CANADA

# House of Commons Debates

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**OFFICIAL REPORT**
**(HANSARD)**

## Thursday, June 18, 2009

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

**Thursday, June 18, 2009**

The House met at 10 a.m.

*Prayers*

● (1005)

[*English*]

### CONFLICT OF INTEREST AND ETHICS COMMISSIONER

**The Speaker:** Pursuant to paragraph 90(1)(a) of the Parliament of Canada Act, it is my duty to present to the House the annual report of the Conflict of Interest and Ethics Commissioner in relation to the Conflict of Interest Code for members of the House of Commons for the fiscal year ended March 31, 2009.

## ROUTINE PROCEEDINGS

[*English*]

### TREATIES

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, pursuant to Standing Order 32(2) of the House of Commons I have the pleasure to table, in both official languages, the treaties entitled "Convention on cyber crime" signed at Budapest on the November 23, 2001, and the "Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems" signed at Strasbourg on January 28, 2003. An explanatory memorandum is attached to both treaties.

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### 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 four petitions.

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### INVESTIGATIVE POWERS FOR THE 21ST CENTURY ACT

**Hon. Peter Van Loan (for Minister of Justice)** moved for leave to introduce Bill C-46, An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act.

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

### TECHNICAL ASSISTANCE FOR LAW ENFORCEMENT IN THE 21ST CENTURY ACT

**Hon. Peter Van Loan (Minister of Public Safety, CPC)** moved for leave to introduce Bill C-47, An Act regulating telecommunications facilities to support investigations.

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

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### INTERPARLIAMENTARY DELEGATIONS

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its visit of the political committee subcommittee on transatlantic relations held in Zagreb, Croatia, March 25 to 27, 2009.

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I have two reports.

Pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its visit of the officers of the science and technology committee held in Warsaw, Poland, April 24, 2008

Second, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation at the meeting of the Ukraine NATO Interparliamentary Council held in Brussels, Belgium, May 5, 2008.

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its visit of the science and technology committee subcommittee on energy and environmental security held in Vienna, Austria and Geneva, Switzerland, April 27 to 30, 2009.

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### COMMITTEES OF THE HOUSE

ACCESS TO INFORMATION, PRIVACY AND ETHICS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Access to Information, Privacy and Ethics entitled "The Access to Information Act: First Steps Towards Renewal".

This report outlines the work that the committee has done with regard to potential changes to the Access to Information Act. Pursuant to Standing Order 109 the committee requests that the government table a comprehensive response to this report within 120 days of its presentation.

I would like to thank all hon. members who participated on the committee, permanent members and also those who participated in support of the committee. Our thanks as well to the House of Commons and Library of Parliament personnel, the clerk, the research analysts, translators, and other technical and support personnel who were invaluable in helping us to organize our hearings for this report and reports throughout this Parliament.

● (1010)

CANADIAN MISSION IN AFGHANISTAN

**Mr. Rick Casson (Lethbridge, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the second report of the hard-working Special Committee on the Canadian Mission in Afghanistan entitled “Report on Canada's Priority Number One in Afghanistan: Helping to Enhance the Afghan National Security Forces”.

JUSTICE AND HUMAN RIGHTS

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Justice and Human Rights in relation to its study on impaired driving entitled “Ending Alcohol-Impaired Driving: A Common Approach”. Pursuant to Standing Order 109 of the House of Commons the committee requests that the government table a comprehensive response to this report.

AGRICULTURE AND AGRI-FOOD

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Mr. Speaker, it is with great pleasure and honour to present, in both official languages, the third report of the Standing Committee on Agriculture and Agri-Food entitled “Beyond the Listeriosis Crisis: Strengthening the Food Safety System”.

PUBLIC SAFETY AND NATIONAL SECURITY

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I too have the honour to present, in both official languages, the second report of the Standing Committee on Public Safety and National Security in relation to the statutory review of the DNA Identification Act.

I would like to thank all members of the committee, the clerk, the research analysts and all those who had a part in this. I believe we have come up with an excellent report that would, when implemented, really improve public safety.

I would also like to present, in both official languages, the third report of the Standing Committee on Public Safety and National Security in relation to the review of the findings and recommendations arising from the Iacobucci and O'Connor inquiries. I would like to note that the government has submitted a dissenting opinion because of concerns with part of the report. Again, I would like to thank all of those who had a part in putting out this report.

In relation to this second report, I want to raise a question of parliamentary privilege. Should I wait until the end of routine proceedings to do that?

**The Speaker:** Yes.

Presenting reports from committees, the hon. member for Lévis—Bellechasse.

OFFICIAL LANGUAGES

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Official Languages.

[*Translation*]

This report is entitled “5,000 Bilingual Positions To Be Filled Every Year: The Role Of Postsecondary Institutions In Promoting Canada's Linguistic Duality”.

I simply want to remind members that Canada's public service is the largest employer, and that it offers very interesting career opportunities to young Canadians, particularly when it comes to bilingual language training.

I thank the committee members, the clerk and the analyst for their excellent work, and for the quality report that was produced and tabled in this House today.

[*English*]

FISHERIES AND OCEANS

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Fisheries and Oceans in relation to the Atlantic lobster fishery entitled “The Canadian Lobster Fishery: Trapped in a Perfect Storm”.

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## BANK ACT

**Mr. Glenn Thibeault (Sudbury, NDP)** moved for leave to introduce Bill C-426, An Act to amend the Bank Act and other Acts (cost of borrowing for credit cards).

He said: Mr. Speaker, I am pleased to rise in the House today, seconded by my colleague from Thunder Bay—Rainy River, to introduce a bill that would provide relief to thousands of Canadians across the country who are being gouged in this economic recession by huge credit card interest rates.

This bill, entitled An Act to amend the Bank Act and other Acts (cost of borrowing for credit cards), would amend the Bank Act, the Cooperative Credit Associations Act, the Insurance Companies Act and the Trust and Loan Companies Act, to set the maximum rate that may be charged for the cost of borrowing in respect of credit cards, by no more than 5% of the current Bank of Canada target for the overnight rate.

The purpose of the bill is to finally bring some relief to the thousands of Canadians who are suffering from huge debt loads. We believe this rate to be fair and transparent, and it would allow companies to make a profit and stop consumers from being gouged.

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

* * *

● (1015)

## GRANDPARENTS DAY ACT

**Ms. Olivia Chow (Trinity—Spadina, NDP)** moved for leave to introduce Bill C-427, An Act respecting Grandparents Day.

She said: Mr. Speaker, it is an absolute joy and wonder to be a grandparent. It gives me great pleasure to move, seconded by the member for Sudbury, the introduction of a bill that would make the second Sunday of September each year grandparents day.

As working parents are spending five more weeks working every year, grandparents are playing an increasingly nurturing role in family life and are a valuable link between generations.

This House passed a unanimous motion a few years ago but it has never adopted a bill or an act respecting grandparents day. We know that September is a busy period. Children go back to school and parents go back to work. So, it is a good time to pause and celebrate this intergenerational linkage, nurturing and learning.

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

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## OLD AGE SECURITY ACT

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** moved for leave to introduce Bill C-428, An Act to amend the Old Age Security Act (residency requirement).

She said: Mr. Speaker, it is with great honour and pleasure that I introduce a bill to amend the Old Age Security Act, the residency requirement, with the support of the member for Toronto Centre.

This bill seeks to increase support to immigrant seniors and erase an inequality and discrimination that exists among seniors coming to Canada from certain countries, like China, the Caribbean, India, Africa and South America. Immigrant seniors from these countries have to wait 10 years for their old age security benefits versus three years for seniors from other countries.

The bill being brought forward today in this House is the result of the hard work of thousands of seniors across this country and organizations like the Old Age Benefits Forum and the Chinese Canadian National Council, which have advocated in the interest of fairness and equality.

This bill would help reduce the economic vulnerability that is faced by immigrant seniors and would ensure that all seniors, regardless of their country of origin, are treated as equals in Canada.

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

* * *

[*Translation*]

## DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

**Mr. Gérard Asselin (Manicouagan, BQ)** moved for leave to introduce Bill C-429, An Act to amend the Department of Public Works and Government Services Act (use of wood).

He said: Mr. Speaker, I am pleased to introduce today a bill to amend the Department of Public Works and Government Services Act to promote the use of wood in the renovation and construction of federal buildings.

The current crisis in the forestry sector has been debated for a long time in this House. The bill I am introducing today, seconded by the member for Chicoutimi—Le Fjord, is intended to promote sustainable development. Promoting the use of wood in public infrastructure projects would not only show a commitment to the forestry sector and its workers, but it would also show a commitment to the environment.

I thank my colleagues for considering this bill. The member for Chicoutimi—Le Fjord and I are very hopeful that it will be passed in the near future.

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

* * *

● (1020)

[*English*]

## BUSINESS OF THE HOUSE

**Hon. Jay Hill:** Mr. Speaker, there have been consultations among all parties, and I am therefore seeking the unanimous consent of the House for the following motion:

> That, notwithstanding any Standing Order or usual practice, on Friday, June 19, 2009, the House shall meet at 9 a.m. to consider Government Orders (Supply);
>
> That during consideration of Government Orders on that day, no member shall speak for more than ten minutes, with a five minute period for questions and comments; and
>
> That on that day only, in Standing Order 81(18), “6:30 p.m.” shall be read as “10:30 p.m.” and “10 a.m.” shall be read as “1 p.m.”

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

There is a point of order from the hon. member for Vancouver East.

**Ms. Libby Davies:** Mr. Speaker, the government House leader said that he thinks there is unanimous consent, but I believe there was still some discussion back and forth in terms of the length of time for debate for the estimates, that it would be one full round. The time of 1 p.m. that he has given I think precludes that, so I am not sure we have unanimous consent at this point.

**The Speaker:** I am asking whether there is unanimous consent.

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, that is unfortunate. I did not say that I thought we had unanimous consent. I asked that you seek it. There is a difference.

Pursuant to Standing Order 56.1, I move:

That, notwithstanding any Standing Order or usual practice, on Friday, June 19, 2009, the House shall meet at 9 a.m. to consider Government Orders (Supply);

That during consideration of Government Orders on that day, no member shall speak for more than ten minutes, with a five minute period for questions and comments; and

That on that day only, in Standing Order 81(18), "6:30 p.m." shall be read as "10:30 a.m." and "10 p.m." shall be read as "1 p.m."

**The Speaker:** Will those members who object to the motion please rise in their places?

*And fewer than 25 members having risen:*

**The Speaker:** The motion is adopted.

(Motion agreed to)

**Mr. Peter Stoffer:** Mr. Speaker, I have had consultations with all parties and ask that you seek unanimous consent so that I can remove my private member's bill, Bill C-202, which is the floor crossing bill.

**The Speaker:** Does the hon. member have unanimous consent to remove the bill from the order paper?

**Some hon. members:** Agreed.

**Some hon. members:** No.

* * *

## PETITIONS

### PUBLIC SAFETY OFFICERS COMPENSATION FUND

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to present a petition concerning public safety officers.

The petitioners would like to draw to the attention of the House that police officers and firefighters risk their lives on a daily basis in the execution of their duties, that employment benefits provided to them are often insufficient to compensate their families for those who are killed in the line of duty, that the public mourns a loss when one of them loses their life in the line of duty and wish to support in a tangible way the 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.

● (1025)

[*Translation*]

### MINING COMPANIES

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, today I am presenting a petition concerning the social responsibilities of mining companies. The petitioners are asking the government to urge the Secretary-General of the United Nations to develop an international mechanism for obtaining prior consent.

I hear concerns about mining companies on a regular basis. A young student, Mrs. Elsie Kolko-Koyura, is calling on the Canadian government to protect the environment and to force Canadian mining companies to do the same in their mining operations abroad. The documentary *Mirage of El Dorado* clearly illustrates the problem.

The Conservative government is dragging its feet on this issue. In the meantime, the citizens of the San Felix Valley in Chile are seeing their water sources contaminated, while several rivers are drying up. Many African countries are facing similar situations.

It is time to take action to ensure that future generations will enjoy a socially and ecologically sustainable environment.

[*English*]

### ASSISTANCE FOR PEOPLE WITH DISABILITIES

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to present three petitions to the House.

The first petition is signed by many people in the Lower Mainland, pointing out that the current disability benefit programs do not recognize or accommodate the needs of people with episodic disabilities, such as multiple sclerosis.

They call on Parliament to ensure that EI sickness benefits are more flexible and would allow for partial benefits and part-time work for individuals with episodic disabilities, to make the disability tax credit a refundable benefit so persons with disabilities can have more income, and to allow spouses to claim the caregiver tax credit.

### FALUN GONG PRACTITIONERS

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the second petition that I am pleased to present is signed by people in east Vancouver who are drawing to our attention that Chinese security agencies have conducted large scale arrests of Falun Gong adherents since January 2008, amounting to nearly 2,000 practitioners.

They urgently call on the Canadian government to rescue Suming Gao and Qianming Gao, to make a public statement and to pass a motion in the House to condemn the Chinese government for these crimes against humanity and urge the Chinese regime to end the persecution of Falun Gong practitioners and release all practitioners immediately.

### NATIONAL HOUSING STRATEGY

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the third petition is from residents in Vancouver who call for a national housing strategy and the swift passage of Bill C-304, which calls for a national housing strategy to increase the federal role in housing through investments and not-for-profit housing, housing for the homeless, and access to housing for those with different needs including seniors and persons with disability.

### FIREARMS REGISTRY

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** Mr. Speaker, it is my honour to present two petitions on behalf of constituents in my riding of Edmonton—Sherwood Park. These signatures were collected at local trade fairs in Sherwood Park and Fort Saskatchewan.

The first petition calls for the House of Commons to abolish the long gun registry.

HUMAN TRAFFICKING

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** Mr. Speaker, the second petition calls for members of the House of Commons to support Bill C-268, thereby increasing the punishments for human trafficking offences.

ELECTROMAGNETIC FIELDS

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, it is my honour to present to the House today a petition compiled by a gentleman by the name of Gerry Higgins from Norris Arm, who is a tenacious man, to say the least. He certainly has had a battle.

Several years ago, just around Christmas 2005, Mr. Higgins lost his wife to cancer. She was just 45 years old, and her name was Margaret. Since then he has been on a crusade.

He would like to present this petition, and I would like to do it on his behalf, that the Government of Canada undertake an independent study to determine the negative effects of electromagnetic fields on human health.

There is evidence to suggest that electromagnetic fields emanating from all types of transformers, substations and power lines located near residences can pose significant health risks to individuals and their families. Mr. Higgins is compelling the government, through this House, to complete an independent study.

I salute Mr. Higgins for bringing his petition to the House of Commons of Canada.

● (1030)

ASSISTANCE FOR PEOPLE WITH DISABILITIES

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, it is a great honour to present this petition signed by dozens of individuals from Winnipeg, Manitoba who call on the government to support the efforts of people affected by multiple sclerosis and other chronic diseases and disabilities so they can remain part of the workforce and part of their own communities.

They point out that there are income security issues for people living with chronic disabilities. They call upon the government to address the shortcomings in many of our programs, and very specifically they ask the government to make employment insurance benefits more flexible so that people can work part-time. They call upon the government to make the disability tax credit refundable to help people with their income difficulties and to allow spouses to claim the caregiver tax credit.

PROTECTION OF HUMAN LIFE

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I am honoured to present a petition that calls for the protection of human life from the time of conception until natural death. The petitioners note that Canada is a country that respects human rights and that includes a right to life in the Charter of Rights and Freedoms.

They note as well that it has been 40 years, since May 14, 1969 when Parliament changed the law to permit abortion, and that since January 28, 1988 Canada has had no law to protect the lives of unborn children. They call upon Parliament to pass legislation for the



protection of human life from the time of conception until natural death.

CANADIAN BROADCASTING CORPORATION

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I have two petitions to present today.

The first is from rural people living around the city of Whitehorse, who note that CBC transmission is absolutely essential for them. They get weather reports, road reports, public service and emergency announcements. Maintaining the AM transmission, which is the only way for some of them to get transmission, is absolutely essential. They are calling on Parliament to maintain the AM transmission in Whitehorse, one of Canada's 14 capital cities, for the essential needs of people living in rural areas around Whitehorse.

The second petition is from a number of people living in the rural area around Whitehorse. They note that the lease on the AM transmission tower has expired and that CBC is going to take it down so that one of Canada's 14 capital cities would not have total CBC transmission. Because it is critical in the north, being one of the few ways to receive emergency messages related to health, life and work, they want Parliament to ensure, regardless of whether funds have to come from the local or the national CBC, that AM transmission continues permanently in the capital city of Whitehorse.

[*Translation*]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I rise here today to present three petitions. I present the first petition on behalf of the hon. member for Windsor—Tecumseh. It has been signed by hundreds and hundreds of francophones from the Windsor area and southwestern Ontario. They are calling on the government to grant additional funding to the CBC, to be allocated specifically to French-language minorities in Canada.

As we all know, cuts have been made to CBEF, a radio station in the Windsor area. As a result, two-thirds of its reporters have lost their jobs. The station can no longer provide the service that the southwestern Ontario region deserves.

● (1035)

[*English*]

COLLECTIVE AGREEMENTS AND PAY EQUITY

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, my second petition is signed by dozens from residents of Vancouver Island, Esquimalt, Victoria and Saanich calling on the government to support Motion No. 384, which rescinds the provisions in Bill C-10 that violate workers rights to collective bargaining, including arbitral awards and equal pay for work of equal value.

These hard-working civil servants are saying that the provisions of Bill C-10 attack public servants' right to strike and equal pay for work of equal value. They are asking Parliament to rescind them.

*Routine Proceedings*

CANADA-COLOMBIA FREE TRADE AGREEMENT

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, my final petition contains hundreds of names, which are added to the thousands that have come to the House, asking the Parliament of Canada not to adopt the Canada-Colombia free trade agreement.

FALUN GONG PRACTITIONERS

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, I am pleased to rise today to present a petition signed by concerned British Columbians calling on the government of China to release Falun gong practitioners from detention and end their persecution.

PASSPORT OFFICE IN NORTHEASTERN ONTARIO

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, it is always a great honour and privilege to stand in the House and represent the great people of Timmins—James Bay. There are hundreds of people from the Timmins and Kirkland Lake region who have signed this petition calling for a full walk-in passport service in northeastern Ontario.

I am sure many members are not aware that northeastern Ontario is the only region in the country without a walk-in passport service. There is service in northwestern Ontario and southern Ontario, but for a region that is dependent on mining and international exploration work, the need for passport turnaround is essential.

The petitioners are calling for a full walk-in passport service so that emergency passports can be received in the city of Timmins. Most members would recognize that is a completely reasonable suggestion being that Timmins is the centre of northeastern Ontario in terms of business, culture and all manner of other great things.

CANADA-COLOMBIA FREE TRADE AGREEMENT

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, this petition deals with the Canada-Colombia trade deal.

The petitioners call on Parliament to reject the Canada-Colombia trade deal until an independent human rights impact assessment is carried out, the resulting concerns addressed, and the agreement renegotiated along the principles of fair trade, which would take environmental and social impacts fully into account while genuinely respecting and enhancing labour rights and the rights of all affected parties. All trade agreements must be built upon the principles of fair trade which fundamentally respect social justice, human rights, labour rights and the environmental stewardship as a prerequisite to trade.

Canadians call upon Parliament assembled to stop the Canada-Colombia trade deal.

BIRTUKAN MIDEKSA

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have a second petition. Many Canadians have joined the call to release Ms. Birtukan Mideksa from arbitrary imprisonment in Ethiopia.

The petitioners call on Parliament to pass private member's Motion No. 334, which requests that the government make use of every means at its disposal, in addition to working with its allies in the international community and at the United Nations, to exert maximum pressure on the Government of Ethiopia to immediately unconditionally release Ms. Mideksa and allow her to participate fully in her position as leader of a political party.

Ms. Mideksa is the president of the Unity for Democracy and Justice Party of Ethiopia. She has been held in prison by the Government of Ethiopia since December 2008 without charge for a politically motivated life sentence. Ms. Mideksa is a confirmed prisoner of conscience according to international human rights organizations such as Amnesty International. She was pardoned of all charges against her before being re-arrested for no reason.

It is time that this Parliament stepped in to help free this woman, who has done nothing wrong.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I have a petition signed by hundreds of residents of British Columbia, from Chetwynd north to Kamloops, Burnaby, New Westminster and across the Lower Mainland.

These petitioners are concerned about the lack of supports for people with disabilities, particularly those who are victims of multiple sclerosis. They are calling upon Parliament to make employment insurance sickness benefits more flexible to allow for partial benefits, to make the disability tax credit a refundable benefit so people with disabilities can have more income, and to allow spouses to claim the caregiver tax credit.

MS is a very debilitating disease and it would be important to enact these changes so that people with MS in Canada are fully supported.

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## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the following question will be answered today: No. 167.

[*Text*]

Question No. 167—**Ms. Olivia Chow**:

> What is the number of live-in caregivers who have not been able to successfully become landed immigrants in Canada due to: (*a*) mistreatment and exploitation by their employers; (*b*) cases of reported involvement of unscrupulous consultants, lawyers and recruiters; (*c*) the loss of employment due to reported cruel, unfair, and unjust employment demands and conditions set by the employer; and (*d*) an inability to obtain alternate employment opportunities within the time frame stipulated by the Immigration and Refugees Protection Act?

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC)**: Mr. Speaker, CIC does not systematically collect statistics on the number of live-in caregivers who have not been able to successfully become permanent residents of Canada.

Nevertheless, please note that the approval rate for permanent residence applications from members of the live-in caregiver class is high. For example, the rate in 2007 was 97.3%. In 2008 the rate was 98.6%. This suggests that most applicants are able to meet the eligibility requirements, including the cumulative two-year period of work as a live-in caregiver.

The Immigration Refugee Protection Act, IRPA, and its regulations do not provide for special recourse mechanisms for workers or specific monitoring, control and enforcement mechanisms for ensuring adherence by employers to the terms of contracts. Where CIC is made aware of possible abuse, the case can be referred to the appropriate investigative or enforcement agency such as the Canadian Border Services Agency, Royal Canadian Mounted Police, provincial employment/labour standards offices or the police.

As a result, CIC does not collect statistics or report on the number of complaints of mistreatment. Employees and employers who contact the call centre are encouraged to contact provincial authorities responsible for labour standards or, if the mistreatment might constitute a crime, the police. In case of immediate danger, the call centre contacts the police force. Section 124 of the IRPA provides that “Every person commits an offence who employs a foreign national in a capacity in which the foreign national is not authorized under this act to be employed”. Enforcement of this provision is the responsibility of the Canada Border Services Agency.

Provinces and territories have primary responsibility for enforcement of labour standards, which apply equally to temporary foreign workers, TFW, and Canadian workers. The TFW program relies on these standards, and the enforcement agencies designed to uphold them, to protect the rights of TFWs while working in Canada.

* * *

● (1040)

[*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, I have the answers to four questions on the order paper on my desk. If Questions Nos. 164, 165, 168 and 238 could be made orders for return, these returns would be tabled immediately.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[*Text*]

Question No. 164—**Mr. Paul Dewar**:

With respect to temperature control in government buildings and facilities over the last five years: (*a*) what are the total government expenditures for heating on (i) an annual basis, (ii) on an annual basis for each federal building; and (*b*) what are the total government expenditures for air conditioning (i) on an annual basis, (ii) on an annual basis for each federal building?

(Return tabled)

Question No. 165—**Mr. Pat Martin**:

What is the total amount of government funding, since fiscal year 2004-2005 up to and including the current fiscal year, allocated within the constituency of Winnipeg Centre, listing each department or agency, initiative, and amount?

(Return tabled)

Question No. 168—**Ms. Denise Savoie**:

What is the total amount of government funding, since fiscal year 2004-2005 up to and including the current fiscal year, allocated within the constituency of Victoria, listing each department or agency, initiative, and amount?

(Return tabled)

Question No. 238—**Mr. Paul Dewar**:

With respect to Payments in Lieu of Taxes (PILT) over the past five fiscal years: (*a*) in the National Capital Region, what is the total amount of PILT paid per federally-owned property on a yearly basis and in total and which municipalities received the payment for every property; (*b*) which municipalities receive PILT, on a yearly basis and in total; (*c*) which of the federally-owned buildings are slated to be sold; and (*d*) which of the federally-owned buildings are under corporate asset review?

(Return tabled)

[*English*]

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

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

* * *

## POINTS OF ORDER

### ROYAL RECOMMENDATION—BILL C-290

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order.

On June 9, 2009 you made a statement with respect to the management of private members' business and noted the spending provision in three private members' bills appeared to infringe on the financial prerogative of the crown. At that time you invited members to make arguments on whether these bills required a royal recommendation.

One of the bills is Bill C-290, An Act to amend the Income Tax Act (tax credit for loss of retirement income), which will be debated later today. Notwithstanding the possible merits of Bill C-290, the bill would create a new refundable tax credit for the loss of retirement income, and I believe it would require a royal recommendation.

Refundable credits are direct benefits paid to individuals regardless of whether tax is owed or not and are paid out of the consolidated revenue fund, also known as the CRF. As a result, any legislative proposal to create a refundable tax credit requires a royal recommendation.

Two recent rulings in the House of Commons and the Senate concluded that creating or increasing a refundable tax credit would require a royal recommendation.

On June 4, 2007 the Speaker of the House ruled that a proposed amendment to Bill C-52, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007, to create a refundable tax credit could not be selected at report stage because the amendment required a royal recommendation.

On May 11, 2006 the Speaker of the Senate ruled that private member's Bill S-212, an Act to Amend the Income Tax Act (Tax Relief) was out of order because it would have increased a refundable tax credit. The Speaker of the Senate stated:

> —bills proposing to alter refundable tax credits need a royal recommendation. This is because the payouts that will be made to taxpayers who are entitled to claim them must be authorized. This authorization is the royal recommendation. These payments can only be made from the CRF; they are expenditures of public money.

Since Bill C-290 would create a new refundable tax credit, it must be accompanied by a royal recommendation.

**The Deputy Speaker:** I thank the hon. parliamentary secretary and can assure him that the Speaker will come back to the House in due course with a ruling on this particular bill.

# GOVERNMENT ORDERS

[*Translation*]

### SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

The House resumed from June 12 consideration of the motion that Bill C-36, An Act to amend the Criminal Code, be read the second time and referred to a committee.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, it is my pleasure to take the floor on behalf of the Bloc Québécois on Bill C-36, the serious time for the most serious crime act, the objective of which is to restrict the eligibility of persons found guilty of treason or murder to apply for early parole. First, I will review the history of the faint hope clause, before speaking about the current procedure governing it and the changes proposed by Bill C-36.

Bill C-36 would modify the faint hope system. In 1976 the death penalty was abolished and murders were reclassified as first or second degree murder. Both are punishable by life in prison, but have different parole ineligibility periods. For first degree murder, the murderer must have served at least 25 years of the sentence imposed. For second degree, he must have served at least 10 years of the sentence, except in the following cases: when it involves a murder or deliberate murder under the Crimes Against Humanity and War Crimes Act, the period is automatically 25 years or when, given the nature of the offence, circumstances surrounding the perpetration of the offence or any recommendation of the jury, the judge sets a period of between 10 and 25 years.

The faint hope clause, which is now found in section 745.6 of the Criminal Code, was adopted in 1976 to permit those who had already served at least 15 years of a life sentence to apply for a reduction of the parole ineligibility period. It had three main purposes: to offer some hope for offenders who demonstrated significant capacity for rehabilitation, to motivate good conduct in prison, and to recognize that it was not in the public interest to continue incarcerating certain offenders beyond a 15-year period. These were the principles at the time.

Under the initial procedure, the offender had to submit an application to the chief justice of the province where the murder was committed, asking to reduce the parole ineligibility period imposed at sentencing. Next, the chief justice had to appoint a superior court judge who was assigned to form a jury of 12 citizens to hear the application. If two thirds of the jury members were in agreement, the period could be reduced. Upon the expiry of the new period, the offender could submit a parole application directly to the National Parole Board.

In 1997 there were major changes to the faint hope system. First, the procedure was changed to prevent multiple murderers from applying if one of the murders was committed after the date the bill came into force. Second, these changes required the chief justice to do a preliminary review and examine each case before forming a jury, so as to exclude applications that did not present a real possibility of success. Finally, these changes required a unanimous jury verdict for the period in question to be reduced.

In 1999, the Code was amended again by adding section 745.01, whereby a judge, when imposing sentence, is obliged to make a statement for the benefit of the victims' family and relatives concerning the existence and nature of the faint hope clause.

There are three stages to the current faint hope procedure: the review by the judge, unanimous approval of the jury, and the application to the National Parole Board.

First, the requester must convince the chief justice, or a designated judge, in the province of the conviction that there is a real possibility that the application will succeed. If the requester fails and the judge does not prohibit the filing of a new application, he may file a new application after two years, unless the judge sets a longer period for doing so. Second, the requester must convince a jury of 12 citizens to decide, unanimously, to reduce the parole ineligibility period.

First of all, it must be determined whether the requester qualifies, and this decision rests with a judge. If the judge concludes there is no chance of the application being accepted, he denies the requester the right. If he allows this right, the offender must submit his application to a jury composed of 12 citizens.

● (1045)

The jury must be unanimous in deciding to authorize parole. If the jury refuses without prohibiting the presentation of a new application, another application may be submitted after two years or after a longer period set by the jury. If the jury accepts, however, it must set a new reduced period.

Third, at the end of the new period set by the jury, the requester may submit an application to the National Parole Board.

Let us look at the success rate for faint hope applications. As of April 9, 2009, of the 265 applications submitted, 140 requesters had obtained a reduction in their parole ineligibility period. The National Parole Board granted parole to 127 applicants, of whom 13 subsequently returned to prison, 3 had been deported, 11 died, one was out on bail, one was in temporary detention, and 98 were meeting their parole conditions.

At the present time, over 4,000 persons are serving life sentences in Canada. As of April 9, 2009, 1,001 prisoners were could apply for early parole eligibility. Of those, 459 had already served at least 15 years of their sentence and so could submit an application, and 542 had yet to reach the 15-year threshold but will be able to apply in the future. On average, it will be possible for 43 of these 1,001 offenders to file an application each year.

Bill C-36 proposes some changes. In short, it proposes two main amendments. First, it proposes to completely abolish, effective the day that the amendment comes into force, the right of all offenders found guilty of first or second degree murder or high treason to apply for early parole. Thus, effective the day that the proposed legislation comes into force, the right of offenders found guilty of first or second degree murder or high treason to apply for early parole would be completely done away with.

Second, the bill proposes tougher rules for such applications for all offenders found guilty of first or second degree murder or high treason before the day that the amendment comes into force, including those who are currently serving a sentence.

This restriction to which I refer would comprise four amendments to the present procedure. First, tougher selection criteria will apply for judicial review. From now on, offenders will have to convince a judge that there is a substantial likelihood that the application will succeed.

Second, the minimum waiting period for re-application if an offender has been refused will be five years. That is, the present two year minimum would be raised to five years.

Third, there is a new five year waiting period before offenders may apply, if they have not done so within the new three month limitation.

Fourth, there is a new three month time limit, that is a window of opportunity of 90 days, during which offenders may apply or re-apply: after the date the amendment comes into effect for the 459 offenders currently eligible to apply; after 15 years for the 542 offenders who will become eligible to apply; after the newly extended five-year period for those who re-apply; and after five years for those who did not apply within the three month window.

What position will the Bloc Québécois take throughout the debate on this bill? Bill C-36 addresses the most serious crimes, such as premeditated murder, that have the biggest impact on victims and affect the population as a whole. These most serious crimes deserve the most serious punishment, so those found guilty can be put in jail for life. Lenient sentences and parole granted too soon—after one-sixth of the sentence has been served, for example—undermine the credibility of the legal system and reinforce the feeling that criminals get better treatment than victims. But the Bloc Québécois also believes that punishment should not be the only goal of the legal system, at the expense of reintegration and rehabilitation.

● (1050)

Parole, even for murderers, is an important part of their reintegration and rehabilitation process because sooner or later, they end up back in society. When they do, it is crucial for them to have benefited from suitable tools to help them return to society in a way that is safe for everyone.

Bill C-36, which focuses on parole, could have complex consequences on the reintegration and rehabilitation of certain criminals.

In an effort to address this issue, the Bloc Québécois will study Bill C-36 in committee even though we have some concerns about it at this point.

There are still some issues we need to discuss. Are the reasons the faint hope clause was created still valid? The faint hope clause, which allows murderers to apply for early parole, gives them a reason to behave well in prison. What would happen if the clause were eliminated? Would it put corrections officers in greater danger at the hands of people who have nothing left to lose?

Will Bill C-36 sound the knell for cases of successful rehabilitation? There are examples such as that of Michel Dunn. He is a lawyer who killed a colleague but benefited from the faint hope clause and became an in-reach worker helping criminals reintegrate into society. Will this now be a thing of the past? We must remember that he was sentenced to life without the possibility of parole for 20 years for murder. He behaved well. He was reintegrated and is now helping prisoners.

The Bloc expects to take advantage of the study to raise these questions and get answers that will help enlighten the debate. It is only then that we will take a final position.

The most serious crimes under the Criminal Code are likely to lead to a life sentence. In the case of some crimes, such as treason and murder, there is no other sentence but life in prison. That is the minimum sentence.

There are a number of categories of homicide—murder, manslaughter and infanticide. Murder is the most serious category of homicide. It is a premeditated act intended to kill or fatally wound or to commit an illegal act in the knowledge that it will cause death.

There are two types of murder—first degree murder and second degree murder. First degree murder is premeditated and wilful. It is planned, in other words.

Other types of murder are automatically categorized as first degree murder in the Criminal Code. This is the case with the murder of a police officer or a prison guard or when murders occur in a plane hijacking, sexual assault or a hostage taking.

With manslaughter, there is no intention to kill, but there is negligence. Firing a shot through a hedge without thinking there might be someone on the other side is an example.

The Criminal Code is clear. Whoever commits first degree murder or second degree murder is guilty of a criminal act and shall be condemned to life in prison.

Only the period of time before an individual may be granted parole may vary according to whether it is first degree or second degree murder.

For manslaughter, the sentence is life in prison, but there is no minimum period of ineligibility for parole. The regular rules apply.

We must come back to what is called the faint hope clause. It is important to the current debate. In my backgrounder, we saw that there have been a number of amendments over the years. Eligibility for parole has been made harder to achieve. The Bloc has no problem with this approach. However, one of the reasons that criminals have access to parole is to reward their behaviour in prison, if you will. It is rather difficult to reward criminals. However, employees and corrections officers working with criminals need some support from the law for their actions.

● (1055)

One way of getting there is to encourage criminals to behave. Parole plays a role in this. We must ensure that criminals who want to be rehabilitated and who work hard, even in prison, to improve their lives have a hope of getting out because, in any event, they will be released some day.

Even if parole is abolished, these criminals will have served their 25 years some day and will re-enter society. We must ensure, therefore, that they are given the support and rehabilitation they need to become good citizens once they re-enter society.

That is the reality we are facing when we analyze Bill C-36 and that is why we must ask all the necessary questions and ensure that all the in-depth studies have been done.

