the Liberal leader thinks of Canada and Canada's taxation system.

If he thinks that politics is just a way of having feelings one would not otherwise have, or if he thinks that the way to go is to tell Ontarians he is one of them, and to tell Quebeckers he is one of us, we have nothing here but a weather vane disguised as a politician.

Canada needs a strong economy in these hard times. It needs someone who will direct this country with a single voice, not someone who will say one thing, and then turn around and say the very opposite.

The Liberal leader has answered not one of our questions. Who will foot the bill for all the Liberal tax hikes? Who?

This Conservative government will not let him carry out his Liberal plan. In particular, we will not start going in reverse.

ORAL QUESTIONS

[Translation]

MINISTER OF NATURAL RESOURCES

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I have several questions for the Prime Minister.

Were the lost secret documents the minister's personal copy with handwritten annotations? When did she realize she had lost them? Did she inform her deputy minister of this, and if so, when? What secret information did these documents contain and what commercial impact was there? Finally, what legal proceedings has the government undertaken against the television network involved?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I said yesterday, the minister had reasonable expectations that these documents would be kept secret. The minister has taken the necessary measures and I support the minister and the measures she has taken.

[English]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, secret documents are those that "could reasonably be expected to cause serious injury to the national interest".

We are told these documents contain information on AECL's financial status, indebtedness, contractual undertakings, obligations, lawsuits and details surrounding its bid for the supply of nuclear power in Ontario. They also deal with the critical issue of medical isotopes for medical testing.

Can the Prime Minister explain how the release of this information could not be reasonably expected to cause serious injury to the national interest?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government and the minister have already been very clear that these documents should have been kept secret. That was not the case. The minister has taken the appropriate action, and as I have said, I have supported that action.

Let me quote for the member opposite the editorial today in the *Toronto Star*, which says:

[The minister] offered her resignation and [the Prime Minister] rightly refused to accept it. Time for the opposition to move on to more substantive issues.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, let us move on and take stock: three shutdowns, four radioactive leaks in 18 months, \$600 million in undisclosed cost overruns, a fraction spent of the \$351 million for Chalk River isotopes, a \$1.6 billion lawsuit, dozens of hospitals and thousands of Canadians waiting for their medical tests now forced to settle for 20th century medicine in 2009, and a minister's secret materials left behind in a national newsroom.

Would the Prime Minister explain, please, why the decision not to accept the minister's resignation?

● (1420)

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I am very pleased to update the House today on progress that we have made with respect to medical isotopes.

As we have mentioned before, this is a global issue that is going to be dealt with in a global manner. Through Canada's leadership we have been successful in having our co-operative partners in The Netherlands, Petten, increase their medical isotope supply by at least 50%. The Australians are coming on line much more quickly than they had expected for commissioning. As well, tomorrow we have a very important bilateral meeting in Washington dealing with the matter.

* * *

JUSTICE

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have a question for the Minister of Foreign Affairs.

He will no doubt know that the Federal Court has ruled this morning in a very emphatic judgment that there is a serious question of the federal government's adherence to the rule of law, and the court has said very clearly that Mr. Abdelrazik should have been granted a passport. He was not. He should be allowed to come back to Canada. So far he is not.

I would like to ask the minister a very simple question. Will he now change the decision of the Government of Canada and recognize that, as a citizen of Canada—

The Speaker: The hon. Minister of Justice.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, a very lengthy decision of the Federal Court was handed down this morning. Inasmuch as I have never been a member of the NDP, we will actually read the decision before taking a decision on it.

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, it is clear that the Minister of Justice does not take the court ruling seriously. It is a pity that he does not take a Supreme Court ruling seriously. We have read it, it is available. It is out there as a public document. One can take the time to read it.

I have a very simple question to ask the minister. The ruling says that the government's interpretation leads to a nonsensical result.

I would like to know what the minister is going to do to ensure that the laws of Canada are respected by the Government of Canada, since this is certainly not the case at the present time.

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the decision is over 100 pages and because we do take it seriously, we will read it very carefully before taking any course of action.

* * *

[Translation]

MINISTER OF NATURAL RESOURCES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister has defended his Minister of Natural Resources by stating that it was not her fault if secret documents were left behind at a television station. He preferred to lay the blame on the minister's press secretary. Yet the government's code of ethics states that the Prime Minister holds ministers personally accountable for the security of their documents.

If the Prime Minister is to be consistent, he must respect the rules of his own code of ethics. Why then does he not accept the resignation of his Minister of Natural Resources?

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as indicated yesterday, this is a serious matter. There are clear procedures in place in our offices. Those procedures were not followed. Corrective action has been taken. I offered my resignation to the Prime Minister. He did not accept it. A member of my staff offered her resignation and I did accept it.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in other words, the minister has just told us that she is shunting the responsibility of her own mistakes off onto other people.

There is a double standard involved here. After much hesitation, the Prime Minister accepted the resignation of his former Minister of Foreign Affairs on the pretext that the latter had left secret

documents in an inappropriate location. That pretext, for pretext it was, has become a rule in the code of ethics. Now we have the Minister of Natural Resources doing exactly the same thing, but this time the Prime Minister excuses her.

Are we to conclude that not only do ministers not respect the code of ethics, but the Prime Minister does not respect it either?

• (1425)

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, there are clear procedures in the minister's office with respect to the handling of these documents. It is a very serious matter when those procedures are not followed, which is what happened in this case. As a result, we took corrective action. I offered my resignation, as did the staffer involved with respect to the responsibility of handling the documents and I accepted her resignation.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, at the time of the member for Beauce's problems with Julie Couillard, the Prime Minister had promised to make changes to the handling of ministerial documents. Yet it appears to have taken six days for the government to realize that the Minister of Natural Resources had misplaced some documents.

Does the Prime Minister realize that he must not only dismiss his minister, but must also share the blame with her because of his own inaction?

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, we treat this very seriously. There are clear procedures that are in place. They were not followed. The individual who was responsible for the handling of the documents offered her resignation and we accepted it.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the minister considers this to be serious, but not the Prime Minister. Funny, that.

In the guide *Accountable Government: A Guide for Ministers and Secretaries of State*, we can read the following:

Ministers and Ministers of State are required to notify the deputy minister immediately of any potential compromise of Cabinet confidences or other security incident.

How can the Prime Minister still be defending his Minister of Natural Resources, the person who took six days to realize that secret documents had been left at a television station?

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we indicated, there are clear procedures in place dealing with these documents and these matters. Unfortunately, in this case, those clear procedures were not followed, and the staff member who was responsible for the documents offered her resignation and we accepted it.

*Oral Questions***JUSTICE**

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the Federal Court ruling today makes it clear that the government breached the charter rights of Canadian citizen Mr. Abdelrazik by forcing him to remain stranded in Sudan. The court declared:

There is no evidence in the record before this Court on which one could reasonably conclude that Mr. Abdelrazik has any connection to terrorism or terrorists...

The government does not get to choose to whom the charter applies. Will the Prime Minister finally do the right thing and bring Mr. Abdelrazik home?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, as I have already indicated, the decision just handed down by the court today is over 100 pages and it is being carefully studied by the Department of Justice. After we have had an opportunity to review the advice from the Department of Justice, we will take action.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the reality is that the government did everything it could to keep this innocent Canadian stranded in Sudan, and now we hear from the court that CSIS was involved in his detention.

The court has declared Mr. Abdelrazik an innocent victim and has ruled that he must be returned to Canada within 30 days, but with the record of the government, I would not put it past it to further trample his charter rights, waste taxpayers' money and appeal this decision.

We want to know, will the Prime Minister declare today that he will not appeal this decision?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I appreciate that this is a very foreign concept for the NDP, but we will actually read the document that has been handed down by the court before we make any decisions.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the decision is very clear. This issue has been very clear. In fact, for two years New Democrats pressed the government to act through letters, questions and committee work, all urging the government to repatriate Mr. Abdelrazik. In fact, our research proved the depth of mishandling by the government of different stripes compelling the foreign affairs committee to pass our motion to bring Mr. Abdelrazik home.

All of that, and the government has still refused, choosing instead to breach his rights. This has become a national disgrace. The minister surely knows what the right decision is here, to end this embarrassment and to bring Mr. Abdelrazik home, and not to appeal this decision. Surely he knows that today.

• (1430)

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I will tell you what is a national disgrace. About a month and a half ago, the New Democrats were telling voters in B.C. that they wanted to get tough on crime for a change, and what are they doing but filibustering our bill that cracks down on people who traffic in narcotics in this country. That is a national disgrace and they should apologize.

[Translation]

MINISTER OF NATURAL RESOURCES

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, in 2005, the Minister of Citizenship and Immigration resigned because of an assistant's actions. In 1996, Ontario's health minister resigned because of an assistant's actions. The Prime Minister himself signed a guide stipulating that ministers are to be held personally accountable.

How can Canadians trust a Prime Minister whose signature is meaningless?

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as indicated, this is a serious matter. Corrective action has been taken.

More important, the hon. member opposite oftentimes takes the opportunity in the House to ask me about the situation with respect to isotope supply and I think it is really important that we continue to focus on that.

That is why I was pleased to announce earlier that we have been successful globally in increasing the amount of global isotopes available. Australia has agreed to go online faster than it had originally anticipated. We are working very diligently with our U.S. counterparts on coming up with a solution for this real issue.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, if the Conservatives cannot handle secure documents, how can we have any confidence they will handle isotopes properly?

The minister knows she is responsible. That is why she tendered her resignation. So, I have to ask, was it her idea to sacrifice her 26-year-old assistant, or was it the PMO operatives who made her shift the blame, or perhaps the Prime Minister himself?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, this is a serious matter and indeed we have gone to great lengths to describe the actions that we have taken.

I would just like to go back to what has been indicated earlier, that both the *Toronto Star* and *The Globe and Mail* indicated it is time to move on and talk about things Canadians truly do care about, not about who did what to whom at what point in time, but rather what is going on with medical isotopes, how we are restructuring the Canadian nuclear industry in order to make more jobs for people, and what this government is actually doing to help Canadians.

* * *

MEDICAL ISOTOPES

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, in the secret documents left in the newsroom, we learned that there is \$72 million designated to "maintain the option of isotope production". There is no public mention of this at all.

Could the minister explain what is optional about maintaining isotope production for the thousands of worried Canadians waiting for their tests? Where did the money go and why are there still no isotopes?

Oral Questions

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as I indicated earlier, her hon. colleague has done good work in terms of asking questions in the past and, indeed, on February 10, he asked me a question with respect to the breakdown and the costing of medical isotopes. I gave full disclosure indicating exactly that it was \$72 million for the total isotope package. Part of it was for the Maples, which was \$25 million for decommissioning, the other part is \$47 million, which has to go to pursuing the NRU licence extension past 2011.

The Liberals knew all about it. They are just choosing to take advantage of a very terrible situation.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the Dutch reactor is going to go down for six months very soon. Australia imports 100% of its isotopes.

In 2007 the minister's government oversaw a life-threatening crisis in medical isotopes. Eighteen months later, the minister still has no plan. There is no plan for domestic supply and no secure plan for international supply.

Halifax, Ottawa, Saskatoon, the B.C. interior; what do these places all across this country have in common? Thousands of Canadians already are being told that they will not get the cancer tests or heart tests they need.

What is the minister going to do? Fire her policy adviser now?

• (1435)

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I know the microphone got cut off, but I am sure we could all hear the yelling from the other side of the House. As I said yesterday, it is not making it a more compelling issue.

The reality is and the facts are that we are working with the world. It is going along very well. Canada has taken a leadership position. We are working very diligently around the clock on this matter. It is extremely important to all Canadians. That is where our efforts are with respect to the matter.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, failure to find a solution to the isotope issue is further proof of the Minister of Natural Resources' incompetence. This is the second crisis in two years, and she has done nothing to prevent it from happening, nor does she have any kind of plan to deal with the situation. The health of hundreds of people is at stake.

Will the Prime Minister accept her resignation and ensure that this issue is resolved immediately?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, in December of last year, we put out a five-point strategy with respect to dealing with medical isotopes.

Part of it had to do with increasing global supply. Indeed, we have delivered on that plan.

The second part had to do with looking at the longer term with respect to medical isotopes. We are going to name an expert review panel to take a look at those matters. It will be reviewing all of the

proposals that we have been receiving. We will have a solution to this problem.

* * *

[*Translation*]

NUCLEAR WASTE

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the minister is refusing to listen to Quebec's National Assembly, which does not want nuclear waste from other jurisdictions to end up in Quebec. Once again yesterday, she said that she was trying to find a community that would agree to having a nuclear waste storage facility. She was not shy about admitting that she was bypassing the provincial government and negotiating directly with the municipalities. She does not have the credibility to handle these files, which she tends to leave lying around anyway.

Will the Prime Minister accept her resignation?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, with respect to the Nuclear Waste Management Organization, it is constituted under the Nuclear Fuel Waste Act. It is undergoing a very lengthy and a very fulsome process with respect to choosing the appropriate willing and informed community that wishes to become the deep geological repository for waste in nuclear fuel. It is a very lengthy process. It is very well thought out.

The organization has a website in place. I would invite the member to take a look at the website, which shows that public consultations are what follows this summer and that communities should be encouraged to take part.

* * *

[*Translation*]

FOREST INDUSTRY

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, in order to support their theory before the London tribunal, the American lawyers used several statements the Prime Minister made in question period and statements by other ministers who think that loan guarantees for the forest industry are illegal. In short, their statements are being used as ammunition to undermine the Canadian position in the softwood lumber dispute.

Does the Minister of International Trade realize that the statements his government makes are sabotaging the work its own lawyers are doing and are detrimental to the forest industry and to Quebec?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, what the Prime Minister said in the document mentioned by my colleague is very clear and not at all like what my colleague said yesterday. We could possibly make this document public and pursue the issue now. He could see for himself that his comments do not really reflect the letter and what the lawyers think.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, will the minister also table the letter the lawyers sent to the tribunal?

Oral Questions

The minister does not want to answer the question because he knows very well that no reasonable client would contradict in court the lawyers he is paying to defend him.

Why is the government sabotaging the work its lawyers are doing in London if not to justify its own inaction regarding the crisis in the forest industry?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I would say as well that we asked the question. We will determine, of course, whether we can legally give the letter he mentioned to the public and the members of the House. As soon as we get an opinion, I hope we will be able to table the letter.

* * *

• (1440)

GOVERNMENT ASSETS

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, the Minister of Finance is counting on more than \$2 billion from the sale of government assets. Despite our repeated requests, the minister has been unable to say what assets he is going to sell or he is hiding something.

Crown corporations are not the same as Buckingham Palace silverware.

What is he hiding? What public assets is he going to let go at fire sale prices?

[English]

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, if that hon. member had read page 209 of the budget, she would realize that we decided, since it had been 15 years since we had done an assessment of government assets, that we would review the assets of the Government of Canada, and that is prudent. We are reviewing assets in four different departments, Indian and northern affairs, finance, transport and infrastructure as well as natural resources.

There is no fire sale intended. We are analyzing what the value of those assets are, and that is prudent fiscal management.

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, the government has made a commitment to \$2.3 billion in this fiscal year alone. To do that, it has to know the assets. We have asked and have not had an answer.

One of three things is happening. First, the Minister of Finance really does not know what to sell and will miss his deficit numbers again. Second, the minister knows what he is planning to sell, but he is hiding this information from Canadians. Third, to meet his \$2.3 billion commitment this year, he will treat crown corporations like Rideau Hall silverware and flog them at fire sale prices. Which is it?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, maybe it is number four. Maybe it is prudent fiscal management of Canadian dollars.

Let me quote President Obama:

—in the midst of this enormous economic crisis, I think Canada has shown itself to be a pretty good manager of the financial system in the economy...that's important for us to take note of.

Everyone recognizes that prudent fiscal management is very important, even the President to the south.

* * *

ROYAL CANADIAN MINT

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Speaking of prudence, Mr. Speaker, yesterday the Minister of Transport, confronted with an unaccountable discrepancy in the Mint's inventory, said, "I refuse to rule anything out" when asked if this was a case of shoddy accounting or theft, which is Incredible.

Again, in order to restore confidence in the Mint's security system, how long has he known about the missing gold? What has he done about it? When did he advise the Minister of Finance about the loss?

Hon. Rob Merrifield (Minister of State (Transport), CPC): Mr. Speaker, as I said yesterday, as soon as I found out, I was on the phone to the CEO of the Mint, Mr. Ian Bennett. He assured me that an internal audit, a very fulsome audit, was taking place. It started in March and will be completed within two weeks. It will be totally public.

I would encourage my hon. colleague not to speculate on the outcome of that audit.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, it is not that difficult. We do not need to wait two weeks. He can do a lot better than that. He could put in a call to the board of directors. After all, seven of the nine members are Conservative appointments, five of them are big contributors to their campaigns. In fact, the chairman was a big contributor to the two campaigns of the Minister of Finance's leadership runs in the province.

What is the government trying to hide? Surely, the Conservatives must have their phone numbers. Surely, they are still on good terms. Are they trying to hide the fact that they are botching the mandate?

Hon. Rob Merrifield (Minister of State (Transport), CPC): Mr. Speaker, I am sure I would get the same comments from the CEO of the Mint as I would from any of the board members, which would be, do not speculate on the audit. It will be completed and it will be public.

My hon. colleague should just wait and not speculate on the outcome.

* * *

• (1445)

VETERANS AFFAIRS

Mr. Ed Holder (London West, CPC): Mr. Speaker, as members of the House are aware, Saturday, June 6 marks the 65th anniversary of D-Day. We must all take time to commemorate the 15,000 Canadian troops who stormed Juno Beach, fighting valiantly in a battle that would signal the beginning of the end of World War II.

Oral Questions

This moment and many more in our military history is a source of pride among Canadians. It is said that the greatest gift we can give our veterans is a gift of remembrance.

Would the Minister of Canadian Heritage tell the House what efforts are being made to remember the sacrifices of over one million Canadians who served in the second world war?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, sadly and tragically, the World War II generation is passing. The average age of a second world war veteran is 86.