I cited the case of Mr. Dunn, who was a murderer but was reintegrated very successfully. Parole enabled him to become a better citizen and return to society. He became a criminal justice social worker who helps to reintegrate other criminals. His is a fine example. Could a bill like this nullify all the effort and improvements criminals might make in prison? That is what we need to consider.

The tough on crime philosophy is not the Bloc's philosophy or ideology, and it was not the philosophy our ancestors advocated over the years.

Why do we have a justice system with a judge and the possibility of a jury? It is in order to always find the best punishment for the crime that was committed. That is the result we want. When we try to replace it with minimum sentences and overturn the legal system our ancestors developed to produce the society we have today, we should really ask ourselves some questions.

Often we do things because they are politically easy. These are good decisions but the media are omnipresent. Sometimes they embellish events for their own purposes. It helps them sell newspapers and attract viewers for their newscasts. We must understand, though, that there is a need for balance and the justice system has always ensured this balance. That is what our ancestors wanted.

There are many other justice systems around the world, but they are not the one our ancestors chose. The government is trying to get rid of our system in which there are independent judges and juries made up of citizens who judge their peers. That is the system we have developed. I think we are heading off in the wrong direction every time we are tempted by events in the media to change the entire legal system by imposing minimum sentences and completely abolishing the parole system, without considering its benefits.

I asked an eminent colleague of mine, a criminal lawyer, whether he submitted requests for legislative changes to the government. Does the Bar do that? Sometimes it happens and reforms are made. Usually, though, it is politicians who decide for partisan reasons to bring forward changes to the Criminal Code in order to get some political peace.

Once again, that is dangerous for the democratic system we enjoy. The entire justice system is, in fact, part of our democratic system. The decision to supplant judges by including minimum sentences everywhere in the Criminal Code is motivated by media coverage of certain appalling cases. Often, we need to realize that the case focused on by the media is an extreme case.

The justice system obviously needs to strike a balance. It is for that reason that the symbol of justice is a set of scales. It is all about striking a balance. It is true that mistakes can be made sometimes.

● (1100)

Do we want the innocent to pay for a few mistakes that may have been made? The Bloc will always be completely opposed to that. That is not the type of society that our ancestors bequeathed to us. We are changing the course of history because, somewhere, some politicians decided that being tough on crime pays off. They looked at what is happening in the United States with the Republicans filling up jails to make citizens feel safer. The result is quite the opposite. There are more crimes committed per capita in the United States than in Canada. Quebec, which supports reintegration, has the lowest crime rate in North America. That is the reality.

The Bloc Québécois will act responsibly. With Bill C-36 it will try to adopt a balanced approach in order to have a justice system that lives up to our ancestors' vision.

[*English*]

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, because this is the first round of debate on this bill, I would like to seek unanimous consent to split my speaking time with the member for Burnaby—Douglas.

**The Deputy Speaker:** Does the hon. member have unanimous consent to share her time?

**Some hon. members:** Agreed.

**Ms. Libby Davies:** Mr. Speaker, my thanks to the members of the House for agreeing to that.

I rise today to speak to Bill C-36, which deals with the faint-hope clause. The faint-hope clause is called that for a very good reason. When we read the process that an offender, someone who is incarcerated, must go through in order to apply for the faint-hope clause, it is a very tough process.

I have been looking up the information on the justice department website. Quoting from the website, this is the process that an offender has to go through:

> Upon application, the offender must first convince a justice they would have a reasonable prospect of success with a jury that must unanimously decide to reduce the number of years of imprisonment the offender must serve without eligibility for parole. The offender must then convince the jury that they should have the right to make an early application for parole to the NPB. Finally, the offender must convince the NPB that they are unlikely to endanger public safety if released.
>
> If parole is granted, the offender remains under supervision for their entire life unless parole is revoked, in which case the person would be returned to prison. Any breach of the offender's parole conditions or a conviction for a new offence may also result in the return of that person to prison.

Just to the deal with the facts of what is before us, since 1997, and as of April 2009, there were 991 offenders who were deemed eligible to apply for such a judicial review that I just spoke about. Of those who were eligible, there were 174 court decisions in which 144 became eligible for earlier parole, and of these 144, 131 were granted parole. So I think we can see that the existing provision on the faint-hope clause is a very onerous one and rigorous in the tests that a person must establish in going through various judicial reviews and finally to the National Parole Board.

That is all for good reason, because we are talking about very serious crimes that have been committed. I would certainly echo the comments of my colleague from the Bloc who talked about our justice system overall. We do have a responsibility as parliamentarians to ensure that our justice system is fair and balanced and that rehabilitation is certainly part of that.

I have to state that the NDP has very grave concerns about this bill as it seeks to eliminate the faint-hope clause, because we believe it will seriously undermine the fairness and the balance that we have in our judicial system. In fact, I find it quite ironic that just a few days ago in the press there were documents released from Library and Archives Canada dating back to 1976, secret cabinet documents that showed that the prime minister at the time, Pierre Elliott Trudeau, "objected strongly to the removal of this provision, [the faint-hope clause,] asserting that the proposed legislative package"—a product of various compromises to win public backing and to outflank the tough-on-crime Conservatives—"was already 'neanderthal' enough without adding to its repressive character".

That is from a cabinet document in 1976. I guess not much has changed in that today here again we face a Conservative government that is all wrapped up in a very tough on crime agenda that is simply about catering to a very narrow base. Certainly within the NDP we take this very seriously. We have a responsibility to represent the whole system. We have a responsibility to speak out for that fairness and balance.

The faint hope clause might not be popular. There are obviously cases that one can draw on to show very grievous situations and very violent situations, but it is there as a faint hope on the basis that there are individuals who, because of time served and the fact that they have been rehabilitated, may be in a position where to release them early and to allow that gradual release back into society is actually something beneficial.

Here I would quote from the John Howard Society of Canada, from its "Presumptive Gradual Release" paper of 2007, which talks about this issue of the balance and what parole and early release is about. It says:

> The research literature shows clearly, however, that those who are involved in good gradual release programs re-offend less frequently than those who are not involved in such programs. This is particularly true of higher-risk offenders.

● (1105)

In fact, it goes on to point out:

> If well managed, programs of gradual release are the best method known to reduce recidivism. Failure to involve people in these programs places the community at greater risk and in so doing contravenes the purpose of the Act.

On the one hand, we are dealing here with the political optics that are put forward by the Conservative Party. It is just catering to this agenda of bringing in tougher and tougher laws and getting rid of the faint hope, without recognizing the damage that is being done to our judicial system.

We have to ensure that we have a judicial system that is fair and balanced, that also emphasizes rehabilitation. Otherwise, we are then sending people out onto the streets who will still be at great risk of reoffending. I think one thing we would agree on is that what we ultimately strive for is safety in our local communities. So what happens to these offenders is really important and cannot just be dismissed as a political campaign or a political talking point as we have seen over and over again with the bills that have been before us.

I know our caucus, the NDP caucus, has serious reservations about this bill. We believe the faint-hope clause is there for a purpose. It is something that is very hard to achieve but is there for those occasions where it is warranted and where a judicial review and a full process can show that in some circumstances there is good reason to allow limited early parole for a gradual reintegration into society, and that is something that serves the interests of society.

We are also very concerned about the rights of victims. Under the current process, there is a great deal of pressure put on families and victims in terms of the number of times they might have to appear if an application for a judicial review is applied for. So we will be bringing forward amendments to this bill, and our justice critic, the member for Windsor—Tecumseh, will be speaking later this day on some of the issues and concerns we have.

For the purposes of getting some of these amendments, we will allow this bill to go to committee. However, we have serious opposition to this bill in terms of what it stands for and what it would do to our justice system, and I think we should be able to speak honestly about this. Unfortunately, so much of this debate has now been dragged down to its lowest level of political messaging and a political ideological approach from the Conservative government. As New Democrats, we are not prepared to engage in that kind of politicization of our justice system. We are not prepared to undermine the balance that we strive for in our judicial system. So we find it very offensive that this kind of approach is being taken over and over again by the Conservative government.

In fact, it is kind of ironic that, on the one hand, we have a government that has brought in how many bills now? There are more than a dozen of these sort of boutique criminal justice amendment bills.

It is ironic that the Conservatives do that, on the one hand, and huff and puff, jump up and down, and make a big deal about it. Yet when they receive a court order to return someone like Mr. Abdelrazik, a specific court order ordering the government to abide by the law that has been laid down, they refuse to do so.

Even here today, the day before the decision comes to its full fruition, the government is still refusing that. Or we can look at things like the challenge on Insite in the downtown east side, where the government refuses to respect court decisions, or medical marijuana.

I find it incredibly ironic that, on the one hand, the Conservatives rush in with all these amendments, but on the other hand, they themselves think they are somehow above the law and can just ignore court decisions that are made.

In closing I would like to say that this bill, in its present form, is not acceptable to New Democrats. When it goes to committee, our justice critic will be seeking changes that we think will improve the situation for families and for victims. We know that discussion will take place at committee and we think we need to ensure that we maintain the fairness and balance we have in our justice system. We are not about to let the Conservative government begin to unravel that and create serious damage in our society.

● (1110)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member will recall that in the last Parliament, I believe during the first session, there were a series of justice bills related to the Criminal Code. Then after prorogation, instead of having a series of bills, many of those were not reinstated at the same point. In fact, they were put into an omnibus type bill after there were complaints that the justice committee had been bogged down and was unable to keep up with the individual bills.

Now we find ourselves back in the same position where we have another series of bills. These clearly could have been included in an omnibus bill to allow the justice committee to have virtually the same witnesses to consider the issues of punishment, with which most of them deal.

Would the member care to opine as to why the government is not serious about dealing with these bills by putting them in a form which is most efficient for the Parliament of Canada?

● (1115)

**Ms. Libby Davies:** Mr. Speaker, the member is right. The whole saga of the way the crime agenda has been promoted by the Conservatives is a political promotion. It is about the optics of what they are doing, not about addressing a serious legislative package.

In fact, many of the bills the Conservatives had in the previous Parliament they killed when they prorogued Parliament. Then they accused the opposition of delaying them. It was the role of the previous chair of the justice committee that stalled many of those bills coming forward. These antics have come more from the government in hijacking its own agenda.

In this current session the member is right. A series of criminal justice amendments could have been put together in an omnibus bill, which could have had a reasonable discussion through the justice committee. However, the Conservatives, I think for purely political partisan reasons, are trotting them out one at a time and then using that as leverage and pressure to put out their political agenda.

This is not the way to do public policy and it is not the way to do the public's business.

[*Translation*]

**Mr. Roger Pomerleau (Drummond, BQ):** Mr. Speaker, I listened carefully to the speech by the member for Vancouver East.

She mentioned the case of Mr. Abdelrazik, who is currently being detained in another country. The government was ordered by the court to repatriate him, which it is not doing, and it seems that it does not intend to do so in the near future. We have even heard that it may appeal the court's decision. Members will remember the recent case of Omar Khadr, who is currently detained at Guantanamo Bay. He is accused of criminal acts, but they occurred when he was a child soldier, which is recognized by the UN as a special case. Under UN regulations, the Canadian government could repatriate him because he is a Canadian citizen and was a child at the time of the alleged crimes. He was left in a prison at Guantanamo Bay for years to be tortured, even though the regulations and legislation would have allowed for his repatriation.

Under the circumstances, does my colleague not believe that the Conservative Party picks and chooses when to apply the law and order it is always talking about here in the House?

[*English*]

**Ms. Libby Davies:** Mr. Speaker, I would agree with the member. It is a very selective law and order agenda and it is a very selective political agenda as to whose rights are deemed to be upheld.

How many times in the House have we raised questions around the situation of Mr. Khadr? How many times have we raised the desperate situation of Mr. Abdelrazik? We have been completely stonewalled and ignored by the government.

I think we are all aware of the terrible contradictions that are going on here. The government on the one hand chooses to be so repressive in its legislative regime, in terms of the Criminal Code, without regard to what the impact will be on our justice system. However, on the other hand, when there are individual cases and situations involving the personal dignity and human rights of people, the government has remained silent, in fact more than silent. It has stonewalled and refused to even abide by court decisions and legal parameters such as international law.

That is pretty horrifying, but we have come to expect that from the government unfortunately. All we can do is to keep the pressure on it to point out these contradictions and to try to change them.

# ROYAL ASSENT

[*English*]

**The Deputy Speaker:** Order, please. I have the honour to inform the House that a communication has been received as follows:

Government House

Ottawa

June 18, 2009

Mr. Speaker:

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, will proceed to the Senate Chamber today, June 18, 2009, at 4:30 p.m. for the purpose of giving royal assent to certain bills.

Yours sincerely,

Sheila-Marie Cook

Secretary to the Governor General and Herald Chancellor

# GOVERNMENT ORDERS

● (1120)

[*English*]

## SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

The House resumed consideration of the motion that Bill C-36, An Act to amend the Criminal Code, be read the second time and referred to a committee.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to have the opportunity to participate in the debate on Bill C-36, An Act to amend the Criminal Code, on the right of persons convicted of murder or high treason to be eligible for early parole. The short title of the legislation, creatively crafted by the Conservative government, is the “serious time for the most serious crime act”, which is a bit of a strong misnomer for the legislation.



From outset, the principle of the legislation, which is to eliminate the possibility of revision to parole for people who have committed murder or who are sentenced to life for high treason, is completely wrong. I am strongly opposed to the principle of the legislation. We are not well served by this process of a judicial review, of citizen review in fact, and the faint hope clause should not be part of our criminal justice system.

We have been well served by this. It has encouraged rehabilitation in our prison system. It has allowed for a measure of discretion to review the parole eligibility of people who have been sentenced to a life in prison. It has also encouraged a strong measure of citizen involvement in making the decisions on that very important process.

The legislation takes us absolutely down the wrong road, with no evidence that could support it. I do not think we have any evidence that this will make Canadians safer and that this will improve any of the outcomes we hope for from our criminal justice system or from our corrections system.

The current Section 745.6 of the Criminal Code, dealing with judicial review, enables offenders serving life in prison, with parole ineligibility periods of more than 15 years, to apply for a reduction of that period. The review is not intended as a forum for retrial of the original offence. The focus is instead on the progress of the offender after having served at least 15 years of his or her sentence. That is the description from the Department of Justice of the intent of the legislation.

It is important to review the process that is involved when the faint hope clause is engaged by someone serving a life sentence in prison. The process people have to go through is a very rigorous one that involves several stages.

The first stage is an application to the chief justice of the province in which the person was convicted. The chief justice, or a designated Superior Court judge, reviews the written materials from the crown and the applicant. Then that judge determines, on the basis of the written materials, whether the applicant has shown, on a balance of probabilities, that there is a reasonable prospect that the application will succeed. If the judge decides that, the next step is a jury is empaneled to hear the case. If the judge decides there is no reason to proceed further, the appeal process stops at that point and there is no further follow-up.

The jury, when it is constituted and empaneled, then considers a number of issues when it looks at the application from the person who is imprisoned. It considers, when it is determining whether there should be a reduction of parole ineligibility, the character of the applicant, his or her conduct while serving the sentence, the nature of the offence, information provided by the victim's family members about how the crime has affected them, and any other matters the judge has considered relevant in the circumstances.

A panel of 12 citizens considers those factors and makes the decision about the reduction of the period of ineligibility. The decision of that jury, to reduce the ineligibility period, must be unanimous. We are not talking about a simple majority or anything like that. The jury can reduce the parole ineligibility period immediately or at a later date, or deny any reduction.

When the jury unanimously decides that the number of years to be served should be reduced, it then decides by a two-thirds majority the number of years that must be served before the inmate can apply to the National Parole Board. If the jury decides the period of parole ineligibility is not to be reduced, it can set another time at which the prisoner can again apply for judicial review. If no date is set, then the prisoner can reapply after two years for this process to be engaged again.

● (1125)

It is a very complex process. The process initially involves a judge and then a jury of 12 citizens, two of the important features of our system. There is judicial discretion involved and there is a strong citizen involvement component. The community is absolutely represented in the decision that someone's parole should be reduced. However, that is not the end of the story, because then the parole board has to do its work. The decision about whether the person gets out on parole is made by the parole board in its usual fashion.

I think it is an outstanding process, frankly. The reality is that such offenders are on parole for life. Even if they are ultimately granted parole through this process, they remain on parole for life.

It might be important at some stage to review the functioning of this faint hope clause and the process of judicial review. I think that is far different from the context of a bill that starts from a point that says this process should not continue, that it should be eliminated and repealed. I cannot support that kind of approach.

It is important to look at the statistics in how this process has unfolded. We have statistics from 1987 to 2009. In that period, 991 prisoners were in the category of having committed murder or high treason and were sentenced to life in prison. That is the group of people who are eligible to apply for consideration in this process.

One hundred and seventy-four decisions were made by the court to engage this process. It is a very small number. It is certainly not a majority. In fact, the vast majority of prisoners do not even apply to engage this process, because they realize there is no reason for it to succeed.

In the 174 cases where the judge decided that the process could continue, only 144 of them were ultimately granted reductions. Even then the jury further reduced the number of people who could be considered. Furthermore, the National Parole Board only granted parole in 131 of those cases. One can see that at every stage of this process it is fully engaged and decisions are carefully made.

Of the 131 folks who did get early parole as a result of this process, 83 are on full parole and 18 are on day parole, meaning that they return to an institution at some point during the day. Three were deported. One was temporarily detained. Twenty-six are currently incarcerated. Twelve are deceased. One is on bail.

It is very important to look at those 26 who are still incarcerated and to point out that only four of those incarcerations, as far as I can determine, are the result of reoffences and further criminal activity. None of them is the result of murder. It is very important to realize that none of these people have reoffended in the same way that they did when they were originally convicted. That shows the great success of this program.

Of the four who reoffended, three were related to drug crimes. One was a very serious drug crime. One of the four who reoffended was related to armed robbery, which again is a very serious issue.

This shows the success of this program. It shows that compassion has a place in this process. It shows that we have to honour the rehabilitation process and say that when it is working, there should be positive consequences for that. People who demonstrate they can change their lives while incarcerated in Canada should have this option.

We also want to make sure that this process is fair to the victims of those crimes. As someone who had a close friend who was murdered, I want to make sure that victims are treated fairly and supported through this kind of process. However, I do not believe that means eliminating the possibility of engaging this process. It has served us very well. It has benefited the community, because people who are in prison are a burden to society. If someone can be a contributing and successful member of society, that is an important factor to consider. It is something we should be engaging every time that is possible.

This process has the necessary checks and balances to make it a very successful program. This is very ill-advised legislation and I will make arguments very strenuously against it.

● (1130)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, England, Belgium and other countries in Europe have similar faint hope clauses and legislation. I wonder if the member could tell us whether there is any success or good stories emanating from the other countries that have similar types of legislation.

**Mr. Bill Siksay:** Mr. Speaker, I do not think we have to go farther than our own back yard to find the success of this program.

As I was saying, the program has checks and balances. There is involvement by the judiciary, citizen jurors and the National Parole Board. It ensures people who are released on parole stay on parole and have the supervision, control and support for the rest of their lives. The program has been successful. The fact that none of the folks who have been released on parole under this program have committed the same offence for which they were originally incarcerated shows the incredible success of this program. Incredible checks and balances have been built into it.

Any system of incarceration and punishment has to have a compassionate side. It has to have a side where people who demonstrate that they can rehabilitate themselves have access to other options. The whole system should not be based solely on punishment.

Our experience in Canada demonstrates that clearly. We should be a model for the world. I know other countries have adopted the same kind of model and it is functioning successfully for them as well.

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, I will be splitting my time with the member for St. Catharines.

I am very pleased to speak to this very important bill that will fulfill our platform commitment to repeal section 745.6 of the Criminal Code, the so-called faint hope clause that allows a criminal serving a life sentence to apply for early parole.

I would first like to commend the hon. Minister of Justice for bringing forward this legislation. This issue is an important one to me. In the last Parliament I was pleased to table a private member's bill, seconded by the hon. member for St. Catharines, that dealt with this very issue.

The Criminal Code currently provides that the offences of first and second degree murder have mandatory terms of life imprisonment. These offences also have mandatory periods of parole ineligibility.

For first degree murder, an offender must spend a minimum of 25 years in prison before being eligible to apply for parole. For second degree murder, an offender must spend a minimum of 10 years in prison before being eligible to apply for parole. This minimum 10 year period can be increased by a sentencing court up to a maximum of 25 years, depending on a variety of factors, including the circumstances of the crime.

While this may seem like a very long time, the reality is that the faint hope regime provides a mechanism for offenders to seek to have this parole ineligibility period reduced. The current faint hope process is threefold.

First, an offender must convince a judge that he or she has a reasonable prospect of success, that the application will succeed. The courts have already told us that this judicial screening test is low and is not much of a hurdle. Second, if the judge is convinced, the applicant can bring the application for early parole to a jury. The offender must then persuade the jury of 12 ordinary Canadians to unanimously decide to reduce the number of years of imprisonment that the applicant must serve without eligibility for parole. If the applicant is successful with the jury, at the third stage of this process, he or she may proceed directly to the National Parole Board to apply for parole.

Most successful faint hope applicants end up being paroled. There are several important time limits for unsuccessful faint hope applicants that are important to know for the purposes of understanding the reforms proposed in Bill C-36.

If unsuccessful during the first two steps in the faint hope application process, the judge or the jury can allow the applicant to reapply to a judge at a later date. The judge or jury may even decide that a particular applicant may never apply again. However, if the judge or the jury rejects the application but does not bar further applications or set a new date at which the offender may reapply, a minimum statutory time period kicks in and the applicant can automatically reapply in two years.

As I mentioned, the majority of those who are successful on a faint hope application are ultimately granted parole by the National Parole Board. What this means is that murderers who are supposed to be serving up to 25 years in jail before applying to the National Parole Board are getting out of prison earlier than they would be if they had to serve the entire parole ineligibility period that they were given at sentencing.

The rationale for the bill before the House is very simple. Allowing murderers a chance, even a faint one, to get early parole is not truth in sentencing. Truth in sentencing means that those who commit the most serious of crimes do the most serious time. That is what Bill C-36 aims to do, to restore truth in sentencing for murderers and to keep dangerous criminals in prison for longer periods of time.

I now propose to delve a little more deeply into the important reforms we are proposing in the bill. The proposal is, in its simplest form, twofold: repeal the faint hope clause for all future murderers and toughen the regime for murderers currently in prison.

With respect to the repeal, the bill would eliminate the faint hope regime for all those who commit murder or high treason after the coming into force of the act. As a result, these offenders would have to serve their entire mandatory parole period that was given at sentencing.

● (1135)

For example, if individuals commit murder after the bill comes into force and are convicted of first degree murder, they would have to serve the full 25-year parole ineligibility period before being eligible to apply for parole. Under the current regime, these murderers, those who have intentionally or unlawfully taken a life, would be able to apply at the 15 year mark of their sentence to have the 25-year parole ineligibility period reduced from 25 to 22, 20 or even 15 years.

Under the new regime proposed in Bill C-36 these murderers would have no chance at any point before the expiry of their 25-year parole ineligibility period to apply for parole. The faint hope regime would be gone, as we committed to do. No more would these murderers get the chance to apply to get out of jail early.

To be compliant with the charter, the repeal would not apply to those currently serving a sentence. Those currently in the system would still be able to apply under the faint hope regime. However, the reforms include a well-tailored scheme that would considerably toughen the regime for them.

This new regime would establish a higher screening test at the first stage where the judge examines the application. As I mentioned, the courts have indicated that the current test, a reasonable prospect of success, is not that high a hurdle.

We will make this test tougher. Applicants for faint hope would have to prove that they have a substantial prospect that their application will proceed. This would prevent less worthy applications from going forward.

We are also proposing a longer minimum period of time before unsuccessful applicants can reapply to a judge. Right now, the minimum period an offender has to wait to reapply to a judge is two years. Under our proposal, the individual would have to wait a minimum of five years.

For example, if a murderer who has served 15 years applies and is rejected by the judge, that offender would have to wait at least five years or until the 20 year mark of his or her sentence before reapplying.

The reforms also propose a new five year delay period during which offenders cannot apply if they fail to submit an application within a new three month window for faint hope applications.

The three month time limit would apply in the following situations.

First, it would apply to all those offenders who have served at least 15 years of their sentence and have not yet applied. There are many offenders in prison now who have served 15, 16, 17 and more years but who have not yet applied. These offenders would have to make an application within three months of this legislation coming into force or they will have to wait five years.

Second, it would apply to those offenders who are serving a sentence and have not reached the 15 year mark. These individuals could have served four years or eight years or 10 years when the bill passes. At the 15 year point exactly, all of these murderers will have to bring an application within three months or wait another five years to do so.

It is important to note that these proposals would also ensure that offenders do not keep victims' families anticipating whether an application will be forthcoming.

As I noted briefly, if under both examples an offender does not apply, the proposals in Bill C-36 would impose a five year period following a three month limit during which an offender could not apply again.

For example, offenders who have served 15 years at the coming into force date, but do not apply within the three month limitation upon reaching this date, will have to automatically wait until the 20th year of their sentence before bringing a first application.

Third, the three month limitation will apply at the expiry of the longer statutory minimum period of time of five years, for any offender who reapplies to a judge. If offenders apply at year 15 and a judge determines their application will not go forward to a jury, the individuals cannot apply again until the 20 year mark of their sentence.

At that point, the 20 year mark, the three month time limit starts to run. Once it expires and the offenders did not bring an application, they could not reapply for another five years.

Essentially, these reforms provide a higher hurdle at the outset for offenders by ensuring that they must bring an application or reapply within the new limitation period, three months, or wait the statutory mandated five years.

In short, these proposed reforms include this well-tailored scheme to respond to concerns raised by the public and by victims that the faint hope regime as presently constituted allows for far too lenient treatment of murderers.

The reforms set out in Bill C-36 would allow us to meet the concerns of Canadians, that murderers do the time they have been given and stay longer in prison than they do now.

These proposed reforms would also ensure that the families and loved ones of murder victims are not forced to rehear the details of horrendous crimes again and again as they are sometimes required to do under the present regime.

I support the bill and I call on other members of the House to do so as well.

● (1140)

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I want to thank my colleague from Niagara West—Glanbrook who did an admiral job this morning describing and outlining Bill C-36. I also wish to thank him for his efforts in moving the private member's bill in the last Parliament that would have rid the country of the faint hope clause and the inspiration of that private member's bill leading to a government piece of legislation. It is not often that happens. It is obvious that the government and the justice minister see the importance of moving this piece of legislation forward.

It is my pleasure to rise today to speak in strong support of Bill C-36, Criminal Code amendments that will put an end to the so-called faint hope provision. It is not often that we repeal or eliminate a provision of the Criminal Code, so some explanation of the faint hope provision is needed before we discuss the bill before us.

What is the faint hope provision? The faint hope provision applies to those who commit murder, the most serious offence in our law. The faint hope provision is in fact a section of the Criminal Code, section 745.6, which was first enacted in 1976 when Parliament replaced death sentences for murder with mandatory life terms of imprisonment and parole ineligibility periods: 25 years for first degree murder and a minimum of 10 years and up to 25 years for second degree murder, and 25 years for high treason.

Remember that a life sentence is indeed for life and for a murderer that is exactly how it should be. Offenders may eventually be released on parole after 25 years but those offenders are serving their life sentence under the conditions of parole.

The faint hope clause permits an offender serving a life sentence to apply for a chance to have parole earlier than prescribed. So after 15 years of a life sentence an application could be made for a reduction in the number of years of imprisonment without eligibility for parole.

I should emphasize that this not a parole application but rather a step before a parole application. The 15 years in prison does not reflect the severity of the crime of murder and the chance of parole after 15 years. It simply does not reflect what Canadians expect of a life sentence.

This government promised Canadians that we would get tough on crime, that we would hold offenders to account and we would show compassion and respect for victims and the families of victims.

The government has delivered with important reforms including addressing dangerous offenders, gun crime, organized crime, drug crime, auto theft and identity theft. This government delivers what it promises and Bill C-36 delivers on our promise to get rid of the faint hope clause and ensure that murderers serve sentences in jail until they are ready to be released on parole.

The people of Canada have long questioned why a murderer who receives a life sentence and is required to serve 25 years before seeking parole should be able to get any chance of parole earlier. Many victims have said that it is the victims that receive the true life sentence because their family member is gone forever.

Ironically, while 15 years may seem like an eternity for families mourning the murder of a loved one, 15 years seems far too soon for families to deal with a faint hope application by the offender and the possibility of a parole hearing.

Victims who have attended faint hope hearings have said that this process causes them to relive the whole tragedy of the family member's murder and the trial process that led to the conviction of the offender. No one asks to be a victim and no one should have to be revictimized again and again by our justice system.

Our justice system has changed over the last 20 years and victims now have a greater role. I have witnessed firsthand what victims' families have to go through in the St. Catharines community, what it means to have to face the possibility of a murderer getting out earlier than the sentence that he or she was given.

Some may suggest that victims of crime should simply rely on the crown and the judge, and avoid the additional trauma, but every family member of a murder victim will agree and will tell us that they are there for the memory of the victim, and to ensure that the judge is aware of the impact that the murderer has had on their lives. They want to ensure that the safety of the community and their safety is considered.

● (1145)

Bill C-36 addresses these concerns, but what exactly does the bill do? This reform will bar everyone who commits murder or high treason in the future from applying for faint hope. Those who commit murder after this law comes into force will no longer be eligible to apply for an earlier parole eligibility date after serving 15 years of their sentence.

The reforms in Bill C-36 respect the fundamental legal principle that the law cannot change retroactively to, in effect, change the sentence of a person who is already serving or awaiting that sentence. The bill will not bar an offender completely from access to faint hope in the same way as is proposed for future offenders. But even though some “lifers” will still be entitled to apply for faint hope, there will be new rules and new procedures in place.

These new procedures will apply to offenders who are already serving a life sentence, to those who are awaiting a life sentence, and to those who have been charged, but not yet convicted of first or second degree murder or high treason.

There is currently a three-step process involved for offenders applying for faint hope. The new procedures in Bill C-36 will make some changes to these three steps. First, an applicant must pass a screening test conducted by a superior court judge who will decide whether the applicant can go on to the next stage of the process.

Some courts have suggested that this test is relatively easy to meet. Bill C-36 makes this a higher test for offenders from “a reasonable prospect” to a “substantial likelihood” of success. This will screen out most of the most undeserving applicants.

If unsuccessful at the first stage, the applicant can apply again in two years unless the judge makes the period longer. Bill C-36 will increase this to five years. This will mean an offender with a 25-year parole ineligibility period, for example, can only make two faint hope applications at the 15 and at the 20 year mark.

The change from two to five years will create more certainty for victims' families about when a faint hope hearing will occur and reduce the trauma that these hearings often inflict on them. Victims' families will know that if they must face a subsequent faint hope hearing, it will be at least be five years down the road. It still is not easy, but it means it simply will not happen every two years.

Second, at present, an applicant who successfully gets past the first stage must convince a 12 member jury that he or she should be able to apply for early parole. If the jury unanimously agrees that the offender should be able to apply early, it also decides when that application may be made. If the jury says no, the offender can reapply to a judge at two years unless the jury makes that period longer. Bill C-36 will change this to a five year period.

Under the current system an offender can apply for faint hope at any point after reaching 15 years in his or her life sentence. Bill C-36 will set a three month window on faint hope applications. This means that once an offender is eligible to apply for the faint hope, the application must be made within three months of the date of becoming eligible. If this three month window is missed for whatever reason, the offender will have to wait a full five years to apply again. This offers victims some certainty about when the faint hope application may arise rather than wondering when they will be faced with an application that the offender could bring at any time after the 15 year mark.

Third, in the event that the offender is successful and they are given a chance to apply for parole earlier than prescribed in their sentence, they must then apply to the National Parole Board which will determine whether parole should be granted and on what conditions.

Bill C-36 is not making any changes to the law that governs parole, only to the faint hope or the step before parole.

In summary, these procedural changes will apply to everyone who commits murder, or who is arrested for murder, or who is convicted for murder before the date the amendments come into force. All those who commit, or are arrested for, or who are convicted for murder on or after the coming into force of the bill will not be able to apply for faint hope at all.

Bill C-36 closes what has been described as a “loophole for lifers” in a way that balances respect for the law with respect for the rights of victims and their families.

This government stands up for victims of crime and stands up for law-abiding people of Canada. Bill C-36 is an important step in our strategy to hold offenders accountable and to ensure truth in sentencing. Serious crime deserves serious time and Bill C-36 reflects that goal.

I urge hon. members to give the bill their full support.

● (1150)

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, Bill C-36 is a bill that the Bloc Québécois wants to see referred to committee, but I can offer no guarantees in this House that we will support the bill at third reading. We need more information. We want to understand the real impact of the bill, but obviously we think it is a bill that needs to be seriously considered in Committee.

In 1976, the death penalty was abolished and murder was reclassified, if you will, into two categories: first degree murder and second degree murder. In both cases, the punishment is imprisonment for life. The difference is in respect of parole eligibility. For first degree murder, the murderer must serve at least 25 years of their sentence before being eligible for parole. In the case of second degree murder, they must serve at least 10 years of their sentence, other than in certain exceptional cases, for example where the case involves an intentional murder under the Crimes Against Humanity and War Crimes Act, where it was a question of the circumstances surrounding the commission of the murder, or where the murder was a criminal organization offence.

The faint hope clause, as it is called, is found in section 745.6 of the Criminal Code, which provides for possible eligibility for parole. That section was added to the Criminal Code when the death penalty was abolished and murder was reclassified as first degree or second degree murder. We must remember the reason why section 745.6 was added to the Criminal Code. There were essentially three reasons. There was a desire to offer hope to offenders who demonstrated some capacity for rehabilitation; there was a desire to provide motivation for good conduct in prison; and there was also a desire to recognize that it was not in the public interest to keep someone incarcerated, in certain circumstances, beyond 15 years. Obviously, I would remind all members of this House and all those at home watching that the faint hope clause is an exceptional provision that comes into play before eligibility for parole.

The faint hope clause procedure, as my good colleague from Abitibi knows, has relatively clear rules. In order for that provision, which is found in section 745.6 of the Criminal Code, to apply, there is of course a three-step process. The first step is screening by a judge. If my information is correct, that is in fact the chief justice of the superior court. The judge examines the application and must determine the potential, the real prospect that a jury will agree to allow the applicant to be granted early parole. So first, the chief justice of the superior court where the murder was committed must hear the application. Second, the judge must agree to empanel a jury of 12 members, and that jury must agree, by a two-thirds vote, that parole, what I would call early parole, will be granted. And third, of course, the application is submitted to the National Parole Board, which has full authority to accept or deny the application. There is a clear set of rules for the process: it is examined by the chief justice of the superior court, a 12-member jury is empanelled and the application must be accepted by two thirds, and it is assessed by the National Parole Board.

● (1155)

I might go into a little more detail regarding the process to be followed when one wishes to invoke section 745.6. I would say that, yes, persons who commit first degree or second degree murder must be given exemplary sentences. However, up to a certain point, should we not ask ourselves as parliamentarians whether there are not circumstances where it would be desirable for an individual, after 15 years of detention without parole, to be able to exercise this provision, since justice is never automatic, and never one-size-fits-all? With its three steps, does the process not offer sufficient guarantees to stand as a safeguard? People will study the merit of this application. There is no risk of frivolous applications that will be accepted even though an individual does not deserve access to early parole.

I am going to describe the three steps in some detail.

First, the applicant must convince the chief justice or a designated judge in the province of the conviction. The applicant, who is normally behind bars, must convince the chief justice that there is a real possibility of the application being successful. For example, multiple repeat offenders, that is, people who have committed several murders, have no chance of their application succeeding. The application is not even admissible, and the chief justice could not permit the process to be started.

If the chief justice or the designated judge finds, to his best understanding of the case, that two-thirds of the jury is not likely to allow the applicant access to some kind of early parole, under section 745.6 of the Criminal Code, the applicant fails. The judge must then set a waiting period, which is generally two years, before a new application may be made. The judge may even set a longer period. For example, I am an applicant. I am presently on parole. I show real signs of rehabilitation. I have served the 10 or 15 years of detention without parole. I appear before the chief justice of the superior court. He may tell me to come back in two years or some other time period which he finds to be reasonable.

Second, the applicant must convince a jury of 12 citizens who have to decide on this. Let me go back, I have made one little error, reminding me of my fallible human nature. It was like that before, but the process was revised in 1999, and the jury now has to decide unanimously, not in a proportion of two-thirds. I would have expected the hon. member for Abitibi—Témiscamingue to whisper that to me. I do not hold it against him, but I urge him to remain vigilant. So it is not two-thirds of the jury, but the entire jury that must accept the application for early parole.

If the jury refuses, we know how it works. A jury is constituted from certain lists. Of course, in a trial, the way that the public is involved in the administration of justice is through the constitution and presence of a jury. If the jury refuses, but does not prohibit the filing of new applications, another application may be made, once again, after two years or after a longer period, as the jury may decide. If the jury accepts, on the other hand, it has to set a new period, which will be reduced.

● (1200)

Third, the jury will obviously consider the application, deliberate and approve or reject it. If the application is approved it will be sent to the National Parole Board.

I looked for statistics that would give us an idea of the scope of this phenomenon and have some. As of April 9, 2009, relatively recently, 265 applications had been submitted under section 745.6. Of that number, 140 had been approved and so 140 individuals had been given a period of time prior to their eligibility for parole.

With a ratio of 140 to 265, are we not approaching 45% or 50%? Can I say that?

The National Parole Board granted parole to 127 applicants. I will now provide some slightly more specific statistics. Thirteen individuals subsequently returned to prison—we can speculate on the fact that they were returned for breaking parole and failed to meet the conditions of it—three were deported, 11 died and were recalled to heaven—fate, it could be called—one was on bail, one was in provisional detention, and the most important of the statistics, 98 individuals of 127—we are closer here to two thirds—met the conditions of their parole.

In our assessment of the situation, we have to say that, when the stages set out in section 745.6 have been followed, two thirds of the individuals who were eligible early for parole met the conditions of it.

My colleague from Argenteuil—Papineau—Mirabel is wise and as a solicitor misses nothing. I do not know whether it is because he is used to this with wills, but he reminded me that adding the 11 dead to the 98 individuals who met the conditions of their parole makes the proportion higher than two thirds.

I would like to return to the 98 individuals, because it is here the Bloc's question lies. Why is there a need to repeal a provision of an exceptional nature? We are talking about 127 individuals in all these years. Is it not reassuring in the administration of justice to know that the provision exists?

People can commit second degree murder when they lose their mind, but it is still a reprehensible act and there are still innocent victims. It is certainly not my intention to minimize the seriousness of second degree murder. However, are there not situations in which individuals sentenced for second degree murder with no previous record show they are truly rehabilitated?

I will give you an unfortunate but convincingly instructive example.

Madam Speaker, allow me to give an example. You learn that the person you love, who has been sharing your life for a number of years is, unfortunately, cheating on you with the neighbour, and the community knows it. You are in a rage and commit murder out of jealousy. You are a respected individual and have responsibilities in your community.

● (1205)

You are liked by her peers. You have always led a good life. You have had significant responsibilities in the community.

Then, in a moment of craziness, you kill your her husband when you find out he has been cheating on you. You are therefore convicted of second degree murder. This is an act, of course, that we as a society must punish severely. You find yourself behind bars. In this specific example, though, would you not be the kind of person who should be eligible for early parole?

If this Conservative bill ever passes and the faint hope clause does not exist, would we have made a mistake? We would have deprived ourselves of a provision in the administration of justice that can be beneficial in some circumstances.

I want to provide a few statistics on the people who could be eligible. At the present time, 4,000 prisoners are serving life sentences in Canada. According to the most recent statistics of April 9, 2009, 1,001 prisoners could be eligible for early parole. Four hundred and fifty-nine of them have already served at least 15 years of their sentence and could therefore apply. When the bill gets royal assent, at least 459 people will be eligible to apply under section 745.6 of the Criminal Code. Five hundred and forty-two offenders will not have served 15 years yet but will soon be able to apply. On average, 43 of the 1,001 prisoners will be able to apply every year.

If things continue and section 745.6 is maintained, nearly 50 people a year will be eligible. This does not mean, of course, that the juries or the National Parole Board will grant their request, but they will be eligible.

Bill C-36 would entirely eliminate—and before the day on which the change comes into force—the right of all offenders to apply for early parole who were convicted of first or second degree murder or high treason. In addition, the last clause in the bill tells us this day will be determined by an order in council.

Parliamentarians must realize that if Bill C-36 passes, section 745.6 of the Criminal Code will be revoked. I just gave the example of a crime of passion. In committee, we are going to try to find out who has benefited from this section in order to know whether it should exist. We have no fixed opinion yet. We are prepared to listen to all sides. Just as much, though, as we want to send this bill to committee, we are concerned about the possibility that we might be depriving ourselves of a tool that is well suited to certain cases.

The bill would also tighten the conditions under which all offenders convicted of first or second degree murder or high treason before the day on which the change comes into force may make an application, including those who are already serving their sentence. This means that there would be four changes to the current procedure. First of all, tougher selection criteria will apply for judicial review

Madam Speaker, you are indicating that my time is up but I started my remarks at 11:55. Since I was given 20 minutes to speak, I could continue until 12:20. Am I mistaken here?

● (1210)

**The Acting Speaker (Ms. Denise Savoie):** According to the clerk, you have had 20 minutes for your presentation.

**Mr. Réal Ménard:** Madam Speaker, if I may, and without questioning your ruling, I really took the floor at 11:55 a.m. Therefore, I feel like the House is depriving me of five minutes. I do not want to take up the time of the House, but I clearly recall taking the floor at 11:55 a.m.

**The Acting Speaker (Ms. Denise Savoie):** I am sorry, but I am not in a position to assess the veracity of your remarks. I am convinced that, based on your observations, you are right, but I arrived mid-way through and the clock shows that 20 minutes have run by.

**Mr. Réal Ménard:** Madam Speaker, in order to clear any ambiguity, in all friendship, and again without questioning the chair's ruling, could you ask for the consent of the House to give me five additional minutes for my presentation, since I am the Bloc Québécois critic on justice, and since I am the second speaker? I would really appreciate that.

● (1215)

**The Acting Speaker (Ms. Denise Savoie):** According to the clock here at the table, the hon. member began his remarks at 11:53 a.m. I wish to remind him that there is also a period of 10 minutes for questions and comments.

If the hon. member insists, I can ask for the unanimous consent, but I still want to remind him that he has 10 minutes left for questions and comments.

[*English*]

Questions and comments. The hon. member for Edmonton—St. Albert.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, I would certainly like to commend and thank the member for Hochelaga for his comments and for his passion on this issue. He is so passionate and wanted to speak some more, so I am going to give him the opportunity to answer a question.

He talked about the procedure and the effect on certain convicted individuals. He cited a hypothetical example of a spurned lover. He talked about the processes. However, at no time during his 20-minute dissertation did he talk about the victims,

I specifically want to ask him what effect he thinks Bill C-36 would have on the victims of crime, specifically the families of a deceased individual, by sparing them the emotional trauma of having to attend and sometimes testify at court proceedings under the faint-hope clause or hearings before the National Parole Board.

[*Translation*]

**Mr. Réal Ménard:** Madam Speaker, I thank the hon. member for his question. I can assure him that all Bloc Québécois members share a real compassion and a real concern for victims. Over the years, I have personally met with victims of criminal acts. I am well aware of what this may mean for a family, for a spouse, and for children who become orphans. There is no doubt that we feel such compassion.

Of course, when we have to review a bill like this one, the question we must ask ourselves as parliamentarians is what will happen if we abolish a system that already functions by exception. I gave some numbers earlier. Every year, about 40 individuals may be eligible under this program. Is there not a danger in depriving ourselves of this tool? I certainly do not want to give the impression that, by questioning this initiative as a parliamentary group, we are showing a lack of sensitiveness towards victims.

I said that we wish to refer the legislation to a committee. I want to know who benefits from early parole. I am wondering—and I believe that is also the case for my colleagues—what would happen if this provision were to disappear. However, we definitely do not want to show a lack of sensitivity towards victims.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I want to ask the member whether he has any information about how this type of legislation works in England, Belgium and other countries that have similar types of provisions in their laws.

[*Translation*]

**Mr. Réal Ménard:** Madam Speaker, unfortunately, I do not have that kind of information. We met with departmental officials this week and they explained a little about the structure of the bill.

They provided us with statistics, but I was not able to do a comparative analysis of other countries. Once this goes to committee, it will no doubt be interesting to see some comparisons and learn how other countries, whose legal traditions are similar to those of Canada, have dealt with early parole.

As always, my colleague's suggestion is a good one. And it is always a pleasure to debate with him. He is very present in the debates here in this House and I always appreciate his questions.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Madam Speaker, I would like to congratulate my hon. colleague from Hochelaga on his work in committee on this issue, which is not an easy one.

It is not an easy issue, especially when it involves this kind of bill, and I would like to take the next few minutes to explain how I see things.

Since the Bloc Québécois has no objection to referring Bill C-36 to committee for examination, what sort of questions does my colleague think the committee should ask when studying Bill C-36, particularly before it goes any further?

As the previous hon. member said, the member for Hochelaga, who has not yet been called to the bar—unfortunately for us—will probably have some interesting things to say in committee.

What is his position? What does he plan to say? What questions would he like to see the committee members ask during their study of the bill?

● (1220)

**Mr. Réal Ménard:** Madam Speaker, I thank my colleague. I can even boast that he is not just a colleague, but a friend as well.

Obviously, we all know that he is a learned jurist. He wrote his bar exams in the 1970s—AD, that is. There is no chance I will ever write my bar exams, but I take a certain pride in having completed my law degree.

The sort of questions I would like the committee to debate concern the profile of people who were eligible for early parole. What is the rationale for abolishing section 745.6? I know that some police forces have called for it to be abolished.

In my introduction, which was cut short prematurely, I gave three reasons why we had passed section 745.6 in 1977. We wanted to give hope to people in the prison population and to make certain inmates with the appropriate profile eligible for early parole.

Are the reasons section 745.6 was added to the Criminal Code in 1977 and reviewed in the 1990s no longer relevant?

These are questions I would like the committee to debate, obviously with the friendly cooperation of my colleague from Abitibi—Témiscamingue.

[*English*]

**Mr. Paul Dewar (Ottawa Centre, NDP):** Madam Speaker, I am looking at statistics about how this policy is applied in terms of early parole eligibility and for what crimes. The statistics go back a couple of decades. One thing that is important to look at is the regions.

I just want the member's take on how we should look at this policy when it comes to different regions, and if we should be looking at the causality, and if there are any determinants based on where people are coming from in society. When we allow people to leave the prison system under supervision, it is important that there are supports there.

Does the member think this policy that the government is proposing will actually help support people when they come out of prison? It is fine to say, “Do the time”, and so on, but what about what happens when people leave prison? What supports are there? Does he think there are problems and inequities when looking at the different regions of Canada?

[*Translation*]

**Mr. Réal Ménard:** Madam Speaker, I did not have access to regional statistics. The statistics I shared with the House are the ones we received from the justice department about people who had been granted early parole.

When I was a law student and was taking a course on sentencing —my professor was André Jodoin, who was assisted by Marie-Ève Sylvestre, here at the University of Ottawa—there was still a very good correlation between crime and indicators of disadvantaged areas. I also remember that there was unfortunately a strong correlation between the first nations and crime. That is why, with the Supreme Court decision in *Her Majesty v. Proulx* and subsequently with the Liberal government, specific mention of recognizing aboriginal justice in sentencing was even added. That said, my colleague is quite right to ask how these people will be reintegrated into society once their parole ends.

As parliamentarians, we need to strike a balance between the need to set an example in punishing people who commit murder and the need to give those people hope for rehabilitation. As Saint Augustine said, virtue is in the middle.

● (1225)

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I am very pleased to speak to Bill C-36.

At the outset, I am very eager to see this legislation passed on to committee, where we will deal with it. We look forward to hearing from the presenters regarding elements of the bill. I believe our caucus will have some very positive amendments to benefit victims and support the rights of victims and to improve the situation overall.

Back in 1976, Parliament abolished capital punishment and replaced it with mandatory life sentences for high treason and first and second degree murder. At the same time, ineligibility periods for parole were established. For high treason and first degree murder, parole ineligibility periods were set at 25 years.

In addition, the Liberal government introduced the 15-year judicial review, known as the faint hope clause. Warren Allmand, who was the solicitor general of Canada at the time, and those of us who followed the issues at the time remember him, introduced the new provision with the following comment, “to keep them in for 25 years in my view is a waste of resources, a waste of a person's life”.

I would like to advise the House, Madam Speaker, that I will be splitting my time with the hon. member for Burnaby—New Westminster.

Section 745.6(1) allows for people who are convicted of murder or high treason and who have served 15 years of their sentences to have their parole ineligibility period reviewed and possibly shortened. The process is heavily weighted in favour of the offender, from a victim's point of view. The emphasis is on rehabilitation rather than the crime itself. The impact of the crime is extremely traumatic when it comes to the family of the victim.

We want to demonstrate that Criminal Code Section 745.6(1), the application for judicial review, is not an automatic process. This process is very involved. A lot of steps have to be taken for anybody applying for the faint hope option.

Section 745.6(1) states:

> Subject to subsection (2), a person may apply, in writing, to the appropriate Chief Justice in the province in which their conviction took place for a reduction in the number of years of imprisonment without eligibility for parole if the person (a) has been convicted of murder or high treason; (b) has been sentenced to imprisonment for life without eligibility for parole until more than fifteen years of their sentence has been served; and (c) has served at least fifteen years of their sentence.

The exception brought in by the previous Liberal government a few years ago excluded people who were multiple murderers. I think we can pretty much all agree that this was a good idea.

Subsection (2) states:

> A person who has been convicted of more than one murder may not make an application under subsection (1), whether or not proceedings were commenced in respect of any of the murders before another murder was committed.

An application for a section 745 hearing is heard in the court. Section 745.6 requires that the chief justice of the province where the offence took place screen an application for judicial review. If the chief justice decides that the application may proceed, there will be a hearing. At the hearing, evidence is first presented by the applicant. Witnesses for the applicant usually include an applicant's family and friends, psychologists or psychiatrists, guards employed at the facility where the applicant is in prison and teachers if the applicant has taken any type of courses.

● (1230)

Representatives of the National Parole Board will also have been called to testify that even if the application is successful, the board does not always grant parole to these applications. The crown prosecutor may then present evidence regarding such things as the applicant's conduct and behaviour while incarcerated.

In terms of the role of the jury, because that is the next process, before the application is heard in court, section 745.6 requires that the chief justice screen an application for judicial review. If the chief justice decides that the application may proceed, the jury will hear the case. The jury must come to a decision after considering the following: the character of the offender after having served 15 years; the conduct and behaviour of the offender while in prison; the nature of the offence, based on the agreed upon facts in the case; the information provided by the victim; and specific matter the judge deems relevant to the application.

After hearing the application, the jury can make the following possible decisions: first, the offender can immediate apply for parole; or second, reduce the parole eligibility period by a specified amount of time; or third, the offender must serve the entire 25 years before parole eligibility. Even if the jury reduces the parole ineligibility period, the National Parole Board must still establish at a parole hearing whether an offender should receive parole. That is the third step in the process.

Not all applications to the board lead to an offender's release. In making its decision, the board must consider whether an offender's release will present an undue risk to society. In fact, the jury is asked a series of questions. One of the questions is, “Do you unanimously agree that the applicant's number of years in prison without eligibility for parole ought to be reduced, having regard to the character of the applicant, his conduct while serving his sentence and the nature of the murder for which he was convicted and the victim's impact statement”. It takes only one person out of the jury to say no and that is it.

This is an improvement over the previous legislation where, I believe, two-thirds of the jury had to agree. Now 100% of the jury has to agree. That improvement was made by amendments back in 1997.

In terms of the victim participation in section 745 hearings, we know, even in property crimes, a number of years ago, the victims were not given very good treatment. I can recall situations where people had break-ins to their homes, which is a very traumatic process for anybody who has ever gone through that, and they would get no help in from the police force and not a lot of sympathy in the process.

Particularly in my province of Manitoba over the course of the last 10 years of NDP government, and the Conservative government before that, the rights of victims were improved. The victim had a right to know the disposition of the case and was given updates and counselling, which is very important. I know of a situation where a person was involved in a robbery, whether the gun was real or not, the person to this day has had psychological problems in dealing with the situation. Nowadays there are provisions for people to have counselling when these events happen. This is a very positive for the victims.

Before 1997, it was left to the judge's discretion whether the jury would be able to consider information provided by the victims during the judicial review process. Section 745.6 now allows for the families of victims to provide information concerning the impact the crime had on them during the application hearing. Under section 745.6(3), the family of the victim may provide information, either orally or in writing, at the discretion of the victim or in any other manner that the judge considers appropriate.

● (1235)

Of course, while that is an important part of the process, people are also being victimized again when they have to appear at hearings when the applications for the faint hope clause are made—

**The Acting Speaker (Ms. Denise Savoie):** Questions and comments. The hon. member for Edmonton—St. Albert.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, I listened to the member for Elmwood—Transcona quite intently. He talked about the NDP caucus amending the bill at committee with a view to improving victims' rights. As he knows, I am a member of the justice committee and I am very dedicated to promoting, preserving and improving victims' rights.

I am curious if he might be able to give me a preview as to what type of amendments I can expect in committee that would improve the lot of victims in faint hope clause hearings.

**Mr. Jim Maloway:** Madam Speaker, the member will have to stay tuned as the amendments are developed. Certainly, the intention is there. We in the NDP caucus recognize that it is onerous for victims to have to relive the circumstances of the crime each time there is a hearing under the faint hope clause.

First of all, we would like to hear from the presenters on the different parts of the issue and then perhaps look at some sort of provisions that could be put in the bill to help the victims. We certainly have a very open mind on this bill and we will do everything possible to make sure that victims' rights are protected and that victims' interests are looked after.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I wonder if the member for Elmwood—Transcona might comment on whether or not he has seen any evidence that public safety has been endangered by the faint hope clause in the Criminal Code of Canada. Has he seen any evidence that folks who do become eligible for early parole have reoffended and committed murder again, or does he believe, like me, that this is an indication of the success of our rehabilitation process in prison?

The folks who are successful in this process are the people who have done best and are most successful in terms of the goals of rehabilitation. They are no longer a burden on society by being incarcerated, but are integrated back into society and become contributing members of the community again. Does he agree with that statement?

**Mr. Jim Maloway:** Madam Speaker, since reviews began back in 1987, as of April 13, 2009, there have been 991 court reviews. Of those cases, parole was only granted in 131 cases. It would appear that the tests we currently have are, to some degree, reasonably tough enough, and at the end of the day, not that many people are successful in the faint hope clause applications.

As of April 13, 2009, of those 991 cases, 83 people are out on full parole. Eighteen people are on day parole. That would imply that the people go back into an institution for the evening. Three people have been deported. One person has been temporarily detained. Twelve people are deceased. One person is on bail.

The arguments can be made that the system has worked reasonably well over time, but I still think there is room for improvement and amendment. That is why I favour passing this bill and sending it to committee. Let us hear from the presenters.

● (1240)

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I am pleased to rise on Bill C-36, An Act to amend the Criminal Code.

I would like to preface my remarks by saying there is no doubt that the most compelling argument for Bill C-36 is indeed the victims. Under the current faint hope clause, the victims have to relive the nightmare of the crime that was perpetrated against their family, against their loved ones. There is no doubt that the government has a compelling argument. It is for that reason, I think primarily, that in this corner of the House we will be voting in favour of Bill C-36 in order to get it to committee.

As the House well knows, the parliamentary process is set up with a system of checks and balances. This is something that is extremely important in this particular case for this particular bill. We have second reading, which is debate in principle on the bill, the principle of whether or not the faint hope clause should essentially be eliminated. From there the bill goes to committee, and that is the point where we will certainly be pressing to hear from every organization. Whether we are talking about victims organizations, victims services, those who represent parolees, police officers, parole officers, everyone in the system needs to be heard at the committee level so that we can ensure that the legislation does what the government purports that it does. At the same time we are ensuring our place in the House as the effective opposition and that amendments are made to the legislation to ensure that there are no unintended consequences or collateral fallout and that indeed we feel that this is in the best interest of the country and of Canadians.

I certainly hope the committee process will be extremely serious, in depth and effective in ensuring that the committee has heard from everyone in a consultative process that allows Canadians from coast to coast to participate. Often committee deliberations are done in a very perfunctory way. Often proposed witnesses who are submitted by the NDP are rejected out of hand. We hope that will not be the case and that due diligence will be done at the committee level.

Then we will bring the legislation back to the House to consider amendments that other members of the House may want to put forward at report stage. The final stage is third reading where we take a very in depth look at the legislation itself. At that point the question is whether or not to pass the legislation as amended.

At this point, the second reading stage, we are saying in principle that we are certainly willing to look at the bill because of the compelling arguments that are raised with regard to the victims having to relive the nightmare of their loved ones.

The real test I think will be at the committee stage to see to what extent the government is willing to hear voices from across Canada, very learned voices and those who have a key stake in this legislation, either way. From that point then I think we can look to see how the legislation can be improved.

There is no doubt in my mind that this legislation can be improved and must be improved, but that will be something for our justice critic, the member for Windsor—Tecumseh, and other members of the justice committee to do when that time comes.

A social democratic approach to the criminal justice system is based on ensuring that the victims are responded to by the system. That is why I put forward Bill C-372, which essentially proposes changes to the Criminal Code to ensure that victims' restitution is part and parcel of the judicial process and no longer an option for judges, but mandatory as part of the process. I put forward that amendment to the Criminal Code because I feel there is a profound argument that can be made that victims are often lost in the system.

● (1245)

It is essential for parliamentarians to hear the voices of victims and to ensure that their voices are heard every time legislation is brought forward. The victims' voices are part of a broader consultation process that has to take place.

We in this corner of the House have been advocating for some time for a comprehensive approach to the criminal justice system. Legislation obviously is one of the pillars. We must as a Parliament regularly take into account whether or not legislation is working, whether or not the Criminal Code is working and what adjustments have to be made.

For the government to limit its approach simply to legislation does a disservice to Canadians. There are other pillars of the justice system that have to be taken into consideration.

Since emerging out of the CCF, the NDP's hallmark in Parliament has been the need for substantial funding for crime prevention. The most effective approach to the criminal justice system is to stop crime from being committed in the first place. By investing in crime prevention services and crime prevention strategies, many other countries around the world have reduced their crime rate, and that means fewer victims.

By ensuring that the voices of victims past are heard ensures fewer victims in the future. We will have fewer victims in the future by investing in an effective way in crime prevention. Tragically, the Conservative government has done exactly the opposite. It has cut back on crime prevention programs and crime prevention strategies. It has done the exact opposite of what it needs to do. Most Canadians would want the government to increase crime prevention funding and crime prevention strategies.

Funding is a major pillar that the government has far from increased. If the Conservatives were really concerned about criminal justice issues, they would put more funding into crime prevention. That would ensure an effective way of reducing crime. The government has done the opposite.

Study after study has shown that for every dollar invested in crime prevention, we save six dollars later on in policing costs, in court costs, in incarceration costs. It just makes good economic and fiscal sense. There is no more effective argument for crime prevention programs than the economic argument.

The NDP has been the foremost advocate for enhanced funding for crime prevention. We will continue to press the government to do the right thing and to invest in crime prevention rather than cutting back.

Another pillar of crime prevention strategy in a criminal justice system is adequate funding for policing. The government committed in past elections to fund an extra 2,500 police officers across the country. That promise simply has not been kept. Police officers in various parts of the country are frustrated by the fact that the government has chosen not to keep its promise.

Having 2,500 more police officers on the streets of our cities would make a difference in the effectiveness of policing. Police departments are overburdened in many parts of the country. Police officers are often being asked to do far too much. If we want our police forces to be effective, we have to provide an effective number of officers, and that has not happened. Again that is an area in which the government fell short.

This is not only about funding for police officers. This is also about respect, or lack of, that has come from the government toward police officers.

Three years ago in the House we adopted a motion for a public safety officer compensation fund. The Conservatives at that time voted in favour of it, and yet they have steadfastly refused to provide a compensation fund for the families of those police officers and firefighters who die in the line of duty. There again the government has fallen short.

The Conservatives have fallen short on court funding as well. Because of that, there are bottlenecks in the court system.

There are a number of pillars in the criminal justice system. Bill C-36 deals with one of them, but the other three, lamentably, have been neglected by the government.

● (1250)

In this corner of the House the New Democratic Party caucus will vote to move this forward to committee so we can have that strenuous examination of the bill, but we will certainly continue to keep the government's feet to the fire on the other pillars it has neglected.

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Madam Speaker, I listened carefully to my colleague. I will read something said by his colleague, the NDP critic on the committee, because I think it is fundamental. He said something like this: “And what if the lack of hope crushed the desire for rehabilitation of the convicted and increased violence and the problems in prisons?

My question has to do with this observation. We are dealing with the worst crime, namely murder. Bill C-36 concerns the faint hope clause. Does he believe that adopting this bill in its present form will lead to a reduction in violent crimes committed in our society, murder in particular?

**Mr. Peter Julian:** Madam Speaker, that is a good question. However, we are not going to adopt the bill without any changes and the member knows that. We are discussing whether, in principle, we should refer the bill to committee for an in-depth analysis of the impact of this bill. To that end, the NDP will call the greatest number possible of witnesses representing victims, the police, the incarcerated and all of Canadian society in order to determine the precise impact of this bill. We want it to be sent to committee so that all the work needed to be done for this bill can begin. We will be pushing for the broadest possible consultation.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I am getting a little concerned as we move through some of these justice bills. It seems that rather than debating the substance of the bill and determining whether there are compelling reasons that approval in principle, passage at second reading, should be supported, it seems to be drifting to sending it to committee and letting others determine whether there is evidence of this, that and the other thing.

Our responsibility is to do the work at the beginning of the process. If the members cannot make reasoned arguments that an important issue such as the faint hope clause should or should not be supported, bills should be referred to committee directly rather than being put in this place.

What assurance does the member have that should the bill pass at second reading that it would be in order to make a motion that would kill the faint hope clause itself? It may be out of order simply because approval in principle has already been given by the House at second reading.

I raise it because it seems that it is just too easy for this place not to do the in-depth research, not to consult, not to push the government for information on the basis of the bill and just send it to committee to get others to do our work.

● (1255)

**Mr. Peter Julian:** Madam Speaker, I like my colleague from Mississauga South, but it is important to note that this is the first time a Liberal has stood all day. We have been debating the bill day after day and the Liberal Party members have been completely non-existent on this issue. They have not done anything.

I understand they have a coalition with the Conservatives, and I understand they are not going to question the Conservatives or raise anything with regard to anything the Conservatives bring forward, but for Liberals to say to New Democrats, who have been doing all the heavy lifting in this Parliament, that we are not lifting enough is ridiculous. We are carrying the weight for the non-existent Liberal opposition. We are carrying the weight for the government members who refuse to question their own government.

Each one of the NDP MPs is having to do the work of four other members of Parliament, and now the member says we will have to take on more. Of course, we will. The New Democrats never shy away from tough work and hard work, but for Liberals to say we are not working hard enough I think is a little ridiculous, to say the least.

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Madam Speaker, I did not think my turn was coming up that fast, but I am ready, to echo the words of a famous Quebec political party leader regrettably reelected for another term. That said, I wish to go a bit further than my colleague did a few moments ago in his words to the colleague from Mississauga South. It is important, because the Liberals are the ones who made major changes to the Criminal Code and who came up with what we are discussing today: the faint hope clause. It is extremely important.

It may be a rarity to do so in this House, but I will quote from an article in *Le Devoir*. In her most interesting article on Bill C-36 on June 10, headed “The strength of intimidation”, Manon Corneiller wrote as follows:

> The last Conservative bill has been introduced [...]. Bill C-36 would eliminate a provision in the Criminal Code known as the faint hope clause. Among other things, that clause makes it possible for a person who has been found guilty of first degree murder and sentenced to life imprisonment with possibility of parole after 25 years to seek permission to apply for parole after 15 years.

This also applies, and I will come back to this, to second degree murder.

> The opposition parties—

I presume that includes us. Perhaps not the Liberals, after yesterday's coalition, but it does mean us. So, continuing:

> The opposition parties think that the justice committee is better equipped [a response to the question from the colleague from Mississauga South] to examine the bill, and it will go there because they are planning to support the bill at second reading [which we do]. None of the three parties has stated its final position, however [it is clear]. There are many reservations.

Then we have the words of the member for Windsor—Tecumseh.

> And what if the lack of hope crushed the desire for rehabilitation of the convicted and increased violence and the problems in prisons?

The journalist continues:

> It is to the parties' credit that they want to study these bills carefully, because they will affect the lives of thousands of people. But their cautiousness is dictated in part by political imperatives and a direct reaction to the Conservative approach. The opposition avoids opposing a bill automatically, especially if it means defending the rights of the worst criminals.
>
> We remember all too well the fate the Conservatives reserved for the former Liberal leader...The courts finally forced the Conservatives to give in...
>
> The fear of being targeted in their turn by the Conservatives' populist and simplistic attacks is pushing the Liberals and, to a lesser extent, the NDP to watch what they say. Opposing a prejudice sometimes requires pointed arguments that rarely filter down to the public.

That is the whole debate. The faint hope clause is extremely important. We are told that we do not care about the victims. Yet victims are the reason for section 745 and the amendments to the Criminal Code. The Conservatives will have to understand that. One can see from the current provisions concerning the faint hope clause —and I will come back to this later if I have time, because I have a lot to say about it—that concern for victims is paramount. Why? Because there is no worse crime than taking a life, committing murder. It is the worst crime a person can commit. If we do not look after the victims in the case of murder, I do not know who will.

● (1300)

The Bloc Québécois believes that one priority is to ensure that this bill respects victims. They will have to be told how the bill works. There have been many changes to the legislation. Canada used to have the death penalty, which was abolished and replaced with life sentences. Offenders sentenced to life for first-degree murder must serve a minimum of 25 years.

For the people who are watching us, I will add that a first-degree murder is a premeditated murder. A person who analyzes, thinks, makes a decision and obtains the means to kill someone is committing premeditated murder. I have just one example in mind: the settling of accounts by the Hells Angels. It is clear that when the Hells Angels decided to end the reign of the Bandidos, they committed first-degree murders. These were premeditated murders.

Second degree murders are unpremeditated. My colleague from Hochelaga rightly mentioned an example earlier in this House. These are probably the most common and most familiar murders. Someone shows up at a place, finds his spouse with another person, and in a sudden act of madness decides to get rid of them, finds a weapon and kills them, commits an unpremeditated murder. This is a second degree murder. It remains a murder, however, and liable to life imprisonment.

Over the years, the options were improved, although it is difficult to use that term in this context. In my opinion, legislators were wise. They said that there were two options for a killer: either he himself is killed or he is kept in prison. If he is kept in prison, a solution has to be found. Might this person return to society one day? Legislators said he could return to society if he demonstrated improvement, demonstrated that he had changed.

It is the opinion of the Bloc Québécois that section 745.6 and following, as amended over the years, have three main purposes. First, they offer some hope for offenders who demonstrate significant ability to rehabilitate. I do not have to give names in this House, but we have heard testimony from informers and persons who testified in famous cases involving the Hells Angels and organized crime. They have appeared saying that they were killers, that they were paid to kill and they killed. Such a person must not return to society unless he has made very significant progress.

Furthermore, the objective of the faint hope clause was to motivate good conduct in prison and recognize that it was not in the public interest to continue incarcerating certain offenders beyond a period of 15 years. That being said, we need to look at how this works. There have been changes over the years, but an individual has always been permitted to come back before the court. If he is sentenced to 25 years, he will be able to come back. He had the faint hope clause. This is important.

It must be explained to the population that respect for victims is very important. In the bill before us, respect for victims and their families is very important. The murdered person can no longer appear to testify, but he leaves a family, a spouse, children and relatives in mourning. Obviously, recalling the murder is extremely difficult for these persons. Do we have to mention what happened at the École Polytechnique?

● (1305)

For the victims of these events, and for their parents, even though the murderer died by suicide, simply talking about the tragedy, as we saw this year, since it was the anniversary, is painful. December 6 will be forever stamped on these people's lives.

Not everyone has access to the faint hope clause.

We have to understand that in the criminal lawyer's jargon, an individual who commits first degree murder is said to have to serve a minimum sentence of 25 years. Second degree murder results in a sentence of between 10 and 15 years. Judges generally decide when the person may be released.

We will recall the unfortunate Latimer case, where the father killed his daughter because she could never have recovered. That was considered to be second degree murder. He was sentenced to serve a minimum of 10 years in prison. After his 10-year term, he came before the National Parole Board to make an application.

In assessing a murder, by following an extremely stringent procedure, we ensure that victims are respected and we ensure that we are not releasing criminals.

The individual must appear before the chief justice of the superior court or a judge designated by them to hear the case. The individual may apply to a judge of the superior court after serving the minimum required, 10 or 15 years, generally, for second degree murder, and 15 years for first degree murder. The chief justice of the superior court in the province where the murder was committed may allow the individual to apply for parole after considering all the facts. The individual must satisfy the judge, and the judge must consider all the facts. What kind of murder was it? What happened? Is it probable that the inmate will persuade a jury? If the judge allows the individual to appear before them and allows the individual to make an application, then the second step is reached. The judge then empanels a jury.

Since 1997, the jury has had to unanimously agree to allow the inmate to apply for parole. Before 1997, two thirds was sufficient. Now, it must be proved to the jury as a whole. The public has to understand that the fact that a judge agrees to hear a case does not mean that the judge will empanel a jury and the individual will automatically be released. No, it does not work that way.

The judge hears a case and has the individual appear before them. The individual calls witnesses, who are generally people from the Federal Training Centre. They explain that in 15 years the individual may have changed. That is when the judge empanels a jury. The jury cannot release the individual. The only thing the jury can do is say unanimously to the individual that it is satisfied that he or she may make an application for parole. The individual is not released yet; far from it. On some occasions a judge has asked for a jury to be empanelled, a jury was empanelled, evidence was given before the jury and the jury came to the conclusion that the individual could apply to the National Parole Board, and the individual was not released.