I am proud to announce that our government will provide the necessary new funds to thememoryproject.com to create a permanent electronic database of first-hand stories of World War II veterans.

Working with veterans' associations across Canada, we will meet veterans where they live and record forever their stories of sacrifice and courage, gallantry and struggle, triumph and tragedy: their words, their stories, our history, available forever online for generations of Canadians to witness.

We are acting now to collect these memories while we can, because we must never forget.

* * *

[Translation]

MINISTER OF NATURAL RESOURCES

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the Minister of Natural Resources has consistently demonstrated poor judgment. She endangered the lives of Canadians who are waiting for cancer tests by hiding the leak at Chalk River and allowing the isotopes crisis to worsen. The only good decision she could make would be to resign. Even in that she is a failure.

The minister's incompetence has put lives in danger. She can still do the right thing without the agreement of the Prime Minister. She should resign immediately.

[English]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I have to admit that I am surprised how the hon. member has characterized it.

This government has done much in terms of ensuring there is sufficient funding for AECL to deal with these matters. This government is encouraging AECL and CNSC to do proactive disclosure on websites so people can understand what is going on.

We have taken much action on the matter and it is coming to fruition. Globally we are being recognized as taking leadership on a fragile global medical isotope situation.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is also that government that does not seem to understand the impact of losing secret nuclear documents for almost a week.

Canadians learned that the government dumped almost \$2 billion into Chalk River and all we received was a shut down reactor and no isotopes. There was also classified information about AECL, the Government of Ontario and private companies, information that will

surely have a negative impact on the government's planned fire sale of AECL.

Will the Prime Minister do his job and stop the privatization of AECL until the damage of the government's incompetence is fully understood?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, last Thursday, I announced that we would be restructuring Atomic Energy of Canada Limited, which has been welcomed by a variety of people, not only in terms of workers and employees but in terms of people who are interested in investing collectively in our Canadian nuclear industry.

Indeed, we believe in the Canadian nuclear industry. There are 30,000 jobs now. We want to build more. We want to do more. However, clearly we know that the NDP is not interested in doing that at all because it votes against everything that is beneficial to the worker in Canada.

* * *

[Translation]

QUEBEC NATION

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, it is quite clear that, for the federalist parties in Ottawa, the recognition of the Quebec nation means little. They would not let the Charter of the French Language apply to federally regulated businesses in Quebec and refuse to address the \$8.8 billion owed to Quebec in outstanding issues.

If the recognition of the Quebec nation means anything to the federal government, when will it take concrete action aimed at treating Quebec fairly?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as my hon. colleague knows, we are making effective, appropriate investments. We recognized the Quebec nation because we want Quebec to be part of a united Canada, and because we respect the differences that exist in our country and our heritage.

We are investing money and we are being respectful. We are always happy to work with our partners from coast to coast to coast.

* * *

● (1450)

TAXATION

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I have a question about harmonizing the GST. I could ask the Minister of Intergovernmental Affairs, but she is clearly not in the loop, so I will ask the Minister of Finance.

The government has harmonized the tax with the Maritimes and Ontario. Why has it not yet reached an agreement with Quebec?

Oral Questions

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC): Mr. Speaker, I am happy to tell you that we have gotten along very well with the Government of Quebec about harmonizing the tax. One day, there will be an agreement, and we will work with the Government of Quebec, but we are certainly not going to negotiate with the Bloc Québécois.

* * *

[English]

TRADE

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, trade protectionism is never a good strategy, especially in the middle of a recession. Canadian firms are losing out on billions of dollars worth of bids in an increasingly protectionist United States due to buy American policies. Individual U.S. states are discriminating against Canadian companies in favour of local suppliers.

How can Canadians trust the Conservative government to negotiate any deal of substance with the U.S., given its abysmal track record on trade issues, especially on softwood lumber?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I am glad to welcome my colleague, finally, to the fight on this issue.

We have been engaged with this for a number of weeks now at every conceivable level, the diplomatic level through our embassy, myself with the U.S. trade representative and the secretary of commerce and other colleagues in terms of their responsibilities. We have business organizations on both sides of the border that are taking this issue both to Congress and to the administration. I have met with the chairman of the ways and means committee. Municipalities are engaged now as are governors.

We are going to win this, but it is going to take some time.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, basically what he is saying it is everybody else's fault. It is never the Conservatives'.

After seeing no leadership and no action from the Conservative government, Canadian cities like Halton Hills are taking matters into their own hands. They are now shutting out suppliers from countries like the U.S. that restrict Canadian manufacturers. A similar resolution will go before the Federation of Canadian Municipalities this Saturday. We are spiralling toward a trade war with our largest trading partner.

When will the Conservative government show some leadership, secure real access to the U.S. market and protect Canadian jobs?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, my hon. friend is not only hopelessly inaccurate on this file; he is way behind on it. Halton Hills, in fact, has not shut down goods coming into its area. There is a resolution coming to the Federation of Canadian Municipalities, which is taking place this week. We have been engaged on this. I and a number of my colleagues will be speaking there. This is an important issue.

What we need is a coordinated effort. We have seen that across many fronts, including the Canadian Manufacturers & Exporters, the

chambers of commerce and a variety of others. What we do not need is uninformed fragmentation. We need to work together on this to achieve our goals.

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HEALTH

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, first nations in northern Manitoba are urgently calling for federal action.

Yesterday, tests showed that H1N1 influenza has struck St. Theresa Point and other regions in northern Manitoba.

This problem is not just about influenza; it is also about the living conditions in first nations communities. Many reserves do not have access to the medical services, housing, roads and clean water that are taken for granted across Canada.

Will the government work with first nations and Manitoba in dealing with this dangerous outbreak?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, as an aboriginal woman from the north, I am very concerned about this.

The health and safety of all Canadians is a priority of the government. We intend to continue to work with the provinces and public health agencies, Indian and Northern Affairs and aboriginal organizations to ensure a coordinated response to the reported cases of influenza.

Health Canada has provided additional nurses to the community, and physicians are on site. Epidemiologists will be in the community on Friday. We will continue to work closely with the community leadership and the province.

* * *

● (1455)

CONSUMER PRODUCT SAFETY

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, children are particularly vulnerable to the serious neurological damage caused by lead, and to the reproductive and other harms associated with phthalates used in many plastics.

New Democrats have been introducing bills and motions in the House for over a decade to get these products out of circulation. Some of us have even been at it for a dozen years.

We could not convince the Liberals to act, but we want to know when the government will take action to protect vulnerable children and other Canadians from these dangerous products.

Oral Questions

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, protecting and promoting the health and safety of Canadians, especially children, is vital to our government. We want Canadian consumers to have access to the safest products and children to have access to the safest toys.

Canada is moving to take regulatory action to prevent the use of phthalates in soft vinyl children's toys and child care articles. At the same time, we are proposing new regulations that will limit the lead content in a variety of products. This proposed limit will be the strictest in the world.

* * *

SEALING INDUSTRY

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, the hypocrisy of the Liberals is mounting, and Canadians are not falling for it.

Their leader supported a job-killing carbon tax until he realized it was not popular. Now he says he will have to raise taxes, despite being in a global recession.

Can the Minister of Health tell the House about the latest hypocritical attack on Canadians during these tough economic times?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, today the Liberals pandered to the special interest groups in a blatant attack on Canadian sealers.

Senator Harb's loaded political opportunisms rubbed salt in the wounds of sealers, whose income he campaigns against with the blessing of the Liberal leader.

It is unconscionable. I finally understand why the Liberal Party wants to change the EI. By the time it is finished, Canadians will all be out of work.

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*[Translation]***OFFICIAL LANGUAGES**

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, the Minister of Canadian Heritage and Official Languages stated that Canada is keeping its commitments to the Francophonie with respect to the use of French in the Olympic Winter Games. We have learned that often there is no French signage at airports and Olympic sites. The issue of French broadcasts of the games has not yet been resolved.

I will ask the minister my question again. Can he assure Canadians and French-speaking athletes from abroad that Canada will provide adequate services in their language at the Olympic Games?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the short answer is yes, absolutely.

I would like to add that our government and VANOC are working together to ensure that the Olympic Games are completely bilingual. The 1988 Olympic Games were a vast improvement over the 1976

Olympic Games and the 2010 Olympic Games will be a great improvement over the 1988 Games.

The 2010 Olympic Games will respect the official languages of Canada, period.

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JUSTICE

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, the Federal Court just ruled that the Canadian government breached Abousfian Abdelrazik's right to return to Canada. Consequently, the court is ordering the government to arrange Mr. Abdelrazik's return to Canada.

Will the Canadian government promise, right here, right now, not to appeal, to comply with the Federal Court's ruling and to allow Mr. Abdelrazik to return to Canada without delay?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, of course we will review the decision.

I am always looking for areas with which I can agree with the Bloc, and maybe we can agree on this. A month ago it voted against a bill that targets human trafficking and the monsters involved in this hideous enterprise. Can we at least agree that has to be the low point of that political party's history, the very lowest thing it has done? Let us agree on that.

* * *

● (1500)

PUBLIC SAFETY

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, three years ago the government promised it would deliver 2,500 police officers to Canadian streets. This has not happened, and worse, the Conservatives are now backtracking from their commitment.

Members of the Canadian Association of Police Boards have been here three times to meet with government and share their concerns over this fact. All three times they were snubbed. I met with them and they told me the government has reduced its promise to a lump sum of money with no assurance it will actually deliver police officers and no commitment to funding past five years.

Does the minister intend to keep his promise to police and to Canadians, yes or no?

Hon. Peter Van Loan (Minister of Public Safety, CPC): Mr. Speaker, I know the hon. member is new here, but if he would look into the records in the past, he will see that we actually did deliver on our commitment for additional police officers. That money was transferred to the provinces, including to his province. If those provinces have failed to deliver on police officers, that is unfortunate, but this federal government has kept its commitment.

What is more, we have gone beyond that. We promised 1,000 new RCMP. We have delivered over 1,500 already. We are delivering more because there is one party in this House that takes law and order and safe communities seriously, and that this party and this government.

*Business of the House***HEALTH**

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, electronic health records have the opportunity to improve the accessibility of our health care system. That is why Canada's economic action plan provided an additional \$500 million to Canada Health Infoway. However, many Canadians are concerned about the recent situation involving eHealth Ontario.

Can the Minister of Health update us on the program?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government wants to make sure that Canadians get value for their money every time we make an investment. We have seen the stories and we are concerned as well. As Canada's government, we have a responsibility to spend Canadians' money properly. We are monitoring the situation carefully.

* * *

BUSINESS OF THE HOUSE

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I would like to ask the usual question of the government House leader with respect to business of the House for the next few weeks.

As we all know, the end of the current supply cycle is June 23, which means summer adjournment is approaching. The official opposition would like to know which bills the government intends to call, but we would also like to know which days the government intends to designate as opposition days.

I would point out to the government House leader, as I know he is quite aware, that under the Standing Orders there are three opposition days that remain to be designated. I would hope that the government House leader is able to provide some clarification, some details, some facts perhaps.

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I am only too happy to respond as I do every Thursday, with transparency, openness and in a spirit of co-operation with my colleagues across the way.

Today and tomorrow we will consider Bill C-15, the drug offence bill. However, as my colleague the Minister of Justice noted, the NDP members seem to be unnecessarily dragging the debate on the bill out. We will also consider Bill C-25, truth in sentencing; Bill C-34, protecting victims from sex offenders; Bill C-19, anti-terrorism; and Bill C-30, the Senate ethics bill.

Next week I intend to add to this list, Bill S-4, identity theft; and Bill C-6, consumer product safety.

As always, I will give priority to any bills that have been reported back from our hard-working standing committees.

In the response to the question about the allotted days, within the next week I will be designating Thursday, June 11 as an allotted day.

Mr. Speaker, the hon. Liberal House leader often asks specific questions about specific bills on Thursday, so I hope you will entertain a few comments of my own.

First of all, I would like to recognize that, to date at least, there has been good co-operation from the opposition in moving our

legislative agenda forward, not only in this chamber but in the other place as well. I want to thank the opposition for that co-operation.

However, yesterday we passed in this place, at all stages and without debate, Bill C-33, the bill that will extend benefits to allied veterans and their families. For this bill to become law, we need the same co-operation in the Senate. I would urge the opposition House leader to deliver that message to his senators.

I understand that the Governor General is here today and could actually give royal assent to the bill. It would not only be symbolic but a substantial gesture to those veterans who are reflecting on and participating in the 65th anniversary of D-Day on June 6, this weekend.

The other bill I want to specifically mention is Bill C-29, the agricultural loans bill. In one of his Thursday questions, the member for Wascana took an interest in this bill. He suggested, and I quote from *Hansard*, that "we might be able to dispose of it at all stages". I appreciate that level of support for this important and time-sensitive bill in the House, but the member needs to coordinate his support with his Senate colleagues in order to get this bill passed and the increased loans made available to our farmers in a timely manner.

Any communication from the member for Wascana and any persuasiveness he may bring to bear upon his Liberal colleagues in the other place would be greatly appreciated by me and the government.

* * *

• (1505)

MOTHERS AND NEWBORNS

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I rise on a point of order. I have a motion in hand, for which I believe there is all-party agreement. I move:

That this House renews its commitment to reducing maternal and newborn morbidity and mortality both at home and abroad and supports Canadian leadership within government and civil society to work within the G8 and as partners with UN agencies and appropriate global initiatives to achieve this goal.

The Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

NATIONAL ABORIGINAL HISTORY MONTH

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, there have been discussions among the parties and I believe you will find unanimous consent for the following motion. I move:

That, in the opinion of the House, the government should declare the month of June as National Aboriginal History Month.

Government Orders

The Speaker: Does the hon. member for Nanaimo—Cowichan have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

[Translation]

POINTS OF ORDER

ORAL QUESTIONS

The Speaker: The hon. member for Sherbrooke also has a point of order.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, during oral question period, I asked the Minister of International Trade a question and made reference to a letter.

The letter was from the assistant director of the trade law section of the United States justice department. It was sent to three members of the tribunal that is considering the softwood lumber case between Canada and the United States. According to that letter, the United States is using House of Commons transcripts which indicate that the federal government considers loans and loan guarantees legal.

Under the circumstances, I seek the unanimous consent of the House to table the letter in this House.

The Speaker: Does the hon. member for Sherbrooke have the unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

GOVERNMENT ORDERS

[English]

CONTROLLED DRUGS AND SUBSTANCES ACT

The House resumed consideration of the motion that Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, be read the third time and passed, and of the motion that this question be now put.

The Speaker: When the bill was last before the House, the hon. member for St. John's East had the floor. There are 14 minutes remaining in the time allotted for his remarks. I therefore call upon the hon. member for St. John's East.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, before question period I was on my feet speaking about Bill C-15, which brings about mandatory minimum sentences for certain drug offences, most of which already incur a life sentence.

Instead of having judicial discretion, which has been exercised for many decades in this country on the issue of drug offences with certain exceptions, as my colleague from Windsor—Tecumseh pointed out earlier in his remarks, most of the drug offences have a range of sentencing which the judiciary is trained and experienced in applying to the facts and circumstances of a particular case.

My colleague pointed out an anomaly that existed prior to the introduction of the charter of rights and talked about this matter being debated when he was in law school. It was also the law when I was in law school that there was a mandatory minimum sentence of seven years for the importation of as much as a single marijuana cigarette. Someone coming across the border between the United States and Canada would be guilty, therefore, of importing marijuana into Canada and, upon conviction, the judge would have no choice but to impose a sentence of seven years imprisonment.

It was a matter of great consternation among law students in my day that there would be this manifest injustice in our law, that this was something that our law could contemplate, and yet individuals had been sentenced to seven years in jail for very minor offences, particularly when one thinks of the times when it was very common for people to go back and forth across the border.

My colleague from Windsor—Tecumseh talked about the border between Windsor and Detroit where people go back and forth as a matter of course on an ongoing daily basis. Importation of that particular drug was a simple matter of people having a marijuana cigarette in their pockets, which would bring about a sentence of seven years imprisonment. People's lives were ruined by that law.

It was only the coming into law of the Charter of Rights and Freedoms that allowed a court to determine that this kind of penalty for that kind of offence amounted to cruel and unusual punishment and was declared to be contrary to the then new Charter of Rights and Freedoms. We should not have to have a Charter of Rights and Freedoms to have sensible laws.

What we are seeing here, though, is the bringing about of new laws to provide mandatory minimum sentences when the current law is adequate. Why do I say it is adequate? It is adequate because the punishment fits the crime whereas mandatory minimum sentences do not bring about a system where the punishment fits the crime or the punishment is fair.

The American Bar Association Justice Kennedy commission in 2004 called on Congress to repeal mandatory minimum sentences saying that they tend to be tough on the wrong people. What that means is the people who are receiving the mandatory minimum sentences are not the people who need to be severely punished for their crimes.

Government Orders

The United States has a lot of mandatory minimum sentences for crimes, including drug offences. What the United States sentencing commission concluded, and this is the Kennedy commission we are talking about, was that mandatory minimum sentences failed to deter crime and reported that only 11% of federal drug defendants were high level drug dealers, 59% of crack defendants were street level drug dealers, and 5% of defendants were high level crack dealers. In other words, the people who were getting nailed by the mandatory minimum sentences and filling up the jails in the United States were the small-time operators, the street-level operators, not the people who were the major drug dealers, the ones who, our government says, this bill is aimed at.

• (1510)

We are going to see the same thing happen here in Canada and I know the member for Edmonton—St. Albert also, I think, accepted that this might not have the right kind of effect, that it might not actually get the people we want.

So, we do have a problem with it for that reason, too, that it would not be a fair system. It would not comply with the needs for reduction in crime. This was the conclusion of our justice department in 2002.

Members might say that was seven years ago, that we have better evidence now. In fact, no evidence was presented to the committee, or to this House, to indicate and show that mandatory minimum sentences would in fact deter or influence drug consumption or drug-related crime in any measurable way.