If the applicant passes the first two stages, and the jury permits him to apply for parole, he then has to appear before the National Parole Board. That is important.

If some people think that victims are not protected, they would do well to listen to the statistics. I am not talking about 15 years ago. I am talking about April 9, 2009.

● (1310)

On that date, 265 applications were submitted, and 140 applicants were given a reduced period of parole ineligibility. That is not many. This means that the judge, jury and National Parole Board do a very good job. One hundred and forty people were given a reduced period of parole ineligibility. They have not yet been released on parole. Of that number of applicants, the National Parole Board gave the reduction to 127, 13 of whom subsequently returned to prison—I will come back to this if I have the time—3 were deported, 11 died, one was on bail, one was in provisional detention and 98 met the conditions of their parole.

I can already see a Conservative colleague rising to ask me whether the 13 had re-offended, since they went back to prison. I asked the question. None of the 13 returned to prison for reasons of violence, such as armed robbery and so on. It was nothing like that. They broke the conditions of their parole. People have to understand. If an individual is released on parole before the end of his 25-year prison sentence, in the 18th year of his 25-year sentence, he is subject to the requirements of parole between the 18th and 25th year. For 7 years, he is under very strict surveillance.

The proof is that there have been no repeat murders by those released on parole. There has been no violence, with all due respect to the member for Pontiac. No violence was committed by those paroled after committing murder. The finest example concerns Mr. Dunn, a lawyer, who killed his colleague, Mr. McNicoll, in Lac-Saint-Jean. It was a premeditated murder. He was released on parole after serving between 15 and 17 years of his prison sentence. Since then, Mr. Dunn, obviously no longer a lawyer, helps prisoners return to society. There you have the faint hope clause.

The Conservatives would like to eliminate the faint hope clause with this bill. In committee, we will have to look at it very carefully. I would like people who have served prison sentences for murder and benefited from the faint hope clause to come and testify before us. I say, with respect, that the system functions very well at the moment. It is under supervision.

We agree to this bill's being studied in committee. However, as I was in criminal law for a number of years, I believe deeply that the individual, however bad a criminal he may be, must be given the opportunity to return to society. Otherwise, we should give him the option to die in detention or give him the choice. We do not know, but some individuals have returned to society and become active members again even though they have committed serious crimes, murder being the worst.

I am having a very hard time with the idea of removing the faint hope clause. It would take a lot to convince me. I believe, however, that I can convince my colleagues. At the moment, there is such supervision that it would be a very serious error to not continue to allow individuals, the worst criminals, to benefit from the faint hope clause.

● (1315)

[*English*]

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, I would like to thank my friend from the justice committee for his very passionate speech. I have certainly enjoyed working with him these last few months on the justice committee.

He is quite right in his description of how the faint hope clause currently works. It is an onerous task at times. The application has to be made before a superior court judge. If it makes it past that step, then it has to go before the parole board. Often these applications are unsuccessful. However, the real victims of those applications are the families of the deceased victims of the crime.

So, in those many cases, the faint hope clause application is just that, an application that is likely going to be unsuccessful from the beginning and the only people who are adversely affected are the families of the victims.

I would like him to comment on why we should put those people through the process when there is arguably little chance of success of the application on behalf of the offender and huge emotional costs for the families of the victims yet again.

[*Translation*]

**Mr. Marc Lemay:** Madam Speaker, with all due respect for my colleague, I would say he has never gone before the National Parole Board. He has never pleaded the faint hope clause before the courts. I can tell him about it because I have.

It is very restrained. I agree it is hard for the victims' families. However, they do not appear at any time in the process. The lawyer prepares the case and meets the client. Before the victims are informed, the case has to be good, as we say. Not just anything goes. People are not released just because they have served 25 years. I agree with my colleague when he says there are some people who should not be returned to society. In saying that, I can think of the names and faces of individuals who should not be freed. This applies clearly, for example, to multiple repeat offenders. That is obvious, and in any case, the problem was resolved in 1997.

I am talking about a person who committed a crime, a murder, once in his life. It is true that this is the worst crime of all. I agree there are victims and the families of victims. However, does this person not have the right to return to society and become an active member of it? If there is little chance for this person, he will not be returned to society. The safeguards surrounding release are so exact and well monitored. The proof—and this is what my colleague fails to understand—is that none of the 98 individuals who have been released have committed another violent crime. None. These are people, therefore, who have become active members of society. That is why the faint hope clause exists. They do not release anyone at all just because he has served 15 years of his sentence. That is not true. The Superior Court judges have undergone training on this and are very strict. The information they provide the jury before it makes a unanimous decision on the possibility of applying for parole is so strict that, as I say over and over, I think people should have an opportunity to take advantage of the faint hope clause, whether the hon. member for Pontiac likes it or not.

● (1320)

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I have more of a comment than a question at this stage. I am thinking back to the confusing comments from the member for Mississauga South a few minutes ago when he was talking about how we should not be in such a rush to get this bill to committee and that there should be some real debate here at second reading.

I note that when the bill was originally introduced, the parliamentary secretary made the introduction, and the member for Scarborough—Guildwood asked the parliamentary secretary questions. He asked if the member could tell the House how many people are convicted on an annual basis for murder in our country. He asked how many people have been wrongfully convicted in the last while and had their sentences reversed. He asked how many applications there are on an annual basis for the faint-hope clause, and of those, how many people actually succeed.

He asked a series of questions, and the parliamentary secretary could not or would not answer the questions. He had to ask on three occasions and he got the same response. So I would think the member for Mississauga South, rather than admonishing us for wanting to get this bill to committee, should be out there defending his own members when they ask questions three times and get no answers from the government.

As a matter of fact, I am again not certain why he is making these comments when he and his party are not even participating in this debate, as far as the debate today is concerned.

If the member would like to comment on my comments, I would certainly welcome it.

[*Translation*]

**Mr. Marc Lemay:** Madam Speaker, the Liberals will probably not want to take part in this debate because they have formed a coalition with the Conservatives. There will be a major discussion, though, and it will catch up with them in any case. It will obviously catch up with them at the Standing Committee on Justice and Human Rights and they will be forced to take a stand.

I know the Liberal caucus is very divided now on the bill, but that will not stop the committee from studying it thoroughly.

To answer a question that the hon. member for Manicouagan will not have time to ask me, I want to say it is clear that victims will not have a chance to come and testify before the committee. However, with all due respect for my colleague from Manicouagan, I myself have defended people accused of murder and can say that when people return to society, they have generally tried hard and have worked with the victim's family. They have been forgiven, which can mean a lot of things in different religions.

The House must understand that the individuals in our society who have benefited from the faint hope clause—all 98 of them—have gone on to become active members of society.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Madam Speaker, I have a question for my hon. colleague who has experience as a criminal lawyer. As we know, the scales are an emblem of justice. What does it mean? It means that our society is seeking balance.

Should we disrupt this balance by amending or even removing the faint hope clause, what impact will that have on prisons? How will that affect the efforts to rehabilitate criminals?

● (1325)

**Mr. Marc Lemay:** Madam Speaker, how clever of the member for Argenteuil—Papineau—Mirabel. It is a shame that such a man is only a notary, because he would have made a very good lawyer.

Seriously, joking aside, I will say this: What does an individual with nothing to lose do in prison? He becomes the right-hand man of the most vicious criminals who still have a chance of getting out. We have seen a great many of those become hitmen in prison because they knew they would never be released. What can we do with these men if rehabilitation is excluded?

We will have to be careful. We are not talking about persistent repeat offenders or serial killers, because those have not been eligible since 1997. We are talking about an individual who killed only once. I am not suggesting that one should kill four times. I am talking about an individual who committed one murder and has come to terms with the frenzied act he committed. It might have been a premeditated murder. I could go on for days about such cases. I once had a client who planned for an entire week the murder of his wife's lover. It took seven years behind bar before he realized the error of his ways. When we eventually had him released after 17 years of imprisonment—he served 10 more years—he became an asset to society.

If that possibility is taken away, violence will certainly increase among detainees. That is what I think beyond a reasonable doubt.

**Mr. Claude Bachand (Saint-Jean, BQ):** Madam Speaker, I am pleased to speak today on behalf of the Bloc Québécois about Bill C-36, which provides for tougher prison sentences for the most serious crimes. Before I begin, I would like to emphasize that legislators have a certain responsibility: they must give society the means to regulate itself and function appropriately. I do not claim to be either a lawyer or a notary, but it is important to me, as a legislator with a background in the social sector, to put my two cents in on today's debate. We often hear such questions as: what is the responsibility of legislators and what is their intention when passing and debating legislation? That is important.

My 307 colleagues in the House of Commons come from all walks of life and all segments of society. They have different training, education, belief systems and philosophies. Today, it is the responsibility of all members of this diverse group not only to express their viewpoint, but also to convince their colleagues that their viewpoint should come out on top. Afterward, of course, the democratic system will prevail in the House and we will vote. Democracy shapes our entire society, our entire justice system. Justice bills come before the House of Commons, and in the end, it is the members who say whether they approve of one thing or another. After that, judges, police officers and the entire legal system act according to the House of Commons' decision.

It is important for those listening to hear that we need more than a lawyers' debate. We need a debate that involves society as a whole, as represented by the 308 members of Parliament.

Obviously, society is changing in one direction or another. People often describe its moves as either to the left or to the right. I have the definite impression for some years now that it is moving a bit to the right. Thanks to the media, we now know within minutes when something terrible has happened. People react to this by saying that it makes no sense, that sentences should be more severe, and so on. We have to safeguard ourselves against that, because we are the ones who make the decisions when we debate and vote on things here. We are the ones who are going to decide how the sanctions relating to crimes before the courts will be applied in future.

The Bloc Québécois acknowledges that some crimes are very serious. Not only must justice be done, it must appear to be done. That is an expression we hear often: justice must appear to be done. Sometimes judges can err, they are human. We must not believe them to be invulnerable and incapable of making mistakes. And there are appeal courts where other judges will review cases. In the end, we must acknowledge that the system works, because there are provisions for appeal, possibilities for clarification, and if mistakes have occurred in the justice system along the way, there are means of correcting them.

It is my personal opinion, particularly with respect to hate crimes —terrible as they are—that society has moved a little to the right. We must face that fact. As a result, the Bloc Québécois does feel it is in favour of more severe sentences in some respects.

I would remind hon. members, however, that there are two societies in Canada: the Quebec nation and the Canadian nation. Those two nations sometimes do not share the same perceptions. We in the Bloc Québécois have a duty to express the perception of our nation. This is not the first time we have crossed swords with the Conservative Party or even the Liberal Party on the justice system. Among the very basic positions we espouse is the whole matter of rehabilitation and reintegration. This is not the first time we have discussed this, it is nothing new.

For instance, we discussed the young offenders bill for months, when the Liberal government wanted to crack down somewhat on young offenders, and make them subject to the same conditions as adult criminals.

● (1330)

I was one of the ones saying that if we take a 14- or 15-year old and throw them in prison with a sentence like the ones given to serious criminals, we are sending them to crime school. It is that simple.

The Bloc Québécois believes that our colleagues need to understand that rehabilitation and reintegration are very important. During these debates, we have shown that this approach is more productive than the hard-line method of sending them to prison. As I said earlier, prison is a crime school. When they get out, they are hardened criminals, and they are lost to us. That goes against the goal of the Quebec nation, which believes in rehabilitation and social reintegration. The statistics back up what I am saying.



The Bloc believes that rehabilitation and social reintegration are very important. In the debate to come, we must ensure that this point of view is not overlooked.

I would like to talk about some arguments that have been brought up. What we are examining today is the elimination of the faint hope clause. I ask members to put themselves in the place of a person who was sentenced for first or second degree murder or manslaughter, and who can hope to get out of prison if he behaves well and attends therapy. He can even become a contributing member of society. Once they get out of prison, once they are rehabilitated and reintegrated into society, many people will go on to become exemplary citizens. Earlier, we heard the example of Mr. Dunn, the lawyer. This is someone who had experience in this area, knew about the faint hope clause, got out of prison, and now helps people who are released from prison to get back on track. This has social and economic benefits that are important in a fair and just society. I think that is the path to follow. I urge members to put themselves in the place of someone who made a serious mistake—there is no denying that murder is very serious—and who is sentenced to 20 years in prison and must serve that sentence in full. What do these people have to lose?

When this is discussed in committee, it will be important to hear testimony from people who can tell us what impact it may have. How are people in prison who have no hope going to behave now? They will say they do not need to behave well because they are never getting out in any event. Imagine the repercussions this will have. These are things that have to be examined. We must not go straight to severe punishment and say that is an end to it. It is too easy to say that. As well, it does not take into account the economic costs to society. We often hear that. In some places, we no longer know what to do with the prison population. These are things that have to be examined.

This brings me to the committee stage. What the Bloc wants today, by voting on second reading, is precisely to be able to study the bill in committee. That is part of the parliamentary process, of the clarification of terms I talked about earlier, the responsibilities and intentions of legislators. We have to keep an open mind to listen to the witnesses and make sure we take the best possible position for society. The parliamentary process cannot be circumvented. We know how first reading works, it is automatic. Today, we are at the second reading stage, where we have the initial debate on the bill. However, the fundamental work will be done in the parliamentary committee. We will have an opportunity to hear everyone: former criminals, psychologists, psychiatrists, correctional officers, judges —although I am not certain we will be able to call judges. At least, we will be able to hear witnesses who will guide our thought process and inform the decision we will have to make. There is an excellent parliamentary process, so that on third reading we decide whether or not we support the bill, in light of the various testimony heard.

● (1335)

I would like to offer some facts regarding homicides. We know that there are first degree homicides. For the people listening to us, a first degree homicide is not complicated, it is really someone who planned their act. For example, it is a person who has it in for another person for X reason, or worse, a hired gun who is contracted by an individual to kill another person. They plan their act, using a bomb or a gun, but they know when the person leaves home, they know when the person always gets in the car and what route they take. When it can be proved in court that the individual planned the murder, they will be sentenced to 25 years to life with no possibility of parole.

Second degree homicide is less serious because there was no premeditation. There is also manslaughter, which is somewhat in the nature of negligence. We have the example in our documents of an individual who, for fun, shoots through a window, and someone on the other side is hit by the bullet. That is not considered to be first degree murder because it was not planned, but it is so negligent that it will be punished under the Criminal Code.

There are also crimes that are automatically like first degree murders. There are crimes for which there is no flexibility at all, such as, for example, killing a police officer or a prison guard, sexual assault, hijacking, and hostage taking. As I said earlier, those are the things that the legislation is targeting. Those penalties were introduced to ensure that if these crimes are committed in the context that I just described, then they are tantamount to first degree murder.

I want to say a few words on the faint hope clause. What is the faint hope clause? This issue was first raised in Parliament when the death penalty was abolished in Canada, back in 1976, and it was decided to introduce a faint hope clause.

An individual is not eligible for parole until he has served 15 years of this sentence, at which time he may apply for parole. However, there is a whole process involved. I think it is important to be familiar with this process. In fact, it is not just about writing a letter to the chief justice and wait for his reply to be released. There is more than that. There are benchmarks and a series of procedures, because we cannot afford to make a mistake.

The applicant must appear before the chief justice of the province where he was convicted, and he must try to convince him there is a real possibility that he will be released, and that a jury—which is the second step—is going to say that, in its opinion, the applicant is indeed eligible. So, the individual must first convince the judge, and he is often successful. When the judge says that, in his opinion, the applicant has not shown that a jury could reduce his sentence, then the individual goes back to jail.

However, if the judge says, “yes, you have convinced me that a jury may take your good behaviour into consideration”, then we move on to the next step, which is precisely to convince a jury that is made up of 12 citizens. The jury is a very important part of the justice system. The individual is judged by his peers who, like members of Parliament, come from all walks of life. They all have a different behaviour, education and way of life, and they will either say “yes” or “no” to the individual. They can reduce his sentence and decide whether he is now ready to ask the National Parole Board, within a reasonable period of time, to reduce his sentence. This is how things work.

The bill that is before us seeks to eliminate this faint hope clause. This could be a mistake, because people who are in jail will no longer have anything to lose, knowing that they cannot get their release, that they will no longer have any chance of getting back into society.

● (1340)

What is the good of that for someone who admits to having made a mistake and who wants to correct it because he feels guilty? The psychologists and psychiatrists assisting them help them realize what their crime has cost society. After a few years, the person may realize that he should not have done what he did and that society has suffered for it. Now he wants to do something for society, and not just develop exemplary behaviour but place himself at the service of the public and society upon his release, to put things right.

So there is a danger of ending all that. Furthermore, in my opinion, it is logical to think that if a person is sentenced to life and can never get out of prison, he will have no interest in making amends for what he has done. This has to be discussed in committee. It is being discussed at second reading, and ultimately it should be discussed at third reading, before this bill goes beyond the parameters decided by the House of Commons.

The faint hope clause continues to apply, and we see it as extremely important. The government is introducing new provisions here which will hugely restrict the faint hope clause. Among other things, at present the judge has to be convinced that there is a reasonable prospect of the jury agreeing to lighten the sentence. Under Bill C-36, substantial likelihood must be demonstrated to the judge, which is a little stronger than a reasonable prospect. This is a first restriction. If the bill is passed, judges will be under orders to hand down harsher decisions. A substantial likelihood is more demanding than a reasonable prospect.

Furthermore, a judge may refuse an application. The application can be made again after two years. With this bill, it can be made only after five years for sentences of 15 to 25 years. Someone who fails will be confined for another five years. If this had been only two years, he would have been able to accelerate his rehabilitation and training to make himself useful, etc. By stretching out the waiting periods, people are prevented from doing this. There are factors to be taken into consideration. It is not a question of telling them it is five years instead of two. The system has to get moving and evaluate the possibilities of reintegrating these persons.

We therefore have many reservations about this bill. However we have to assume our responsibilities as legislators. When we first arrive in the House—I remember arriving here in 1993—we do not yet fully see the impact on society of our responsibilities. Today we have a good example of this.

Every time a bill is developed, there is this concern. People from all walks of life explain, discuss, do the groundwork and study the subject in depth before making a decision. Indeed, as legislators, we cannot afford to make errors on societal initiatives. We do what we can to get them as close as possible to perfection. We are not perfect beings, any more than judges, who can also make mistakes, but we can see to it that our parameters are solid, that they are studied seriously and that they improve society. That is our intention.

I have been pleased to take part in this debate today. I do not have the legal training of a lawyer or notary, and I have no training in law, but I am trained in physical education. I have also worked in a reception centre and a union where, in my opinion, justice is extremely important.

● (1345)

This permits me to bring a particular view, to listen to other colleagues who have other types of training, other types of life experiences, and who also bring a different view. It is by considering all these views and making all these compromises that we will finally produce a bill that is as fair as possible for society.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I have been waiting to hear from the Liberals all morning, but I think they have gone home. I want to let them know that we are still in session.

The member for Mississauga South was complaining about second reading being a time for debate, and he was criticizing the NDP speakers, of which there have been four already this morning, for wanting the bill to go to committee so that we can hear from the presenters and introduce amendments to improve victims' rights and improve the bill. He makes those criticisms, and neither he nor the Liberal Party are putting up any speakers on the bill.

When the bill was first introduced by the government, the member for Scarborough—Guildwood and the member for Brampton West were the only two Liberal speakers on the bill.

The member for Scarborough—Guildwood was not actually speaking to the bill; he was just asking a question of the minister. He was trying to get information from the minister, just asking simple questions to the parliamentary secretary, who introduced the bill for the government, on how many people are convicted, on an annual basis, of murder in this country, and a series of very important questions, for which he could not get an answer from the parliamentary secretary. The parliamentary secretary did not even know the rudimentary answers to these questions. The member had to ask a second time. He got the same sort of non-response, and in fact, he had to ask a third time.

I would like to know where all these Liberal members are. They should be here defending the honour of the member for Scarborough—Guildwood, who could not get answers to all these questions on three occasions. Where are they, and why are they not asking these questions?

[*Translation*]

**Mr. Claude Bachand:** Madam Speaker, I wish to thank my colleague for his comment. It was not exactly a question, but I appreciate the opportunity to take the reasoning further with respect to the responsibility of lawmakers.

The Bloc Québécois is always committed to ensuring that society work better. Unfortunately, it has become virtually common practice in this House for partisanship to prevail and, often, for parliamentary tactics to be devised to make sure that people will not speak or try to say anything more.

It will be noted that there are provisions in our procedural documents concerning those who would like to speak too long. It is akin to unduly drawing out the debate. I do not think, however, that there is anything in our procedural documents about requiring anyone to speak. That is when interpretations might come about, as the hon. member said, or perhaps partisanship will prevent some members from speaking. It is a bit of a shame because, as I indicated earlier, we need to hear the views of all our colleagues in order to set the parameters of a given bill and ensure that an informed decision can be made based on all the information from various sources. It has happened on a number of occasions that partisanship and parliamentary tactics prevailed. Like him, I think it is a shame.

● (1350)

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Madam Speaker, I have listened carefully to my colleague's speech on Bill C-36. From what I have gathered of his position, it is fairly much in line with the stands that the Bloc Québécois has taken in the past.

On the one hand, we have to be able to ensure that the people of Quebec and Canada can continue to have confidence in their justice system. This is fundamental if we are to have a certain form of justice. That confidence in the system has to be preserved, while at the same time acknowledging that rehabilitation and reintegration are basic requirements to society.

I would therefore like to hear my colleague's explanation of how the position he has expressed today makes it possible to maintain that balance and to reconcile the importance of maintaining confidence in the system while at the same time rehabilitating as many citizens as possible and bringing them back into our society.

**Mr. Claude Bachand:** Madam Speaker, I thank my colleague from Rosemont—La Petite-Patrie for his excellent question. Indeed, the very basis of my argument today was the combination of justice and the appearance of justice, which are two different things.

Sometimes a judge brings down a ruling and people object to it. But perhaps he was right, in the end. People's perception of the judge's decision, however, ends up making them lose confidence in the justice system.

As I said, the Bloc Québécois is in favour of possibly treating horrendous crimes and hate crimes more severely, but that does not mean neglecting the broad issue of rehabilitation and reintegration, which is so fundamental to the Quebec nation.

This is the means of reintegrating people back into society as active, proactive and positive members of Quebec society. Drastic measures such as restoring the death penalty or life imprisonment without possibility of parole are not the way to do that.

There is a fine line to be drawn here. We may not be able to rehabilitate criminals who have committed 25 murders, but when someone has killed one person and realizes how wrong it was during his time in jail, he needs to have the chance to redeem himself. Society will gain from this.

So that is the fine balance between the two: the appearance of justice, yes, and justice itself. but also the possibility of reintegration into society. This is an absolutely essential element for the Bloc Québécois.

**The Acting Speaker (Ms. Denise Savoie):** Resuming debate. The hon. member for Rosemont—La Petite-Patrie. I would like to inform the member at the outset that he may begin his speech, but I will have to interrupt him at 2 p.m. He can resume his speech after question period.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Madam Speaker, I believe I have four or five minutes to explain my position on Bill C-36. Very briefly, I would first like to talk about what we are proposing and what we would like to do with Bill C-36. As my colleagues have already said, we want to see this bill referred to committee for further study.

I would also like to come back to certain aspects of my question and of the answer given by my colleague from Saint-Jean, who spoke earlier, in relation to some of the principles we have talked about in the past regarding justice.

It is important that the people of Quebec and Canada maintain their trust the judicial system. We must ensure that everyone who lives in communities and cities, in all provinces of this country, continues to trust our judicial system because it can be abused at any given time. At the same time, we are not giving the government a free pass or blank cheque at this time, especially not a Conservative government, which tries to use law and order to impose its ideology.

In all the bills related to justice, what we have clearly seen is a government that wanted to be more punitive, that wanted to put more people in prison at a time when our prisons are already full. The approach we have taken in Quebec, however, focuses on rehabilitation and helping people return to society. What people must understand is that the idea of parole is closely linked to the rehabilitation and reintegration process.

Who specifically does Bill C-36 target? Those people who have been found guilty of a serious crime, of homicide or first-degree murder, for example. What is the intent of the bill? To limit or restrict the faint hope principle, the faint hope clause, which gives those incarcerated the chance to apply for parole. Given that Quebec has developed a model based on cooperation, education, collaboration, good communication and rehabilitation in our society, the government should be open enough to having the parliamentary committee make amendments rather than stubbornly taking an ideological approach to justice. Common sense and flexibility should make it apparent to this government that a more in-depth study of this bill by a parliamentary committee is important.

Since I am being told that I have one or two minutes left, I will be brief. As I said, the bill seeks to eliminate use of the faint hope clause by criminals convicted of the most serious crimes after the bill is adopted. Those found guilty of treason or murder in the first or second degree will no longer be able to apply for early parole, even if they have served 15 years of their sentence. With regard to those already incarcerated, when the law comes into force, they will still have recourse to section 745.6 of the Criminal Code, but there will be greater restrictions on obtaining early parole. To that end, the government will make three important amendments. The burden of proof will be greater for an offender who applies to a judge for a reduction in his ineligibility period.

● (1355)

With a more stringent process, the incarcerated person will have to shoulder a greater burden of proof.

**The Acting Speaker (Ms. Denise Savoie):** The hon. member will have 15 minutes when debate resumes.

# STATEMENTS BY MEMBERS

● (1400)

[*English*]

## AMYOTROPHIC LATERAL SCLEROSIS

**Mr. Patrick Brown (Barrie, CPC):** Madam Speaker, today I want to pay tribute to an inspiring constituent in Barrie by the name of Derek Walton. In May 2002, Derek was diagnosed with ALS.

In Canada, approximately 3,000 people are currently diagnosed with ALS, over half a million worldwide. ALS is the most common cause of neurological death on an annual basis.

Derek helps organize our annual ALS walks in Barrie and raises funds for ALS at Barrie's dragon boat festival. Derek has raised tens of thousands of dollars and his enthusiasm is contagious in Barrie. Our walk this year was the largest ever.

Recently, Derek represented all neurological patients in Canada at a ceremony at the MaRS Centre in Toronto and accepted a cheque for $15 million from our health minister to help neurological charities in Canada develop their action plan.

Despite being in a wheelchair, Derek actually insisted in skydiving on August 22 to raise funds and awareness for ALS. He is a remarkable man, a good friend, and I am honoured to have such a distinguished Canadian live in the city of Barrie.

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## ST. JOHN'S CATHOLIC CHURCH

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, on June 7 St. John's Catholic Church in my riding of Beaches—East York celebrated its 100th anniversary with a rededication mass and on June 11 the St. John's choir held its annual spring concert which focused on its 100th year history in the community.

The church was first opened on May 22, 1892, named St. John the Evangelist. Over the next 20 years more and more families packed the church and a new church was eventually built on the land and opened on June 5, 1932.

Set back on Kingston Road, overlooking the convent to the west, St. John's modern Gothic style is complete with a bell tower, pointed arches and beautiful stained glass windows. It is not just the structure that is so important to our community but the people who have made St. John's what it is today.

On behalf of the people of Beaches—East York, I congratulate St. John's Catholic Church for its service to our community and wish it all the best in the years to come.

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[*Translation*]

### HOUSING COOPERATIVE

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, six young adults living with intellectual disabilities will finally be able to feel pride of ownership thanks to the determination and courage of their families. Their home is the first housing cooperative in Quebec to provide supervision tailored to the specific needs of each co-owner. It is called the Coopérative de Solidarité Entre-nous.

The goal of the residents' families was to provide them with a place to live where quality services would be provided and it would be possible for each resident to maintain close, meaningful ties with his or her family.

Mission accomplished. The Coopérative de Solidarité Entre-nous has all that under one roof. It is moving to have people with intellectual disabilities come up to you and proudly introduce themselves as owners of the building.

Dominique, Viviane, Denise, Luc, Yves and Jérémy, my Bloc Québécois colleagues and I congratulate all the people who helped make this happen, and we wish them a long life in their home.

* * *

[*English*]

### PARTICIPATION OF WOMEN IN POLITICS

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, last year was a historic high for women candidates in Canada's federal election: 28%. That is progress but it is certainly not good enough. Women earn 30¢ less on the dollar and make up two-thirds of minimum wage earners. Is it any wonder to see that happen, when we know that only 22% of members in the House of Commons are women.

Equal Voice has laid down “Canada Challenge 2009” to all party leaders to raise the number of women who run and are elected to Parliament.

[*Translation*]

On behalf of the New Democrats, I accept the challenge.

Women have a place in Parliament, and we have to do more to make sure they take it.

[*English*]

We remain committed to an equal voice for women in Canadian politics. We have run outstanding women in our party, elected them and been led by them, but we can and will do better. Our goal is greater than 50%.

We set a parliamentary record with 43% of women in our last caucus, but we are not there yet. I want to achieve full equality for women, so that I can answer the question from my new granddaughter—

**The Speaker:** The hon. member for Peace River.

* * *

### PEACE RIVER

**Mr. Chris Warkentin (Peace River, CPC):** Mr. Speaker, as this parliamentary session draws to a close, I am pleased to stand in the House to pay tribute to the hard-working men and women of the Peace country.

Like many regions in this country, the global economic downturn has had a significant impact on the communities, businesses and families in our communities. Our forestry sector, our oil and gas industry, and our farming families have all been affected by the reduction in the international demand for our goods.

In spite of these challenges, I am inspired again and again by the many people who are meeting the challenges head on. Local business owners are streamlining their operations, cutting waste, embracing new technologies, and increasing their efficiencies to position themselves for the future.

I am shameless in my praise, but it really is the only way that I can convey the strength, the resilience, the dedication, and the resolve of my constituents to have made the remarkable changes that are necessary and to meet the challenges of the future. As a result, I know that they will be well—

● (1405)

**The Speaker:** The hon. member for Ottawa South.

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### DAY OF CULTURAL UNDERSTANDING

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, I rise today to commend the students of Charles H. Hulse Public School in my riding of Ottawa South who recently celebrated their fifth annual Day of Cultural Understanding.

This initiative, started by teacher Patrick Mascoe, was designed to enhance students' understanding of the principles and practice of tolerance and responsible citizenship, two fundamental Canadian values.

Each year the predominantly Muslim students of Charles H. Hulse engage in a pen-pal exchange with the students of Hillel Academy in Ottawa, and throughout the year the students work together on a variety of community building exercises; this year raising awareness for Darfur.

The culmination of this project is the Day of Cultural Understanding. The students will spend the morning on collaborative activities and in the afternoon with David Shentow, a holocaust survivor who will speak to the students about the consequences of intolerance.

I ask all members to join me in congratulating the students and their teacher, Patrick Mascoe, for their commitment of tolerance and understanding. They are engaged not only in an academic exercise but an activity that promotes nation building.

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## CANTERBURY FOLK FESTIVAL

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I rise in the House today to recognize the contributions of an event in my riding, the Canterbury Folk Festival of Ingersoll, Ontario.

This year's theme, "Remember when the Music was Free" is sure to draw a spectacular crowd of young and old alike. From July 9 to 12 the Canterbury Folk Festival presents traditional folk, bluegrass, Dixieland, Irish, Canadian and aboriginal music. Activities include arts, concerts, dances, chalk walks, children's and seniors' activities by local artists.

Ted Comiskey, artist director and founder of this festival is to be praised for his dedication and commitment to serving this event over the past 10 years. The folk festival with a grant of $15,000 from Heritage Canada will present a wonderful program.

I wish to express my best wishes to all those involved for a successful event and invite everyone to join in the festivities.

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[*Translation*]

## BILL C-429

**Mr. Gérard Asselin (Manicouagan, BQ):** Mr. Speaker, this morning I introduced a bill to promote the use of wood when building, maintaining and repairing federal buildings. That was one of the Bloc Québécois recommendations that the Standing Committee on Industry, Science and Technology approved last week in its report on Canada's industrial sectors.

Quebec and British Columbia have already committed to similar measures. A number of other countries around the world also have policies for the use of wood.

We have the technical capability to go ahead with this kind of measure, but most importantly, this is a positive step for the environment, particularly with respect to greenhouse gases and energy consumption.

In closing, I would like to thank my colleague from Chicoutimi—Le Fjord for his work on this issue, and I hope that all members of the House of Commons will take some time over the summer to study this bill.

[*English*]

## VETERANS

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Mr. Speaker, during the second world war and Korean war Canadian soldiers fought courageously in the name of freedom and democracy. However, they were not alone in their struggle. Hundreds of thousands of Polish, Jewish, Korean and Russian Allied soldiers fought alongside Canadians as brothers-in-arms and sacrificed much.

To the veterans who lost their homelands to the scourge of communism after the war, Canada offered a new home. Many of them started new lives here and have worked hard to help build our great country.

This noble legacy is why today our Conservative government is proud to be restoring well-deserved benefits to our Allied veterans through Bill C-33. These benefits were shamefully cut by the Liberal government in the 1990s.

Restoring these benefits is the right thing to do and our Allied veterans can once again stand tall knowing that their government honours and respects their important contributions.

We are pleased that some of those veterans are on Parliament Hill today to witness Bill C-33 receive royal assent in the Senate.

Let us all take this opportunity to thank them for their service and remember to always honour their sacrifice.

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● (1410)

## SCHOOL VIOLENCE

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, I ask members of the House to join me in extending our thoughts and prayers to the victims, students, faculty and families of St. Joseph Catholic Secondary School in my riding of Mississauga—Streetsville.

Yesterday we read and watched the news of a horrific story of violence. My constituents, and especially the families involved, experienced an incident that no family or community ever expects to face. As a mother, I cannot even begin to imagine.

As the end of the school year approaches, students should be thinking about what to pack up for their family vacations or what exciting summer jobs await them in the coming months, not violence in their hallways.

Sadly, no community is immune to violence. I know the people of Mississauga—Streetsville will come together in support of St. Joseph's. We will unite as a strong community and hope that nothing like this ever happens again.

I would like to extend my gratitude to the courageous students and the staff of St. Joseph's, especially teacher Maria Locicero for her heroism. I also wish to thank the Peel Regional Police for its exceptional work.

My most heartfelt thoughts and prayers go to the victims and their families.

## THE ECONOMY

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, Canadians know that our Conservative government is delivering real results for them. With our economic action plan, we have taken unprecedented action to speed up job creation to help Canada weather this economic storm.

Because of these steps, families and businesses are paying less tax, unemployed workers are receiving more support, and major job-creating projects are breaking ground. This is in stark contrast to Liberal plans to deal with the recession. The Liberal Party recently reaffirmed its commitment to a job-killing carbon tax. We also know that the Liberals want to increase the GST and end the universal child care benefit.

As if that was not enough, the Liberal leader recently shocked Canadians by saying, “We will have to raise taxes”. Canadians cannot afford more taxes. That is why they soundly rejected the Liberal Party in the last election.

Our Conservative government is providing strong economic leadership and the world has recognized that our plan is exactly the right one for these difficult times.

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## HOUSING

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, this past week I had the privilege to join women for the third annual downtown eastside women's march for housing in Vancouver. Many of the women who marched live in shelters, on the street, and in dangerous and unstable housing. Still, they are strong and determined in their fight for social housing, child care and health care for all.