This is what the Department of Justice said in 2002 and I will quote it once again for members who are listening and for those watching the proceedings on CPAC:

Mandatory minimum sentences do not appear to influence drug consumption or drug-related crime in any measurable way. A variety of research methods concludes that treatment-based approaches are more cost effective than lengthy prison terms. MMS are blunt instruments that fail to distinguish between low and high-level, as well as hardcore versus transient drug dealers.

In other words, the supposed targets of these crimes, the kingpins, those who are involved heavily in organized crime, would be in the best position to negotiate lighter sentences and no-sentence deals with prosecutors, and in fact would not be affected by mandatory minimum sentences.

The problem is that it would move totally away from a rational, reasonable approach to dealing with drugs and the lack of an adequate drug strategy for this country.

There was an approach that was recognized as being valuable, a more balanced approach, the so-called four pillar approach, dealing with prevention, treatment, harm reduction and, yes, enforcement. Enforcement is extremely important. Unfortunately, the reality that has transpired in terms of what effort is being directed toward these four pillars is not a balanced approach. We are spending 30 times more on enforcement than we are on prevention. Drug prevention programs in this country account for 2.6% of the expenditure in relation to our drug strategy; whereas enforcement accounts for 73%. That shows that the priorities are wrong.

We want to reduce drug consumption in this country. We want to deter crime. We want to protect our citizens. That is the whole

purpose: to protect the public, young people especially, and all those in our communities who could be harmed by the use of these harmful and addictive substances. However, we need to have a balanced approach, not the approach that has been adopted, that of having mandatory minimum sentences, which has been determined would not work.

Witnesses coming before Parliament, the 2 or 3 people out of the 16 who supported mandatory minimum sentences were asked to provide evidence or point to any study that would show that mandatory minimum sentence for drugs would be effective in deterring the use of drugs or the trafficking of drugs.

• (1515)

Not one person was able to show it was aware of any study. Here is a question that was asked. Has any study been found? I only want one that demonstrates that minimum prison sentences are good, correct and that they help with rehabilitation. Could someone answer that question? I would greatly appreciate it. Apparently, there is not. Witnesses were asked, but these did not come forward.

The majority of the witnesses that came before the committee wanted to scrap Bill C-15. Academics, lawyers, professors specializing in criminology, drug policy and psychology, a former judge, front line community workers and the criminal law branch of the Canadian Bar Association made up of defence council and prosecutors across the country said quite definitively that they did not believe the bill was effective. They believed it would be costly and ineffective and that it would not deter crime.

The Canadian Civil Liberties Association and the John Howard Society, a national organization working with prisoners in the criminal justice system for over 100 years, are extremely interested in rehabilitation and criminal law matters. They are opposed to this because of the effects it would have on our system. We also have the benefit of the experience of our neighbours to the south, because they have had 30 years experience with mandatory minimum sentences. Their experience goes back a long time and they have dealt with drug sentences of significance. They are now looking the other way and starting to change their approach.

The American experts also oppose the effectiveness of this method of dealing with drug use and the pervasive, unfortunate and seriously criminally wrong trafficking of drugs. We already have laws that are doing the job of ensuring that people who are charged and convicted of drug trafficking have a sentence that is appropriate to the crime they have committed, to the circumstances and to the danger to society involved.

We hear the other side talking about the victims of drug crimes. We are well aware of these. Not only that, we are well aware that the judge who is sentencing in a situation like that will have those facts and circumstances before him or her and will use those powers to increase the sentence in any particular case.

Government Orders

We have had debate here today, indicating the extreme high cost, the effect on our correction system and the fact that there is zero proof that the bill will be effective in reducing crime or deterring the use and consumption of drugs, yet the bill is still before the House. I ask hon. members who plan to support the bill to change their minds and recognize that an evidence-based approach to legislation and public policy should be the order of the day and not some simple ideological approach, which seems to be behind the bill.

• (1520)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I always enjoy the hon. member. We used to serve together on the public safety committee, and I always find his input and experience as both a provincial legislator and a lawyer helpful. However, with all due respect, I must disagree with his position with respect to Bill C-15.

The NDP is fond of submitting and arguing that 13 out of 16 of the witnesses who appeared before the committee were against the minimum mandatory sentences. I would like him to acknowledge a couple of simple points.

First, almost all of the witnesses were there at the invite of the NDP caucus, specifically the member for Vancouver East. They all said the same thing. The other thing they said, and this is critical, is that they were against prohibition. If they are against prohibition, they will be against minimum mandatory sentences. That is self-evident. If people are against it being illegal, they will be against minimum jail sentences.

Does the member support that? Does the member also support abolishing prohibition and making substances, including cocaine and methamphetamine, legal as the majority of those 13 witnesses said? He is looking for evidence that this law will work. Will he not acknowledge that while a person is incarcerated, he or she is unable to import, export or traffic in drugs during that period of incarceration?

• (1525)

Mr. Jack Harris: Mr. Speaker, the hon. member and I are both fellow lawyers in our non-political lives and past, and I always listen carefully to his arguments. Unfortunately in this case, what we are talking about is whether the bill is going to be effective in reducing the consumption of drugs in our society and in deterring trafficking and the other crimes that it sets in order to protect the public. That is the important thing, not whether someone we lock up is able to get access to drugs.

I understand that in our corrections system, it is not exactly a given that people do not have access to drugs, so it is really a red herring. One could say the same thing about locking up anybody. If we lock anybody up for life, it will be harder for that person to commit crimes in our communities.

That is not an attack on crime. This is an attack on criminals. We have criminals and we want to protect society by ensuring we have fewer of them. To have fewer of them, we need a policy that works, where people who go to jail and get rehabilitated see some hope for the future.

The protection of the public is about more than locking people up for long periods of time. We need a policy that makes sense, that is

based on evidence. In this case, there is no evidence. The hon. member knows that anybody on a committee can suggest witnesses. If there were evidence to support the bill, the Conservatives would have had them there.

The member is a very clever, educated and knowledgeable person. I am sure if that were an issue before the committee, the Conservatives would have found at least one study, somebody, to prove that mandatory minimum sentences worked and that they would deter trafficking and reduce the consumption of drugs. They did not have one. They had the opportunity. They have had the opportunity here today and have not done it.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I know that in my colleague's time in the House, he has also had an interest in Correctional Service Canada. He will know that just recently the federal correctional investigator, Howard Sapers, issued a report that contained warnings about the situation in Canada's prison system. He was talking about the dangers of overcrowding and the need for additional capacity, especially if these Conservative so-called tough on crime measures actually come into effect.

Could the member speak briefly about how this bill, which will increase mandatory minimum sentences and technically increase the length of stay that people have in jail, might affect situation in our prison system in light of Mr. Saper's recent report?

Mr. Jack Harris: Mr. Speaker, it is an important consideration. We do have a serious crisis in our prison system.

In many cases, we now have cells that were designed for one person holding two people. It has been suggested that if this bill were to pass, the estimated increase in the number of people incarcerated would go up by 10% to 25%, so we will see not one person in a cell designed for one, but three.

Most of this will happen at the provincial level, another cost being passed on by the Government of Canada without any consultation. The legislation has a cost and nobody from the government side has put a price tag on this. The Conservatives are supposed to be fiscally prudent and responsible spenders of the public money. They pride themselves on this, yet they bring in legislation that would have not only an increased cost but excruciating conditions in our correctional institutions, leading not to greater rehabilitation but to greater resentment and suffering of prisoners. That is the end result of it.

Is there anybody from the other side who has a price tag to put on this, or who will say what the government is prepared to do to deal with the increased costs? Is the government going to build more prisons? Is it going to fill them up with people who are going to have mandatory minimums? What is it going to do to deal with the consequences of the legislation it has before the House?

• (1530)

Mr. Brent Rathgeber: Mr. Speaker, I asked the hon. member two questions and he chose not to answer either of them, so I will try again.

Government Orders

Will the member not agree that while a person is incarcerated, that individual cannot import, export or traffic drugs? Does he agree with the witnesses who appeared before committee, who he is so fond of quoting, that prohibition is a bad idea and that serious drugs, including methamphetamine and cocaine, ought to be legalized? Does he agree with that?

Mr. Jack Harris: Mr. Speaker, we have a situation where the government wants to incarcerate people for longer periods of time. This has nothing to do with prohibition, although I know the experience with prohibition was it was not successful when it came to alcohol, and it is not very successful when it comes to drugs.

That debate is a worthy to engage in, but we are talking about mandatory minimum sentences. How did the gangsters who were engaged in the alcohol trade get caught? Did they caught by Eliot Ness going around shooting up the shebeens, or did they get caught by finally taking action to get the money that Al Capone was not paying in taxes and putting him in jail for that?

Is he not aware that the people who are the real gangsters seem to manage to carry on their crimes whether they are in jail or not?

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Madam Speaker, I would like to ask the hon. member for St. John's East this question.

Given that the Department of Justice has issued two reports in recent years showing the lack of utility of mandatory minimum sentences and the fact that we live right next door to the largest experiment in the history of the world in terms of a similar failed incarceration-drug program, would the member care to speculate on the real reasons the Conservatives have introduced this bill, since they obviously have ignored the facts when it comes to its ability to reduce abuses of drugs?

Mr. Jack Harris: Madam Speaker, I think the answer is pretty clear. I do not think we need to speculate. It is clear and the evidence is clear. Even the Department of Justice, up until the current government came to power, was clearly on the record as saying that there was no evidence to support mandatory minimum sentences for drug use and that it would not work. There was no measurable effect on either drug consumption or drug-related crimes.

The obvious reason is the one we hear all the time from the Minister of Justice. Every time he talks about being tough on crime, he is actually talking about being tough on criminals. He never talks about that without, in the same sentence, saying that the Conservatives are tough on crime and the other parties are not. That is the real reason they are doing it. It is all about politics and optics, not about reality.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, I am glad to have this opportunity to participate in the third reading debate of Bill C-15, An Act to amend the Controlled Drugs and Substances Act.

I come to this debate surprised, once again. I am surprised by this place and the kinds of things that happen here, and I am surprised by the basis on which sometimes the government acts and sometimes this place acts.

What surprises me most is the inability and the refusal of the government and the Minister of Justice to provide any shred of

evidence that this piece of legislation will have any of the effects they claim it will. There was an absolute inability by the Minister of Justice to provide one study that backs up that mandatory minimum sentences have any positive effect whatsoever on the illegal drug trade, that they have any effect whatsoever on the security of our communities, that they make any difference to the illegal drug trade in Canada.

We have gone over this time and time again. Members from this side of the House, this corner of the House, the member for Vancouver East, have asked time and time again for any study, any evidence that would show the efficacy of mandatory minimum sentences, especially with regard to drug crimes, and nothing has been forthcoming.

This has not gone unnoticed. The media have reported on it. There have been editorials in newspapers across Canada that the government has not been able to provide this evidence and has not done its due diligence. It has not done the work, and it has done this piece of legislation solely for crass political reasons.

I find it very difficult to support legislation that has no basis in fact. There may be people out there who believe this is a good idea, but my job as a member of Parliament is to examine the facts and to make sure we spend the time in this institution to debate issues, that when we put forward legislation and make changes to our criminal law, that they will to the best of our knowledge accomplish the goals that are acclaimed for them. We have none of that with this bill. We do not have that ability, because there is absolutely no evidence.

When the justice committee was studying Bill C-15, the member for Vancouver East was our New Democrat representative. The first witness to appear before the committee in its study of Bill C-15 was the Minister of Justice. The member's very first question for the minister was on this issue of whether there was evidence to support the claim that mandatory minimum sentences were an effective tool.

I will quote from the record of that committee where she asked the minister the following:

One question I have for you is this. What evidence do you or the department or your government have that mandatory minimums will work for drug crimes, and will you table that evidence? I think we need to see what studies you rely on.

They discussed a couple of other issues, and the minister did not address that first request. She asked again:

I respect your opinion on that, but my question is what evidence do you have that mandatory minimums for these drug crimes will actually work, that they're actually deterrents? What evidence is there?

There was no answer from the minister in his response to that question, so the member for Vancouver East asked again:

Do you have evidence?

The minister said:

We have the evidence that Canadians have told us that.

That was his response.

The member for Vancouver East asked again, "Any studies?" And the minister did not respond to that again.

She went on. She did not give up. She was determined to find out if there was at least one study that the government was relying on. A minute later, she said:

Government Orders

I take it you have no evidence, though, about mandatory minimums.

The minister responded again in the same way he had before. The member for Vancouver East said again:

But you have no evidence to offer.

And the minister still did not provide anything.

This was a regular theme through that committee and through that meeting. It was also an issue for witnesses who appeared. We know that the majority of witnesses who appeared before the committee did not support this legislation. The three witnesses who did support the legislation also could not provide any evidence or any studies that mandatory minimum sentences were effective in dealing with drug crime.

● (1535)

We went through that whole process, and no one from the government, the minister, or the witnesses who supported the legislation could provide any evidence that it would be able to accomplish any of its purported goals.

This is very, very serious. This is a blatant dereliction of duty. I cannot imagine. I said at the beginning of my remarks that this place sometimes shocks me. I am absolutely shocked that we would proceed with serious legislation like this without one piece of evidence, one study, to back up the need for this change in our criminal law.

We already have serious penalties for trafficking, exporting, importing and production for the purposes of trafficking. The maximum penalty for that is life imprisonment. There can be no penalty in Canadian law more serious than life imprisonment. That already exists for these crimes.

Many of the witnesses who appeared pointed to other studies and to other experiences that showed that mandatory minimum sentences were completely ineffectual.

The justice department's own study, in 2002, indicated that:

Mandatory minimum sentences do not appear to influence drug consumption or drug-related crime in any measurable way.

It was not the NDP who said that, it was not some drug-crazed hippy, the Department of Justice said that.

The minister claimed he could not produce any evidence. He could have produced evidence against his position, but he chose not to do that too. He chose not to listen to the evidence from his own department.

In 2005, the justice department also reported the following:

There is some indication that minimum sentences are not an effective sentencing tool...

Yet again, the Department of Justice said that mandatory minimum sentencing is not an effective tool. I wish the government had paid attention to the research and the work of its own department in this regard.

On the other side of the equation, people who are concerned about this legislation can produce many studies showing that these are ineffective and inappropriate tools.

The John Howard Society appeared before the standing committee that was studying the bill. It provided summaries of 17 studies from the United States and the United Kingdom on mandatory minimum sentences, lengthy sentencing terms, and recidivism, which all found that longer prison terms do not reduce recidivism. They do not stop crimes from being committed. Surely that has to be the goal of this legislation. The John Howard Society cited 18 other studies, which it did not provide summaries of, that came to the same conclusion.

Detailed analysis from the United States Sentencing Commission, which was presented at committee, found that mandatory minimum sentences go after low-level criminals and they are ineffective in deterring crime. Mandatory minimum sentences are even ineffective in who they target in the criminal community. They go after what is called "the low hanging fruit", the minor players. The big players who are causing the serious problems, the ones who cause serious disruption in our society, the ones who make the huge profits, are not touched by this kind of legislation.

That evidence came from the United States Sentencing Commission, when it looked at its own failed attempts to use these laws in the United States.

The reality is that the United States did fail. Back in 1973, New York pioneered these kinds of mandatory minimum sentences. They were called "the Rockefeller laws", and they were a colossal failure. New York, California, Michigan, Delaware, Massachusetts, all the states that went into mandatory minimum sentences are now repealing them. They found that they did not make their communities safer, they did not stop involvement in crime, and they sucked up huge amounts of taxpayers' dollars for the prison system, usually at the expense of the education system.

We know mandatory minimum sentences have been a failure just by examining the evidence from the U.S., which went heavily into this process. Why the Conservative government would use a process similar to the failed process in the United States is beyond me when the evidence is so clear.

We heard at the standing committee from former counsel to the United States House of Representatives Committee on the Judiciary, Eric Sterling, who said clearly and emphatically that his decision to promote mandatory minimum sentences earlier in his career was probably "the greatest mistake of my entire career of over 30 years in the practice of law".

● (1540)

This is a very distinguished lawyer, who worked in the Congress of the United States, who is a counsel to a congressional committee, the Committee on the Judiciary, who is basically recanting his position in favour of mandatory minimum sentences. Surely this is the kind of experience we should be learning from, not completely dismissing and ignoring as the government has chosen to do.

We know that mandatory minimum sentences have failed to reduce drug use and failed to increase safety and security in communities. They have raised the prices of drugs, increased the profitability of the drug trade, and they have lowered the purity of the drugs. They have increased organized crime in the communities in the states where they have been implemented.

Government Orders

We also know from evidence presented at the committee from a woman named Deborah Small from Break the Chains, that in the state of New York where these laws were implemented, they targeted the poor and racialized minorities. She testified at the committee that “while drug use is pervasive among every social or economic group, 95% of the people incarcerated for drugs in New York were poor African Americans and Latinos”.

They target the most vulnerable people in our society. The big traders still get away with the crimes they commit.

When before the committee, Mr. Sterling also pointed out the huge expenditures that these laws require for enforcement and incarceration. He said:

In 1986, when we enacted the mandatory minimums, the Federal Bureau of Prisons' expenditure was \$862 million. It went up to \$994 million the next year. Two years later, it was \$1.2 billion... In 1991, it was \$2.1 billion.

The President's request for fiscal 2010 is over \$6 billion.

There is an astronomical increase in prison costs related to these laws. Why would we go down that road when we know the cost and the ineffectiveness of them and when there is no evidence?

I think it is very important to consider all these issues when we are looking at this legislation. One of the bizarre aspects of this bill is that there is mention of drug treatment courts buried in it. Somehow this is supposed to be the saving grace of this legislation.

I think drug treatment courts are an important step to take. I am not sure that everything has been written yet about their efficacy in dealing with drug crimes. The jury is still out on them, as well. The reality is that there are only six drug courts in Canada, so they are very limited in scope.

The reality, too, is that with drug treatment courts we need the treatment spaces to make it effective. With any drug strategy, we need treatment spaces to make any effective progress. We know that there are not enough treatment spaces, and that is probably because we spend 73% of our resources on enforcement and only 14% on treatment in the area of drugs. We have to reverse that before we are going to make any progress at all.

Appearing before the committee, Chief Vernon White of the Ottawa police said, “I'm not a treatment specialist, I'm not a psychologist, to be fair, but I can tell you as a cop and as a parent and as a community member that there are some people out there who need this”, meaning treatment, “and we don't have near the capacity for those who want it, let alone those we need to persuade to take it”.

Even the police are acutely aware of the lack of treatment spaces. We need to make sure we have a treatment space for someone addicted to drugs that they can get into the moment they make the decision to seek treatment. If we miss that moment, we have missed the boat. We know it will be weeks and months before that possibility comes around again.

Until we can make that connection between the determination to seek treatment and the availability of a space, we will continue to fail these people and our communities, and we will fail to make any progress on these issues. That is a huge continuing failing of our approach on this issue.

● (1545)

This bill limits judicial discretion, and I, for one, want to stand up for the ability of our judges to have discretion when they come to sentencing, when they come to do their important work. They are the ones we charge to sit and listen carefully to all the testimony and assess the circumstances presented. I want to make sure that judges have the ability to use their discretion. That is what we ask them to do. It is a tough job. Sometimes they make mistakes—we all do—but I have great faith in our judges to make those decisions. I am very skeptical of constant attempts to limit the discretion of judges when it comes to sentencing. That is what this mandatory minimum sentencing bill will do with regard to these drug crimes.

I believe prohibition is a failure. We know the historical record shows that alcohol prohibition was a huge failure. If people would care to trace the parallels between alcohol prohibition programs, that whole legal framework, and drug prohibition, they will see the very direct parallels.

During alcohol prohibition in the United States there were huge problems with gang violence. There was all that mythology about gang violence associated with the alcohol trade during prohibition. It is exactly what we are seeing in Canada now, thanks to drug prohibition and the huge profitability of the illegal drug trade. Until we deal with the issue of the profitability of black market drugs, we will never be able to address the problems of crime, the social problems that arise from drug use.

When we look at the record of alcohol prohibition, we see the safety issues associated with black market alcohol production, such as exploding stills, which caused huge problems and burned people's homes down. We see those same kinds of problems with marijuana grow ops or crystal meth labs in our communities today. Exactly the same kind of effect that we know was caused by alcohol prohibition is happening now because of drug prohibition.

We saw huge family dislocation in the period of alcohol prohibition and we are certainly seeing that now with respect to criminal activity and addiction issues associated with the drug trade. We saw a lot of untreated addictions back in the period of alcohol prohibition and we are seeing it today. When a substance is illegal, there is a huge stigma about acknowledging one's addiction and seeking treatment for it, because of the criminal activity that is usually related to it. We need to address that issue as well.

During the period of alcohol prohibition, we also saw huge problems associated with the kinds of illegal products that were produced and the poisonous nature of some of them. Certainly we have seen that today with impure drugs and the problems they cause for drug users in our communities.

If we look at the historical record and try to learn from the experience of alcohol prohibition, we would see the failure of drug prohibition. We would even have a model for how to approach rectifying that situation.

Government Orders

We need to address the issue of profitability. One member likes to ask the question, “Is it not good to put a drug dealer off the street and into jail for a number of years, and does it not make our community safer just by doing that?” No, it does not, because the moment we put one of those people in jail, there is somebody ready to take his or her place. The reason someone is ready to take that person's place is because it is so profitable to be involved in the illegal drug trade.

Until we address that issue, it does not matter how long we put somebody away for, we have missed the boat on addressing the issue and the real problem. We need to take that very seriously.

I do not think there is anyone in the House who does not want to address the very serious problems related to drugs and the use of drugs in our society. I am certainly one of them, but I want to do it on the basis of what is effective, what will make the important changes, and what will ensure people get the help they need. The road that the Conservatives have chosen is one that has been proven to be wrong, that they cannot support with any evidence as to its efficacy, and we need to hold them accountable.

I have heard quietly from some of my Liberal colleagues that they do not like this bill but they are going to vote for it anyway because they think it is popular in the community. I want to challenge them to do the right thing. They know this is not going to make their communities safer. This is not going to address the problems that people are concerned about in their communities. Why pretend otherwise?

•(1550)

We are not sent here to pretend to produce solutions. We are here to do a job, to examine what comes before us and make decisions based on the best evidence we can get.

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Madam Speaker, though I do not always agree with the member's sentiments, he certainly does make a lucid presentation in the House and I do believe he is a sincere advocate for helping people with substance abuse problems.

On that note, I want to question him about the investments that I have secured in the Ottawa area for Police Chief Vern White's s.t.e.p. initiative, which includes both treatment for those addicts who are already hooked on drugs, and beds to segregate them from the sources of those addictions, and also education for people who are at risk, to prevent them from becoming involved in a life of drugs in the first place.

On Monday I will be holding a benefit in my constituency that will raise funds for that program, in addition to the \$1 million that our government has already provided. The funds from this benefit will also go to the Harvest House initiative, which is a non-governmental body that takes in people with substance abuse problems for six months or a year. It accepts no government money but has an enormously high success rate in turning the lives of young people around. That is very much part of this government's approach to fighting the scourge of drug addiction.

I wonder if the member would agree with us and find common ground with me on the great potential and the present-day success of

the Harvest House initiative and the s.t.e.p. program investment, led by Ottawa police chief Vern White.

•(1555)

Mr. Bill Siksay: Madam Speaker, I have to say, it is great that members of the community, organizations in the community, and the member of Parliament for Nepean—Carleton are prepared to be involved in these kinds of programs. We need to do that.

However, it strikes me like the old argument: Would it not be great if someday we did not have to hold bake sales for education but that the armed forces would have to hold a bake sale to have funds for carrying out war?

It would be really nice if governments could fund treatment appropriately so that these individual organizations did not have to do this kind of fundraising to support their programs, that we had programs on such a scale that people could get into them when they needed to, rather than having to wait.

When Chief White from Ottawa appeared before the committee, he talked about how programs were failing, how we were failing people with addictions because we did not have treatment places for them to go to as soon as they needed them.

We know that is true in Vancouver as well, where we are failing people who have made a determination that they need to deal with their addiction issues but they cannot get into a treatment program. When they wait, they backslide and the determination sometimes fails. We have to get those people into those programs immediately.

We also have to make sure that, when they come out of programs, they have transitional housing. Housing is a crucial issue around the issues of addiction. We need to make sure that people have decent housing to go to, housing that is probably not associated with their former routines and former neighbourhood and perhaps their former friends, so that they can make a clear break and establish themselves in a new pattern of life.

There are a number of issues related to all of this.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I would like to thank the member for his contribution to this debate. I listened intently as he provided a critique of prohibition and drew some analogies to prohibition earlier in the last century regarding alcohol. I suppose there are some parallels with respect to the safety of stills versus the safety of grow ops.

My specific question to him is this: If he is against prohibition, is he only against prohibition with respect to cannabis, or does his opposition to prohibition extend to harder drugs, including cocaine and methamphetamine?

Mr. Bill Siksay: Madam Speaker, I have made it very clear in the House that I oppose drug prohibition. I have cited examples of countries that have gone down that road.

Government Orders

The other day in debate at report stage I talked about a study that was recently done about the situation in Portugal, which decriminalized all drugs in 2001. That was nine years ago, and it has been a success in every category. In every area of empirical measurement, it has been a success. Drug use is actually down in Portugal since decriminalization. Crime is down. All these issues have been addressed, and they included serious drugs such as heroin and cocaine in their decriminalization.

I think it is a model that the Conservatives should study. At least there is evidence. At least there is a plan. At least there are laws in place. At least there is a system of regulation in place that has been proven to be effective.

Portugal is the only country of the European Union that has decriminalized all drugs and done so successfully. I think that is an example that we should all take very, very seriously in this place, because it would improve the quality of life in our communities. It would give us dollars to spend in the appropriate places, instead of on enforcement and incarceration. It would improve the lives of people who are addicted to drugs and it would improve the lives of our communities.

• (1600)

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, first of all, I would really like to thank the member for Burnaby—Douglas for an outstanding contribution to this debate on Bill C-15.

His remarks are intelligent. They are rational. They are thoughtful. It is not all wound up in playing this game of fear with people. It is about honesty, and I just want to say that if more people debated like the member for Burnaby—Douglas, this would be a heck of a lot better place. So I would really like to thank the member for a terrific overview that he gave on this bill and what its problems are.

One thing that did strike me is that, on the one hand, we have a solution that is coming down from the top. We have a Conservative government that is laying on this heavy-handed regime of mandatory minimums, yet on the other side we have something like Insite, a safer injection facility in east Vancouver, on East Hastings Street, that was actually a grassroots approach. It came from the community. This is a community that began to take on the issue and find ways to solve the serious problems we were facing in east Vancouver with drugs. Yet this is the same government that is trying to shut it down.

It just seems so at odds that, on the one hand, we have things that are actually working and that are saving people's lives, literally, and the Conservatives are trying to do everything they can to shut them down. They are appealing the court decision, trying to shut down Insite, and on the other hand, trying to layer on this very radical approach of mandatory minimums, as the member says, with no evidence that it will ever work.

I wonder if he would comment on those two approaches. I know what I believe is the right one, but what are his thoughts about that?

Mr. Bill Siksay: Madam Speaker, I want to thank my colleague for her kind words.

I have a clear commitment to harm reduction and to neighbourhood participation. I have to say, the downtown east side of Vancouver is an incredible neighbourhood. People often think of it as a terrible place. Anyone who has any familiarity with it will know

that it has some of the best qualities of a neighbourhood that we would find anywhere in Canada, the way people co-operate with each other, take care of each other, look out for each other and try to plan for the needs of that community.

When that community was discussing ways to address the drug issues in the community, I was a member of a church in the downtown east side. My partner was the minister of that congregation, the First United Church at the corner of Hastings and Gore, a central corner of the downtown east side. When the community was looking for a place to house a safe injection site, the people of the First United Church congregation, the people who run the mission at First United Church, were there to say that they wanted to participate in that.

They were willing to house that safe injection site, knowing that it was outside the law and that it was likely an act of civil disobedience to do that, but they knew the importance of that facility. They knew the importance of harm reduction. They knew that facility was going to save lives. It was eventually established not in the church but down the street, but the evidence and studies have shown that it does do all those things and that it has saved lives of people who live on the downtown east side.

Sadly, the government removed harm reduction from its approach to dealing with drug issues. That was a mistake. The community in Vancouver knows that I believe, in my riding of Burnaby—Douglas, there is a different approach that is needed. I hope that someday we will come to that. I do not have much hope that it is going to happen in this Parliament, with the current government and with this kind of legislation, but we need to come to that kind of appreciation.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, this is a subject on which I did not initially intend to speak, but because it relates to a significant part of my life experience, I have decided to speak to it.

When I started working as a young crown attorney in 1966, I had never heard of marijuana. It was at just about that time that it started to be seen in Canada.

In 1967 I was offered a position by the federal government as a federal crown attorney. At that time, only the federal government handled drug prosecutions. Obviously, I was informed of the dangers of drugs and so on. I will not go into details on that. The law at that time was extremely harsh for anyone who imported marijuana. Importing marijuana was subject to a minimum sentence of seven years' imprisonment. I have heard people say in this House that no one ever received that sentence, but that is not true, people did. When I later worked for the defence, I defended clients who were sentenced to seven years for importing marijuana.

Minimum sentences like those create injustices, which I will address a little later. However, one thing is certain: from 1966 to 1986, marijuana use rose significantly. At that time, as well, cannabis, the plant from which marijuana and hashish is obtained, as it was grown in Canada, had no hallucinogenic effect. More specifically, there was no delta-9-tetrahydrocannabinol in the cannabis that grew here. That situation has changed, and it seems that excellent cannabis is now being produced in British Columbia and Quebec.

So all the marijuana smoked starting in the 1960s and up to the 1980s was imported. Why was it that people faced minimum sentences like that? Certainly, at one point, there were so many that it was considered to be unreasonable, and deals were made with crown attorneys so that instead of marijuana importing charges they laid possession for the purposes of trafficking charges, for which there was no minimum sentence. That is one of the consequences of a bad law. I am certain that this law is just as bad in terms of the minimum sentences it provides, and that is why I am speaking to it.

As I have said before, bad laws make fortunes for good lawyers. You have to go and see lawyers to get out of the mess you are in. Bad laws lead to plea bargains. And justice is not done as it should be, by a judge who hears both parties; rather, it is administered behind closed doors. The practice became that laying possession for the purposes of trafficking charges would be laid rather than laying charges for importing.

And one day I did push the envelope. I had a client who was coming home from Morocco. Because she was fond of smoking hashish and found that it was cheap over there, she acquired some for her personal use and brought it back to Canada. So she was charged with possession for the purposes of trafficking, when clearly it was for her personal use. So I chose to try the case before a judge and jury. The Crown obviously understood that the jury would probably find that it was for her personal use, and asked me how I could risk having my client get seven years in prison and argue something like that. Ultimately the case was resolved with a non-custodial sentence, but on principle the charge of possession for the purposes of trafficking was retained. That is the kind of horse-trading that enforcing bad laws results in.

So we have overwhelming experience to show that minimum sentences produce no results. First, no one knows what these sentences are. Who in this House can tell me how many offences in the Criminal Code are subject to a minimum sentence?

• (1605)

There are 29. Here again, I know this only because I have just read it in one of the studies I consulted. I had heard there could be as many as 100 or something like that. I read it in a study by the Department of Justice. Who would know the fine details if we do not even know the number here? Can we expect the public to know?

Experience shows that indeed the minimum sentences are not known. That is the second reason. The third is that some understanding is required of the mentality of people who decide to break the law. In our discussion of the deterrence effect of sentences, we are reasoning as honest individuals with little fear of receiving a sentence if we break the law. We respect the law because we are educated and because we are aware of the damaging effects of criminality. We are also aware of our reputation.

However, I have practised criminal law all my life and went on to become Quebec minister of public security and minister of justice. I have always noted that a criminal generally does not calculate the sentence he will be given if he is ever caught committing a crime. He wonders what the chances are of his being caught. I am talking of a criminal who is calculating. A lot of crimes are committed on impulse, for revenge, through drunkenness and so on. Drunkenness will not put you on the road to good behaviour.

Government Orders

When we give it some thought, we realize that minimum sentences are of no value. We know from experience that minimum sentences are of no value. Studies worldwide have found that minimum sentences were of no value.

Before I move on to this study, I would like to mention one other terrible thing caused by minimum sentences. It is generally the most serious cases that come to mind when we think of minimum sentences. We think there should be a minimum sentence at least. We forget, however, that there are accomplices in many criminal adventures. People are drawn into committing a crime through friendship, family ties, the influence of other young people and all sorts of other reasons. It must be understood that a minimum sentence severe enough for the most serious cases applies as well to the least serious. That obliges judges to hand down sentences they consider unfair.

It must be understood that a minimum sentence can occasionally, but still significantly, be a provision obliging a judge to commit an injustice even though he is satisfied after hearing the case that the sentence is unjust.

I had a really striking example in my practice. While I was practising criminal law, I met a young woman who had been seduced by someone at a difficult time in her life. She had had a major accident, and her husband had abandoned her. She finally met an American, who was kind, educated and very attentive.

At some point, he told her that he would have to leave but would return. She began getting mail from him. She was getting what looked like books. The man warned her not to open the books because he had to take them to the public library himself at the time. She understood that something was not right. She said on the phone, because he was under surveillance, that she did not like what he was sending. He finally convinced her to keep the books. She kept the books, which contained drugs, until he came back and gave them to him.

• (1610)

Both were convicted of drug trafficking. If hon. members were the judge, would they agree to give both these individuals the same sentence? That is what happened: seven years each. This sense of justice is disgusting to us. It deprives judges of the possibility of taking into consideration personal motives, not only objective ones but subjective ones as well, in their sentencing.

Here we have another example that shows that minimum sentences are useless: the death penalty. If there is one serious sentence, it is the death penalty. And since the death penalty has been abolished here, we have seen a gradual decrease in homicides in Canada.

Now, and this is astonishing, the minister had with him a study on the effects of minimum sentences. I have a few quotes from that report, and they are very significant. This relates to another point I wanted to raise. I keep hearing the Conservatives talk of the principle of "tough on crime" with respect to minimum sentences. On this side of the House, we do not talk about "soft on crime" but rather "smart on crime". Let us give appropriate sentences and then we will be effective against crime.

Government Orders

The U.S. is tough on crime. So tough that they imprison people seven times more often than we do. Are we seven times safer when we go to the States? Certainly not: in the United States people are three and half times more likely to be victims of murder than in Canada. Yet, proportionally, there are seven times more people in American prisons than here.

So the reason the Conservatives want to impose minimum sentences and show they are tough on crime is because it is popular. One needs a certain degree of courage and a certain degree of intelligence—I would say sometimes the courage of one's intelligence—to go against popular opinion. It is definitely popular. In fact, in the study the Minister of Justice had access to when he drafted these measures, we can read the following:

When surveys pose a general question about mandatory sentences of imprisonment, polls reveal strong public support for the concept.

I even remember the figure was 88% support.

However, when asked about specific cases, there is far less support among members of the public for restricting judicial discretion at sentencing. The most recent polls conducted in Australia and the United States demonstrate that public support for mandatory sentencing has declined in recent years.

Finally, we are beginning to follow the Europeans in realizing that it is pointless. The report also states:

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

So this study showed that mandatory sentences had no effect. Few studies have addressed public knowledge of statutory minimum penalties. Fortunately, the surveys that exist on this issue have generated the same findings: the general public has little knowledge of the offences that carry a mandatory minimum penalty, or of the magnitude of the statutory minima.