These women have a clear message for all levels of government and I am pleased to bring it forward here today. The women of the downtown eastside are calling for a stop to evictions and the provision of affordable safe housing, recognizing the needs of people before Olympic profits, and a stop to the criminalization of the poor.

I would like to thank the Downtown Eastside Women's Centre Power of Women Group for speaking out on these important issues. In the words of the Power of Women Group:

> Although we are still suffering in shelters and on the streets, we are not yet defeated! We are making our voices heard, we are bringing empowerment into our lives, we are fighting for positive change, and we are expressing the humanity of our neighbourhood. We hope all of you will join us.

* * *

[*Translation*]

## BLOC QUÉBÉCOIS

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, once again, Pauline's puppet is demonstrating just how easy it is for his master to make him shake his head no, no, no.

He and his puppet theatre friends are all shaking their heads in unison: no, no, no.

The economic crisis is not a theatrical production. It is real, but every time our government puts forward solutions, the Bloc says no, no, no. The Bloc leader is like a doll that can only say no.

He misleads voters during election campaigns. All he wants to do is provoke crises in Ottawa, and he takes offence when our Conservative government does what needs to be done to stimulate the economy. There can be no doubt that the Bloc is hurting every single region of Quebec.

Coming this fall to your TV: Pauline's puppet and his Bloc friends who always, always say no, no, no.

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## PARTICIPATION OF WOMEN IN POLITICS

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, today Equal Voice is once again challenging the federal political parties on the issue of women's participation in politics. And again, the Bloc Québécois is rising to the challenge.

In the 2008 election, the Bloc Québécois ran 20 women candidates and got three quarters of them elected. That is a much higher success rate than that of our Conservative, Liberal and NDP opponents.

Equal Voice is calling on the federal political parties to run more women candidates than in the last election. We will make every effort to meet that target. In our party's constitution, it is written in black in white that the Bloc Québécois shall endeavour to ensure equal representation of women and men. That is our goal.

In the Bloc Québécois, we have a clear political will. We want to promote more than ever the crucial participation of women in politics, bearing in mind this goal of achieving gender parity, which may sound bold, but really is only something normal.

* * *

● (1415)

## PARTICIPATION OF WOMEN IN POLITICS

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, I rise to associate our party with a renewal process as old as Parliament itself.

As time goes on, this House is reflecting more and more our country's diversity in terms of the different languages, genders, sexual orientations, races, beliefs and cultures.

We have to become more representative of the population. Today, I rise to take a step in that direction.

[*English*]

Today, on behalf of my party, I accept the Equal Voice challenge. The Liberal Party is committed to having more women in politics, in Parliament, and in government after the next election.

[*Translation*]

Today, on behalf of my party, I pledge that, at the next election, at least one third of our Liberal candidates will be women.

[*English*]

### TAXATION

**Mr. Blake Richards (Wild Rose, CPC):** Mr. Speaker, this Conservative government has responded to an unprecedented global recession with unprecedented action. We have provided the largest fastest stimulus package in the G8. We have given Canadians an additional $20 billion in tax cuts.

While we are taking action, the leader of the Liberal Party is suggesting that he would raise taxes. He solidified this when he declared "We will have to raise taxes". He said that he would even reverse the Conservative government's cut to the GST, taking more out of the pockets of Canadians when they need it most.

The leader of the Liberal Party is also pushing his job-killing carbon tax, a carbon tax that the Liberal Party voted to make one of its main policy commitments. This does not come as any surprise. After all, the leader of the Liberal Party even refers himself as "a tax-and-spend Liberal".

Under our Conservative government, the only way taxes will ever go is down.

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## ORAL QUESTIONS

[*English*]

### MEDICAL ISOTOPES

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, the isotope crisis is not just a health care issue; it is about leadership. The government has not shown Canadians that it has a plan to deal with the crisis. Canadians need to know what the current and projected isotope shortfall is, which patients will get treatment and who will not and who will pay the skyrocketing cost of medical isotopes.

The Prime Minister promised Canadians a plan. This plan should be public. Where is it?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this issue is of great concern to us on all sides of the House. The government has been very clear.

The Minister of Health and her officials have been working with their provincial counterparts to ensure the health care system responds to this. They have been doing very good and dedicated work in this regard.

The Minister of Natural Resources and her officials have been working with isotope providers around the world. I know she returned this morning from a meeting in Toronto in this regard.

The government has been very clear to Atomic Energy of Canada, which has the independent responsibility for the operation of the reactor, that our priority is to see that reactor up and running as soon as possible.

We will continue work on all these fronts.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, we are in the fifth week of this crisis and in the fourth year of a government that has seen two shutdowns of isotope production on its watch.

Chalk River is shut down indefinitely. The Dutch reactor, on which hopes rest, will be shut down for repairs this summer. Cancer tests are being cancelled. Hospitals cannot get isotopes.

The issue is simple. When will the government stop improvising and provide Canadians with a plan that is transparent, public and credible?

● (1420)

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Mr. Speaker, the lack of a reliable supply of medical isotopes in the world is one of great concern to us and is one of great concern for the health and safety of people all over the world. That is the message I delivered this morning to the international committee dealing with the security of supply issues in the world. I delivered a call to action for the international community, asking it to have the maintenance schedules to be coordinated so we could minimize the shortage as much as possible.

We are working together to ensure the world has the medical isotopes it needs.

[*Translation*]

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, there is a global shortage of medical isotopes. Diagnostic tests have been cancelled. The triage of patients has already begun. The price of isotopes has gone up dramatically. Hospitals and patients are already paying the price.

What is the government doing to correct this situation?

In other words, where is the public and transparent plan to correct his situation?

[*English*]

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Mr. Speaker, in the short term we are doing some very clear things

First, we have indicated to Atomic Energy of Canada Limited, very specifically, that its number one priority is to ensure that the reactor is up and running, healthy and safely for the people of Canada, and producing medical isotopes.

Second, we have called upon our friends in the world to step up to the plate, just as we stepped up to the plate, in order to ensure we have a secure supply of medical isotopes going forward.

Third, we are working with the community in order to get the information to the medical community with respect to how much isotopes are available any—

**The Speaker:** The hon. member for Mount Royal.

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[*Translation*]

### OMAR KHADR

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, at President Obama's request, the European Union recently agreed to accept Guantanamo prisoners. And yet the Canadian government refuses to repatriate its own citizen, Omar Khadr, despite the urging of this Parliament and court decisions.

When will the government respect the will of Parliament, the decisions of the courts and the rule of law and finally bring Omar Khadr home?

[*English*]

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I have answered this question on many occasions and it is the same answer. Our position has not changed. Mr. Omar Khadr faces very serious charges.

We are waiting the outcome of the review that President Obama has requested to be conducted.

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## FOREIGN AFFAIRS

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, Abousfian Abdelrazik is another abandoned Canadian citizen. In spite of the Federal Court's severe rebuke, the government continues to violate Mr. Abdelrazik's rights by refusing to bring him home.

The government has had two weeks to read a judgment that is unequivocal in its findings of fact and conclusions of law. Every day it waits is a continued violation of Mr. Abdelrazik's rights.

Does the government plan on appealing the court's decision, while delaying justice at Mr. Abdelrazik's expense, or will it heed the court's order and immediately return Mr. Abdelrazik home to Canada?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the government will comply with the court order.

* * *

[*Translation*]

## EMPLOYMENT INSURANCE

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, even before the first meeting of the bogus committee of the Liberal-Conservative coalition on employment insurance, the Prime Minister slammed the door on the 360 hour eligibility level and the Liberal leader gave in. The Prime Minister also categorically refused to do away with the waiting period. The Liberal leader gave in on that too.

Does the Prime Minister realize that the Liberal-Conservative coalition is leaving the unemployed high and dry for the entire summer? And that if there are any results from the committee in the fall, it will have laboured mightily and given birth to a mouse, because from the very start, certain elements essential to real employment insurance reform have been shunted aside?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government has already extended employment insurance benefits by five weeks, but the Bloc voted against it. We have seen eligibility increase in nearly every region of the country. The Bloc is opposed to that. We increased the funding for work sharing, for employment insurance, and for worker training. Again, the Bloc voted against it, and then again.

Instead of sticking with its ideological opposition, the Bloc should from time to time vote in favour of the unemployed workers of Quebec and of Canada.

● (1425)

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, if the Prime Minister happens to want to have a debate with any group of unemployed people in Quebec, I am ready. Let him just say the word. But I know he will not rise to the challenge.

Where self-employed workers are concerned, what the Prime Minister has to do is to keep his campaign promise to give them access to parental leave. Self-employed people in Quebec already have that.

Does the Prime Minister realize that, as far as Quebec is concerned, this is an empty promise and what the unemployed need is a thorough reform of employment insurance?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government has indicated its willingness to have self-employed workers participate on a voluntary basis in the employment insurance system. Even before those measures could be introduced, however, the Bloc Québécois made a commitment to vote against it once again.

Instead of sticking to this ideological opposition, the Bloc should consider the good things that have been proposed and support them for the sake of the unemployed workers of Canada and Quebec.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, the new Liberal-Conservative coalition is improvising an employment insurance committee. In May 2001, the Standing Committee on Human Resources Development and the Status of Persons with Disabilities unanimously adopted a report setting out ways to improve employment insurance and make it more accessible.

Would it not be a better idea for the coalition to implement the proposals of this standing committee reached in consensus than to try to save face with a phoney committee?

**Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC):** Mr. Speaker, even before the working group begins its meetings to try to reform employment insurance, the Bloc tells us it opposes it. Even before the work gets started, as we prepare to allow self employed persons to enjoy the benefits of employment insurance, it is telling us it will vote against it.

The Bloc is confusing its own interests with those of Quebec. We want a prosperous country. We want to help workers and are heading in that direction.

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Mr. Speaker, the Liberal-Conservative coalition has chosen to create a phoney committee on employment insurance that will sit for more than two months while everyone agrees on the course of action. The Liberals wanted to resolve this matter before the holidays so the unemployed could have money quickly. They are now agreeing to make them wait another two months.

Why does this coalition not listen to the president of the CLC, who says to forget this phoney committee and implement the necessary changes now, not next winter?

**Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC):** Mr. Speaker, once again, we are dealing with a party that wants to create a crisis in this country rather than have it work well. That is important. Even before we begin our reform of employment insurance, they are telling us they will oppose it.

Is this defending the interests of Quebec? The interests of Quebec lie, rather, in being within a country, a more prosperous country, where its people can grow as Quebeckers, as a nation. That is what we are working toward. We have initiated reforms and will continue to do so.

* * *

[*English*]

## NORTEL

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Nortel CEO met with the finance minister, the industry minister and the Prime Minister, in a bid to maintain the company as a going concern. He was turned down flat and the company is now in bankruptcy protection, waiting to be dismantled. Thousands of trained, skilled workers have lost their jobs, their severance and they are going to lose big on their pensions.

Why not accept the will of this House, which adopted the NDP motion that would have protected pensions and at the same time could have helped save Nortel?

Why are the Conservatives intent on making Nortel the Avro Arrow of the 21st century?

● (1430)

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, quite apart from that inflated rhetoric, I can tell the House that I did indeed meet with the CEO of Nortel at the beginning of my mandate as Industry minister. He presented a go-forward business plan, which in my estimation did not meet the criteria of being commercially viable. Evidently the board of Nortel came to the same agreement because it rejected that business plan as well, and it, not me, chose to go into creditor protection. That is where the matter rests. I am sure the appointed judge is reviewing the options for that company in the future.

* * *

## EMPLOYMENT INSURANCE

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Nortel pensioners get left behind and Nortel itself is hung out to dry by the government. That is what that is all about.

Meanwhile, behind closed doors we are going to have the Prime Minister and the Liberal leader talking about employment insurance all summer. However, the Liberal leader said that there is not even a guarantee that they can really resolve the problem.

An NDP motion and an NDP bill with proposals to fix EI were adopted by this House

Why will the Prime Minister not agree with his new coalition partner and his Liberal deputy prime minister and act to change EI now for—

**The Speaker:** Order. The right hon. Prime Minister.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government extended EI benefits by five weeks, but the NDP voted against that. This government put more money into training for EI recipients, but the NDP voted against that. This government has seen eligibility requirements fall in virtually every region of the country, but the NDP voted against that.

The NDP members are already against any proposals we might come forward with additionally. They have already decided they are against those. Their modus operandi in this Parliament is that no matter what we do they join with the Bloc Québécois and decide they are going to vote against it, because they are the party that can oppose anything more strongly than anything else—

**The Speaker:** Order. The hon. member for Toronto—Danforth.

[*Translation*]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, not one unemployed worker rejoiced at the cheap agreement signed by the leader of the Liberal party because not one more unemployed worker will be getting help this summer. That is the truth of the matter. The House passed a motion put forward by the NDP to improve access to EI. The members passed legislation that makes the necessary changes to employment insurance.

Will the Prime Minister agree to the passage of this legislation at all stages and to help the unemployed this summer, not next winter?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, not one unemployed worker wanted the New Democratic Party to oppose the increase in benefits for those benefiting from the program, but it did.

[*English*]

The reality, once again, is that the NDP in this Parliament does not care about the unemployed. All NDP members care about is constantly working with the Bloc to be against everything. They can then claim they are the greatest opposition party in history because they are always against everything.

In a time of recession, it is irresponsible toward the unemployed.

* * *

[*Translation*]

## MEDICAL ISOTOPES

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, the Petten nuclear plant, in the Netherlands, is scheduled to close in one month to the day, on July 18. With Chalk River closed, this will mean a drop of 70% in the global production of isotopes.

Will the minister consider as an alternative including in her plan the positron emission tomographies, or PET scans, currently available in the United States and assuming their full cost?

[*English*]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, we have been dealing with the provinces and territories with regard to providing alternative supplies and the use of Tc-99. We will continue to do that.

Let me quote Dr. Rob Beanlands of the Ottawa Heart Institute, who said, “I actually think that Canada is taking a leadership role in regards to isotopes”. In regard to alternatives, he said, “In fact in Canada we are doing this much better than other countries are doing”.

We will continue to work with the provinces in identifying alternatives that are available in Canada.

● (1435)

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, in 2006 the Conservative government knew there could be a shortfall of isotopes. Now the Minister of Health says that only 50% of Tc-99 isotopes are available to patients, with few if any substitutes for the rest. She has left doctors to decide which patients will get tests when there are substantial risks inherent in the triaging of these patients. Patients are not mere statistics.

It is the minister's duty to protect Canadians. Does she not agree that she abdicated this duty by dumping responsibility on doctors for a problem that was entirely preventable?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, the member should know that the provinces and territories and physicians deliver health care.

The medical experts on isotopes developed contingency measures to manage the shortage of isotopes back in 2007. As soon as we became aware that Chalk River would be shut down, those measures were activated, which allowed doctors to triage and use the alternatives. In fact, thallium is now being used by the Ottawa cancer institute as an alternative to Tc-99.

These are the measures that were put in place by physicians themselves, and they are acting on them.

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## HEALTH

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, the World Health Organization is paying very close attention to Canada and where H1N1 infections in aboriginal communities, St. Theresa Point and Garden Hill, show a disproportionate number of cases.

History has taught us that our aboriginal communities fare worse during a pandemic. What specific steps are being taken to reduce the burden on first nations and Manitoba public health?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, let me be very clear, first of all, on the H1N1 situation.

Presently there is no scientific evidence to show that H1N1 is predominantly affecting aboriginal people. Based on science, we will continue to monitor the situation very carefully.

I come from an isolated aboriginal community in Nunavut, and the systems that are in place to respond to the pandemic are no different in the north and in small communities. We have provided 10 additional nurses and doctors to St. Theresa Point to respond to this situation.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, the chiefs are concerned. In 1918, they fared very poorly.

Canadians repeatedly hear that most H1N1 deaths were among people who had underlying medical conditions—

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

**Ms. Kirsty Duncan:** What do you think is funny over there?

**The Speaker:** If the member has not put her question, perhaps she could. I could not hear her at the end.

**Ms. Kirsty Duncan:** Mr. Speaker, Canadians repeatedly hear that most H1N1 deaths were among people who had underlying medical conditions or respiratory problems, like Crohn's disease and lupus. Over 7.5% of the Canadian population suffer—

**The Speaker:** The hon. member's time has expired. The hon. Minister of Health.

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, Canada will continue to work with the World Health Organization on H1N1 as we see the situation cross the world.

I will continue to work with the provinces and territories as we deal with H1N1. We will continue to monitor the situation very carefully and provide the necessary services in responding to the situation.

* * *

[*Translation*]

## FORESTRY INDUSTRY

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, the CEO of the Quebec Forest Industry Council is criticizing the Conservatives' measure to help the pulp and paper industry, saying that in the United States, companies get cash, whereas in Canada, companies have to invest in order to receive money. Since companies here have no liquidity, they are unable to invest.

Does the government understand that its measure does not give some companies in difficulty the liquidity they need and that jobs will continue to be lost because of the Liberal-Conservative coalition?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, yesterday, with my colleague, the Minister of Natural Resources, I was pleased to announce $1 billion over three years for Canada's pulp and paper industry, to improve our productivity and competitiveness.

I would like to quote the president of the Forest Products Association of Canada:

> What we particularly appreciate about this announcement is that it demonstrates a commitment to the future of the industry through its support to capital improvements - exactly what the industry needs...

That comes from the industry itself.

● (1440)

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, the minister should read what Gaétan Ménard of the Communications, Energy and Paperworkers Union of Canada had to say. He called the Conservative measure a cruel joke and criticized the government for not understanding that communities are dying and people are losing their jobs every day.

Why is the government denying the forestry industry what it generously gave the automotive industry, which is loan guarantees?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, as my colleague should know if he knows this file, the problems with the forestry industry unfortunately have to do with the market. It is hard for these people. Products are not selling for what they used to.

We recently announced that Export Development Canada had given the forestry industry in Quebec alone nearly $9 billion in support in 2008, with different financial products.

We must continue supporting the forestry industry and planning for the future, because the market will pick up again.

* * *

### UNESCO

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Mr. Speaker, this is more proof that Quebec's so-called seat at UNESCO is nothing more than a folding chair. Although he disagreed with Canada's refusal to issue visas to help artists tour, the Quebec delegate was forced into silence and was not able to publicly express his disagreement.

Does the government deny that Quebec has no real say at UNESCO, and that when it disagrees with Canada, Quebec has no choice but to keep quiet?

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, I would like to remind the member about the letter sent by Monique Gagnon-Tremblay, who was then minister of international relations for Jean Charest's government, to the leader of the Bloc Québécois to express how happy she and the Government of Quebec were that they had been granted a seat at UNESCO.

That puts an end to the crises that the member and her leader are always trying to create in Quebec.

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Mr. Speaker, the minister should have read the agreements that came afterwards. It was very clear that Quebec had to be in agreement with what Canada said.

This is also proof that the government's recognition of the Quebec nation means nothing.

Does the Minister of Foreign Affairs deny that if Quebec does not agree with Canada at UNESCO, even in its own areas of jurisdiction, it must keep quiet?

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, we learned a long time ago that no matter what we do for Quebec and no matter how happy the Government of Quebec is with our cooperation, the Bloc will always be against it, because the interests of the Bloc are not the same as the interests of Quebec. The Bloc has its own interests, which include creating constant crises.

[*English*]

### PUBLIC TRANSIT

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, as we all know, June is a month of happy couplings. In that regard, I would like to ask the Minister of Transport a question about a very important announcement that is going to be made tomorrow in Thunder Bay.

The minister would have an opportunity to change "f" words and to learn new "f" words, like fix public transit and fairness for Toronto. I would like to ask the Minister of Transport, would he take the opportunity to announce federal participation in a vital public investment in the future of public transit?

● (1445)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I appreciate the question from my former premier.

Those of us on this side of the House are committed to ensuring that Toronto gets its fair share. The city is an important part of our economic action plan. The city has been hit very hard by the global recession. With any investment that we make in the city, our goal is to create jobs for the people of Toronto where they need them most.

We have made important investments in public transit. Just last month the Prime Minister was in Toronto with the Premier of Ontario making a large billion dollar investment on the Sheppard LRT. We are excited about that, and we look forward to more partnerships with the city.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, the investment that is being undertaken right now is an opportunity to do three things.

It is an opportunity to fix public transit, which needs to be fixed in the city of Toronto. It is an opportunity to help a region of Canada that has been very hard hit, Thunder Bay and also all of Ontario and Quebec, with respect to an industrial strategy. Those three things go together. That can be done with one single move to join the province of Ontario and the city of Toronto in making this very significant investment for the people of Canada, for the people of Toronto and for the people of Thunder Bay. It is a win-win-win, and—

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

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I always appreciate questions from the member opposite.

We are tremendously concerned about the unemployment challenges facing the city of Toronto. We do not want to create jobs on another continent. We want to create jobs right in the city of Toronto. We do not want the people of Toronto left out of our economic action plan. That is why we have made substantive investments in infrastructure from the Spadina subway to the Sheppard LRT. In the budget the Minister of Finance cited Union Station.

We are committed to working constructively with him and with the mayor to make things happen for the people of Toronto.

### THE INTERNET

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, in a free and open democracy in the 21st century, in an innovative and progressive knowledge economy, no tool is more paramount than the Internet. The Internet is the backbone of today's flow of free ideas and sharing. My party, the Liberal Party, supports the principle of net neutrality and an open and competitive Internet environment.

Do the Conservatives support the principle of net neutrality?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, I thank the member for his submission. I look forward to working with him and others who are active in this field.

I am convening the first digital economy conference this nation has ever done. That will be on Monday in Ottawa where we will have all of the great companies, academics and government officials work on the new digital economy strategy for this nation so that we can be number one in the world when it comes to the digital economy.

I invite my friend to participate in any way he sees fit.

[*Translation*]

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I thank the Conservatives for this invitation, but I am not sure about the member's answer, so I will repeat my question.

In a free and open democracy in the 21st century, in an innovative and progressive knowledge economy, no tool is more paramount than the Internet. The Internet is the backbone of today's free flow of ideas and sharing. My party, the Liberal Party, supports the principle of an open and competitive Internet environment.

Do the Conservatives support the principle of net neutrality?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, as I said, it is important to have a national strategy for the digital economy. That is why I announced that I am convening a conference here in Ottawa on the future of the digital economy. I invite my friend to take part in that conference and that discussion.

It is important to have a strategy so that we can be number one in the world when it comes to the digital economy of the future.

* * *

[*English*]

### JUSTICE

**Ms. Dona Cadman (Surrey North, CPC):** Mr. Speaker, today our government introduced legislation to help police better investigate and apprehend organized criminals who use the Internet to facilitate their crimes. A recent report issued by the federal victims ombudsman reveals that the number of charges in relation to child pornography increased 900% between 1998 and 2003.

Could the Minister of Justice please explain how the legislation introduced today will stop the sexual exploitation and victimization of children?

● (1450)

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I want to thank the hon. member for her continued interest in this area. I am proud to say that today we introduced legislation that will ensure that law enforcement has the necessary tools to catch up with child predators and bring them to justice.

This government is committed to improving our criminal justice system. When it comes to standing up for victims, law-abiding Canadians and particularly children, we are the only party Canadians can count on.

* * *

### PUBLIC TRANSIT

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, funding Toronto's streetcars generates 20,000 jobs in Ontario, Manitoba and Quebec, on this continent. It generates millions of tax dollars for the government. Tomorrow, the Ontario premier and the mayor of Toronto are announcing support for this project, which is very important to this country.

Why is the Minister of Transport, Infrastructure and Communities not joining his premier in this important announcement? Does he want to drop the “f“ bomb on Toronto again?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, over in the NDP there is a two-headed NDP monster. One says “Buy Canadian”; the other one says, “Buy foreign”. One says, “Create jobs in the next two years”; the other one says, “Spread them out over 10 years”.

We are committed to working with the city of Toronto to create jobs in the next two years so that there is more hope, more opportunity and a much needed shot in the arm for the city of Toronto's economy. Step by step, we are committed to getting it done.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, the two-headed monster is actually his Leader of the Opposition and the Prime Minister.

The last time Toronto got real funding for public transit, it was the leader of the New Democratic Party who got funding for the subways, streetcars and buses that are being built right now. Would the minister enlighten Canadians if, during the last two days of negotiations, his Leader of the Opposition even bothered to raise the issue of public funding of these streetcars and public transit?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we are committed to supporting public transit and the city of Toronto. We have shown an unprecedented commitment to do that. We have announced substantial support for the Spadina subway extension. We have shown significant support for GO Transit. The Minister of Finance cited Union Station in the budget.

Just a few short weeks ago, my Prime Minister and my premier were there giving more money to the Toronto Transit Commission to expand public transit for all citizens of Toronto, including the newest citizen of Toronto, the granddaughter of the leader of the NDP and the member for Trinity—Spadina.

[*Translation*]

### AGRICULTURE AND AGRI-FOOD

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Mr. Speaker, on May 14, 2009, in response to a question I asked, the Minister of Agriculture and Agri-Food said in this House that a proposal taking into account the situation the potato producers in Saint-Amable have been facing for almost three years would be presented by the end of May.

Today is June 18. Does this mean that, just as I feared, the minister's fine words should be added to a growing list of broken promises?

**Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC):** Mr. Speaker, the answer to the question is no. We are in fact in contact with officials concerning the golden nematode crisis in Saint Amable.

We are trying to find a date on which everyone—including myself, the Quebec Minister of Agriculture, Fisheries and Food, and local officials—can all meet to discuss the situation. Theoretically, we are looking at the end of June.

* * *

### FISHERIES AND OCEANS

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Mr. Speaker, the decision to impose a moratorium on cod fishing in the southern Gulf of St. Lawrence is hurting Quebec fishers and putting many of them on the verge of bankruptcy.

The minister has done nothing to ensure an income for our fishers or the industry to help them through the crisis in the fisheries sector.

Will the minister commit today to announcing a plan to buy back licences and provide immediate financial assistance to people in the industry who have been affected by the moratorium?

● (1455)

[*English*]

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, it is always a difficult decision to close down a fishery, because it does impact the livelihoods of people. We all know that the cod industry has had its challenges over the years. This is the third closure in less than 20 years, but we cannot compromise the stock or it will have absolutely no future.

This was the right decision. We have the community adjustment fund in place to respond to issues such as these.

* * *

### STATUS OF WOMEN

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, today the Liberal leader committed to encouraging more women to enter politics by accepting the Equal Voice challenge. The importance of electing more women to the House cannot be overstated, especially when the government has not advanced the interests of women. The minister sprinkles money around, but there is no vision, no set goals, no plan.

Why does the government still have no comprehensive plan to improve the lives of Canadian women?

**Hon. Helena Guergis (Minister of State (Status of Women), CPC):** Mr. Speaker, our government's record is very clear when it comes to women in leadership roles. We are talking about Equal Voice quite a bit today in the House. The commitment that our government has made to Equal Voice was $1.2 million in funding for a three-year program to reach out to women across the country, young women between the ages of 18 and 25, to increase their political literacy skills, provide mentorship opportunities in hopes of seeing more women elected to the federal House and in the hopes of seeing more women elected to all levels of government across the country. This is substantial and the hon. member should recognize that.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, the Conservative government scrapped the national child care agreement. It scrapped the court challenges program. It scrapped the Kelowna accord. It made cuts to women's advocacy and literacy. It bargained away women's rights to pay equity. It took meaningful equality out of the mandate of Status of Women Canada and continued to defy international commitments. That does not sound like a government that stands up for the rights of women.

When are we going to see any real commitment from the government for the women of Canada?

**Hon. Helena Guergis (Minister of State (Status of Women), CPC):** Mr. Speaker, it does not matter how many times the member makes up crazy stories, they are not believed by women across the country.

What we see under the leadership of this Prime Minister is the highest percentage of women appointed to cabinet in this country's history. We also see the largest number of women on the government side in Canada's history. We have the highest percentage of funds provided to Status of Women Canada, an increase of 42%. We have seen the number of grassroots organizations supporting women increase by 69% across this country. That is action.

* * *

### FOREIGN AFFAIRS

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, finally, the government has agreed to respect the rights of Mr. Abdelrazik, but there are lingering questions about why this Canadian citizen, who was cleared of any security problems by CSIS and the RCMP, has been denied his right to return to Canada for so long.

I would like to ask this question. Did either the President of the Treasury Board or the Minister of International Trade in their previous portfolios receive requests from Ambassador Wilkins or the White House in 2006 to prevent Mr. Abdelrazik from returning to Canada?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the one place we will not get advice from on this is the NDP. We have acted on the very best legal advice, and as I have already indicated to the House, we will comply with the court order.

[*Translation*]

### FISHERIES AND OCEANS

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, this government is out of touch with reality and the people who are suffering because of the economic crisis. As if to prove it, the Minister of Fisheries and Oceans unilaterally decided to impose a moratorium on cod fishing in the southern Gulf of St. Lawrence without consulting fishers.

Why did fishers have to find out about the decision in the papers? Will the minister take back her moratorium and work with fishers so that they can do their jobs instead of going bankrupt?

[*English*]

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, it is hard to believe that the member over there is talking as he is, that we should not pay any attention to science, when I know he attended Oceans Day where we talked about sustainability of our seafood products.

Science is very important, and because science tells us that seals are also a contributing factor in the low stocks of the cod industry and are preventing it from rebuilding, I have directed my department to implement a plan to reduce the number of seals in the southern Gulf of St. Lawrence as soon as possible.

* * *

● (1500)

### STATUS OF WOMEN

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, small businesses play an increasingly important role in our economy. Whether through tax cuts or increased access to financing, our government is working to support Canadian small business owners.

The Minister of State for the Status of Women recently received one of the Women's Business Enterprise National Council's International Luminary Awards for the outstanding work she has done with Canadian women small business owners.

Could the Minister of State please tell this House what our government is continuing to do for women small business owners from coast to coast to coast?

**Hon. Helena Guergis (Minister of State (Status of Women), CPC):** Mr. Speaker, I would like to thank the hon. member for her question. In Canada, women are starting businesses at twice the rate of men. In fact, the OECD has cited our Canadian entrepreneurial women as the most creative and most entrepreneurial among the world.

That is why our government is supporting WEConnect Canada. It is why our government is supporting women entrepreneurs and helping them to access supplier diversity markets.

The Canadian Women's Business Network has endorsed our government's economic action plan, and was particularly pleased with our election promise for the self-employed, to extend EI, maternal and paternal benefits to them.

### FORESTRY INDUSTRY

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, after months of ignoring the forestry sector, the government rolled out an inadequate package that has already been labelled a cruel joke on unemployed workers.

Will this package help all paper mills? No. Will it help lumber mills? No. Will it help the 55,000 laid-off forestry workers? No, and it will not help Fraser Papers, which filed for bankruptcy today.

Why is the government so callous when it comes to the thousands of families, hundreds of communities, and even whole provinces left out of this deal?

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Mr. Speaker, I had great pleasure yesterday in announcing this government's $1 billion program, called the pulp and paper green transformation program.

It makes sense for a lot of reasons. Not only is it rewarding those pulp and paper firms that are using renewable fuels, but it is also providing investment for the future, when we come out of this global recession, so that we are better positioned in order to take advantage of the markets.

Indeed the industry has responded and has indicated that it greatly appreciates the government's strong commitment to the industry and its future.

* * *

### POINTS OF ORDER

#### ORAL QUESTIONS

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, during question period the minister responsible for Status of Women, in responding to my colleague, after a long list of government programs, called them crazy, which means they are crazy programs from the government, but it is offensive to women in this country to suggest that a questioner is crazy. This is absolutely offensive. This is not the kind of behaviour I expect from the minister for Status of Women Canada.

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

**Hon. Maria Minna:** They can scream or yell, but that is the fact. At the end of the day, the programs that my colleague listed were programs that the government eliminated, and if she wants to say that is crazy, it is their programs that they are calling crazy, not my colleague.

**Hon. Helena Guergis (Minister of State (Status of Women), CPC):** Mr. Speaker, I never said anything of the sort when it comes to that member. I talked about crazy stories being told.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, on the same point of order, the minister implied in her comments not only that the programs were crazy but that I was telling mistruths. Every one of the programs that I listed was in fact a program of government, cancelled by the current government, showing no respect for the needs of women in this country.

● (1505)

**The Speaker:** I will look at the transcript again, but suggesting that something is crazy I do not think is necessarily unparliamentary, whatever it might have been that was crazy. It may not be wildly polite, but I do not think it is on the list of prohibited terms in Parliament, but I will check. I will look at the record and if necessary come back to the House.

I have notice of a question of privilege from the hon. member for Yorkton—Melville and I will hear him now.

I do not want to hold up the House leader. I forgot that it is Thursday and the House leader for the official opposition has a question to pose to the government House leader. I know the member for Yorkton—Melville will want to hear that first.

* * *

## BUSINESS OF THE HOUSE

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, I think this can be fairly brief, considering the day that we are at on the calendar and how time flies. There is only one day left in the current supply period. That being the case, I wonder if the government House leader is able to designate the first allotted day in the new supply period, which effectively begins the day after tomorrow. I am sure the government House leader would want to be prompt in designating that first day.

Secondly, there is one outstanding item of business that has been raised a number of times across the floor in the House, and that is the announcement some days ago by the Prime Minister that he would be proposing an honorary Canadian citizenship for the Aga Khan. I wonder if the government House leader could indicate how the government intends to proceed on that matter.

This likely being the last Thursday of this particular session of the House, Mr. Speaker, I wonder if, on behalf of the official opposition, I could extend our thanks and appreciation to you, for the officers at the table, the translators, the pages and all the other people who are often nameless and faceless but serve us very well in the House. On behalf of the official opposition, we would want to say our thanks to all of them and wish them a very happy summer.

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I appreciate the Thursday question, and I will not suggest that it was a little bit crazy for the hon. member to suggest that this is the last Thursday, because even if the House would be sitting Monday and Tuesday, it would still be the last Thursday of this session, if I have read my calendar properly.

I will get to his two specific questions later. First, I would like to inform the House that we will continue debate today with Bill C-36, our serious time for the most serious crime bill, and then Bill C-37, concerning the National Capital Act.

Tomorrow is the last allotted day for this supply period. Pursuant to a special order made earlier today, government business will begin one hour earlier than normal, at 9 a.m., and conclude at 1 p.m., which, for a normal Friday, is half an hour earlier.

Since there is no private members' business on the last allotted day, the bells to call in the members to dispose of all business relating to supply will begin at 1 p.m. tomorrow. The voting will thus begin at 1:15. When the votes are concluded, the House will adjourn for the summer, pursuant to the opposition motion.

I note that there is an opposition motion dealing with the business of opposition days, allotted days for the fall session. There was, I understand, some extensive discussion and consultation between the Prime Minister and the leader of the official opposition in that regard. Of course, if that opposition motion tomorrow passes, I will give careful consideration to the first opposition day and when it will be in September. I will think about that long and hard over the summer.

With respect to the other question, about the honorary citizenship for the Aga Khan, I will be circulating a motion to that effect to the other parties, and perhaps we can do that tomorrow. On the last day, I think that might be suitable, and hopefully everybody will agree to that.

Finally, since this will be my last response to a Thursday question before we adjourn for the summer, I would like to thank all hon. members for their co-operation during this session. I think we achieved a great deal during our spring sitting. This afternoon, Her Excellency, the Governor General, will be granting royal assent to eight additional bills. Next week we expect to add to that list, and 12 bills have already received royal assent during this session.