I would urge the Conservatives, who are forever telling us to talk to our constituents, to ask their own constituents whether they are aware of the minimum sentences prescribed for these crimes. They will see that not many people are aware of them. England conducted such a survey.

• (1615)

The justice department report states:

In 1998, members of the public responding to the British Crime Survey (BCS) were asked if they were aware of the mandatory minimum prison term of three years for offenders convicted of burglary...Even though this mandatory sentence had been the object of considerable media attention, less than one quarter of the sample responded affirmatively. This finding is consistent with earlier research in Canada that found that very few members of the public had any idea which offences carried a mandatory sentence...

The reference given is Roberts, in 1998.

I have found the 88% figure I mentioned earlier. I do not have very much time, but I could give many more examples. There is another thing that strikes me. When the Conservatives talk about increasing sentences, do they look like people who are getting ready to make considered, appropriate, intelligent decisions? No, they crow about what they are doing. They are going after this because it will bring them votes and because that is what they are hoping for.

But we have news for them, because apparently in many countries, including the United States, although support for mandatory minimums used to be very high, it is now diminishing to the point that, as mentioned by the previous speakers, certain American states are now backtracking on them. I too am struck by this kind of applause and argument.

I find myself scandalized by the continuing message from the present Justice minister, who seems to take it for granted that to get tough on crime is the only answer. It is the only answer for him. He should be very familiar with the situation on the ground. He should have a little more respect for people. Perhaps I shall never convince him, and I honestly think he believes what he says. Still, he should realize that other people think the opposite, and that those people, when they think the opposite, know that they are taking a position less popular than his own.

If those people are taking such a position, it is because they know things, because they have studied the subject, because they see the scientists, the criminologists, who write on the subject and explain why this accomplishes nothing. These people have the courage of their intelligence, and it seems to me that the minister should show a little more respect when he is exploring whether we should be “tough on crime” or “soft on crime”. He should do this for the people who are opposed to his position, who have the courage to adopt positions that are based on knowledge.

In summary, then, I believe from experience that mandatory minimums solve nothing, because generally people are not aware of them. Mandatory minimums do nothing because, before committing a crime, an offender does not calculate the sentence he will receive if he gets caught: mainly he calculates whether or not there is a risk of getting caught.

Mandatory minimums are what have affected me the most as a lawyer who has spent more than 30 years in criminal law. I have been practising criminal law since 1966, which is a long time. Actually, it is more than 40 years. I am aging faster than I think.

These provisions cause judges to commit injustices. Having examined all the pertinent factors they must consider in deciding on a sentence, judges feel forced to hand down a sentence they do not agree with, and are obliged to do so by the law. This also causes them to commit injustices when several accused before them have taken part in the same criminal conspiracy that carries a minimum sentence and they are unable to hand down different sentences proportionate to the gravity of the offence.

• (1620)

[English]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I would like to thank the hon. member for his contribution to this debate. I always find him interesting. He and I serve together on the public safety committee. He has a great deal of experience as a former attorney general and minister of public safety in the National Assembly of Quebec, and I do learn from him from time to time.

Government Orders

I have a question for him. Since Canada has such limited experience with minimum mandatory sentences and his research would indicate that there are only 29 minimum mandatory sentences in all of criminal law in a code that has hundreds and hundreds of offences, how can the member be so convinced that minimum mandatory sentences are not effective as a general deterrent since we have such limited experience with them?

With respect to specific deterrents, will the member not simply admit that it is impossible for offenders to sell or traffic drugs while they are in prison, so at least during the duration of the prison sentence they cannot reoffend and they cannot sell drugs?

• (1625)

[Translation]

Mr. Serge Ménard: Mr. Speaker, if I understand correctly, traffickers would have to be put in prison for life. That way we would be assured that they would not deal in drugs. Yet there is a lot of drug dealing in prison.

This last part is not really an argument, since it is the same thing for all crimes. South of the border they have experience in this regard. The Americans have had experience with minimum sentences. To be popular in the United States, where they are elected to congress every two years and to the Senate every six years, they had to be tough on crime. They were tough on crime. They added mandatory minimums and crime did not go down.

Let us profit from the experience of others. In addition, there are the reasons I mentioned earlier. These observations are of general application, but they are still significant. Furthermore they are confirmed by almost all the criminological studies I have read in my lifetime, which the department has available to it.

[English]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, I could not help reacting to the question suggesting that people in prison could not deal in drugs. I think the hon. member for Edmonton—St. Albert will have an opportunity with the public safety committee this summer to visit some of the federal institutions, where he will undoubtedly encounter the fact of drug dealing in federal prisons. Yes, it is against the law. Yes, there is a prohibition. However, our inmates and their friends on the outside have found a way to breach the fence around the prison and he will find there are drugs there.

However, the real point is he is suggesting the logical extension of a suggestion that perhaps we should attach mandatory minimums to all of our sentences, as if that would be a solution to everything.

Would the hon. member for Marc-Aurèle-Fortin agree that this would simply have the effect of doing away with any recognition of any mandatory minimum, that it would simply be the sentence, and it would not have any impact at all?

[Translation]

Mr. Serge Ménard: Mr. Speaker, I agree with the hon. member. They tried this in the United States and it does not produce these results.

The study was on Commonwealth countries. In all the Commonwealth countries, most judges do not like minimum

sentences, basically for the reasons that I presented earlier. It forces them to commit injustices. I am not aware of a single study—and the department has not cited any—that demonstrates that minimum sentences produced results. Generally, to advance a science, you take a sample and run experiments to see if they can be given general application. You do not do the opposite to find out whether your theory can be applied generally, that is apply it generally and the experiment will show whether or not you have to decrease the sentence. Basically, this is what the hon. member opposite is proposing.

[English]

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I am very pleased that the member for Marc-Aurèle-Fortin decided to join in the debate. He has brought the wisdom of his experience as both a prosecutor and a defence counsel for over 40 years, and that is something that is worthy for this debate. Like the member for Burnaby—Douglas, he was very lucid in his arguments and in his contribution. As a cabinet minister in Quebec, he was also active in a campaign to fight organized crime in Quebec.

Sometimes we talk about judicial discretion. That may be a bit of a misnomer because a judge has to apply for sentencing the mitigating factors which would lead to a lower sentence and the aggravating factors which might lead to a higher sentence in a particular case.

Could the hon. member comment, based on his own experience, whether that is a successful method of sentencing that leads to justice most of the time; and if there is an injustice, is it something that can be corrected?

• (1630)

[Translation]

Mr. Serge Ménard: Madam Speaker, if the judge believes that the appropriate sentence is the minimum or higher, then obviously there is no injustice.

In other cases, however, there is injustice. That is the opinion of the majority of Commonwealth judges who have to enforce these laws.

[English]

Mr. Brent Rathgeber: Madam Speaker, I would like to thank the member for his answer to my last question. In support of his proposition, that mandatory minimums do not work, he stated the American experience. One of the things that the justice committee heard, when we were in Vancouver, is that part of the problem is the disparity between the sentences in the U.S. and Canada. The U.S., having tougher sentences and more mandatory minimums, actually exports some of its drug traffic problems to Canada where the sentences are comparatively lighter.

I would like to ask his thoughts on that proposition, based on his great experience as a former attorney general, since drugs flow freely over the border and it is one big North American market, does he not agree that there should be less disparity between the sentencing principles of Canada and the U.S.?

[Translation]

Mr. Serge Ménard: Madam Speaker, the right approach to sentencing is to individualize sentences.

Government Orders

If there are so many drugs in the United States that there are enough to export to Canada, it is because there are a lot of drugs in the United States. If my colleague were telling me that there is less drug trafficking in the United States because the sentences are harsher there, that would mean that mandatory minimums or harsh sentences have a deterrent effect. However he cannot say that because it is not true. If he were to tell me that sentences here are less harsh, and as a result there are more drugs, that would change my opinion. But the situation is quite the opposite.

In some countries, drug trafficking is even punishable by death. You cannot be harsher than that. And yet people keep on exporting drugs. They accept the risk. The dealers do not factor in the sentence they will receive if they are caught. They do what they can to not get caught, but thank God, it does not always work. Sometimes they do get caught.

[English]

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Madam Speaker, I would like to ask the member for Marc-Aurèle-Fortin if he thinks this is going to be as expensive as well as ineffective? The Conservatives have not met their promise to deliver 1,000 extra RCMP and 2,500 municipal officers. Is this going to be an expensive boondoggle?

[Translation]

The Acting Speaker (Ms. Denise Savoie): The member for Marc-Aurèle-Fortin has 30 seconds to answer the question.

Mr. Serge Ménard: Madam Speaker, I do not believe so.

The Department of Justice study that I quoted from concluded that it led to an increase in the number of people entering prison, but that the increase was variable and not meaningful. However, there was no impact on driving crime rates down.

In the United States, the proliferation of minimum sentences has resulted in that country having the highest incarceration rate in the world. With 767 prisoners per 100,000 citizens, it is worse than Russia. We have 116 and Japan has 56. It is clear that minimum sentences have driven the prison population up tremendously.

Does my colleague feel safer in the United States?

The Acting Speaker (Ms. Denise Savoie): Order. 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 Labrador, Canadian Broadcasting Corporation.

• (1635)

[English]

Ms. Niki Ashton (Churchill, NDP): Madam Speaker, it is a pleasure to stand in the House today and talk on the subject of Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts. I am proud to stand here with my colleagues from the New Democratic Party to oppose the bill.

I would like to spend a bit of time talking about the bill and also talking about some of the proposals and the perspectives that we in the New Democratic Party have been sharing in the House. I would like to engage in this discussion from the perspective of a young person and also as the critic on youth issues for my party.

It is exciting to have the chance to talk on a bill in which many people reference youth, young people. However, once again, it is often in the negative context, talking about young people who get into trouble or young people who are facing the challenges of addiction. Rather than talking about the proactive and preventive steps we ought to be taking when we are talking about young people, we are in fact focusing on the punishment piece and focusing on truly continuing to burden many young people who already face challenging situations or who perhaps are at risk.

There are a number of aspects of the bill that we find extremely problematic. First of all is the discussion that has been quite vivid here in the House on the issue of mandatory minimum sentences. That is a big part of the bill that is in front of us today.

However, as we have heard from many people, mandatory minimum sentences have been proven not to work in cases of drug crimes. They certainly do not serve to deter organized crime and the intense activity in which so many people in the black market are involved.

In fact, mandatory minimums would encourage a focus on small dealers and low-level traffickers and would involve an increased amount of time and resources being put into police sweeps targeted at the small dealers rather than perhaps engaging more extensively at what is happening around us by some of the larger players out there.

Also, mandatory minimums are problematic for the fact that they have been noted to target visible minorities. I want to specifically refer to the way in which they target, certainly in the context of Canada, aboriginal people.

As someone who represents a riding which is made up of 70% aboriginal people, first nations and Métis, I recognize that this would have a tremendous negative impact on the region that I represent. Already we have some of the highest incarceration rates. I know this from the opportunities I have had to visit the communities that I represent and based on the stories that I have heard. People talk about their sons, their fathers, their husbands who have either been in jail or are in jail or have in some way fallen on the other side of the law.

I note that in many of our prisons there is a disproportionate number of aboriginal people, especially when we consider that aboriginal people make up a smaller percentage of the overall population. That is so important to recognize. We talk about the justice system being blind, but based on the tremendous research that has taken place, it is clear that it is far from blind. We should be looking with a very critical eye at policies and legislation that could continue to contribute to the inequality that results from the way justice is currently served in our country.

Another real concern that we have in the NDP with respect to this legislation is the move away from public health prevention and harm reduction, especially the removal of the elements of harm reduction in the anti-drug strategy that the Government of Canada has espoused in the past. This is especially problematic given the imbalance it creates in terms of looking only at punishment after the fact instead of dealing with the subtler issues that are at play, the issues that so many people with addictions across our country are dealing with. We should also be looking at preventive measures.

Government Orders

•(1640)

I was especially astounded to look at the percentage of funds that go toward the different aspects of a drug strategy. If Canadians were to hear about these percentages, they would be quick to point out the extent to which the funding is unbalanced and the extent to which any such strategy would be completely ineffective in dealing with issues of drug activity in our country.

Around 70% of the money goes toward enforcement, 14% goes toward treatment, 7% to research and 2.6% toward prevention. Harm reduction is also at 2.6%. It is absolutely mind boggling how these numbers could be seen as dealing with the challenges of drug activity and dealing with the challenges that people in our communities face, whether it is people with addictions or all of us in our communities.

One does not need to speak with experts to hear about these things. I had the opportunity to talk to people in many of the communities that I represent and hear about the groundbreaking work being done especially in terms of treatment, but also in terms of prevention.

I would like to highlight the work that is done by the Nelson House Medicine Lodge in Nisichawayasihk Cree Nation where tremendous work is being done for people suffering from addictions. There are people from all across the north who are on waiting lists to access the high-level treatment and counselling that this lodge provides. It provides services with an aboriginal perspective. It works closely with mainly aboriginal clients and is sensitive to the realities they face.

Whiskeyjack Treatment Centre works extensively with many young people facing addictions. Whiskeyjack is between Cross Lake and Norway House in northern Manitoba. I know many young people who have gone through Whiskeyjack and worked at Whiskeyjack. People know of the good work it does. They are also very concerned about the constant stress on funding that it faces. There is a constant need for advocacy to make sure people outside of our region know how important these institutions are.

Another area of grave concern for the NDP is in terms of the economic impacts of this kind of legislation, the way in which it would overload police, the courts, legal aid services and treatment centres. Today we heard my colleague from Vancouver Kingsway raise the issue of police and the fact that the government's commitment to support police has not materialized to the extent that it was promised. This is of grave concern.

I am very appreciative of the fine work the RCMP does in the region that I represent. I have had the opportunity to visit with many officers who practise in communities from Shamattawa to Thompson to Opaskwayak Cree Nation. I recognize the challenges and life-threatening work they are often involved in. It is extremely unfair to apply a burden when they do not have the supports necessary.

I have spoken to many about the shortage of new recruits. I know there are young people whom I grew up with in northern Manitoba who are looking at careers in the RCMP and are happy there are many opportunities, but we all know of the extreme shortages the RCMP is facing, as are city police units across our country.

With respect to legal aid and the courts, we have all heard of the extreme backlog that so many people face. Certainly in terms of the legal aid services offered in Thompson, my home community, there are many people who face some of the most extreme levels of poverty and have problematic situations and they go to legal aid.

•(1645)

When we are proposing legislation that could serve to burden that, I find it extremely disconcerting. It does a disservice to people who are out in our communities trying their best to provide a service, whether it is policing, legal aid or treatment, and we would continue to overburden them given the work they are currently doing.

We have also heard about how this kind of legislation would serve to overload our prisons. That does not need to be discussed, given that we know the extent to which the system is stressed.

It is mind-boggling how we could come to discuss this legislation that not only moves away from some of the preventive and comprehensive approaches we ought to be taking but actually serves to burden the system that is currently dealing with issues around drug activity in our country.

It is incumbent on the Government of Canada to take a leadership role when we are talking about something as important as issues of addiction and drug activity, and to truly look at it in a way that is actually going to make a difference rather than making it worse.

I would like to talk a bit about what we New Democrats have been talking about, not just in terms of looking closely at and critiquing this bill, but in terms of looking at the ways in which we need to be proactive in our communities, our regions and our country.

We talk quite a bit about the importance of education and prevention. I am the youth critic, but I am also the critic for post-secondary education. Time and time again it is clear the extent to which we are letting down our post-secondary education system. In fact, we are letting down our young people.

We have heard about the rise in tuition fees and the rising student debt. Thirteen billion dollars is the number at which student debt now exists in our country. I am sure many members in this House have children, or perhaps even grandchildren, who are facing these situations. What is more important is to see how that is compounded with the current economic situation.

We are dealing with the highest rate of unemployment among young people in 11 years. Arguably it is one of the highest rates in our recent history. I have had the chance to talk to many of my peers, friends and people who live and study across Canada who are very concerned about the opportunities that await them after they finish their trades programs or university programs. They are very concerned about the future that lies ahead.

Not only do they not have opportunities to look forward to or are concerned about the opportunities that do not exist, but they also have an exorbitant amount of student debt to deal with. My question is, how will that happen?

Government Orders

Unfortunately, the government has been extremely negligent in looking at those issues of access. Many people have noted their appreciation of the commitment in terms of infrastructure. However, we must recognize that improving access, certainly with respect to transfers to the provinces in terms of post-secondary education and looking at the issue of Canada student loans is also extremely important when it comes to supporting young people in our country.

I would like to talk a bit about education from the first nations aspect. I noted that a high proportion of people in the area that I represent, and certainly many young men, often fall on the other side of the law and high numbers end up in our jails. Let us look at how many of them start off their lives when they grow up on reserves in northern Manitoba or reserves all across Canada.

The education situation, the situation of the schools in many of these first nations is appalling. It is third world. It is shameful. I am proud to work with a party, with our aboriginal affairs critic, the member for Nanaimo—Cowichan, and the member for Timmins—James Bay, who have been very loud and clear on the importance of looking at education for first nations. If we are not supporting young people at the formative stages of their life, whether it is child care or elementary school, there is a greater chance that they will continue to lack support throughout their lives.

Today I had a discussion with Band Councillor Okimaw of God's River first nation who told me about the need for a school in his community. He received a letter about renovations and it included a dollar amount that in no way responded to its needs. For years, the first nation has asked for a new school to address the lack of space for students.

I have mentioned Gods Lake Narrows, Nelson House, St. Theresa Point. All these communities lack schools. We should look at those aspects of our legislation and our policies, when we talk about prevention and education, and truly deal with some of the challenges young people face in regions like mine.

The government has been extremely absent with respect to recreation on first nations land. We saw commitments in the budget for recreation in general. However, I would argue, and I am sure many others would argue, that the needs of first nations are far more acute.

I represent the community of Shamattawa. Within two years of the arena being built, it was shut down. Nobody can go in because it is contaminated with black mould. Young people cannot use it. We have many months of -30° or -40° and young people cannot go out and be active. They have a small school gym and nothing else to accommodate their need to be active, to be healthy and to spend their time doing something positive in their communities.