Politicians often talk about how they want this Parliament to work, and what they are referring to is the co-operation I just mentioned. However, as the hon. House leader for the official opposition mentioned, and I want to add my words of praise, the true folks who really make Parliament work are the hard-working, professional, dedicated staff of the House of Commons. You, Mr. Speaker, and Madam Clerk should be very proud of them, because, and I think I can speak for all members, we here in the House certainly appreciate everything they do for us every day, every minute of every day, in fact.

Lastly, I would be remiss if I did not specifically single out our pages for the exemplary work they did throughout the session. They will be leaving us, I know, with great sadness. Tomorrow will be their last day. We will certainly miss them. On behalf of the government, I would like to extend our very best wishes for a terrific future on whatever paths their future takes them.

* * *

● (1510)

[*Translation*]

## POINT OF ORDER

### PRIVATE MEMBERS' BUSINESS

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, on June 2, you read a statement concerning certain bills which would infringe on the financial prerogative of the Crown and might therefore require royal recommendation. At that time, you specifically referred to my bill, Bill C-290, which is why I wanted to speak briefly. I am responding to your invitation to make representations to you on the matter.

I know that the Parliamentary Secretary to the Leader of the Government in the House of Commons spoke to this matter this morning, stating that my bill did require royal recommendation. You will not be surprised to learn that I do not share that opinion. I totally disagree and, I repeat, I will be brief in stating my point of view.

Hon. members need to understand that my bill amends the Income Tax Act to provide a refundable tax credit to an individual whose employer, and certain employees of that employer, failed to make the contributions required to be made to a registered pension plan. The bill seeks to help retired workers whose retirement income is reduced by the closure or bankruptcy of their company.

I am sure I will be able to convince you with my arguments. According to a ruling by the Chair on October 16, 1995, relating to Bill S-9, reducing income tax does not contravene Standing Orders 79 and 80. The Speaker at that time made the following ruling:

> The bill will also have the effect of granting some tax relief retroactively and there may be some reimbursements payable for taxes paid under the law as it now reads, should Bill S–9 be passed by the House and receive royal assent.
>
> The bill does not appropriate tax revenue, but rather exempts or reduces taxes otherwise payable, in some cases retroactively. [...]
>
> In conclusion, Standing Orders 79 and 80 have not been contravened, as Bill S–9 neither imposes a tax nor appropriates money for any purpose. Since the bill relinquishes funds it might otherwise have gained, it is not appropriating money but forfeiting revenue it would have raised without such changes.

Thus, it seems to have the same tax effect given that we are reducing the state's tax revenue with our bill, as allowed by the Standing Orders. The Speaker should consider the fact that this measure does not seek to create a specific program to help workers who may have lost their retirement funds but rather to allow citizens who have paid taxes all their lives to benefit from tax credits.

This tax measure will reduce the tax burden of individuals who have lost their retirement income because their retirement fund was inadequate at the time the company they worked for ceased operations.

Take, for example, the 1,200 retired employees of Jeffrey Mine in Asbestos, which is in my riding. Since February 2003, they have lost no less than $55 million in retirement funds and $30 million in benefits. A retired worker who normally would have been entitled to $30,000 now only receives $22,000. Once the bill in question, Bill C-290, goes into force, that worker will receive 22% of the lost $8,000, or the non-taxable amount of $1,760.

In closing, passage of this bill will mean that all retired employees who find themselves in this type of situation can recover a portion of amounts lost through tax credits. It is important that we mention this fact. This would only result in a reduction in the government's revenue and not in a new social program.

I will conclude by saying that I am convinced this explanation will allow you, Mr. Speaker, to reconsider the need for obtaining a royal recommendation for Bill C-290.

● (1515)

**The Speaker:** I would like to thank the hon. member for his remarks on this matter, and I will take it all into consideration when I give my ruling on the point of order raised about this bill.



The hon. member for Yorkton—Melville on a question of privilege.

* * *

[*English*]

## PRIVILEGE

### STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, earlier I gave a notice of a question of privilege. I and my colleagues on the Standing Committee on Public Safety and National Security were disappointed to read reports of the contents of our report prior to my presentation of it in the House this morning. This leak is regrettable because it compromises the reputations of all persons who had access to the report. It reflects on me as the chair and other members of the committee.

Members may think only of themselves, but we should also remember that many other persons had access to these documents. Premature disclosure of a committee report may give a member a small advantage with the media, but it damages our wider working relationships. Obviously trust is reduced.

My only purpose this afternoon is to draw attention to this regrettable situation. It damages our collegial committee relationships. I sincerely regret this.

**Mr. Robert Oliphant (Don Valley West, Lib.):** Mr. Speaker, I want to thank the chair of the committee and the hon. member for raising that point and to stress that those of us on this side of the House have that concern too. We wanted to ensure that if there was a problem somewhere in the system, that it was fixed.

However, we wanted to also express that we were concerned about any possibility of a breach of the confidence of that report.

**The Speaker:** I thank the hon. members for their submissions on this matter. There does not appear to be anything further to do, but I do share their concerns about the necessity for confidentiality of committee reports before their presentation in the House.

# GOVERNMENT ORDERS

[*Translation*]

## SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

The House resumed consideration of the motion that Bill C-36, An Act to amend the Criminal Code, be read the second time and referred to a committee.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, the government recently introduced a bill that would eliminate a provision that has been in the Criminal Code since 1976, the same year, I should point out, that Parliament voted to eliminate the death penalty. It replaced the death penalty for the most serious crimes—first degree murder and treason—with a minimum sentence of life in prison. The same applied to second degree murder, which was also deemed punishable by a minimum sentence of life in prison. In addition, those found guilty were not eligible for parole for 25 years.

Many people are still confused about this and think that the sentence for murder is 25 years. But the sentence for murder is still life in prison, as it is for all degrees of murder. Also, eligibility for parole does not mean that a person automatically gets parole, just that he or she has the right to apply to the National Parole Board, which can deny the request, as it does in many cases.

That same year, they decided to establish a faint hope clause for certain reasons I will discuss shortly. After a certain amount of time, people who had been convicted of first degree murder were eligible after 25 years and could apply to a court consisting of a judge and jury for their date of eligibility for parole to be reduced to 15 years. It was the same for people who had been convicted of second degree murder, that is to say, for people who had been sentenced to life but whose date of parole eligibility varied according to the decision made by the judge who presided over the jury that convicted them. It could vary between 10 and 25 years. People who had received the longest sentence before being eligible for parole could also apply to a jury after 15 years. This does not mean they would necessarily be paroled. I will say in a moment how many applied and how many were successful.

Back in 1976, the members who voted to abolish the death penalty and decided to provide this faint hope clause had three main objectives.

First, they wanted to give some hope to offenders who demonstrated a considerable ability to rehabilitate themselves. If paroled, these people could return to society and it was necessary to make very sure that their efforts to rehabilitate themselves were convincing.

Second, the members wanted to encourage good behaviour in prison. In Canada and elsewhere in the world, it is inmates who have nothing more to lose who cause problems. They may also influence other inmates and sometimes initiate the riots we see occasionally in penitentiaries. Henceforth, they had something to gain and might behave better.

Finally, the members recognized that it was not in the public interest to continue incarcerating certain offenders beyond 15 years.

● (1520)

In some exceptional cases, there are people who have reasons to commit murder. I want to remind the House, though, that we never talk about compassionate murder in Canada because murder is murder. For example, there was the individual who killed out of compassion his child who suffered from a very painful illness and lived a really inhuman life. He was convicted of murder because compassionate killing is not an excuse in Canada. However, there can still be some exceptional cases and circumstances. There could be young people who kill a disgraceful father who beats his wife, their mother. People are incarcerated on the basis of all kinds of horrors. I think murder is one of the crimes with the broadest array of motives. In fact, a lawyer who killed his associate to get his life insurance has also benefited from this legislation.

I do not think we can talk about abuse in this area. I want to say at the outset that I am still open on this issue. The Conservatives' motives are very similar to those of the Republicans from the southern United States, who have had so much influence on the American system—to the point that it is the most punitive in the world.

At present, the United States has the highest rate of incarceration in the world. They have had stiff competition from Russia, which was almost level with them. They are ahead of China. They incarcerate seven times more people, proportionately, than we do in Canada. I believe, I feel, and I have often said this, when I hear them talk, that their motivations for transforming the criminal law are not to make it better, to make it more effective against crime. Their motivations are clearly purely political, because it is popular to get tough on crime. In fact, humanity was very tough long before the emergence of the civilized countries in America, Western Europe and, increasingly, Europe as a whole.

The distaste I feel for their motivations should not influence me against considering a bill that is in fact a serious one. I know that is the only motivation they need: tearing down what has been done in the past. Giving the impression they are tough. To them, tough means smart. To us, no. Being smart does not necessarily mean being tough. We need to be tough when it is called for, but we have to recognize the possibility of rehabilitation and take more effective measures to combat crime. That is why I fight so hard for registering all firearms. It has a real effect on the most serious crime, homicide.

Let us talk about first degree murder. In fact, I think murder is more than manslaughter, necessarily. Murder is more than killing. Murder is killing with intent to kill. It is doing something that will reasonably lead to death, and not caring. It is firing a shot at a person and not caring whether that person dies or not. In the case of murder, there really is an element of intent which means that the person has done the most serious thing that a person can do on earth.

● (1525)

That calls for severe punishment in itself. Very serious consequences must be imposed on someone who commits this kind of crime. I think when we abolished the death penalty, we showed that we were humane, particularly as we have realized over time, given that the homicide rate has declined steadily in Canada since 1976 and has continued to decline in recent years, that fear of the death penalty did not have the deterrent effect ascribed to it. We took away that deterrent and there was no increase in the number of homicides.

But it cannot be said that it has been abused significantly. At present, there are 4,000 inmates in Canada serving life sentences. They could apply under the faint hope clause. Over the years, 265 people have applied under that clause. Of those 265 applicants, only 140 have been granted a reduction of the time to be served before applying for parole. That is 52%, about half. About half of the people who sought to apply under that clause have been rejected. So the number of individuals who have applied for this is not high in comparison to the number of individuals serving life sentences.

But that is not all. Once the applicants make that request, they must go before a judge. The chief justice, or a judge appointed by him, must first decide if there is a reasonable chance that the application will be accepted—in other words, whether it is justified—by a jury made up of 12 peers, of ordinary citizens who will have to vote and who should form a significant sample. The jury's verdict must be unanimous. At one time, a two-third majority was good enough, but that is no longer the case since 1997. So, close to half of all the applications under the faint hope clause were rejected.

Once an individual is allowed to go before a jury and gets a unanimous verdict to become eligible for early parole, it still does not mean he is going to get it. The National Parole Board has granted early parole in only 127 cases. So, out of the 140 applicants who went before a jury and got the jury's unanimous agreement to apply for early parole, only 127 were successful before the National Parole Board. So, there is another thorough review at that level.

What happened to these 127 individuals? Only 13 of them have gone back to jail for various reasons. So, this means 5% of those who made an application, and 10% of those whose application was accepted. Out of that number, 11 applicants are deceased. Others were deported, but only a very small number. In fact, three applicants were deported and one is free on bail.

So, it is not like we abused this clause. It is clear that it applies to exceptional cases, and that it is used exceptionally. I do not have much sympathy for murderers. On the contrary, as I said, this is the most serious crime and very serious consequences should be imposed on someone who commits such a crime. Still, I think that the reasons why this faint hope clause was included are good. In fact, not only is the recidivism rate very low, but some applicants who availed themselves of that option went on to play a useful role in society.

● (1530)

Take, for example, the lawyer who had killed his business associate and had tried to make it look like a hunting accident. He made an application under that clause and, since then, this person, who has a university degree, has been helping people on parole start a new and honest life.

Before making a decision on these issues, we must examine them thoroughly. The government did not provide us with any study to justify its position. This government has no justification other than reconsidering legislative provisions that seem too good to inmates. The government raised this issue, and it had the right to do so. I think we should take a close look at it. That is why my party will support the principle of the bill. I personally believe that this is a very serious issue. I will come with an open mind. I would like as much information as possible on the 127 inmates who benefited from the faint hope clause, and I would also like to know about patterns and about the type of persons that these individuals were. I also hope we will hear about failures, because there are some.

I recall seeing on TV reports on two or three highly publicized cases. Several shows were dedicated to the same individuals at different times. I have always been very sensitive to this issue because I have been dealing with crime ever since becoming a lawyer back in 1966. I am very sensitive to these issues. I hope that the worst cases will be brought forward. Then, we will be able to determine whether or not it is worthwhile to maintain this exceptional provision with respect to a very small number of cases. In our caucus, our culture and our religious culture, whether our background is Jewish, Arab or Christian, like mine, we consider forgiveness as a sign of civilization. There is no doubt that, in the case of individuals who have committed such serious crimes as murder, this forgiveness must entail major consequences.

In our culture, forgiveness is regarded as a value. I remember two of the greatest movies I have ever seen, namely Amadeus and Ghandi, making quite an impression on me. In the latter, an individual felt the need to go to Ghandi to confide in him. Ghandi was a man of peace who lived at a time when very harsh conflicts were opposing Muslims and Hindus. This individual told Ghandi that, seething with rage over the harm done to him, he had grabbed a child by its feet and smashed its head against the walls. “How could I do something so wrong?”, he asked Ghandi. To what Ghandi replied that, for his penance, he should take in a young Muslim—the individual being a Hindu—and raise him as his own son.

The notion of forgiveness exists in our cultures, but one has to deserve forgiveness. In the present case, there are many ways to ensure that an individual deserves it. We will look at that in committee. I hope that we will be better informed than by the sparse documentation we have received from the government.

● (1535)

[*English*]

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I listened to the hon. member very intently. I listened to his description of how he was curious to hear about the 127 successful applicants, about which were the most serious, and about the difficult and detailed process that individuals must go through if they are going to proceed with the faint hope clause application.

However, I never once heard him talk about the victims or the families of the victims. I want to ask him a very specific question. Does he not believe that the faint hope clause is detrimental to mental closure for the families of victims? They have to monitor the proceedings and sometimes testify before the court applications that determine whether or not a faint hope application will be made. Then, they ultimately testify at the National Parole Board if a faint hope application is granted.

Does he not agree that those families of victims ought to be spared that mental trauma and ultimately get closure from these criminal proceedings, and the harm that that causes to those families?

● (1540)

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, not only do I think about the victims, but I have always thought about them. I understand families' desire for revenge, and I would be the first person to want revenge if anything happened to my children or, soon, my grandchildren.

It is strange, because we have talked a great deal about this in Quebec recently because of a horrific murder that took place. A surgeon who was highly respected in his community attacked and killed his two children when his wife left him. His wife said that she was willing to forgive him. In fact, she said something extremely moving at the funeral of their son, Olivier—my son's name is also Olivier. She asked that, in the next world, her son try to help his father recover. I do not remember exactly what she said, but it was very moving.

I do not believe that revenge is good for the person who seeks it, although I understand why people feel the way they do. Certainly, when you fight crime and spend your whole life looking for the most effective ways to do so, as I did in the past, it is because you are thinking of the victims. I do not believe that deterrence or the desire for revenge does anything for the victims. We need to help them in other ways. We need to provide them with psychological care, but that does not mean promising a heavier sentence. A heavier sentence is not better for the victims. Perhaps it would be if the original sentence were so light as to be ridiculous, but that is certainly not what we are talking about here.

[*English*]

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I want to congratulate the member for Marc-Aurèle-Fortin for a very balanced, thoughtful and well articulated case with respect to this bill at second reading.

We have debated dozens of crime bills, certainly since I was first elected. I have been happy to support some of them. Others have given me pause for thought, so I thought it was particularly useful in this debate to have the member speak a bit about the difference between being tough on crime and being smart on crime.

I find that sometimes, in our rush to be labelled as being particularly proactive on matters relating to law and order, we forget the sense of justice a little bit. We have a law and order system now sometimes more than we have a justice system. I am encouraged by the fact that this bill is going to get considerable consideration before committee.

However, I wonder if the member thinks that there is enough goodwill among committee members to make the necessary amendments that have been outlined by my colleagues here earlier today. For example, the member for Vancouver East and the member for Burnaby—Douglas have both done a great job at articulating our concerns.

I wonder whether he thinks that there is an ability, and enough time and research on that committee to make this bill work in the interests of Canadians and in the interests of justice.

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, I am ready to give the benefit of the doubt to the members of that committee and not just to offenders, as our legislation allows us. When we are convinced of something, we can encourage the committee to do the necessary research. I think most of the members of the committee I sit on will be open to that idea. That is why I hope we will explore the issue even further before making any important decisions.

[*English*]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I want to thank the member for Marc-Aurèle-Fortin for his incredibly thoughtful comments on this bill.

I too share the same feelings as my colleague. I have a high respect for the judicial process and I have a high respect not just for the judges in that process, the prosecutors and the defence counsel but also for the people on parole boards, the social workers and the parole officers.

We have developed our judicial system over time. It is very important that there are avenues to have a second look at what went on. There are many circumstances in our society where people become involved in crime, including extremely violent crime, due to their own unfortunate pasts. As well, over time, the families of the victims sometimes want to forgive and so forth.

Therefore, I think it is very important to maintain these processes in Canada as we have in the past. We have had many circumstances where it is very clear that we need to have this provision remain in law, and I think it arises in certain exceptional circumstances.

I would welcome the member's comments on why, in his incredibly rich past in the judicial process, he feels so strongly that this tradition should remain.

● (1545)

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, I said I like to keep an open mind. When this bill was presented to me, I was not sure what position to take and I honestly considered both sides. Although my colleague feels that I am someone who has more experience in this area and that I have had the opportunity to think about it longer, I can tell her that I remain undecided. I would like get greater clarification on certain cases in which this has been granted, including some in which it did not work, in order to make a decision. It is true that my approach tends to be closer to that of Gandhi.

[*English*]

**The Acting Speaker (Mr. Barry Devolin):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Acting Speaker (Mr. Barry Devolin):** I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to, bill read the second time and referred to a committee)

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## MESSAGE FROM THE SENATE

**The Acting Speaker (Mr. Barry Devolin):** I have the honour to inform the House that a message has been received from the Senate informing the House that the Senate has passed the following bills: Bill C-38, An Act to amend the Canada National Parks Act to enlarge Nahanni National Park Reserve of Canada; Bill C-41, An Act to give effect to the Maanulth First Nations Final Agreement and to make consequential amendments to other Acts; Bill C-39, An Act to amend the Judges Act; and Bill C-33, An Act to amend the War Veterans Allowance Act.

* * *

[*Translation*]

## ACTION PLAN FOR THE NATIONAL CAPITAL COMMISSION

**Hon. Lawrence Cannon (for the Minister of Transport, Infrastructure and Communities)** moved that Bill C-37, An Act to amend the National Capital Act and other Acts, be read the second time and referred to a committee.

He said: Mr. Speaker, since its creation in 1959 the National Capital Commission has ensured that the national capital region would remain a place of which all Canadians can be proud. Our government believes that this region is a second home for every Canadian.

In fact, the national capital region has a special place in our history and heritage. It is for that reason among others that we must take action to promote and protect it.

That is officially the mission of the National Capital Commission.

The decisions made by the commission are consistent with the role of the region, not only for those who have the privilege of living here, but also for all those who have the good fortune to call Canada their home.

The mandate of the commission is to plan and build a national capital that is beautiful and that reflects the unique character and significance of the seat of the Government of Canada.

Not only does the NCC develop, conserve and improve the national capital region, but it also organizes and sponsors a great number of events that enrich the cultural and social fabric of the region and of the country as a whole.

● (1550)

[*English*]

Before I outline our government's action plan for the National Capital Commission, I would like to take this opportunity to remind the House of the important role this city and surrounding area have played in Canada's development.

From the time when the Ottawa River was jam-packed with fallen white pines on their way to Quebec City and onward, to the vibrant G8 centre of today, Canada's capital has evolved with the nation.

From its humble beginnings as a rough-and-tumble shantytown far from major centres of Toronto and Montreal, today the capital region is a thriving metropolis straddling the border of Canada's two most populous provinces, Ontario and Quebec.

The desire to protect and maintain the beauty of this region is almost as old as Canada itself. In 1899 the Government of Canada established the Ottawa Improvement Commission in order to beautify the city, including its parks and lands along the Ottawa River.

A series of unfortunate incidents occurred in the early 20th century that had a noticeable impact on the region. Among the most damaging, the great fire of 1900 and another fire in 1916 which destroyed the Centre Block of the Parliament Buildings.

If not for the dedicated efforts of many people, the Centre Block may have never been rebuilt and our two cities would have evolved very differently. Instead, successive governments realized how important it was to build a strong capital region in the image of the country and for all Canadians.

By the start of the second world war, attractive parks and driveways and public buildings were seen around the capital. Initiatives were well underway to protect the forests in the Gatineau Park.

[*Translation*]

Ten years later, the government asked French architect Jacques Gréber to develop a strategic plan for the national capital region.

His vision, explained in a document known as the Gréber report or the Gréber plan, was presented to the House of Commons in 1951, before it would significantly shape changes in the capital region, during the second half of the last century.

Indeed, the National Capital Act came into effect in 1958. The national capital region was then officially defined as an area of approximately 4,700 square kilometres that included 27 municipalities, in two different provinces. The act also established the National Capital Commission as the federal body responsible for the capital region.

The commission is now responsible for a large number of properties and popular events in the region, to which both locals and visitors are deeply attached.

Indeed, many Canadians have had the opportunity to enjoy these activities, whether it is skating on the Rideau Canal during Winterlude, or admiring the fireworks from Parliament Hill. Thanks to the NCC, the national capital has all kinds of exciting attractions for Canadians.

[*English*]

However, the National Capital Commission is responsible for more than just annual celebrations. It also oversees the Greenbelt, the parkways, bike paths and the Gatineau Park.

This government recognizes the importance of the National Capital Commission in the region and the rest of the country. This is why we have sought to keep it relevant to the times.

In 2006 the Prime Minister named me minister responsible for the National Capital Commission. Shortly after I launched a review of the commission to assess the continuing relevance of its mandate, mission and activities.

An independent panel, chaired by Gilles Paquet, recognized that capital cities were distinct and most capitals had an agency responsible for their oversight. These agencies are charged with planning work, reviewing architecture and design, handling heritage buildings and managing public programming events.

During its review, the independent panel held meetings with numerous experts, received written briefs and heard oral presentations at public meetings in Ottawa and Gatineau from more than 100 people. The panel considered the opinions raised by all stakeholders, including concerns regarding the expansion of the National Capital Commission's mandate, governance mechanisms and lack of clarity in legislation.

In December 2006, the independent panel released its report to the public. The panel's report was comprised of 31 recommendations, including renewed funding, new rules for openness for board meetings, separation of the roles of the chief executive officer and board chair, a more direct connection to Parliament and a new focus on the environment.

● (1555)

[*Translation*]

Our government has implemented a number of measures to follow up on the panel's recommendations. For example, in the 2007 budget, we increased NCC funding to $15 million. This additional money has allowed the National Capital Commission to continue its important work, without having to give up on some assets, such as the Greenbelt.

We have also established the distinct positions of chairperson and chief executive officer. Then, in September of last year, the government authorized the National Capital Commission to acquire private properties located in Gatineau Park, without having to seek approval for every single transaction.

We have achieved a lot in terms of implementing the independent panel's recommendations.

[*English*]

The amendments being proposed in the bill take into account the majority of the panel's remaining recommendations, the intentions of private members' bills presented in Parliament and public comments. If passed, the amendments proposed by the government will make the NCC operations more transparent and accountable and will allow the NCC to better fulfill its mandate.

Among the major changes brought forward, let me review a few.

The first requires the board directors to hold at least four meetings in public per year, while still maintaining the option to have closed-door meetings, if necessary. This was an extremely important issue when I sat as a town councillor in Gatineau city hall. This was an important area because town councils in both cities were open to public discussion. It was, needless to say, an extremely important element.

The second requires the board of directors to submit once every 10 years a 50-year master plan to the National Capital Region to be tabled in the House of Commons. This is similar to what we see in many municipalities across the country, where the schema is tabled so that everybody can have a better view of where their community is going over the course of the next several years.

[*Translation*]

Through these changes, we are formally recognizing the fact that the NCC is already responsible for six official residences, and we are also recognizing the role that it is already playing in transport planning in the capital region.

The NCC will no longer have to seek cabinet approval for individual real estate transactions such as acquisitions, disposals and leasing. From now on, the way the NCC manages this type of transactions will be subject to approval under the current annual corporate planning process.

This legislation establishes the boundaries of Gatineau Park, and it emphasizes sound environmental stewardship.

Moreover, the regulatory powers of the National Capital Commission would be strengthened to better protect its lands and natural habitats.

● (1600)

[*English*]

As the legislation currently exists, there is no legal requirement to hold any meetings in public at all. Therefore, in 2007, following the mandate review of 2006, the commission took the initiative to become a more open and transparent organization. It invited the public to come to its board meetings. The first of these meetings took place in November 2007, and this was a good step toward modernizing the crown corporation.

The amendments proposed by our government will require that the commission's board of directors meet in public meetings at least four times a year. This will help make the more organization more transparent and accountable.

Currently the National Capital Commission does not have any requirements to publish any planning reports. However, by requiring the organization to submit a 50-year master plan at least every 10 years to the Governor-in-Council and table it in the House, the public will have a better sense of the overall direction and plan for our national capital region.

For many residents, the national capital region's Gatineau Park is an important green space and one of the most popular regional amenities throughout the year. Over the past few years, this government has heard from stakeholders, including members of Parliament, that the park is not being adequately protected.

The changes that we are making to the National Capital Act would require the commission to manage its properties in accordance with the principles of responsible environmental stewardship, with particular attention being given to maintain its ecological integrity. These changes would ensure that the Gatineau Park's breathtaking beauty and rich history would remain preserved for generations to come.

One key element in the mandate of the National Capital Commission is the National Interest Land Mass. These lands are located in the national capital region and have been acquired by the federal government over the past century. This land is considered essential to the functioning and experience of the capital, including the greenbelt, the Gatineau Park, riverbanks, public places and commemorations.

The existing National Capital Act is silent on the National Interest Land Mass. This has caused confusion among stakeholders, specifically regarding the types of properties to be included as part of this collection of lands and the process used to designate these properties.

The bill before the House proposes that the commission may designate or remove designations of properties that are part of the National Interest Land Mass only if pertinent regulations have been approved by the Governor-in-Council. These regulations would set out the criteria that are used in deciding which properties should be included and the process followed by the commission in arriving at these designations.

[*Translation*]

The National Capital Commission has a number of tools at its disposal to ensure that the lands for which it is responsible are properly administered in the interests of Canadians over the long term. Currently, the NCC's responsibilities are limited to protecting property, preserving order and preventing accidents.

The proposed legislation would allow the Governor in Council to make regulations governing the use of the property and the activities that take place there, and protecting the area's environment, the goal being to improve real property management and environmental stewardship. The National Capital Commission should have the means to enforce these regulations. Accordingly, the bill provides that any person who contravenes these regulations can be fined.

The proposed changes to the legislation also aim to make the commission, and specifically the deliberations of its board of directors, its long-term planning activities, and its decisions related to the national interest land mass, more transparent. In addition, the bill places a special emphasis on the protection of not only the real property for which the NCC is responsible, but also the environment and ecological integrity of Gatineau Park. As well, the bill recognizes the role the commission plays in areas such as transportation planning and the management of official residences in the national capital region.

I urge all members to vote in favour of this bill to keep our national capital region vibrant and a place of well-being for future generations.



● (1605)

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, I congratulate my colleague for his speech. I can say right now that the Bloc Québécois will vote in favour of the bill but we would like to verify a few things.

Would my colleague agree to submit all National Capital Commission activities, decisions and development projects in Quebec to the Government of Quebec for approval?

**Hon. Lawrence Cannon:** Mr. Speaker, I would first like to thank my colleague and his party for their support of this bill. We are quite pleased.

With respect to his question, I believe that there are memorandums of understanding or agreements between the Government of Quebec and the National Capital Commission for the management of a number of things. I recall quite clearly having had the opportunity to discuss this with the former minister responsible for the Outaouais, Mr. Benoît Pelletier. We have always been able to come to an agreement about certain things and it was governed by a protocol between the two levels of government.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I liked the part of the minister's speech on the board of directors having to submit a 50-year master plan. That sounds like a very good idea in protecting the important green space in the area.

The minister alluded to some problems that the previous board had with meetings and public information being available. Could he expand a bit as to what inspired the bringing forward of this bill at this time?

**Hon. Lawrence Cannon:** Mr. Speaker, one of the things MPs in the area realized was, first and foremost, it had been 15 years since the National Capital Commission had gone through a legislative review and a review of its activities. Therefore, one of the first things we did, as I mentioned in the speech, was to name an expert independent panel to review not only what fundamentally was not in sync with public thinking and the evolution in public thinking on transparency and public meetings, but also to see what role the National Capital Commission could play by comparing what was being done in other places.

As I mentioned, the committee came forward with a series of recommendations and contemporized the actions that needed to be taken by the National Capital Commission at this specific period. There are elements in the there that we view as being essential, which were not there before.

I think we can all be proud of the direction the review panel has brought us and hopefully we can get this adopted as fast as possible.

[*Translation*]

**Mr. Richard Nadeau:** Mr. Speaker, I would like to ask a question of my colleague, who is the minister responsible for the Outaouais in the government. Does the National Capital Commission have forecasts to ensure that its expenditures in Gatineau and Ottawa are equitable?

**Hon. Lawrence Cannon:** Mr. Speaker, when I became a city councillor in Gatineau, Marcel Beaudry, one of the great chairmen the National Capital Commission has had, told me that the commission acted somewhat as a counterweight to balance things out between Ottawa and Gatineau. We have seen several activities over the last few years. I am thinking in particular of the work done on intersections, city streets, development and urbanization of the land. We have seen also the role played by the National Capital Commission to support initiatives by both the City of Gatineau and the City of Ottawa.

Thus, without giving figures—for I do not think we can get to the essence of things through quantitative analysis—we can look at the big picture. I think that the Canada-Quebec agreement which covers the Outaouais region of Quebec essentially sets up an obligation for the National Capital Commission. In 40, 50 or 60 years, people will take stock and realize how much the NCC was a driver of development in both the Quebec and the Ontario communities.

In my view, it is very much in the interest of everyone that this commission continues with its mandate and that we make sure it has the tools it needs to do so. Together, we will all be proud of our national capital.

● (1610)

[*English*]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I want to thank the hon. member and the government for bringing forward the bill. My colleague from Edmonton Centre has been part of the campaign in favour of this proposal to declare Gatineau a national park for quite a long time.

I had the privilege last week of speaking to the delegates from around the world who were attending the ICLEI event, which was about local initiatives for biodiversity. It is incredibly inspiring to hear what is going on in South Africa and Australia and some of the cities across our own country.

Ottawa, Gatineau and Aylmer are privileged to have this incredible park in their midst, which has been waiting to be preserved for all time by the federal government.

I am delighted that the government has responded to the recommendation that the board be revised and opened up to the public so that all decisions into the future can be more transparent and participatory, and to provide the legislative boundaries. I laud the government for that. In one week we have the Nahanni and now hopefully the Gatineau.

I am sure there will be issues that members of the various parties will want to discuss, and it will be good that the bill goes to committee, but I commend the hon. member for moving it.

I am wondering if the hon. member can give any assurance that this will not be one of the acquisitions that the government will be selling off and that towards the next budget the government will commit money to purchase additional private properties. I understand in the bill there is a provision to allow for the purchase of additional surrounding properties as they come up for sale.

**Hon. Lawrence Cannon:** Mr. Speaker, I will make a quick comment in terms of the extremely important role that Gatineau Park and the greenbelt area play in this region.

I was involved, as a town councillor, with developing a strategic plan for Gatineau's 20/20 vision, and one of the outstanding features was Gatineau Park. We built our economic development and social and cultural plan around the fact that we have a very strong green entity in the community and that it is an asset that we need but that we can also promote as being extremely important for our community, and moving forward, for the quality of life for all our citizens.

On the question of whether this federal government will sell off the assets, the hon. member should not worry; we will not sell off those assets. Those are assets that we, as Canadians, can look at and say, “This is our national capital region. It is a beautiful region. It is an outstanding region”.

All we have to do is look at other national capitals around the world and we can certainly be among the most prominent, the most important, because of the environmental sustainability vision that people like Jacques Gréber and others had for this region, long before both the hon. member and I had visions. That is the task we have, to continue that vision and go in that spirit.

● (1615)

[*Translation*]

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, I am pleased to rise in the House today to debate Bill C-37, An Act to amend the National Capital Act and other Acts.

First of all, we have serious questions about the bill regarding the changes made to the governance of the National Capital Commission and the management of Gatineau Park. We plan to support Bill C-37 in principle, so it may be referred to committee for further study.

The national capital is a symbol of our country. It is important to ensure that this vision is understood by all visitors from around the world.

[*English*]

The national capital is a symbol of our country and it is important to ensure it represents the vision of Canada to visitors from around the world. An open and transparent National Capital Commission is critical to ensure that the capital represents the values of Canadians.

[*Translation*]

The national capital region is one of the most beautiful capitals in the world and we are very proud of it.

This organization is an important part of the national capital region. We must maintain transparency within the National Capital Commission and continue to improve it if possible. An open and transparent corporation would reflect the values of Canadians.

This update is a reflection of the current political reality. The public wants to have access to the discussions that relate to where they live. Any decisions that are made will have considerable repercussions on their lives. It is also a matter of principle. So, we have some serious questions, as I was saying, regarding the administrative changes proposed for the NCC.

I would remind the House that it is an independent corporation. Here are a few lines from the National Capital Commission's web site regarding its mission:

> to prepare plans for and assist in the development, conservation and improvement of the national capital region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance;
>
> to organize, sponsor or promote such public activities and events in the national capital region as will enrich the cultural and social fabric of Canada.

Generally speaking the role of the NCC is to develop the land in the National Capital Region and to promote our region.

This bill is a follow up to the recommendations of an ad hoc committee chaired by Mr. Gilles Paquet in 2006. The specific purpose of Bill C-37 is to amend the National Capital Act to:

> (*a*) modify the governance structure of the National Capital Commission and increase its transparency;
>
> (*b*) clarify the National Capital Commission’s responsibilities, including those regarding planning and sound environmental stewardship;
>
> (*c*) establish the boundaries of Gatineau Park;
>
> (*d*) enhance the National Capital Commission’s regulation-making powers;
>
> (*e*) remove the requirement that the National Capital Commission seek Governor in Council approval for real estate transactions; and
>
> (*f*) harmonize that Act with the civil law regime of Quebec.

This enactment also amends the Official Residences Act to clarify the National Capital Commission’s responsibilities regarding official residences.

● (1620)

Along with the green belt, Gatineau Park is one of the jewels in the crown of Canada's capital. Born of the Greber plan, it has gone on to become the lifeblood of our capital. Today we have some serious questions about the boundaries of Gatineau Park. They need to be made very clear.