Communities like Pukatawagan have been asking for special attention for its young people and for health concerns. Communities like Chemawawin First Nation Easterville had to close its drop-in centre because it faced a lack of funding.

Communities, where there might be space to hold some activities, have no money to pay for someone who could administer the activities and work with young people and give them ideas on how to contribute to the well-being of their community.

One does not have to be a rocket scientist to know the kind of measures that need to be taken to put an end to a lot of the negative activities, the gang activities, the kinds of things in which many young people get involved. All we have to do is listen.

Young people across our country are crying out for measures that they would like to see, whether it is prevention, education and training, employment or, more specifically, treatment. Young people have some of the most progressive and innovative views in these areas.

Why do we not take the time to listen to what young people in regions like mine and across Canada have to say? Many of them would hold the bill in a critical light and ask that we be proactive as an institution that represents them in terms of the challenges they face.

• (1650)

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Madam Speaker, being an RCMP member, now retired, if memory serves me correct, policing in certain provinces across Canada is a provincial responsibility to administer. Manitoba is a contract province for policing. If I understood the member correctly, she criticized legal aid, which is also a provincial responsibility.

If memory serves me correctly, the minister of northern Manitoba is a relative. I am trying to understand the blame she is placing on the federal government. Some onus should be put on her father to look at northern Manitoba's responsibilities, with respect to administering policing and legal aid.

Listening to those allegations, I believe there is some responsibility on her part to voice her concerns to the provincial government of northern Manitoba.

• (1655)

Ms. Niki Ashton: Mr. Speaker, it is always good to engage in discussions with my colleague who neighbours to the west of northern Saskatchewan. I also noted his reference to my personal connections, which is something I do not think is at all appropriate in the discussion we are having. I assure him that when it comes to my region, I work hard to represent it and I work hard to talk to the people who are also concerned about the region.

Whatever party, whatever level of government they are at, whether it is provincial, first nations, northern affairs, I believe we should be talking with everybody and working with them to make our country a better place.

With respect to the discussion around the RCMP or legal aid, there might have been a slip. By no means was I negative toward legal aid. In fact, it would be the opposite. I have great admiration for the work that is done in our communities, as well as the RCMP. While I think we all recognize the provincial governments are in part involved in the services provided, and all sorts of services are provided when we talk about services related to this bill, it is important to address what is at the federal level in the House.

Government Orders

When we talk about supporting the RCMP, and I appreciate the member's connection, my question perhaps to him and to his party is this. Why did the Conservatives agree to roll back an agreement they made with RCMP officers on wages? When we should be supporting them in increased officers and resources, the government is pushing back on the fine work that they do, leaving them out in the cold.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Madam Speaker, I have a couple of questions for the member for Churchill.

First, I know she has been very active with youth and with the aboriginal file. A project called CEDAR looked at the prevalence of HIV infections among young aboriginal people, specifically around Vancouver and Prince George. However, Canadian statistics around injection drug use is it is a primary risk factor for HIV among aboriginal people, accounting for 58.9% of all prevalent infections between 1998 and 2005. What does she think about other programs around prevention and treatment and the importance to young aboriginal Canadians?

Second, she raised the issue around incarceration. In the annual report of the Office of the Correctional Investigator, 2007-08, he says that aboriginal people are less than 3% of the Canadian population, but they comprise almost 20% of the total federal prison population. Why would we look at legislation that could potentially increase aboriginal incarceration rates? We know that Portugal looked at decriminalization. It used the four pillar approach of treatment, prevention, education and awareness. Could the member comment on the importance of that other approach?

Ms. Niki Ashton: Madam Speaker, it is interesting that my colleague from Nanaimo—Cowichan brings up the question of HIV-AIDS. It saddens me to have to stand in the House and say that one of the first programs the Conservative government cut when it came into power was an HIV-AIDS prevention program based in Thompson, Manitoba, which worked with people living with HIV-AIDS across our region. A program that dealt with people who faced incredible stigma and challenges in getting on with their day to day lives was gone.

That is a sad statement about the leadership the government has taken. It has been a slap in the face to the way in which people try to build healthy communities and support people who live in such difficult situations.

On the point about alternative programs, I am glad to hear about ideas, programs and suggestions that are been out there. On the international level, my colleague from Burnaby—Douglas referenced Portugal as well. Again this is not rocket science. People are talking about these things and doing them. Let us listen to them.

• (1700)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Madam Speaker, I listened to the member's. She was talking about policing and the hiring of police officers. It could have been her who mentioned that we did not live up to our commitments. We did live up to our commitments. The provinces received money to hire extra police officers and one would have expected them to have done so.

With respect to the RCMP, we did not hire a thousand officers. I believe more like 1,500 officers were hired. We increased the size of depot to accommodate the training of extra officers.

However, when it comes to support for police, I recall the day when I was working in the province of Ontario under an NDP government, which reduced our wages. If the hon. member were to let folks know what actually occurred, there has been a 1.5% increase in compensation for the RCMP.

Under the current deputy leader of the Liberal Party, when he was the NDP premier of Ontario, he cut back on the paycheques of police officers. I am very aware of what an NDP government does for police officers.

Ms. Niki Ashton (Churchill, NDP): Madam Speaker, I appreciate the sharing of difficult experiences with the member across. However, on that timeline, I spent most of my speech talking about how I am here as youth critic. That era has passed, and as we know, some of the key players in that area have taken a very different turn.

When we talk about the real NDP and people who are truly part of the New Democratic Party, I am very proud to come from a province where we have an NDP government. It has been extremely proactive and supportive of the police and policing activities.

However, as I pointed out, northern Manitoba depends on the fine work of the RCMP. I can assure the hon. member, I have been in many first nations communities, where the lack of officers has been made extremely clear to me. Many young officers do not have experienced officers to work with, which jeopardizes their safety, their security and in many ways their lives, and the federal government is not responding to that.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, I am pleased to join in the debate. I think the last sequence of debate took us a bit off the bill, Bill C-15, which deals with changes to the Criminal Code and the Controlled Drugs and Substances Act. The purpose of the bill is to impose mandatory minimum sentences on what are called serious drug crimes and to make a couple of other changes. Those other changes, I support. It is the part dealing with mandatory minimums that catches my attention and I regret that the government is taking the approach that it is.

I enjoyed listening to the remarks of the member for Burnaby—Douglas and the member for Marc-Aurèle-Fortin who, from my point of view, really did hit the nail on the head. I would be personally happy to reread those speeches myself, because I thought they delivered to the House a lot of personal experience and a lot of reference material from outside the House that bears directly on point, that being the relevance and usefulness of mandatory minimum sentences.

The government members have, throughout this Parliament and in the prior Parliament, continued to perpetuate what I regard as a myth, the myth being that the solution to crime is to throw people in jail and keep them there.

Government Orders

To me, that is quite simplistic, and in fact, it does not work. However, when we think about it, that is just about exactly what the king used to do 1,500 years ago. If there was a criminal and they caught him or her—I am sure there was employment equity back then—they would throw the person into the dungeon and just keep them there until they did or did not survive, or whatever happened. So the Conservative government's perpetuation of this paradigm that the solution to crime is to put people in jail, put them in the dungeon and keep them there, is a great disappointment to me. As most of the previous speakers have said and as the evidence brought forward at the justice committee shows, not just one hearing, not just one year, because I was a member of the House of Commons Standing Committee on Justice and Human Rights for 19 years and I had a lot of education in those years at taxpayer expense, I can say without any reservation at all that the concept of throwing people in jail as a solution to crime does not work.

As previous speakers have pointed out, our friends south of the border, in the United States of America, have learned that at great cost, human cost and dollar cost. Building prisons is not going to adequately deal with the challenge of crime.

I would argue that there has been one visible exception to my position that mandatory minimum sentences do not work. That exception is related to the offence of impaired driving.

It is a fact that we as a country have increased sentencing for a conviction for impaired driving and for subsequent convictions. We have added in some mandatory minimum incarceration for impaired driving, and the statistics show that this has had a favourable impact. There has been a reduction in drunk driving, in impaired driving. We have not eliminated the problem. We all know that people are still dying and being injured and maimed on Canadian roads because of impaired drivers. However, the combination of increased penalties, targeted increases in the penalties, firming up of fines, suspensions and some minor mandatory minimum sentencing, together with public education and visible increased enforcement, has produced a result.

● (1705)

However, I am of the view that it is not principally the increased sentencing that has worked. It is the increased enforcement, together with the knowledge that, if we are caught, we will pay a price. There will be a serious consequence. We may lose our licence; we may do time; we may be fined. In addition to that, the type of person who would commit that type of crime is usually quite different from the type of person who might be committing another type of criminal offence.

They are all serious criminal offences, but the most common circumstance involving a person who drinks and drives and does or does not cause injury but just gets caught as an impaired driver involves a person who probably does not have a criminal record, but might have, who simply drinks too much. The act of drinking is a fairly normal human activity. Drinking too much past the limit is an offence, but that is different from someone who plans and executes a bank robbery or someone who is involved in the drug trade and who plans and executes drug deals.

With that one exception, I am irrevocably of the view that mandatory minimums just do not accomplish anything other than

placing convicted persons in institutions perhaps for longer than they need to be, and it removes the judicial discretion to fix a sentence that suits the crime and all the circumstances.

In looking at the sequence of procedures involved, surrounding a criminal act, it is not just the end part of conviction and sentence that we should be focusing on. What leads up to that in real life is actually a fairly complex and lengthy sequence of events. There is the planning of the criminal act, there is the execution of the criminal act, there is an investigation by police, there is a charging procedure, a prosecution, a conviction, and then there is the sentencing.

I am urging the House and asking my friends on the government side, can they not see that by changing the law to provide an impact, a mandatory minimum sentence, at the very end at the sentencing could not possibly impact on the front end of all of that sequence? The criminal act, the investigation, the charge, the prosecution, the conviction, all of those things happen before the sentencing. The individual, the alleged criminal, the accused, gets involved in this, and in most cases, as my friend from Marc-Aurèle-Fortin pointed out, as we both practised in criminal courts, the average criminal does not see the end of the process. The criminal is only thinking about whether he or she is going to get caught. It is binary in terms of the person's own head logic: Is there is risk of getting caught or not; can I get away with this crime? That person is not getting out a calculator to figure out what the sentence is and whether it is worth doing or not.

I have asked in the House, what is the sentence for an armed robbery? I know my friend from Scarborough Centre does not know and my friend from Marc-Aurèle-Fortin, who is an experienced counsel, actually does not know either. The reason none of us knows is because the Criminal Code provides that the sentence is determined by a judge.

If a person does a bank robbery, he or she is going to get a sentence. The courts have organized the sentencing in a way that a bank robbery is a very serious offence and the offender is going to do serious time.

● (1710)

The point is that if we in the House who enact the legislation, fix the penalties, and debate the policy do not know what the penalty is, how the heck is that undereducated criminal out there to know? As he or she decides to embark on a crime or a crime spree, that person does not know. They might have a sense of it a little later when they call their lawyer, but when they decide to engage in the crime, they do not give it much thought. They are only thinking about whether there is a Mountie around the corner and whether they are going to get caught.

Members of the House perpetrate the myth with pretense and political posturing when they say they are going to get tough on crime and increase the sentence. That public policy does not have a chance of impacting the sources of the crime, the decision to embark on the crime spree. It just does not compute.

Government Orders

As I said, it will be shocking for my friend from Edmonton—St. Albert if he is going to visit all these prisons this summer. It is a wonderful exercise to meet all these people, but I think he will come to the same conclusion that I and almost every other member in the House who has had the privilege of serving on the justice committee or public safety committee will come to.

There are real limits to how much we in the House can have an impact on the causes of crime just by tweaking the sentence. Nobody will know, but we tell ourselves that we are being tough on crime.

In my view, we are just being stupid. We are just engaging in political posturing and perpetuating a myth, the same one that was there when the king and the sheriff used to throw the body into the dungeon 1,500 years ago. The causes of crime in our society will continue unaddressed.

I want to draw an analogy. Let us say that a bank has a history of bad loans to customers. Let us say the bank president decides that they are going to have to deal with all those bad loans. There are too many bad loans out there. What do we think the solution is for the bank to deal with a very bad history of loans, a lot of write-offs? Do we think the solution is collections at the end of the history of the loan? Do we think the bank is going to improve its bottom line by focusing on the collections? Here I draw the analogy to sentencing.

No. In order to improve the history of bad loans, one has to get involved at the front end, in the loan approval process. A better credit screen has to be provided at the front end, not at the end of the line when the loan has gone bad. That is the analogy I want to urge upon the House. There is no point in cracking down on the bad loans when they are in debt recovery and collection. In order to improve the bank loan history, one has to get involved at the front end, when the loan is approved in the first place, and how the loan is administered.

I am using that analogy to apply to the criminal justice system. We as a society have to make sure that we get out into the front end of the sociological piece to address the causes of crime and the context that breeds crime. We have to better deal with how we manage our laws and procedures to deal with drugs. We have to realize that a person who is addicted is a health problem, not a criminal problem. If we treat it as a criminal problem, we just end up funding it a certain way. It is putting people in the dungeon again, and dungeons do not normally help anybody do anything. They get a little older and little smarter. Actually, they are schools for crime.

• (1715)

I will close by re-emphasizing my view that the government politics, and it is politics and not good policy, on this is taking us down a road built upon a myth related to the dungeons of the king. It does not work. We have to get this right. I am very reluctant to support this bill. This bill has three parts to it: two parts good and one part bad. I regret that.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Madam Speaker, I always find it refreshing listening my colleague on the opposite side and have grown to admire his frankness. However, today I think he is exercising a little bit of hyperbole when he is talking about dungeons, et cetera.

I like his illustration regarding bad loans and a need for a more effective loan approval process. Certainly, that is part of it, but it is only part of it. Collections actually do play a role in the whole process, as in the justice system where we need to prevent crime. We have invested significant money. In fact, I remember making an announcement in the riding I represent to an organization that reaches out to youth to keep them from crime.

However, we also need to make sure that for those law-abiding citizens in our communities, we not only do justice but that we appear just as well. That means that we make sure that those people who break the law actually have a sentence that is requisite to the crime they have committed.

I would like to ask the member opposite this. Does he not think that there are many facets to the whole process of justice and that sentences are a part of it, not just keeping people from crime?

• (1720)

Mr. Derek Lee: Madam Speaker, I agree 100% with my friend.

I would not suggest for a moment that sentencing is not a part of the criminal justice system. Let us take a look at the Criminal Code, there is lots of sentencing in there. We have lots of prisons.

My point is that sentencing is not the big solution. It is not the big magic bullet fix that is being urged upon us politically. I agree 100%, and I could not say more. Getting out in front and dealing with the causes of crime is part of it and sentencing is a part of it as well.

The member did make a reference to a sentence that is commensurate with the crime and the circumstances, and I agree with that fully. That is why we have courts and judges. We usually allow them that decision to deal with that whole constellation of sentencing factors because we could not possibly provide for it here. We could not possibly cover off every factual situation when we write out a sentence for a crime. We allow judges to deal with those.

We have the sentencing factors and criteria set out in the Criminal Code. That is one of the reasons why, for the most part, I object to the mandatory minimum because it is a dead-headed, blind imposition of a custodial sentence, when in fact in some cases it might not be appropriate. However, we do not know the appropriate case.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Madam Speaker, I was very impressed with the eloquent argument as to why mandatory minimum sentences make this such a bad bill.

Even if it is one-third bad, a bad bill is a bad bill. I assume and hope that the hon. member for Scarborough—Rouge River will be voting against the bill and persuading his brethren to vote against it.

Government Orders

My question to him will build on his metaphor about the king and the neo-feudalism here. We have a Conservative Party which, through NAFTA and softwood lumber and other bad budget decisions, has destroyed much of our industrial base, our economic base, jobs, families and communities. The Conservatives have failed to help those unemployed persons through EI or other support systems and have driven those poor people into using or selling drugs.

Now, rather than investing in prevention, harm reduction or treatment for those unfortunate people, they want to force more of those impoverished desperate people into jails at a cost to the taxpayers of \$72,000 to \$110,000 per person.

My question to the hon. member for Scarborough—Rouge River is this. Does he have any idea why these Conservatives are so obsessed with punishing the weakest people in our society?

Mr. Derek Lee: Madam Speaker, I do not think our colleagues opposite have wilfully foisted the recession upon us, nor do I think that they think that putting people in jail is the economic fix that we need for the country.

There is quite a bit of difference among the different parties in the House as to how we should respond to the recession. There are those in particularly dire straits, those who do not perhaps have access to the EI system, and those who have fallen between the cracks in various parts of the country. There are increasing numbers of people out there in dire straits, not just single people but there are families. There are men and women with children and dependants.

Maybe we are not grappling too well with that as a federal Parliament. Maybe the provinces are expected to play a role in this as well and municipalities. However, I take the member's question as notice of a huge problem out there and I would not blame my colleagues opposite for all the bad stuff that is out there right now.

● (1725)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I thank the member for his comments and referencing me in his comments.

I would like to point out to the hon. member that I am certainly not so delusional or naive that I think that our federal prisons are free of drugs. I understand that there are drug problems even inside the penitentiary system. I understand that.

However, I think that misses the point and I think that misses my comments as to why I am supporting Bill C-15. The real victims of this crime are, for example, the 14-year-old girl from Edmonton who a month and a half ago died from an overdose of ecstasy, a single dose. She purchased it at the West Edmonton Mall, went to a rave, ingested the ecstasy, was misled by the dealer as to its dosage, and she died. She is the real victim.

That is the individual that we are trying to protect by promoting minimum mandatory sentences in Bill C-15.

I listened to the member's comments very intently and he has, of course, been in the House a lot longer than I have. He talked about how during his tenure as a member of Parliament sentences for impaired driving had increased over the years and that there are in

fact minimum mandatory sentences and they escalate on subsequent offences. He spoke in favour of that, if I heard him correctly.

Therefore, I want him to explain to me and explain to the House why he supports minimum mandatory sentences for impaired driving but not for trafficking in narcotics.

Mr. Derek Lee: Madam Speaker, in my remarks, I did distinguish between the person likely to be involved in and convicted of an impaired driving offence. But going over to the drug side, in a basic hypothetical situation, if we took a big dealer in a prohibited drug, and we caught him or her, proved all the elements of the offence, and it was a big crime, I do not think many people would have a difficulty with a sentence that was at least a year.

In many cases, someone who is a big dealer in prohibited drugs of that nature is going to get a sentence much greater than one year. The problem is that we may get an individual who is not the hypothetical one, a person who falls into the category of trafficking just by a hair and falls into the kind of person that the member for Marc-Aurèle-Fortin mentioned earlier, where someone was misled about what was inside the books, the drugs, the cocaine, the heroin or whatever it was, and the relative injustice that is perpetrated because we have this cookie cutter sentence of minimum one year.

That is where the minimum sentence falls short in my view.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I am pleased to rise today to speak to Bill C-15. I follow a very long list of extremely good speeches. All of the speakers have been absolutely excellent.

I want to begin by reading a quote, which is as follows:

I suppose I will accept the representation made from the John Howard Society and the Civil Liberties Association that this bill is targeted to the so-called low-level distributor or low-level dealer. You may be correct that it may not be as effective as we would like in going after the kingpins. I may accept that.

Does anyone know who may have made a comment like that? It certainly could not have been a member of the government that is bringing in this particular bill. It was none other than the member for Edmonton—St. Albert, a member of the Conservative Party who has stood up and asked questions of every speaker this afternoon. He himself is admitting that this bill will not do what it is supposed to.

The issue then becomes this. If that is the case, why are we going through this exercise? Why has the government embarked on this exercise? We know that this is all about window dressing. This is all about politics, about burnishing the government's image with the public to give the appearance of being tough on crime.

Let us look at a jurisdiction, namely the United States, where this idea has been tried and failed.

● (1730)

The Acting Speaker (Ms. Denise Savoie): Order. I am afraid I must interrupt the hon. member. He will have 18 minutes remaining to continue his comments.

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.

PRIVATE MEMBERS' BUSINESS

[Translation]

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC

The House resumed from April 21 consideration of the motion and of the amendment.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, it is a great pleasure for me to say a few words on the Bloc Québécois Motion No. 288. The other day I spoke briefly on another motion from the Bloc and I was not in favour of it. Today, however, I am extremely proud to support the Bloc motion. The motion reads as follows:

That, in the opinion of the House, the government should reconsider its decision to eliminate the funding channelled through the Economic Development Agency of Canada for the Regions of Quebec to non-profit bodies active in the economic development sector, and reinstate their funding.

I am not from Quebec, but from New Brunswick, its neighbour. The Conservative government has a habit of cutting funding and acting without any consideration toward the agencies for the promotion and economic development of the regions of Canada. I am in favour of this motion because the Conservative government has done a lot of damage to Canada's economic development agencies, and more specifically, as this motion says, the agency for the regions of Quebec.

The hon. minister of state has recently announced that the Economic Development Agency would be reinstating the funding to these bodies, but this is not true. Let us be clear and precise about this. The things that the government has done to that agency are unjust and do not respect the goals of promoting this country's economic development agencies. I must point out something: the same goes for my Atlantic region.

[English]

For example, in the region of Atlantic Canada, by the change to the method by which transfers were made to the province of New Brunswick, the province of New Brunswick will receive this year \$29 million less than it would have received had a Liberal government been re-elected in the election of 2006. This is happening across the country.

What is really telling is that in this case, the cuts to the agency we are speaking of in particular have been continuous and without replacement. There has been a 45% decrease in the funding to this agency in the province of Quebec.

As I said before, I stand in unison with my friends from the beautiful province de Quebec, not because it is a Quebec issue, but because it is a national issue. It is an issue that affects all regional economic development agencies, but in particular, we are speaking about this agency.

In my view, the Conservative government does not believe in regional development. There is a quote from the Prime Minister, which I would like to share with the House. It is quite instructive on why this step has taken place, why we, as opposition members, should be against its vision of Canada and Quebec and why we

Private Members' Business

should be in support of this motion. The quote is from *Global News*, February 24, 2002:

We have in this country a federal government that increasingly is engaged in trying to determine which business, which regions, which industries will succeed, which will not through a whole range of economic development, regional development corporate subsidization programs. I believe that in the next election we got to propose a radical departure from this...

If this were a debate about language policy or how the Prime Minister truly feels about Atlantic Canadians or bilingualism, as I mentioned, we could go back to the famous speech in Montreal of 1997, but on this side, we do not like to go back and harp on past sayings and past personal statements of leaders. This is only in 2002 and it is specifically about regional development agencies. It is very clear that from the top, down, the Prime Minister had it in mind to make cuts, such as were visited upon this agency, from the day he was elected by minority vote in 2006.

The dramatic change in application requests is clearly a sign that the Conservative government has changed the rules and made it much more difficult to obtain financial assistance. The Conservatives have proven they cannot make government work on their own when we need it. They have a mere 4% success rate when it comes to the delivery of their own programs. Not only are they, in this very instance, cutting the very core funding to programs and cutting the very existence of the agency in question, they are making the agencies less effective as they stand. It is almost as if they wish for all of these agencies to disappear, which was, I think, what the prime minister-in-waiting, the leader of the opposition in 2002, really wanted to happen in the first place.

The guts of the motion is to reinstate the 2005-06 levels of funding, and that would be up to the level of \$400 million. The government has cut funding to regional development and made it more difficult for organizations.

The second point in my short speech is with respect to the not-for-profit agencies, which are in many cases cultural in nature. It goes to the very core value of the Conservative government with respect to cultural agencies.

Despite all of the rhetoric from the Minister of Canadian Heritage, the fact is the government stands against the idea of cultural agencies. I believe it feels that culture and the support for cultural agencies and institutions should come from the private sector.

● (1735)

If we look back on previous comments of groups such as the National Citizens Coalition and the Fraser Institute, I think the bedrock of Conservative ideology, the ideology that should be apparent not in the words but in the actions of the other side, is this private sector support for cultural agencies and not-for-profits. The Conservatives believe that with respect to child care. They believe that with respect to broadcasting, with their non-support of CBC's request for bridge financing. However, of late, in an attempt to appear perhaps a little more, shall we say, liberal in their approach to not-for-profits and cultural agencies, they have not been as explicit in their hard core Conservative ideology against regional agencies, cultural agencies and institutions.

The motion and the debate around it serves to re-establish the debate about what is left, what is right and what is centre.

Private Members' Business

• (1740)

[Translation]

It is important for Canadians and Quebecers to know that a debate is going on at this time concerning cultural issues and the support to this country's economic development agencies.

[English]

A debate is taking place with respect to whether Canadians believe in things such as bilingualism, support for culture and the arts and support for regional development. I cannot say that the report card for the government is very good with respect to the latter, which is precisely what this motion is about.

I suspect from reading the cards here, when most of the elected politicians in the province of Quebec support this motion, which challenges the government's decision to leave to its own devices the Canada Economic Development for Quebec Regions in the province of Quebec, it is very clear to me that the debate has been lost by the Conservatives, particularly those Conservatives from Quebec who should realize their time has come and that the majority of people who represent the province of Quebec will not support a government that cuts aid to regional development agencies.

[Translation]

Mrs. Sylvie Boucher (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, I would like to thank you for the time you have allocated to me to debate Motion No. 288, presented by the Hon. member for Sherbrooke.

First of all, it is obvious that the deterioration of the global economic situation requires us to help the regions of Quebec even more aggressively.

Needless to say, then, the Economic Development Agency of Canada for the Regions of Quebec needs to play an even more significant role.

Small and medium businesses and communities made their needs clear during the regional tours by the Minister of State (Economic Development Agency of Canada for the Regions of Quebec). Our government has been able to put a number of measures in place thanks to our exhaustive consultations throughout Quebec and Canada, and our keeping our fingers constantly on the pulse.

The findings on those tours confirmed our opinion that the NGOs are important allies of the SMEs and the communities in their economic development and diversification efforts.

On March 18, the Minister of State (Economic Development Agency of Canada for the Regions of Quebec) was therefore able to announce that he has loosened up the funding for certain NGOs in the economic sector.

Our government is, however, a responsible government and it is important that we ensure that the taxpayer's dollar is being carefully managed, especially in these difficult times.

This is why our new approach to the funding of non-profit bodies active in the economic development sector is set up as follows: It is for a period of two years; the funding is for those NGOs that are deemed by the community to be essential, and is related to the financial capacity of the agency; there must be a real demonstration

of need by the applying organization; the objectives must be translated into concrete results or funding will be cut back or terminated; there must be rigorous accountability to the government.

This announcement was greeted very positively by the stakeholders. For instance, Mayor Labeaume spoke of how delighted he was with the Government of Canada's decision to create a new policy on the funding of NGOs in the economic sector.

I would also like to remind hon. members of the reaction of Raymond Bachand, Quebec's Minister of Economic Development, Innovation and Export Trade to the announcement:

Today's announcement demonstrates that the federal government has recognized the important contribution to the economic development of Quebec of the not-for-profit economic organizations. Not-for-profit organizations will again have access for a period of two years to federal government funding, an essential complement to the action of the Government of Quebec. The economic vitality of Quebec is unfolding, day after day, thanks to the work of these economic leaders.

Canada Economic Development's mission is to focus on regional economic development and support for small and medium-size businesses.

In addition to the assistance we give not-for-profit organizations with an economic mandate, we provide direct assistance to small and medium-size businesses in Quebec through consulting services and financial help.

Canada Economic Development also encourages regional business circles and the organizations that support them. As my colleague from Lotbinière—Chutes-de-la-Chaudière mentioned in the first hour of debate, we have announced a number of measures to assist the economic development of the regions and thereby help the people and communities located there.

For example, I would like to mention that, through the community futures program, our government made a total contribution of \$31 million in 2008-2009 to support the operations of 57 community futures development corporations, or CFDCs, 10 business development centres, or BDCs, 14 community economic development corporations, or CEDCs, the community futures development corporation network in Quebec, the joint CFDC fund, as well as all the not-for-profit organizations with an economic mandate.

The CFDCs, BDCs and CEDCs provide a variety of local development and business assistance services in the regions of Quebec.

• (1745)

The CED minister recently had the pleasure, thanks to agreements reached with the joint CFDC fund, of announcing the implementation of the business startup and succession fund to stimulate the Quebec economy.

This fund has a \$6 million budget to help small and medium-sized businesses located outside the major urban centres to develop at particularly critical points in their growth by facilitating their access to risk capital.

The CED minister also had the pleasure of announcing the envelope allocated to the business support fund, whose initial \$8 million budget was increased to \$9.6 million.

As a result, slightly more than 90 small and medium-sized businesses outside the major urban centres in Quebec received financial assistance to meet their needs for working capital.

We also understand the importance of tourism to the economic development of Quebec.

That is why the Minister of State (Economic Development Agency of Canada for the Regions of Quebec) has announced \$30 million over three years to renew the funding agreements with the regional tourism associations, commonly called ATRs in Quebec, the sectoral tourism associations, called the ATSS in Quebec, which, we could point out, are not-for-profit organizations with an economic mandate.

Our government uses the Economic Development Agency of Canada for the Regions of Quebec as a conduit for providing financial assistance to the tourism industry to help it work together to improve tourism products and marketing and to support major projects to attract tourists from outside Quebec.

We also announced recently that the criteria for applying for financial assistance had been eased to help the tourist accommodation industry in Quebec.

It is evident that our government is out there in the field, working together with all the economic players in the regions because it is only with their assistance that we are able to help communities diversify their economies.

Together we will become stronger and more prosperous, in Quebec and in Canada.

• (1750)

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, I am very proud to rise today in this House to offer my full and complete support to my riding neighbour, the member for Sherbrooke. I want to point out just how important it is for Motion No. 288 to be passed by this House in order to ensure the economic development of the regions of Quebec.

With the way the Quebec economic model has developed, not-for-profit organizations have played and will continue to play a central and crucial role. To my way of thinking, it is clearly the duty of this House to do everything to ensure the survival of the not-for-profit economic development organizations. It is our role as parliamentarians to ensure that these bodies have all the resources and means they need to carry out their role properly. For these reasons, I enthusiastically support Motion No. 288. I am totally convinced that funding for not-for-profit organizations must be fully restored.

As we know, the Bloc Québécois firmly opposed the cuts affecting the not-for-profit bodies funded by the Economic Development Agency of Canada for the Regions of Quebec. These cuts threaten the economic model developed by Quebec over decades. The Bloc therefore calls for an immediate, integral and indefinite return of funding for these not-for-profit organizations through the Economic Development Agency of Canada for the Regions of Quebec.

It is important to understand that these not-for-profit organizations are bodies helping small and medium business to innovate and

to explore outside markets. Over time, they have become an essential link in the local economic fabric in many regions in Quebec.

Surprised by the defensive response to its initial decision to cut funding to the not-for-profit organizations, the government issued a guideline that took effect on November 22, 2007. The minister at the time reiterated his intention to abolish funding of the operating costs of the ongoing activities of the organizations, but offered them a transition period ending March 31, 2010. However, in order to obtain this temporary funding, a not-for-profit organization had to put forward a serious transition plan showing how it intended to replace the agency's financial assistance for its operating costs after that date. The wording was condescending and arrogant, members will agree.

All other projects with any hope for funding had to be ad hoc in nature, of limited, well-defined duration, and directly in line with CED priorities. As these priorities are not explicitly defined, we can be sure that the government wanted to provide funding piecemeal to specific projects probably selected arbitrarily and on the spur of the moment according to the whim of the minister on a given day. We call this a narrow and simplistic view of regional economic development.

That being said, while the new guideline provided no economic advantage to the people of Quebec, it did provide political advantages to the government and the minister. But in reality, people did not buy it. The future of many organizations was in doubt. Organizations such as Montréal International, PÔLE Québec Chaudière-Appalaches, the Technopole maritime du Québec, based in Rimouski, the Technopole de la Vallée du Saint-Maurice, the Wind Energy TechnoCentre in the Gaspé and the Centre de recherche Les Buissons in Pointe-aux-Outardes will all be in danger if these grants stop coming.

Whatever the size or focus of the individual organizations, most were created out of the desire of the regions and the Government of Quebec to support promising small businesses and help small and medium-sized businesses invest in innovation and explore foreign markets.

For several years, Quebec's regional investment strategy has been based on the development of distinctive industrial sectors. Thus, Quebec has focused on the development of marine sciences in the Lower St. Lawrence region, the wind power industry in the Gaspé, and aluminum processing in the Saguenay—Lac-Saint-Jean region.

• (1755)

Also, Quebec has based its development policies on the growth of networks of centres of excellence. These research centres, subsidized in part by Economic Development Canada, are working in these niche areas in partnership with small and medium-sized business. For some of these organizations, funding from the Economic Development Agency of Canada for the Regions of Quebec made up as much as 50% of their budgets. For example, the corporation providing technological support to small and medium-sized businesses in eastern Quebec and on the North Shore stands to lose the \$400,000 in support it used to receive every year.

Private Members' Business

Many ongoing or upcoming projects may have to be postponed or cancelled for lack of funding. The fact is that this measure is a direct threat to the operation and very existence of some of these organizations involved in regional development.

Many large and small economic stakeholders in Quebec have vigorously condemned this measure, which would eliminate all direct subsidies by March 31, 2010. For instance, the Specialty Vehicles and Transportation Equipment Manufacturers' Association, the Quebec Aerospace Association, the Montreal Council on Foreign Relations, the Fédération des Chambres de commerce du Québec, Sous-traitance industrielle Québec and the Manufacturiers et Exportateurs du Québec sent joint letters of protest to the minister on February 28 and April 1, 2008.

This decision is equally objectionable to the Government of Quebec, which helps fund those organizations. Thus, in an interview with Radio-Canada, the Quebec minister of economic development, Raymond Bachand, took a clear stand against the minister's decision, describing it as ideological and disdainful.

On June 10, 2008, Quebec City's mayor, Régis Labeaume, spoke out publicly against the minister's initiative during a joint press conference with Raymond Bachand, Christian Goulet, vice-president of the Quebec City Chamber of Commerce, Paul-Arthur Huot, president and CEO of PÔLE Québec Chaudière-Appalaches, and Jean-Yves Roy, president and CEO of the National Optics Institute. The City of Montreal has also expressed its opposition to the minister's decision.

Faced with such an outcry, the Conservative government did a bit of a turnabout by unveiling, in March 2009, CED's "new policy" concerning not-for-profit economic organizations in Quebec. This policy, which was presented as a new initiative created by the government, merely restores, partially and temporarily, the program that was cut in April 2007.

I took note of the minister's about-face, which will mean that not-for-profit organizations will once again be able to rely on federal support for their current operations, but I have serious doubts about the associated terms and conditions.

First of all, the "new" funding is for a probationary period ending March 31, 2011. Having already announced in 2007 the possibility for not-for-profit organizations to extend their funding until March 31, 2010, this is in reality just another extension of one year only. Upon expiry, these organizations will find themselves back at square one, with no funding, and hence possibly in danger.

What is more, only 52 of the 200 Quebec not-for-profit organizations that were eligible prior to November 2007 will be able to apply for temporary federal support. In other words, three-quarters of the development agencies are being abandoned right away.

The obvious conclusion is that this latest government announcement is little more than a smoke screen, a way to stifle the criticism erupting from all parts of Quebec against the elimination of funding for these not-for-profit organizations. The real solution, the one proposed by my colleague, the hon. member for Sherbrooke, is to restore funding for non-profit economic organizations and immediately pass Motion No. 288.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I am truly very happy to have the right to reply. I would like to start by saying that I was very pleased to represent the Bloc when the motion was tabled.