On page 13 of the bill, the description of the Gatineau Park boundaries reads as follows:

> The boundaries of Gatineau Park are within the registration divisions of Hull, Gatineau and Pontiac, Province of Quebec, are located in the municipalities of Chelsea, La Pêche, Pontiac and the City of Gatineau, and form part of the cadastres of the Township of Aldfield, the Township of Eardley, the Township of Hull, the Township of Masham, the Township of Onslow and the Cadastre du Québec.

An examination of this bill leads one to immediately grasp the need for a thorough study of the matter. The description of the boundaries runs from page 12 through page 34, a very detailed description. So we will be in need of briefings, maps, engineers, and GPS to make sure that everything that needs to be included or excluded is properly delineated and identified. We therefore feel this requires a far more thorough examination in committee. There we need to clarify its functions and accessibility and set the boundaries.

For many reasons, I do not think that Gatineau Park should necessarily become a national park, basically because there are portions of land inside and around the park that belong to the government of Quebec. I also think that any protection afforded the park should not include a prohibition of citizens to have access and engage in activities there. However there should be some limits set.

Highway developments in recent years have improved access for residents to the western part of the city of Gatineau and to the park. Like the greenbelt in Ottawa, Gatineau Park is an ecological treasure, but it must also be able to grow and adapt to the human environment. There must be a balance between the two. Protecting the park is essential. To do so, we have to know its physical boundaries and put protective mechanisms in place.

Some are disappointed that Bill C-37 does not go far enough, but others are happy to begin the discussion. That is the gist of the message I want to deliver today. We must vote in favour of the bill so that it can be studied in depth in committee. In the course of that process, we will have to pay attention to certain concepts included in the bill so that they are fully understood and defined. I cite for example two terms used in the bill which must be studied, explained and explored. The first is the reference to a national interest land mass and the second concerns the ecological integrity of the park.

The bill raises other questions. Would the NCC charge user fees? Also, is there a possibility of privatizing the park, certain parts of it or certain works arising from the use and preservation of the park? In addition, this bill raises the issue of public transit in the region. This whole issue, and its local and regional impact, must be studied. The issue of transportation in the region is nothing new, even though it is included in this bill. It is part of the original mandate of the National Capital Commission. That is why the commission has already participated and is now participating in studies and in some planning of transportation. The use and disposition of properties in the park must also be very clear, so as to cause no prejudice to anyone.

● (1625)

In conclusion, the Liberal Party of Canada will support Bill C-37 in principle, in the interest of its further study in committee.

[*English*]

At this time we support the bill proceeding to committee stage. In principle, the bill adds clarity and transparency to the National Capital Commission and grants it clearer responsibilities in which to manage itself. There are questions on how these administrative changes will work and we will need to examine these in committee. The issue of setting the boundaries of Gatineau Park must also be examined closely. This issue has the potential to be controversial. We will examine this issue more closely over the summer and in committee.

[*Translation*]

In principle, the bill brings clarity and transparency to the National Capital Commission, and assigns it clear management responsibilities. We have questions about how these administrative changes will function, and so will need to have them studied in committee.

Any question relating to the boundaries of Gatineau Park must also be very closely examined.

We will work on this over the summer and during its study in committee, seeking the clarifications to all the issues we raise.

* * *

[*English*]

## MESSAGE FROM THE SENATE

**The Acting Speaker (Mr. Barry Devolin):** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed the following public bill to which the concurrence of the House is desired: Bill S-208, An Act to amend the Food and Drugs Act (clean drinking water).

**The Acting Speaker (Mr. Barry Devolin):** It is also my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Gatineau, Government Contracts; the hon. member for Burnaby—Douglas, Public Safety; and the hon. member for Vancouver Quadra, Forest Industry.

* * *

[*Translation*]

## ACTION PLAN FOR THE NATIONAL CAPITAL COMMISSION

The House resumed consideration of the motion that Bill C-37, An Act to amend the National Capital Act and other Acts, be read the second time and referred to a committee.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, I congratulate the hon. member for Hull—Aylmer, who is my neighbour in the Outaouais, for his speech in which he said that the Liberal Party will support Bill C-37 so it can be studied in great detail in committee.

Could the hon. member tell us why it is necessary to look at the boundaries of Gatineau Park?

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, I thank the hon. member for his question.

Of course, it is rather difficult to determine now the benefits and drawbacks related to certain boundaries of Gatineau Park. However, I can provide an example for the hon. member.

There are currently some private properties in Gatineau Park. Other properties are immediately adjacent to the park. Some of the properties located inside the park benefit from transactions that took place in years past. If we were to now block or stop any additional development in Gatineau Park, this would have the effect of increasing the value of existing properties. However, in some cases, the value would go down. We are talking about properties that were acquired from other private interests, of land acquired from the National Capital Commission, or of properties neighbouring the park. Therefore, I believe that we will have to look very closely at the boundaries of Gatineau Park.

Earlier, I talked about the park's geographical location. Hon. members probably noticed that a section of the park is located in the riding of Hull—Aylmer, but most of it is in the riding of Pontiac.

We will have to take a close look at the park's boundaries to ensure that the process is fair to those who are already settled in the park, to those who have neighbouring properties, and also to municipalities. Indeed, some municipalities are currently using public roads located in the park, while residents of these municipalities use the park in various ways. So, we will have to be very cautious and careful, and we will have to do a thorough and detailed study of the boundaries of Gatineau Park.

● (1630)

**Mr. Richard Nadeau:** Mr. Speaker, I thank my colleague for his response.

Now, I would like to know what my colleague from Hull—Aylmer thinks about submitting all National Capital Commission activities, decisions and development projects relating to property in Quebec to the Government of Quebec for its approval.

**Mr. Marcel Proulx:** Mr. Speaker, my colleague from Gatineau already asked that question to my colleague, the member for Pontiac and Minister of Foreign Affairs, who obviously spoke just before I did in favour of the bill. The response given by the Minister of Foreign Affairs was quite clear: there are agreements between the governments of Quebec and Canada on different topics, different transactions and different places where the Government of Canada can act in the province of Quebec.

But I do not believe that the Government of Canada has to ask the Government of Quebec for permission to do work in a park that belongs to the Government of Canada. I understand and I can see where the member for Gatineau is going with his question. We should not expect that tomorrow morning, next month or five years from now, the Government of Canada, through the National Capital Commission, will decide to build a zoo, an amusement park, water slides or other things without consulting the neighbouring municipalities, the general public and obviously also the Government of Quebec.

The Government of Canada has jurisdiction over its own territory but there are agreements on sharing responsibility and on consultation between the governments of Quebec and Canada, so my colleague from Gatineau has nothing to be afraid of. I do not really believe that just because it owns Gatineau Park, the Government of Canada, through the National Capital Commission, will play tricks on the Government of Quebec.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, I rise to speak to Bill C-37, An Act to amend the National Capital Act and other Acts. The Bloc recognizes the importance of improving the conservation of natural settings and the protection of Gatineau Park and property development. It considers, however, that the federal government must act with respect for the environment and the jurisdictions of Quebec, as regards the management of its land, for example.

In this vein, the Bloc would like to express a number of reservations. They concern, among other things, the matter of transportation and the powers of the National Capital Commission to designate parts of Quebec land a national interest land mass.

The Bloc supports efforts to make the National Capital Commission more transparent. And particularly so, as these measures echo recommendations made by the Bloc during the 2006 consultations when the commission's mandate was reviewed.

In addition, the Bloc decries the fact that the government did not include certain recommendations drawn from our 2006 brief on the review of the NCC's mandate, to the effect, first, that all activities, decisions and proposed development by the NCC within Quebec territory be first submitted for approval to the Government of Quebec and, second, that spending on one side or other of the river be shared equally by Gatineau and Ottawa.

Consequently, the Bloc is in favour of having Bill C-37 studied in committee as concerns Gatineau Park. This is an important site the NCC manages. With an area of over 350 kilometres, Gatineau Park is currently a federal park administered by the National Capital Commission. Unlike other national and provincial parks in Canada, the park has no legal protection, which makes it vulnerable to sales of its lands by the NCC.

Under an agreement concluded in 1973, the Government of Quebec transferred management control over 5,060 hectares of land belonging to Quebec situated within Gatineau Park to the federal government, in perpetuity, according to the two orders in council accompanying the agreement. The agreement concerns some 17% of the park lands. Despite the transfer of the right of management, the Government of Quebec continues to view itself as the sole owner of these lands.

Certain concerns should be raised regarding, among other things, the matter of transportation. In the section on the NCC's mandate, a new provision concerning the objects and purposes of the commission is causing concerns. The bill proposes powers under the objects and purposes of the National Capital Commission with respect to transportation in the region. To the Bloc, it is clear that responsibility for the development of Quebec land in the federal capital and elsewhere belongs to the Government of Quebec. The same is true in the case of transportation.

The Bloc Québécois believes that federal government legislation and policies should be amended so that all activities, decisions and proposed development by the National Capital Commission within Quebec territory should first be submitted to the Government of Quebec for approval.

With respect to transferring financial resources, the Bloc Québécois does not agree with a number of the National Capital Commission's objectives, particularly those concerning the development of a national identity, it goes without saying.

● (1635)

We recognize that the Outaouais region will benefit from planning and we understand that Canadians want to revitalize the area surrounding the federal seat of government. All the same, we believe that all planning activities should occur under the direction of the Government of Quebec.

As to the national interest land mass, which is a very touchy, important and sensitive issue, the bill introduces new sections authorizing the National Capital Commission to designate some lands as being of national interest. In clauses 10.2 and 10.3, the federal government is proposing nothing less than to give the National Capital Commission the power to acquire lands deemed to be of national interest. As soon as such lands come under the ownership or management of the National Capital Commission, it becomes responsible for planning their use. The Bloc Québécois recognizes the importance of protecting Gatineau Park from building development, but that protection must respect the integrity of Quebec territory.

With respect to the boundaries of Gatineau Park, these are defined for the first time in the legislation. Although this is a positive step, the Bloc Québécois wants to hear what experts have to say about the boundaries and will make sure that they correspond to those recognized by the Government of Quebec.

In the interest of transparency, the bill makes a number of changes to the National Capital Commission's operating procedures, that is, how the federal organization makes decisions. For example, the bill requires the commission to hold four open meetings per year. That was one of the demands in the Bloc Québécois' 2006 brief, and it will make the commission more transparent. Furthermore, at least every 10 years, the National Capital Commission must submit a master plan to the governor in council, who will in turn submit it to the House of Commons following approval.

These provisions are a step in the right direction. The Bloc Québécois would have liked to have seen another provision about the equitable appointment of commissioners, as stated in the brief I referred to earlier. It is important to understand the terms. We asked that:

> "national capital region" commissioners representing Quebec be as numerous as those representing Ontario, and that Quebec be guaranteed one quarter of the commissioners from outside of the "national capital region".

Some of the additional recommendations contained in the Bloc Québécois 2006 brief on the National Capital Commission review were not included in the government's bill and that is deplorable. Here are a few that could have been included in this bill.

With respect to the integrity of Quebec's territory, and based on the fact that the current government has promised to respect Quebec's jurisdictions, the Bloc Québécois expects all activities of the National Capital Commission concerning Quebec to be subject to the approval of the Government of Quebec.

Although the federal government and the National Capital Commission consider the Outaouais and the Ontario side as a single entity, we consider Gatineau and Ottawa to have their own identity and interests and the National Capital Commission must recognize that the Government of Quebec and the City of Gatineau, on the Quebec side, are better positioned to meet the needs of their citizens.

● (1640)

The Bloc Québécois believes that the federal government and its agent, the National Capital Commission, have the obligation to respect the integrity of Quebec's territory, both in terms of the land mass and the exercise of power.

The federal government's law and policies should be amended to ensure that: the federal government ceases to dispossess Quebec of its land; the National Capital Commission does not have the right to proceed with expropriations; all National Capital Commission activities, decisions and development projects on Quebec territory are to be approved by the Government of Quebec in advance; all board meetings of the National Capital Commission are to be held in public.

The Bloc Québécois believes that the federal government and its agent, the National Capital Commission, must formally undertake to equitably share their expenditures between the cities of Gatineau and Ottawa on the basis of population.

The Bloc Québécois will vote for Bill C-37 so that it can be studied in more detail in committee.

Gatineau Park is an extraordinary place and very beautiful. It deserves to be visited and better known. In the very distant past, the Champlain Sea came this far and one of the banks where its waves crashed was Gatineau Park. When we visit Champlain Lookout, we can see how vast and deep the Champlain Sea might have been.

There is also Lac Philippe, the picnic places and Pink Lake, which is remarkable for the fact that there is no oxygen in its depths. It is highly valued by scientists, who can conduct some of the rarest studies in the world here. There are also the bicycle paths, the hiking trails, and the places where families can go with their children to admire and appreciate nature in a safe environment.

As a result of the various eco-climates in Gatineau Park, trees as rare as the ironwood can be found. It used to be prized by locals when the forest industry was still cutting down trees here. Ironwood was used to make axe handles. It is very rare nowadays, and the members of all parties and all the people in the world should get to know and appreciate the micro-climates to be found in Gatineau Park.

Many people enjoy the cross-country ski trails in the winter. They have places along the trails where people can stop and eat something they have brought along. A wood stove is provided. People can get warm in these enclosed places and enjoy their skiing all the more. My students and I did some winter camping in Gatineau Park. We could spend the night in the quinzhees and continue our skiing the next day on the well-groomed trails.

The animals are also very interesting. There is Kingsmere too. You know just what I am talking about, Mr. Speaker. It was the cottage of none other than William Lyon Mackenzie King, the former Prime Minister of Canada. If I am not mistaken, you invited parliamentarians to visit it last night. It really deserves a visit.

We all know—

● (1645)

**The Speaker:** Order, please. I am sorry to interrupt the hon. member, but there is someone here.

# ROYAL ASSENT

A message was delivered by the Usher of the Black Rod as follows:

> Mr. Speaker, Her Excellency the Governor General desires the immediate attendance of this honourable House in the chamber of the honourable the Senate.

Accordingly, the Speaker with the House went up to the Senate chamber.

● (1700)

[*English*]

*And being returned:*

**The Speaker:** I have the honour to inform the House that when the House went up to the Senate chamber Her Excellency the Governor General was pleased to give, in Her Majesty's name, the royal assent to the following bills:

> Bill C-18, An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts—Chapter 13.
>
> Bill C-16, An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment—Chapter 14.
>
> Bill C-29, An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act—Chapter 15.
>
> Bill C-24, An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru—Chapter 16.
>
> Bill C-38, An Act to amend the Canada National Parks Act to enlarge Nahanni National Park Reserve of Canada—Chapter 17.
>
> Bill C-41, An Act to give effect to the Maanulth First Nations Final Agreement and to make consequential amendments to other Acts—Chapter 18.
>
> Bill C-39, An Act to amend the Judges Act—Chapter 19.
>
> Bill C-33, An Act to amend the War Veterans Allowance Act—Chapter 20.

# GOVERNMENT ORDERS

[*Translation*]

### ACTION PLAN FOR THE NATIONAL CAPITAL COMMISSION

The House resumed consideration of the motion that Bill C-37, An Act to amend the National Capital Act and other Acts, be read the second time and referred to a committee.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, I understand that we had to deal with some business of Parliament, but now I will continue.

If I am not mistaken, Mr. Speaker, I had got to the Kingsmere estate, which you are familiar with because as Speaker of the House of Commons, you occupy one of the residences there, which is maintained by the National Capital Commission. It is also an interesting place because the former Prime Minister of Canada, Mackenzie King, built residences there out of material he inherited from his grandfather, who was the leader of the Reform Party in Ontario, in Upper Canada, at the time of the 1837-1838 rebellions. We will recall that the Reformists in Upper Canada and the Patriots in Lower Canada worked, each in their own way and with their own people, to bring democracy to the people they represented, Upper Canadians and Lower Canadians. We know that the British Empire was familiar with the formula which it applied at home, but refused to allow real democracy to be instituted in a straightforward, honest manner.

So Prime Minister Mackenzie King's grandfather was one of those leaders, as Louis-Joseph Papineau, an important figure, was for Lower Canada. It is interesting to note that Montebello, where Louis-Joseph Papineau spent the last 20 years of his life, is not far from Gatineau Park, in terms of relative distance when we compare them today.

It also has a very interesting lake, not only in terms of its views and what it is used for, but also in political terms: Meech Lake. We all know that the Bloc Québécois first came into being in the Outaouais. As they say, truth emerges from the clash of ideas. The Meech Lake accord was first signed by all of the premiers on Quebec's national holiday, June 24, 1987, on the shores of Meech Lake. Prime Minister Brian Mulroney had invited all of the provincial premiers to work out a way for Quebec to become part of the Constitution that had been patriated so incongruously—to put it mildly—by then Prime Minister Pierre Elliott Trudeau. Meech Lake saw the start of a great debate, all across Canada, all across Quebec. On June 23, 1990, the three-year-old agreement finally crumbled. We know the political dealing that took place at that time. Five demands had been put to Canada by Quebec, for it to sign on to the patriation of the 1982 Constitution. I would mention in passing that it was never signed, and since that time a majority of the members representing Quebec in the House of Commons have been from the Bloc Québécois.

I tell this story by way of saying that inside Gatineau Park itself, in this magnificent spot, is a place of great political significance to the Bloc Québécois: Meech Lake. It is worth making the trip, to go and walk on its shores and even go swimming, just as one might in Lac Philippe.

That said, the Bloc Québécois reiterates its position: we are going to vote in favour of Bill C-37 so that the National Capital Commission can enter the 21st century.

● (1705)

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, I listened carefully to the comments of my colleague from Gatineau. Since we have both worked on several files which come under the responsibility of the National Capital Commission and since we have some time left, I would like to ask him a few questions.

My first question is about the important role played by the National Capital Commission with respect to integration and urban planning in the national capital region on both sides of the river. Is my colleague satisfied with the powers and responsibilities of the NCC vis-à-vis this role of creating cohesion between both sides of the river with regard to urban planning and land-use planning? Is he satisfied with the powers and the role it has?

Second, I would like to know if he is satisfied with the way the NCC carries out this work presently? If not, what would he like to see corrected in the work of the NCC?

If I have some time left after his answer, I will ask him another question.

**Mr. Richard Nadeau:** Mr. Speaker, I salute my colleague from Ottawa—Vanier, who was once president of the Student Federation of the University of Ottawa, where I also was a student and where I also tried to be elected, a few years after his mandate, not as president, but as a member of the executive. Although I lost the election at the time, I am happy that we can both be members of Parliament here today. Therefore, I salute my colleague, who is originally from Mattawa.

Here is my answer to his very pertinent question. To begin with, land use in Quebec is a matter for the National Assembly of Quebec to decide. Also, the City of Gatineau knows best how the land should be used in the interest of all of its population. I agree that there can be some degree of coordination due to the creation of the National Capital Commission, which was in 1959, the year I was born. Cohesion and coordination always are useful.

Now, we must never forget, and this element is missing from the bill, that the integrity of the Quebec territory must be respected.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I listened to the member with interest. He pointed out that he would want to make certain that a fair distribution of projects would exist between Ottawa and the Gatineau area. I think we can all agree that we should encourage that not all the development should occur on one side or the other, that there should be a good balance between those.

However, the minister indicated that under the new bill we would not need cabinet approval for real estate acquisitions. Could that be of some concern as well? Now that we are relying on the commission to make decisions, we are putting a lot of trust on it. In addition, the whole area of the green space is a big interest to my colleagues in the NDP. We want to ensure that green space is protected at all costs. We would not want to see the development and diminution of the green space over time.

[*Translation*]

**Mr. Richard Nadeau:** Mr. Speaker, I thank my colleague from the New Democratic Party for his question. Certainly, people have been asking for this for a very long time. Taxpayers' money should be spent fairly by the federal government. That is a basic principle. In the Gatineau-Ottawa region, there must be a 25/75 distribution if we are to reflect the population distribution fairly. We know that 25% of the population of the greater federal capital region is in Gatineau and 75% is in Ottawa. We do not want more than that, but we certainly do not want less. This is very important in the case of the National Capital Commission.

A great deal of Quebec land has been included. That is very important. The environmental aspect is also important. We are in favour, but the environmental laws of Quebec must be respected.

Let me come back to the topic of highway development. When the building of new bridges is considered, where the two cities, the governments of Ontario and Quebec, the federal government as well as the National Capital Commission are involved, the process is very cumbersome. With coordination, we can usually get results.

● (1710)

**Hon. Mauril Bélanger:** Mr. Speaker, my colleague raised the question of bridges, an issue that concerns us deeply in this region.

As we all know, there is a proposal in the works to build at least one more bridge in order, we hope, to one day be able to get heavy trucks out of the downtown core of the national capital.

My question relates to the potential construction of a second bridge, which could allow us to create a ring road around the national capital region.

I would like to hear my colleague's thoughts and his point of view on the existence of a ring road around the national capital region in the future. A ring road would allow us to effectively manage traffic in the region.

**Mr. Richard Nadeau:** Mr. Speaker, first of all, since I have lived in both Saskatoon and Regina, cities that have ring roads, I think it is an excellent idea. In fact, ring roads help unclog the cities. They also give better access to specific areas of the city.

However, I will start by addressing the first point. The National Capital Commission presented three possibilities: a bridge linking the Canotek industrial park on the Ontario side with the Gatineau airport; another possibility with Lorrain Boulevard on the Gatineau side; and also Kettle Island around Manor Park on the other side of the river.

Since 1951-52 when the Gréber plan was implemented, Gatineau has worked towards building a bridge at Kettle Island. Unfortunately, the City of Ottawa has not done its part.

Where does that leave us? We will have to wait three or four years to see how things will turn out. Nonetheless, the bridge issue is fundamental, and we must consider the work done by the people of Gatineau and the Quebec ministry of transportation to widen Montée Paiement Boulevard in order to build a bridge at Kettle Island. We must remember that this work has been done. We know that it is currently being examined as one of the options for a future bridge.

That said, it is smart to think about a ring road. It is a way to get around. But we must look at the work done by the different partners, since there are a number of partners in this project.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, we know that Gatineau Park has been affected in recent years by golf course development and the construction of highways through the park.

Does the member believe that this bill will protect everything in Gatineau Park, which is a jewel?

**Mr. Richard Nadeau:** Mr. Speaker, that is the reason we want Bill C-37 to be referred to committee. We want the legislation to include guarantees, and we want the land in Gatineau Park to be protected to the same extent as the integrity of Quebec's territory, for which the National Assembly of Quebec and the City of Gatineau are responsible.

The committee will have to work very hard to ensure that such protection is in place.

● (1715)

[*English*]

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I want to thank the government for bringing this bill forward. I think this is a bill that will need some study at committee. It is a bill that will require us to hear witnesses. However, I want to thank the government for bringing forward a bill that will do what I think many of us want to see done.

Gatineau Park will actually be protected. The park will be given the proper designation. It will have someone who is going to be a steward to make sure that this park is there for generations. I also want to acknowledge a number of people who were the driving forces behind this bill getting to this place so that we will hopefully have protection for the park.

I want to acknowledge my predecessor, Ed Broadbent, who brought his private member's bill forward to do what this bill is attempting to do, which is protect Gatineau Park. After Mr. Broadbent's retirement, I was able to get the confidence of the people of Ottawa Centre and be elected to the House of Commons. I brought this forward as my first private member's bill and have since brought it forward to this Parliament after the last election. Some changes have been made, but it is essentially the same design.

I brought forward two bills. One was Bill C-207, which was to reform the NCC, and Bill C-367, to protect Gatineau Park. The government has done some good things in its bill that have brought these two component parts together.

I would hope that certain amendments are considered, but a good thing about the bill is that it opens up the National Capital Commission board meetings to the public. That is something that had been long overdue. It sounds strange to be saying that in 2009, but for far too long the NCC did its business behind closed doors.

The bill will also legislate boundaries for Gatineau Park. It may be strange to know that, prior to this, there were no boundaries for Gatineau Park. In fact, most Canadians would not have been aware of that. Indeed, people who have lived their whole lives in this region would not have known that there were no boundaries. Now, we have that and those are good things.

There are a couple of things I would like to see and I will enumerate those. We can certainly bring these to committee. In Bill C-207, that I brought forward on the reformation of the NCC, I recommended that we reduce the number of people on the board to make it a little more functional and hands on, and that we ensure that there would be city councillors from both the Gatineau side and the Ottawa side, nominated by the respective councils and represented on the board of the NCC.

Right now we do not have a democratic representation on the board. There are appointments made by governor in council. I thought this would be a smart thing to do. Consultations that I held here in the community recommended that we have someone who represents the interests of the people in the region, from the council perspective in both Gatineau and Ottawa. It would also still have people who were appointed to make sure that the national view was incorporated.

I also wanted to make sure, and this is connected to Bill C-367, my private member's bill on Gatineau Park, that we not only legislated the park boundaries as is contemplated in this bill but give it the same protection as a national park, so that no new developments or encroachments on the park would take place without the approval of Parliament. That is a very important piece. It is not in the bill and I hope that we can amend the bill to do that.

Gatineau Park is an incredibly important piece of our country's history. It is the residence of the Speaker and a former residence of one of our prime ministers. Interestingly enough, it was one of the first parks that was to be contemplated as a national park. Yet, because of reasons I will get into in a little bit, it was never able to achieve its right as a national park.

● (1720)

It was created back in 1938, as we know, but its history goes much further back than that. It was a very vibrant place for logging and other industry. It was a place, however, that people knew from the beginning, going back to 1912, that there needed to be some protection. There were park officials who said, “Look, we have to keep an eye on the development here. There's some industry happening”.

There were deep concerns around forest fires and how that related to industry, and the fact that the actual park itself might not be around without protection. Over many years and the persistence of people in the area, there was a push on the government of the day to contemplate protection.

Interestingly enough, and I will get back to the point of the former prime minister, it was his concern that it would be seen to his benefit because of his residence there. He did not want to be seen as having put a national park there. He did not want to be attacked by the opposition parties of the day. So it was left unprotected.

There were many studies. Sparks Street, just down the way, is actually named after Percy Sparks. Percy Sparks was with the Federal Woodlands Preservation League. He was someone who was very clear about the need for protection. In fact, one of the recommendations that he made to the government of the day was to make sure that there were boundaries and protection but for reasons, as I mentioned, of politics. However, it was never actualized.

There had been great work done in the Rockies to protect natural green space, but we were not doing it in the foothills beyond Parliament. However, over time there were considerations about how to protect the area. By and large these ideas worked and they were considered by many as a workable solution.

The development encroachment of recent years has stressed the park, be it through roadways that were built or through the development of recreation that was not really sustainable. People have been kind of chipping away at developing the park. It was very clear to many that the park needed protection.

We know that green space is limited. We know that the habitats that exist there are very diverse, the flora and the fauna. We know that when we talk to people from the Sierra Club, CPAWS, and the Friends of Gatineau Park, these groups have been extremely active in making sure that there is protection for the park. All have done inventories of Gatineau Park. It is one of the most diverse areas that we have in the country. The biodiversity there is extremely important. There is a very vibrant fish habitat.

However, if industry and development are allowed to encroach upon habitat, and we do not put in sufficient protections, then we will see that lost.

One of the things we need to note about Gatineau Park is that it has done a very good job. People have done a very good job of keeping a balance with the exception of the development that I mentioned. Right now in Gatineau Park there are recreational opportunities and people are able to enjoy the park as a leisurely place, but there are also people who are interested in biodiversity and protection who want to ensure that we do have some diversity and protection of the green space. Without protection of the park, without legislative protection of the park, it will be lost.

Growing up in this city, it was common practice for us to get on our bikes and go up to Pink Lake and some of the other lakes and go for a swim. It would take us about 35 to 40 minutes on our bikes and enjoy pristine nature. I have seen that change since I was a kid. We need to ensure that the beauty of the park and the diversity of the park is kept. Without protection, without legislative protection, and without resources, that will not happen. The pristine beauty and the opportunities I had when I was growing up will not be there for my children or grandchildren unless we protect the park.

● (1725)

When we look at what is in the bill, there are extremely important components to protect the park. One of the things that is important to note, and I give some credit to the NCC, is that recently CEO Madame Lemay and Russ Mills, as the chair, are looking at opportunities to acquire land to ensure that we grow the park. As I mentioned, we have seen development chip away at the park. Recently, there has been an acquisition of lands. That must be a mandate for the NCC. We must make sure that the park grows and is protected. We must make sure that the kind of development we saw in the past does not happen again.

When we consider the protections that are contemplated in the bill, there must be a balance by making sure that the park grows, making sure that people can use the park for recreational purposes, making sure that the biodiversity is protected, and making sure there is a plan for the future. Those component parts must be realized by the bill.

While many from outside the region would be surprised that Gatineau Park is a park, they may say to go ahead and provide it with the protection it needs. We must appreciate that this is a very diverse place, that it needs strong protection. This has to be thought out well and that is why it is important that we send the bill to committee.

I began my speech by mentioning the fact that I was giving credit to the government for bringing the bill forward and there was applause from the government side. When we get things right, let us mention it.

What needs to be done at committee is to look at those component parts I just mentioned. We need to look at biodiversity and the environmental interests of the park and ensure they are going to be protected. We must ensure that we have the necessary structures in place to be sure that happens. We must ensure that the recreational opportunities are there for people, and that we ensure that the biodiversity is going to be there and that we grow the park.

If we look at what is happening around the world and certainly across the country when it comes to green space, we need to reclaim green space and grow parks. We have had numerous decades where we have just used our green space in ways that have not been helpful.

That is why it is incredibly important that this go to committee, to hear from witnesses to ensure that we can make this park continue not only the history that I mentioned in the short time I had but to make sure that it is going to protect the biodiversity that is going to ensure the future of the park. We must ensure there are mechanisms in place for many, many years.

I want to close by saying that too often in our country we do not preserve our history. We forget the past. With this bill and with this park preserved we will preserve our history and protect the past. We will also look to the horizon and the future to make sure that we do the right thing, preserve the biosphere that is Gatineau Park. It is one that is worth preserving to make sure that this is something for all to see. When my children, grandchildren and others visit the park in the future, they will know we did the right thing with this bill. We protected the park. We protected our history and we protected the environment that is so pristine.

**The Acting Speaker (Mr. Barry Devolin):** It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

● (1730)

[*Translation*]

### INCOME TAX ACT

**Mr. André Bellavance (Richmond—Arthabaska, BQ)** moved that Bill C-290, An Act to amend the Income Tax Act (tax credit for loss of retirement income), be read the second time and referred to committee.

He said: Mr. Speaker, it is a great honour to participate in this debate once again. I say once again because, as I will have the opportunity to explain, this is the second time I am tabling this bill. Of course, it has now changed its number. Previously, it was Bill C-445. It has become Bill C-290.

So I am truly very happy to take part in this debate this evening. I also thank my colleague for having seconded this bill. Once again we are returning to the task and not letting up. I am sure that the people watching us at home right now who are affected by this bill are also very happy that we have come back to it before the summer break to have the first hour of debate on the second reading of this bill.

On May 17, 2007, as I was saying, I took the floor in this House to table Bill C-445. One year later, that bill had passed second reading and was about to be debated in committee. It was going to be submitted to the Standing Committee on Finance when elections inopportunely, as I would put it, interrupted the entire process. The people from our region with whom we worked on this bill were aware of the parliamentary process, whereby the bill and the entire initiative could be interrupted by the calling of an election. This delayed all of our work. We always said it was like building a house: you have to go about it brick by brick, and at some point the job might have to be interrupted. However we began again immediately after the election, and two years later, here I am again with Bill C-290, which reintroduces the full text of Bill C-445. You will recall that that bill was intended to grant a refundable tax credit to taxpayers who are the victims of a failure of an employer or certain employees of that employer to make contributions to a registered pension plan.

Bill C-290 is a bill to amend the Income Tax Act (tax credit for loss of retirement income). That is now its title. I must explain that there has been a minor change to the bill, and that was to its title only. Initially, Bill C-445 referred to a tax benefit, whereas now we refer to a tax credit. The legislative drafters said that it was more correct to speak of a tax credit than a tax benefit. For the rest, this is precisely the same bill, which I tabled again last February after promising to do so. In fact I see this as a commitment. One must always pay attention to one's election promises. Our people knew very well, at the time of the last election campaign, that I was making this commitment in order to keep it. I had to be re-elected, and fortunately I was. I have kept my promise with the tabling of the bill which now bears the number C-290.

This bill proposes a refundable tax credit, as I said earlier, for loss of retirement income equivalent to 22% of lost revenues. The credit would have no impact on the retiree's income, whether or not he pays taxes. In addition, the credit could always be transferred to a surviving spouse, and it would apply to both a determined contribution plan and to a determined benefit plan. The usual example given is that of a retiree whose income would drop from $30,000 to $22,000. That is a loss of $8,000. If we take 22% of this $8,000 loss, as provided in the bill, a non taxable amount of $1,760 would go to this person whose pension was reduced because his company went bankrupt or closed.

This was what happened with the 1,200 retirees of the Jeffrey mine in Asbestos, in my riding. That is why I spoke of my electoral commitment to these people, naturally. It happened as well to the 300 people working at Atlas Steel in Sorel, in the riding of the seconder of this bill, my colleague from Bas-Richelieu—Nicolet—Bécancour. He too told his fellow citizens that the Bloc was going on the attack. Even if the bill unfortunately died on the order paper when the last election was called, we were not going to let go.

Another thing happened as well. We know how it works, but I want to explain it to our viewers. There is the famous draw, in the case of private members' bills, which allows each member the opportunity to introduce a bill at one time or another. My colleague from Bas-Richelieu—Nicolet—Bécancour and I decided that whichever of us was chosen first would introduce the bill again. I do not want to monopolize this bill. We are working as a team.

● (1735)

It did not matter which colleague introduced it, what counted was to move it forward as quickly as possible. I am not very lucky in the lottery or in draws, but this time I was lucky and I was drawn first. So, I reintroduced the bill, and now we have a chance to debate it for the first hour at second reading before the summer recess. I am therefore very happy. My colleague from Bas-Richelieu—Nicolet—Bécancour was drawn right after me. It would not have made much difference. But I won and so I stand before you. You will still have an opportunity to hear my colleague in a few minutes.

The retirees from the Jeffrey mine and Atlas Steel worked hard and honestly all their life. They contributed to a pension fund that was drastically cut through no fault of their own. This is important to say. We have the option of helping them, and this is what we are trying to do with Bill C-290, by giving them part of their loss. Or we could leave them to their fate. Unfortunately, that is what the people in the Conservative government did with Bill C-445, while the Liberals and the NDP supported the Bloc to have it sent to committee.

I want to remind this House that the Conservatives told us that this bill would cost a fortune. Despite my requests, I never did find out how they came up with figures as outrageous as $10 billion. I can talk about this later if I have time, but I asked the people at the Library of Parliament to do some research. I was told that it would take an absolutely unbelievable catastrophe for the figures to reach such incredible levels, even though the economic situation today is not what it was when I first introduced this bill. Other retirees could certainly benefit from this tax credit, but if more people who have been penalized can benefit, then that is good.

I am certain that my Liberal and NDP colleagues will continue to support us. At least, I hope so. Perhaps there will be speeches later to confirm this. Perhaps the Conservatives have changed their minds since this bill was first introduced in 2007 and will recognize that these retirees deserve the little boost that the measure in Bill C-290 will give them.