We must ensure that these not-for-profit economic organizations survive. They are creatures of Quebec in that Quebecers have implemented measures in their regions for their development, as they should, based on their natural and human resources. They also have a certain way of doing things that may be different than that in other regions of Quebec and Canada.

These organizations play a crucial role in their communities and also in terms of economic development. The Government of Canada should stop jeopardizing the economic development model that Quebec wants to adopt. Various economic players are involved in the regions and there are others whose influence extends beyond their own region. In a context of globalization, small businesses are flourishing thanks to the efforts made by these organizations. These small businesses carry out more research in certain sectors and are able to innovate and find important niches assuring their competitiveness in almost all sectors.

The cuts did a lot of harm. This is a sign of intransigence and inconsistency which points to the inconsistency of the Conservative government and its inability to generate real regional economic development. It has turned its back on all community stakeholders and the actors in the economy of Quebec, including the Government of Quebec and numerous municipalities.

The Liberal economic development critic, the hon. member for Brossard—La Prairie, has said that she will be supporting the Bloc Québécois motion. The last Liberal member to speak, the member for Moncton—Riverview—Dieppe, will also support the motion to restore the funding to non-profit bodies and ensure their survival. We do not want it to stop on March 31, 2011, we want it to continue.

I am sure that the opposition members of this House will support this motion. Now we just need to convince certain Conservative members one might call extraterrestrials, or extra-Quebeckers, who, even though they actually come from Quebec, are totally denying the reality of Quebec's regional economic development. They need to be brought back to some level of realization of reality, though that seems to be getting harder and harder to do, given that they thumb their noses at everything that exists in Quebec, and often take pleasure in denigrating in the most sarcastic way all the efforts that have been made by the economic stakeholders of Quebec.

As the former member who initiated this policy told us all the time, things have a beginning, a middle and an end.

So here is what I have to say to the Quebec Conservative MPs: you had a beginning, you are in the middle, and you will meet an end if you continue to behave in the same way.

• (1800)

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, I listened carefully to what members from all parties had to say. The member who just spoke has a lot of experience, and I know that you have warned him repeatedly. We address our comments to the Chair and we do not use the second person or address the members opposite directly.

Adjournment Proceedings

[English]

The Acting Speaker (Mr. Barry Devolin): The hon. member who is raising the point of order I believe is not in his assigned seat.

On a further point of order, the hon. member for Rosemont—La Petite-Patrie.

• (1805)

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, would you please call the member to order? To my knowledge, before a member can have the floor in the House, he must be in his seat. You gave him the floor even though he was not in his seat.

Mr. Royal Galipeau: Mr. Speaker, I have tremendous respect for the House, so I deserve that reproach.

I was not at my desk when I made that last comment, but my intervention was nevertheless valid.

Mr. Serge Cardin: Mr. Speaker, if we did as the member opposite suggests, then we would have to begin every utterance with “Mr. Speaker, I—”.

Mr. Speaker, I mentioned several times that I was talking to you. I respect you and I am talking to you, but I can still look at other people while I am addressing you.

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93, the division stands deferred until Wednesday, June 10, immediately before the time provided for private members' business.

The hon. member for Peace River on a point of order.

[English]

Mr. Chris Warkentin: Mr. Speaker, could we see the clock as 6:30 p.m.?

The Acting Speaker (Mr. Barry Devolin): The hon. member is seeking unanimous consent to see the clock as 6:30 p.m. Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

CANADIAN BROADCASTING CORPORATION

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, I am pleased to have the opportunity to revisit my March 30 exchange with the parliamentary secretary concerning cutbacks at the CBC.

At that time, I was very concerned and upset, as were my constituents, about the planned cuts to CBC Radio. We have a small but dedicated CBC contingent in Labrador who do remarkable work with limited resources covering a vast and diverse region. The cutbacks as initially planned would have threatened our only local program, *Labrador Morning*.

In the days that followed the announcement, the outpouring of support and emotion from CBC Radio listeners in Labrador was remarkable. People told their own stories of how important the CBC service is to them and to their communities.

This was about the same time as a pair of snowmobile travellers in northern Labrador became stranded. They took refuge in a cabin and decided not to press on in a dangerous storm. They made that potentially lifesaving decision because they knew a ground search and rescue team was looking for them. They had heard about it listening to *Labrador Morning* on a battery radio.

I know that the financial crunch at CBC is not of the CBC's own making. There are external forces at work, including the failure of the Conservative government to support our public broadcaster. The CBC has been forced to make very unpleasant decisions.

At the same time, I must give credit to the CBC, to managers at all levels, who heard the concerns in Labrador and recognized the important place the CBC has in our region. Like other areas of northern and remote Canada, CBC is the only local broadcast outlet covering the entire region. The CBC took our concerns to heart and reversed the planned cutbacks in Labrador. I thank the broadcaster for the dialogue that it had with listeners and community leaders in my constituency.

However, this good news is tempered by the reality that cuts are still coming. In other parts of the province, jobs and service will be lost. I think in particular of CBC Corner Brook, which serves southern Labrador and western Newfoundland. Cuts there will hurt my constituents.

There will still be significant losses throughout Atlantic Canada, as well as in northern Ontario and other rural and remote regions. This, despite the statutory mandate of the CBC to reflect all of Canada's regional diversity.

Adjournment Proceedings

At the national level, the future of programs like *Politics* is up in the air. This is unfortunate at a time when we need more quality coverage of public affairs, not less.

Worse still, the finance minister has left open the possibility that Canadian Heritage assets might be part of the next Conservative fire sale of public property. That could include the CBC. I certainly hope that is not the case. However, given the hostility that seems to exist between the governing Conservatives and the CBC, one is never sure.

I would once again invite the government to assure this House and all Canadians that the government will support the CBC, not gut it or sell it.

• (1810)

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, it is a great honour to speak to this topic and correct the member on a number of assertions he made that are clearly wrong. I do not mind coming in to correct the member on where he is wrong. I consider it to be part of my role as Parliamentary Secretary to the Minister of Canadian Heritage to make sure that we explain all the good work the department is doing.

CBC is one of those areas where our government made a firm commitment during the last election, and the election before that, that we would maintain and increase funding to the CBC. We promised that we would at least maintain it, but in fact, we have increased it.

Just this year, there is an extra \$60 million for the CBC. Funding is now well in excess of \$1.1 billion, almost \$200 million more than what it received under the previous government when the Liberals were in power. I believe the member was a member of that government.

In fact, I remember that exchange and the hon. member went on a bit of a walk down memory lane and was talking about the good old days of the CBC. He just missed the 13 years when the Liberal Party was in power, when the Liberals cut so much out of the heart of the CBC. There were \$400 million in cuts, thousands and thousands of CBC employees let go, programming scrapped, coverages that it could not manage any more. That was the record of the Liberal Party.

In the 1993 Liberal red book the Liberals said they would put more money into the CBC, but they cut \$400 million. In 1997, red book part two, the sequel no one wanted, they once again promised to increase funding to the CBC, but once again the Liberals cut the funding. It went to an all-time low under the Liberal Party. What a horrible record. What a record of shame when it comes to the CBC.

Let us talk about our record on the CBC. There has been more money for the CBC each and every year that we have been in power. We have been there for the CBC. We have supported the CBC. We have held true to our commitment. Now the CBC is obviously experiencing the same economic downturn that regular Canadians are facing. Everyday Canadians are saying that these are tough economic times. People are being forced to make tough choices.

The CBC has seen its advertising revenues drop, but not because of the Conservative Party. We actually offered to spend some money

on some ads with the CBC, but the CBC does not want money from the Conservative Party for our ads. I think our ads are quite witty, quite well done. If I were at the CBC, I might consider running them, but the CBC is an independent body. It is an arm's length crown corporation. It can make those decisions and there is nothing wrong with that.

What I will say is when it comes to government support for the CBC, our government has held true to our word. We have provided the support that CBC needs. I am glad that the CBC has made that commitment to Labrador. I am glad it made the commitment to continue *Labrador Morning*, which the member spoke so eloquently about. I know the people of Labrador appreciate that service. I know it is a valuable service. I am glad CBC has made that decision.

• (1815)

Mr. Todd Russell: Mr. Speaker, it is difficult for all Canadians to square the arguments of the parliamentary secretary that somehow Conservatives are supporting CBC, but yet there are these massive cuts at a time when CBC is most needed.

Most experts have said, and the CBC itself has said, that it needed extra money to fulfill its mandate, a mandate which was given to it by Parliament. CBC's request was rejected. It was a very reasonable request and very sound way forward. It was a request for bridge financing. It did not ask for a permanent increase in its funding. It asked for bridge financing to get through a difficult time, to make sure that it could appropriately carry out its mandate. The government refused that.

Instead, the parliamentary secretary likes to go back in time and not accept his responsibilities or his government's responsibilities for the actions the government is taking today. I would ask him to stand up for the CBC, stop the cuts, do not gut it and do not sell it.

Mr. Dean Del Mastro: Once again, Mr. Speaker, the member really should read the budgets he votes for. He voted for the economic action plan. I believe it is on page 211 or 212 where it talks about revisiting the value of crown assets. He would know that heritage is not subject to that. The CBC is not subject to that. He really should read what he is voting for. One piece of advice I would love to give the member is to make sure that he reads what he is voting for because it is really important. That is a core responsibility of members.

One thing I will say, we have held true to our word. There has been more money for the CBC every year that this party has been in government. The member's party cannot say that. The Liberals are the party of slash and burn in the CBC. There are all kinds of quotes I could pull out but we do not have the time.

Adjournment Proceedings

Even a CBC executive admitted that any kind of bridge financing was not a solution, that that was only moving the problems along. Our government is standing four-square behind the CBC because we said we would and we keep our word.

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted.

Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:18 p.m.)

CONTENTS

Thursday, June 4, 2009

Information Commissioner		Mr. Rathgeber	4171
The Speaker	4163	Mrs. Hughes	4171
Public Sector Integrity Commissioner		Mr. Szabo	4172
The Speaker	4163	Mr. Ménard (Hochelaga)	4172
ROUTINE PROCEEDINGS		Mr. Rathgeber	4174
Government Response to Petitions		Mr. Martin (Esquimalt—Juan de Fuca)	4175
Mr. Lukiwski	4163	Ms. Davies (Vancouver East)	4175
Elimination of Racial and Religious Profiling Act		Mr. Norlock	4175
Mr. Siksay	4163	Ms. Davies (Vancouver East)	4176
Bill C-407. Introduction and first reading	4163	Mr. Fast	4178
(Motions deemed adopted, bill read the first time and printed)	4163	Mr. Szabo	4179
State Immunity Act		Mr. Lemay	4179
Mr. Cotler	4163	Mr. Cullen	4179
Bill C-408. Introduction and first reading	4163	Mr. Szabo	4180
(Motions deemed adopted, bill read the first time and printed)	4164	Mr. Rathgeber	4182
Committees of the House		Mr. Lemay	4183
Procedure and House Affairs.		Mr. Comartin	4183
Mr. Preston	4164	Mr. Norlock	4183
Motion for concurrence	4164	Mr. Lemay	4184
(Motion agreed to)	4164	Mr. Jean	4186
Mr. Preston	4164	Mr. Gravelle	4187
Motion for concurrence	4164	Mr. Martin (Esquimalt—Juan de Fuca)	4187
(Motion agreed to)	4164	Mr. Laframboise	4187
Petitions		Mr. Blaney	4187
Library Materials		Mr. Cullen	4188
Mr. Tweed	4164	Mr. Jean	4191
Falun Gong Practitioners		Mr. Rathgeber	4191
Mr. Siksay	4164	Mr. Harris (St. John's East)	4192
Public Safety Officers Compensation Fund		Mr. Comartin	4192
Mr. Szabo	4164	Mr. Warkentin	4194
Questions on the Order paper		Mr. Lee	4195
Mr. Lukiwski	4164	Mr. Martin (Esquimalt—Juan de Fuca)	4195
Questions Passed as Orders for Returns		Mr. Harris (St. John's East)	4196
Mr. Lukiwski	4166		
GOVERNMENT ORDERS		STATEMENTS BY MEMBERS	
Controlled Drugs and Substances Act		2010 Olympic Winter Games	
Mr. Strahl (for the Minister of Justice and Attorney General of Canada)	4167	Mrs. Smith	4196
Bill C-15. Third reading	4167	Veterans Affairs	
Mr. Rathgeber	4167	Mr. Cannis	4197
Mr. Murphy (Moncton—Riverview—Dieppe)	4168	Francis Murphy	
Ms. Davies (Vancouver East)	4168	Mr. Lévesque	4197
Mr. Szabo	4169	Aboriginal Affairs	
Mr. Murphy (Moncton—Riverview—Dieppe)	4169	Mrs. Hughes	4197
Motion	4170	TAG Canada	
Ms. Davies (Vancouver East)	4170	Mr. Blaney	4197
		Children	
		Mrs. Zarac	4197
		Ducks Unlimited Canada	
		Mr. Breitkreuz	4198

World Environment Day	
Mr. Ouellet	4198
Poland	
Mr. Calkins	4198
National Chief of the Assembly of First Nations	
Mr. Russell	4198
1989 Tiananmen Square Protest	
Mr. Reid	4199
Filipino Community in Manitoba	
Ms. Wasylycia-Leis	4199
History of Canada	
Mr. Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	4199
Pay Equity	
Ms. Demers	4199
Human Rights	
Mr. Rae	4199
Leader of the Liberal Party of Canada	
Mrs. Boucher	4200

ORAL QUESTIONS

Minister of Natural Resources	
Mr. McGuinty	4200
Mr. Harper	4200
Mr. McGuinty	4200
Mr. Harper	4200
Mr. McGuinty	4200
Ms. Raitt	4200
Justice	
Mr. Rae	4200
Mr. Nicholson	4201
Mr. Rae	4201
Mr. Nicholson	4201
Minister of Natural Resources	
Mr. Duceppe	4201
Ms. Raitt	4201
Mr. Duceppe	4201
Ms. Raitt	4201
Mr. Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	4201
Ms. Raitt	4201
Mr. Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	4201
Ms. Raitt	4201
Justice	
Ms. Davies (Vancouver East)	4202
Mr. Nicholson	4202
Ms. Davies (Vancouver East)	4202
Mr. Nicholson	4202
Ms. Davies (Vancouver East)	4202
Mr. Nicholson	4202
Minister of Natural Resources	
Mr. Regan	4202

Ms. Raitt	4202
Mr. Regan	4202
Ms. Raitt	4202
Medical Isotopes	
Ms. Bennett	4202
Ms. Raitt	4203
Ms. Bennett	4203
Ms. Raitt	4203
Ms. Brunelle	4203
Ms. Raitt	4203
Nuclear Waste	
Ms. Brunelle	4203
Ms. Raitt	4203
Forest Industry	
Mr. Cardin	4203
Mr. Day	4203
Mr. Cardin	4203
Mr. Day	4204
Government Assets	
Ms. Hall Findlay	4204
Mr. Menzies	4204
Ms. Hall Findlay	4204
Mr. Menzies	4204
Royal Canadian Mint	
Mr. Volpe	4204
Mr. Merrifield	4204
Mr. Volpe	4204
Mr. Merrifield	4204
Veterans Affairs	
Mr. Holder	4204
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	4205
Minister of Natural Resources	
Mr. Cullen	4205
Ms. Raitt	4205
Mr. Cullen	4205
Ms. Raitt	4205
Quebec Nation	
Mr. Dorion	4205
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	4205
Taxation	
Mr. Dorion	4205
Mr. Gourde	4206
Trade	
Mr. Rota	4206
Mr. Day	4206
Mr. Rota	4206
Mr. Day	4206
Health	
Ms. Ashton	4206
Mrs. Aglukkaq	4206
Consumer Product Safety	
Ms. Wasylycia-Leis	4206
Mrs. Aglukkaq	4207

Sealing Industry	
Mr. Weston (Saint John)	4207
Mrs. Aglukkaq	4207
Official Languages	
Ms. Folco	4207
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	4207
Justice	
Ms. Lalonde	4207
Mr. Nicholson	4207
Public Safety	
Mr. Davies (Vancouver Kingsway)	4207
Mr. Van Loan	4207
Health	
Ms. Brown (Newmarket—Aurora)	4208
Mrs. Aglukkaq	4208
Business of the House	
Mrs. Jennings	4208
Mr. Hill	4208
Mothers and Newborns	
Mr. Abbott	4208
Motion	4208
(Motion agreed to)	4208
National Aboriginal History Month	
Ms. Crowder	4208
Motion	4208
(Motion agreed to)	4209
Points of Order	
Oral Questions	
Mr. Cardin	4209

GOVERNMENT ORDERS

Controlled Drugs and Substances Act	
Bill C-15. Third reading	4209
Mr. Harris (St. John's East)	4209
Mr. Rathgeber	4211

Mr. Siksay	4211
Mr. Hyer	4212
Mr. Siksay	4212
Mr. Poilievre	4215
Mr. Rathgeber	4215
Ms. Davies (Vancouver East)	4216
Mr. Ménard (Marc-Aurèle-Fortin)	4216
Mr. Rathgeber	4218
Mr. Lee	4219
Mr. Harris (St. John's East)	4219
Mr. Hyer	4220
Ms. Ashton	4220
Mr. Clarke	4222
Ms. Crowder	4223
Mr. Norlock	4223
Ms. Ashton	4223
Mr. Lee	4223
Mr. Sweet	4225
Mr. Hyer	4225
Mr. Rathgeber	4226
Mr. Maloway	4226

PRIVATE MEMBERS' BUSINESS

Economic Development Agency of Canada for the Regions of Quebec	
Motion	4227
Mr. Murphy (Moncton—Riverview—Dieppe)	4227
Mrs. Boucher	4228
Ms. Bonsant	4229
Mr. Cardin	4230
Mr. Galipeau	4230
Mr. Bigras	4231
Division on motion deferred	4231

ADJOURNMENT PROCEEDINGS

Canadian Broadcasting Corporation	
Mr. Russell	4231
Mr. Del Mastro	4232

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