I want to give some background on this bill to show how the idea came about. The bill was the result of extraordinary cooperation between the subcommittee of retirees from the Jeffrey mine in Asbestos and from Atlas Steel and my colleagues from Bas-Richelieu—Nicolet—Bécancour and Chambly—Borduas. My colleague from Chambly—Borduas attended the initial meetings here in Ottawa. The retirees came to meet with us, and we asked our human resources and social development critic to come with us to see whether we could find any common ground. Our former labour critic was also present. We wanted to try to see what we could do to help these people. It is all well and good to say that we support them, but can we do something tangible to help them?

When they explained their problem to us we did not have an immediate solution. It would not have been fair to these people, who have certain expectations of their elected members when they tell them their problems, to present a bill and not have a tangible solution. Thus, we took our time and had discussions with them and, finally, agreed that it would be possible to present a bill. My colleague from Chambly—Borduas was very involved from the beginning and quite active in the discussions that led to the idea of a bill for a refundable tax credit for people who lose retirement income when the company closes its doors or goes bankrupt.

● (1740)

Creating a tax credit was the idea of Gaston Fréchette, the chair of the Jeffrey Mine retirees subcommittee in Asbestos, who lives in my riding. We had been talking about this for quite some time. Not only is he very involved in this matter but he is also helping retirees with something else. Mr. Fréchette is working very hard to help people with a legal battle. He is also very involved in his community.

I would have to say that it was rewarding. At the same time, we realized that we might have something that one day could be put on the table as a real solution. As I said earlier, Rome was not built in a day and we had to start somewhere. This is what we finally came up with. The parliamentary process is somewhat difficult and it can also be lengthy. That is obvious from the fact that two elections have taken place since we started this.

As for me, this is my third term. It was during my second that I introduced this bill for the first time, and here we go again. There is no doubt that there will be another vote this fall to see whether there is agreement to refer this bill to committee. That was the solution we had, and there was no other solution anyway for us to get this file through the federal government.

As I said, Mr. Fréchette worked very hard on the first introduction of this bill and we will certainly hear from him again just before we vote on it in the fall, when we will of course be seeking the support of my 307 colleagues in this House of Commons for our bill.

Back when we introduced Bill C-445, Mr. Fréchette sent a letter to each member, as well as taking time to personally phone every Quebec member, regardless of party, soliciting their support for the bill. He also circulated a petition, which originated in my riding, calling for public support for our bill. That was a great success, with more than 2,000 signatures gathered in a relatively short period of time from people willing to sign in favour of Bill C-445.

As I said, exactly the same bill has now become Bill C-290. In my opinion, if people signed the petition on Bill C-445, it is abundantly clear that they still support the demands made in the petition which circulated immediately after the first bill was introduced.

So this has been a team effort involving people from both Sorel-Tracy and Asbestos. There was great solidarity and they focused their efforts on enabling us to advance this idea, introduce it here in the House of Commons, get it through an initial vote and to achieve the right to have it go to committee. I know that the pensioners are prepared to appear before the committee. This is something we have been waiting for for a long time, and I hope that it will become reality when the time comes to vote on it, which will, as I said, likely be in October. It is always a bit risky to set a date, but it ought to be somewhere around that time .

The people who have supported us, the ones who signed the petition, believe that no retiree should have trouble making ends meet because he is not receiving the retirement income to which he contributed all those years.

Since 2003, Asbestos retirees have lost $55 million from their pension fund and $30 million in benefits. With Bill C-290, compensation will be available to retirees whose supplementary pension funds have been cut.

I see that I have one minute left, so I will get to my conclusion. I must say that surviving spouses would also be eligible if their spouse was entitled to part of the pension.

In addition to all the support we have in our respective ridings, we also have the support of the NDP and Liberal members in this House. Also, just recently, Ernest Boyer, the president of the FADOQ network, the Quebec federation of seniors, said:

> Too often, in such a situation, we hear the same old arguments: retirees who have a supplementary defined benefit pension fund are very lucky, almost like the bosses who got generous bonuses from their companies, so the Quebec government [or the Canadian government] does not need to assist these so-called fat cats.

● (1745)

He said that on the contrary, they believe these retirees need assistance.

[*English*]

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Mr. Speaker, has the hon. member submitted this bill to the Parliamentary Budget Officer for costing and analysis, and if so, could he share these findings with the House?

[*Translation*]

**Mr. André Bellavance:** Madam Speaker, I hardly had enough time to understand the question.

But I think that the member was probably trying to say the same thing the Conservatives said last time, which is that this bill would cost the government a fortune. I know that last time, we were talking about $10 billion, which, as I said in my speech, was completely ridiculous.

I had the Library of Parliament come up with some hypotheses to arrive at those figures. For these figures to make sense, all of the pension funds in Canada would have to fall, all of these companies would have to shut down or go bankrupt, and all retirees would have to have lost money they were owed by their pension funds. It is a catastrophic scenario that we might see in a Hollywood movie, but not here.

I must say that by decreasing the GST by 2%, the Conservative government deprived itself of $12 billion to $13 billion a year. That is real. It happened. They decided to do it.

I do not see why amounts of money, which would never reach that level, could not be allocated to help the pensioners who were cheated out of part of their pension.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I like this bill and would be very pleased to support it and see it go to committee.

It is an earth-shattering experience when people lose pension funds at any time. We have to look at a whole revamp of the Canadian pension system. This is probably a very good opportunity to do that.

One of the areas that we support and are looking at is the whole idea of insuring pension funds. It makes sense to me. People insure their bank deposits with CDIC. We insure our homes, cars and everything else. It seems only reasonable that we work out a system in this country to insure pension plans so that if a company goes bankrupt, the workers should not suffer the losses they have been suffering, and all the stress that goes with it, and the doubts that arise when people potentially are going to lose all or part of their pension funds.

I know the government has a task force studying this right now. I am confident that over time we will be able to get a proper insurance plan for pension funds.

[*Translation*]

**Mr. André Bellavance:** Madam Speaker, I very much appreciate my colleague's comments, especially since the committee has always said it remains very open to receiving not only comments, but also possible solutions. We are even willing to see if some amendments could be proposed in order to improve my bill.

However, I think the member is talking about something else altogether, namely, some sort of insurance that could complement this kind of bill. In the case I presented, those people had already lost their money as a result of their company going bankrupt or shutting down. They had paid in for a certain amount of money that they thought they would get back during their retirement years. That was not the case. They have much less money. I think the kind of insurance the member was talking about would provide additional protection, which would be very beneficial. I congratulate him on the idea, especially since there are other projects in the works. I think there is already a bill in this House concerning the protection of pension funds. Such protection already exists in Ontario and Quebec. We also want pensioners to be on the list of preferred creditors when businesses go bankrupt or close their doors. These are all welcome improvements.

I think it is our duty as legislators to take a very serious look at these issues so that people are not left to face uncertainty when it is time for them to retire. On the contrary, we want them to have some degree of assurance that they will be able to live decently, especially since they have contributed out of their own pockets for so many years towards their retirement. And I am not talking about fat pensions; I am talking about just getting by.

● (1750)

[*English*]

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Madam Speaker, I appreciate the opportunity to speak about this Bloc proposal.

Bill C-290 proposes a costly refundable tax credit related to pension income at an estimated cost of about $10 billion per year. Such a costly measure would be untenable at any time, but it is particularly unsupportable in the current fiscal context. However, the cost of this proposal is not its only problem. It also raises serious issues, such as serving as a disincentive for employers in financial difficulty to properly manage their pension plans to control risks.

Clearly, having adequate retirement savings is important to all Canadians. While Canada's retirement income system is strong, with a balanced mix of public and private retirement savings programs, with both compulsory and voluntary components, our government has sought, and will continue to seek, improvements.

Indeed, our Conservative government has introduced a litany of tax-cutting measures to provide much needed relief to seniors and those saving for retirement.

We doubled the amount of eligible income that can be claimed under the pension income tax credit to $2,000. It is the first time the credit amount has been increased since it was introduced in 1975.

To improve work and savings incentives, we increased the maximum age to 71 by which Canadians must convert their RRSPs to registered retirement income funds and begin receiving pension payments.

We brought in tax changes to permit employers to offer more flexible phased retirement programs in order to retain older experienced workers and ease succession planning measures.

We introduced the landmark pension income splitting, a move that Cynthia Kett of Stewart and Kett Financial Advisors Inc. called "a huge gift from the government that more and more senior Canadians are taking into consideration in their financial and retirement planning". And we increased the age credit by $2,000.

Our Conservative government's tax-cutting agenda since we formed government in 2006 has provided nearly $2 billion in tax relief every year for Canadian pensioners and seniors.

Additionally, we provided a 25% one-time reduction in the required minimum withdrawal amount for registered retirement income funds for 2008. This will provide approximately $200 million in tax relief to RRIF holders, while allowing retirees to keep more of their savings in their RRIFs sheltered during an extraordinary drop in market conditions.

We also recognize that Canadians need stronger incentives to help meet ongoing savings needs. As a recent HSBC Insurance Agency survey indicated, almost half of Canadians think, "The best way the government can support aging people planning for their retirement is to give them tax breaks and to allow them to look after themselves".

This is one of the many reasons our government introduced the historic tax-free savings account, or TFSA. The TFSA is a flexible savings vehicle that complements existing registered savings plans by allowing Canadians to earn tax-free investment income to more easily meet their lifetime savings needs.

Starting this year, Canadians 18 or older can contribute up to $5,000 annually to a TFSA, with unused room being carried forward. While contributions to a TFSA are not tax deductible, all investment income, including capital gains, earned in the account will be tax-free even when withdrawn.

Important TFSA features for retirees include the fact that TFSAs have no upper age limit and that neither investment income earned in a TFSA nor withdrawals affect a senior's eligibility for federal income tested benefits, such as OAS or GIS. It is little wonder then that renowned financial author Gordon Pape has proclaimed that TFSAs are "a welcome tax shelter for Canadian seniors".

Clearly, our Conservative government has worked aggressively to ensure that the retirement income system is responsive to the needs of savers, pensioners and seniors. We will continue to build upon and enhance the system in a way that supports its objectives, consistent with sound pension and economic policy principles.

This brings us to the Bloc's flawed proposal outlined in Bill C-290.

The measure proposed here would go far beyond its stated intent. Not only would it provide a refundable tax credit in respect of shortfalls and pension income, but it would also effectively provide a refundable credit on the full amount of pension benefits received by most retirees. This is because, as drafted, the proposed credit would be based on the difference between the pension benefits payable to an individual from a registered pension plan and the amount of benefits received by the individual from a retirement compensation arrangement.

● (1755)

As a result, the proposed credit would cost approximately $10 billion per year. This represents a major and ongoing cost, and one that is clearly irresponsible in the current fiscal context. For this reason alone, I submit that the proposal should not be supported.

Regardless of whether the bill has been drafted properly to achieve its intended result, its objective is to provide a partial government-backed guarantee for pension benefits. Such a guarantee would reduce the incentive for employers to properly fund and manage their pension plans to control financial risks. This is because sponsors may exercise less due diligence with respect to prudential goals, knowing that benefits are backstopped to some degree by the government.

The fact that pension plan sponsors would not be required to contribute anything whatsoever to cover the cost of this refundable credit would exacerbate this effect.

Moreover, this proposal would place on the federal government's shoulders the responsibility for providing compensation in respect of all pension plans that reduce pension benefits. It is important to note that the federal government is only responsible for pension benefit standards for plans sponsored by federally regulated employers. Indeed, nearly 10% of all pension plan members participate in federally regulated plans.

Since provinces are responsible for the protection of pension benefits for plans sponsored by provincially regulated employers, the onus placed on the federal government for such compensation would be unjustified.

Furthermore, the best way of ensuring that promised pension benefits are secure is to have healthy plans with good supervision.

At the federal level, pension plans are regulated under the Pension Benefits Standards Act, which sets forth a number of requirements in respect of the funding and administration of pension plans.

Providing any kind of guarantee or compensation for pension benefits, whether through the tax system or otherwise, would be extremely costly for taxpayers. It also raises issues of fairness, since the costs would be borne by all taxpayers while the benefits would accrue only to a minority of those participating in pension plans.

A refundable tax credit in respect of shortfalls of pension income would not be the best way to promote the security of pension benefits. It would create undesirable economic incentives for pension plan sponsors and be an improper use of the tax system. It would also be costly and unfair.

Therefore, I strongly urge members not to support this proposal as drafted.

**Hon. John McCallum (Markham—Unionville, Lib.):** Madam Speaker, I am pleased to debate Bill C-290, which is an act to amend the Income Tax Act to compensate for the loss of retirement income. The bill is a reintroduction of Bill C-445, which was on its way to finance committee last year before the Prime Minister broke his own fixed election date law and called the 40th general election.

At its heart, Bill C-290 has a very laudable goal, to help protect Canadians' pensions when a business fails and it can no longer meet its pension obligation in full. It would provide a 22% tax credit on the portion of a pension that was promised but not delivered.

Having a pension suddenly reduced or cancelled entirely can be devastating to seniors. A great many of them do not have the option of going back to work to supplement their lost pension income. Instead, they are forced to lower their standard of living, eat less food, keep the thermostat a bit lower in the winter. Nothing about it is pleasant.

Despite the emotional, sociological, and economic toll that loss of retirement income can take, the Conservatives deliberately put thousands of seniors in that exact position two and a half years ago when they hiked taxes on income trusts by 31.5%. In one fell swoop the Conservatives killed an investment vehicle that thousands of seniors relied on for regular monthly distributions to live out their retirement in dignity.

To make matters worse, 10 months before destroying $25 billion of seniors' hard-earned savings, the Prime Minister promised up and down that a Conservative government would never, ever tax income trusts. As a result, seniors flocked to income trusts, putting their life savings in them, only to watch the Prime Minister break his promise and destroy their hopes and dreams.

The worry and the dread of the seniors who suffered at the hands of the Prime Minister is very similar to the worry that seniors who lose their defined benefit pension plan experience. Bill C-290 seeks to alleviate some of that worry. As a result, I am happy to say that my position has not changed since the last Parliament. I do have some concerns about the bill, but it certainly deserves to be sent to the finance committee where MPs can hear from experts and hopefully improve the bill.

Once it arrives in committee, I would specifically like to hear from finance officials about how much the bill would cost the treasury. This is particularly important now because we currently have a Conservative government.

As every Canadian knows, a Conservative government means that Canada is currently running a deficit. The two go hand in hand and they have become synonymous in the minds of voters.

**An hon. member:** Tory times are tough times.

**Hon. John McCallum:** Tory times are tough times, as my colleague so wisely says, Mr. Speaker.

As long as Canada has a Conservative government, Canada will have a Conservative deficit. Because we have a big, fat, juicy Conservative deficit, Bill C-290 would reduce taxes for today's pensioners, but our children and grandchildren would pay those taxes down the road. If we are going to ask a teenager in Richmond—Arthabaska to pay taxes 10 years from now in order for a senior in Prince George to use this tax credit today, we should know how much tax we are talking about. Before a third reading vote, it would be vital that members know how much revenue the bill would cost the government, and more important, our children.

During the second reading of Bill C-290's predecessor, the Parliamentary Secretary to the Minister of Finance suggested that the cost would be upward of $10 billion a year. That number is suspiciously round. It is reminiscent of the alleged $50 billion deficit created by the finance minister, and I suspect it may be equally inaccurate. When the government says $10 billion, it may be $10 million or $2,000. The government is not good with numbers.

It is our position that the bill should be sent to committee. Then we can hear from real experts, finance department officials, not the Minister of Finance and his friends, as to what the costs of the bill are in reality.

● (1800)

Let us be clear: there is no doubt that we need to take action on pension reform in this country. Today, at the finance committee, we heard from Nortel employees and retirees. As we all know, Nortel is currently in bankruptcy protection and there are some serious concerns about the pensions of current and former employees. They have concerns that their underfunded pension plan does not have preferred creditor status in bankruptcy negotiations.

We also heard from many experts at the finance committee that the 110% maximum funding limit on pension plans acts against the interests of retirees. For this and many other reasons there is much more work to be done on the subject of pensions.

Few things could be more nerve racking than having one's pension reduced, especially in the years when one cannot return to the workforce to supplement that lost income. While that reason alone is sufficient, I believe that the principle of the bill certainly merits further study. Therefore, we in the Liberal Party believe that the bill should be sent to the finance committee where members can determine if it is the best way to go about helping retired individuals whose pension benefits are reduced.

● (1805)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Madam Speaker, as the NDP critic for seniors and pensions, I am very pleased to participate in tonight's debate on Bill C-290.

Let me begin by thanking the Bloc member for Richmond—Arthabaska for bringing forward this bill.

For those who may have just turned on their televisions, I would like to add some commentary to help them understand what we are talking about.

Bill C-290 would grant a refundable tax credit equal to 22% of the reduction in pension benefits experienced by beneficiaries of registered pension plans, other than trusts, who suffer a loss of pension benefits when their pension plans are wound up in whole or in part. It applies to both a defined benefit plan and a defined contribution plan. Bill C-290 would also allow taxpayers to apply for a reassessment of taxation if they voluntarily request reassessment on or before 10 calendar days after the end of the taxation year.

Without the legalese, that essentially means that if the income of a retiree's pension drops from, say, $30,000 to $22,000, he or she would receive 22% of the $8,000 loss, which would be a non-taxable amount of $1,760.

This bill is particularly timely. It allows us to discuss pension protection and retirement security on the cusp of a demographic change that we will see very soon. In fact by 2014, one-quarter of Canada's population will be over the age of 65.

This bill is equally timely because of the NDP motion that was just put before us. Members will know that the motion passed on Tuesday of this week, which was an NDP opposition day. It was my motion in fact, which I am very pleased with. It called upon the Conservative government to expand and increase CPP, OAS and GIS, to establish a self-financing pension insurance program, to ensure that workers' pension funds go to the front of the line of creditors in the event of bankruptcy proceedings, and to end the practice of rewarding bonuses to CPP investment managers and recover the $7 million in bonuses paid out this year when they lost $24 billion.

Bill C-290 is very much in keeping with the spirit of my party's own work, and my work, and as such we will be supporting it.

To hear some Conservative MPs in this place tonight, one would think the debate over retirement security is mostly about containing costs. For more progressive voices, it represents an opportunity to re-examine the growing gap between the rich and the rest of Canadians and to make decisions that protect the public interest instead of the interests of the wealthy few.

At a time when more wealth is being created in this country than at any other time in our history, people in Canada are working longer and harder, not to get ahead, but just to keep up. In fact, average Canadians today are squeezing out 200 more hours of work each year than they did nine years ago.

Until recently, a few people at the top were enjoying the benefits of the current economy while everybody else was not. We have seen the windfall salaries and extraordinary bonuses of CEOs, but wages and purchasing power for everyone else are essentially stagnant or falling. The working people and retirees are falling farther and farther behind.

One of the reasons of course is tied to what is happening in our economy. In the manufacturing sector, our economy lost over 350,000 jobs between 2002 and 2007, and since October 2008, an additional 406,000 jobs were lost in Canadian forestry, industry and manufacturing.

This week, in fairness to the government, we did see an announcement of an infusion of $1 billion into the forestry industry. I do hope that money flows faster than the infrastructure dollars.

It is absolutely essential that the government sit down with leaders from both the labour movement and the business community to develop a plan to maintain and build both the manufacturing and resource sectors of our economy. Not only are those jobs crucial for sustaining families, but we know empirically that the highest level of pension coverage is associated with union memberships in those jobs.

● (1810)

About 80% of union members belong to workplace pension plans, compared to just under 30% of non-union members. With the overall percentage of people who belong to workplace pensions being in a continual decline, it is imperative that we continue to fight for unionized jobs and to maintain the struggle at the bargaining table for defined benefit plans. It is the only way to ensure predictable retirement incomes for workers.

What is happening now is not sustainable. I am from Hamilton. I have witnessed the economic insecurity faced by industrial workers in Hamilton. One can see the shock on their faces and the fear in their eyes. Every time a plant closes down, the pensions and benefits of workers are threatened. Anyone in the House who followed the CCAA proceedings at Stelco, which is now U.S. Steel, will know what I am talking about. Sadly, that is but one of many local examples where restructuring or plants closures have created pension uncertainty for workers.

It is time for the government to acknowledge that pensions are deferred wages. They are not bonuses paid to workers at the end of their working lives. They are part of an agreed-on compensation package for hours worked. That is why the NDP has been pushing the government to finally enact certain clauses in the Wage Earner Protection Program Act that is already the law of the land.

The purpose of that act was to ensure that workers' pension funds go to the front of the line of creditors in the event of bankruptcy proceedings. The Wage Earner Protection Program Act sets out provisions to ensure that unpaid wages in the event of a bankruptcy are paid to workers and that super creditor status is set up for unpaid pension contributions.

Elements of the amendments to the above pieces of legislation were enacted by the Governor in Council in the summer of 2008. However, not all aspects of the changes were implemented. That left some glaring loopholes that our party's leader made it his mission to close.

On May 13, the member for Toronto—Danforth said:

> Mr. Speaker, the truth is that the government will not act even when it is the law.
>
> In December 2007, Parliament took action to protect Canadian pensions by adopting Bill C-12 to amend bankruptcy laws. Section 39(2) prioritizes unpaid pension contributions in the case of bankruptcy. Sections 44 and 131 ensures that the court cannot unilaterally overturn a collective agreement. Section 126 prohibits a court from sanctioning restructuring plans unless all unpaid wage claims and pension obligations have been met. It is the law but the government has refused to put it into force. Why?

At the root of that bill, of course, is the vision that workers must receive the pensions they have earned. Bill C-290 shares that vision as well. I would suggest that, for that reason alone, this bill deserves the support of all members of the House.

Yes, there are some areas that merit further examination. However, the Bloc members who have participated in the debate thus far have acknowledged that and have expressed their willingness to explore these issues further at the committee stage. For example, public data detailing the number of pension plan beneficiaries who would be eligible to claim the tax credit proposed in Bill C-290 is not available.

We do know that in 2003 there were approximately 3 million members of private sector registered plans, of which 73% were members of defined benefit plans. However, at present, no one collects the data on this, so it is really hard to say just what the amount of cost would be. The government does say $10 billion in costs. That is certainly conjecture and I think this bill should be moved to the committee for review.

I call upon my Conservative and Liberal colleagues now to walk the talk. They supported our opposition day motion, which really meant, in its commitment to principles, they should continue in that frame of thought and support Bill C-290. They voted for my motion; they should now vote for Bill C-290. The principles are the same.

I would remind my colleagues that the House also supported the most recent incarnation of Bill C-445 in the 39th Parliament.

● (1815)

[*Translation*]

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Madam Speaker, I am pleased to support Bill C-290, tabled by the hon. member for Richmond—Arthabaska.

We worked hard on this issue together, and we met the former workers of Atlas Steel and the Jeffrey mine on several occasions. I also want to mention that we had an exceptional partner from the Bloc Québécois, namely the hon. member for Chambly—Borduas, who helped us a lot with his experience in this area, and who supported us, as did the researchers working for the Bloc Québécois. We also consulted senior officials from the Department of Finance and from the House, as well as our law clerks, who provided advice to us.

The Conservative member who spoke earlier said that today's bill was a botched piece of legislation. He asked whether we had consulted people. Does he think that one can table a bill here, in the House of Commons, without checking the facts? Before a bill can be introduced, it must comply with the financial regulations, and also with the other regulations. It is a requirement. It is an obligation. We did what we had to do and we were advised by senior officials from his government, from Parliament, and by law clerks who told us that this legislation is very consistent with Canadian laws. Therefore, our bill is financially and legally acceptable.

I also want to congratulate the hon. member for Richmond—Arthabaska, who, earlier, conveyed so well the trauma of these former workers, because of the awful situation that they are experiencing. They have been receiving a pension for 10 to 12 years and then, all of a sudden, that pension is reduced by one third. We are not talking about a commitment that had been made, but could no longer be met: that pension fund was started many years ago.

I should also point out to the Conservative member who spoke earlier that it is not 1,000 or 10,000 plants that are affected in Canada, but only two, namely Atlas Steel and the Jeffrey mine. So, this is very much an isolated problem. If these people find themselves in this situation, it is because of government measures that allowed contributions to be stopped for a while in these plants, in an attempt to save the companies. However, we did not manage to save them and they went bankrupt, with the result that the fund found itself in a deficit and that these people's pensions had to be cut by one third.

So, this measure would not cost $10 billion. In one case, we are talking about some 300 workers, and 800 or 900 in the other case. The tax credit that the government would provide has been estimated at about $1.7 million. This amount would gradually diminish because, like everyone else, these people are going to die some day. They have already reached a certain age, since they are retired. So, at some point, this measure would no longer cost anything.

We want to correct a mistake that was not made by workers who might have gambled their money away, or made bad investments. No, the mistake was made by a government. So, we must correct it with the help of a government. We got the support of the Quebec government. If this bill is adopted here, it will also be passed by the Quebec National Assembly, with the result that these 22% would become 44%. This would help workers recover a significant part of their annual loss, as the member for Richmond—Arthabaska explained in the example that he provided earlier.

I want to thank the Liberal member who spoke a little while ago. He raised questions—and we will be able to answer those questions when the bill is referred to committee—but he has nevertheless agreed, in good faith, to referring this legislation to committee. In order to do so, the bill must get the support of a majority in the House at second reading.

● (1820)

He agreed to that on the Liberals' behalf. We will check and discuss it in committee. It will take about a week and we will have a chance to hear from witnesses.

I would also like to thank my NDP colleague who expressed himself so honourably earlier when he said that the bill was timely and would give us cause to consider pension funds as a whole. That might not happen when we discuss this particular bill, but it might be a starting point for us to do some more looking into the complex world of pension funds.

I would also like to express how disappointed I am in the Conservative members from Quebec. I have not heard a single Conservative member discuss this issue or stand up in support of it. This is an issue that affects Quebec workers, some of whom have cousins, brothers and sisters in my riding. It also affects the people in their ridings. The Quebec members have not said a word. That is remarkable. Every time we talk about social measures, compassionate measures, measures to help people in need, they are nowhere to be found. But when we talk about protecting oil companies by giving them $2.5 billion, they give the minister a standing ovation. They are in league with those profiteers.

I have a question that I want to ask them one by one. I want to ask the member for Lévis—Bellechasse, who is always ready to take a stand when it comes to helping the well-off, the member for Beauport—Limoilou, the member for Pontiac, the members for Beauce, Jonquière—Alma, Lotbinière—Chutes-de-la-Chaudière, Roberval—Lac-Saint-Jean, Mégantic—L'Érable, Charlesbourg—Haute-Saint-Charles and Louis-Saint-Laurent, what are you waiting for? You made a choice. I made the choice to come here and stand with the other members of the Bloc Québécois to defend the interests of Quebeckers, including the Atlas Steel and Jeffrey mine workers and other workers. I am here to stand up for National Assembly consensus issues, such as demanding $2.6 billion in equalization—which is what Ontario and Nova Scotia got—and whatever else might be in Quebec's interest. You made a different choice. That was your right, and when you made that choice, you were saying: "I will get elected as a member of the party in power and I will be able to influence decisions made by the party in power when I am part of that caucus".

Well now, it is time to act. So far, the 10 Conservative members from Quebec have not said a word. As the second hour of debate on this issue will not take place until October, you will have until then to think about whether you are representing Quebec's interests here in Ottawa.

**The Acting Speaker (Ms. Denise Savoie):** I would remind the hon. member to address his comments through the Chair and not directly to other members.

**Mr. Louis Plamondon:** Madam Speaker, since I only have a minute left, I would simply like to express my wish that this honourable House show some compassion in examining the problems faced by the workers of Atlas Steel and the Jeffrey Mine. These workers have seen their pensions cut unfairly and are simply asking for compensation for the few years they have left. They want to live out those years decently, which they deserve, since it was their own money that has been taken from them.

I thank the Liberal Party and the NDP for having already said they will vote in favour of the bill. I would again ask the Conservative members to think again before they say no to these workers who deserve to live with dignity.

● (1825)

[*English*]

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Madam Speaker, I am pleased to have the opportunity to respond to Bill C-290, the proposal for a refundable tax credit related to pension income.

This extremely flawed proposal raises a number of concerns, primarily the one that was referred to earlier. This proposal would easily cost $10 billion, which is a very substantial sum, especially considering the significant pressure on fiscal resources at the present time.

I would refer back to a question by my colleague from Mississauga—Erindale. He asked the honourable sponsor of this bill, the member for Richmond—Arthabaska, if he had put in a request to the Parliamentary Budget Officer to have a costing done on this proposal. The hon. member was unable to or did not provide an answer as to whether he had or had not.

As we know, part of the mandate of the Parliamentary Budget Officer is to cost out private members' bills, proposals that private members bring forward, to see whether they require a royal recommendation, which I would suggest this one does, but also to tell the House whether this is a reasonable request. The number we have now is $10 billion. We did not receive an answer and I would encourage the hon. member to proceed with that process.

He suggested that $10 billion was too large an amount. The critic for the Liberal Party, the member for Markham—Unionville, also suggested it was too large an amount. However, they did not back that up with anything, other than saying that number was wrong. There are facts available. The Parliamentary Budget Officer could provide those facts and I would encourage the hon. member to do it. If he thinks the number is not accurate, then he should ask the Parliamentary Budget Officer to provide us with the realistic number.

Not only that, the bill would reduce the employer incentive to properly fund and manage its pension plans to control financial risks. Overwhelmingly, the benefit of a small group of taxpayers would benefit, while the costs would be borne by all taxpayers. This ignores the strengths of our present retirement income system.

It also fails to take into account our government's action to improve the retirement savings system for Canadians.

First, this proposal would entail substantial costs, as I say, a projected $10 billion. Not only would it provide a refundable tax credit for pension income shortfalls, but it suggests that it would in fact effectively provide a refundable credit on the full amount of pension benefits received by most retirees. This is because, as drafted, the proposed credit would be based on the difference between the pension benefits payable to an individual from a registered pension plan and the amount of benefits received by the individual from a retirement pension compensation arrangement. As a result, the proposed credit would cost about, as I say, $10 billion annually. Clearly, such a costly measure would be untenable.

Second, by providing a partial government-backed guarantee for pension benefits, we would be creating a disincentive for employers to properly fund and manage their pension plans to control financial risks.

Third, such a guarantee would raise issues of fairness because the costs would be borne by all taxpayers, while benefiting a minority of those participating in pension plans. For example, RRSP savers or those in defined contribution pension plans who do not achieve the pension income they expect because of poor investments could demand similar compensation.

● (1830)

**The Acting Speaker (Ms. Denise Savoie):** I regret having to interrupt the member. The hon. member will have approximately five minutes remaining when this debate resumes.

The time provided for consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

GOVERNMENT CONTRACTS

**Mr. Richard Nadeau (Gatineau, BQ):** Madam Speaker, in 2008, the federal government awarded contracts for goods and services worth $3 billion to suppliers in the national capital region.

Only $38 million, or 1.4%, was awarded to Gatineau companies, whereas 98.6% was awarded to Ottawa companies. This situation is unacceptable and scandalous. It is unfair.

Gatineau companies are even opening offices in Ottawa so that they show up on the federal radar. It works for some.

When I reported this problem to the Minister of Public Works, Michael Fortier, at the Standing Committee on Government Operations and Estimates on April 24, 2007, he could not believe it and said, “In fact, it would be unacceptable to force people to move, to change postal codes, in order to be taken into consideration.” And yet, the situation has not changed.

In 2005, Gatineau received only 0.9% of these contracts; in 2006, only 1.8%; in 2007, 2.1%; and in 2008, 1.4%. And yet Gatineau and Ottawa are separated by only a river, not an ocean or a continent.

The Mayor of Gatineau, Marc Bureau, finds this situation unacceptable. Speaking to a coalition of businesspeople on February 6, 2008, he said, “This situation is not normal...Our companies are getting only 2% of $2 billion in total spending. Something must be done.”

Even worse, the federal government itself is competing with contractors from Gatineau. I am thinking of Traduction Houle inc., a Gatineau company that employs 40 people. This company, which was created in 1981, has seen its sales to the federal government decline every year since 2004. Traduction Houle cannot understand why the government's Translation Bureau is competing unfairly with private enterprise.

The federal government takes the vast majority of translation contracts, without a competitive process, and goes to small and medium-sized translation firms for its human resources.

What is more, these small and medium-sized companies have to go through a long and complicated contracting process that adds considerably to their administrative burden. For example, here are some data for 2007-08 on money that went to the Translation Bureau compared to the private sector.

The Department of Transport paid the Translation Bureau $5 million for translation services, compared to $700,000 to the private sector; the Canadian Food Inspection Agency paid $4 million to the Translation Bureau, compared to $300,000 to the private sector; and Foreign Affairs and International Trade paid $7 million to the Translation Bureau, compared to $700,000 to the private sector.

But there are solutions, such as informing suppliers of all the officials who have the authority to award goods and services contracts valued at less than $25,000 and construction contracts valued at less than $100,000; using the agreement on internal trade, which allows a specific policy for a region; or supporting not-for-profit organizations with an economic mandate, in order to help SMEs win federal contracts. Consider Solutions Antenne in Gatineau.

What is the federal government doing to address this situation? It is moving its office to help SMEs from the sixth floor to the ground floor—

**The Acting Speaker (Ms. Denise Savoie):** I must interrupt the hon. member and turn the floor over to the Parliamentary Secretary to the Minister of Public Works.

**Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC):** Madam Speaker, I have the pleasure to respond to the member for Gatineau. I am very happy that he asked for an adjournment debate on this issue.

The Government of Canada has a fair, open and transparent procurement system that enables it to receive bids for most contracts over $25,000.

All companies, no matter where they are located, have equal access to government contracts. Most government procurement is subject to a competitive process. Over a period of five years, from 2003-04 to 2007-08, approximately 80% of all contracts awarded by PWGSC were awarded through a competitive process.

In 2005, PWGSC created the Office of Small and Medium Enterprises to help the Government of Canada respect its commitment to provide a procurement system that is accessible to SMEs all over Canada.

The Office of Small and Medium Enterprises and its six regional offices are mandated to support these businesses to help them access Government of Canada contracts.

From 2007-08 to 2008-09, the Office of Small and Medium Enterprises in the national capital region was involved in more than 100 activities and information sessions, which were attended by businesses located in Gatineau and Ottawa. The OSME has helped over 7,000 people and local suppliers in the region.

As regards our participation in the business strategy of Gatineau's stakeholders, the executive director of the Gatineau chamber of commerce, Karl Lavoie, said he was pleased with it, and he even added that the office was a step in the right direction.

On May 12, 2009, PWGSC opened a staffed service centre in Gatineau to better serve the region's small and medium businesses. I was pleased to hear that the hon. member for Gatineau has already visited this office. The new centre, which is located in the heart of Gatineau, is a one-stop shop for SMEs interested in dealing with the federal government.

On April 2, 2009, Développement économique Gatineau announced a strategy to help SMEs access federal government contracts.

This strategy includes the participation of the OSME. I am also pleased to mention that officials from the OSME were present when the announcement was made.

In 2007-08, the department bought goods and services for a value of over $4.8 billion, from Canada's SMEs. This accounts for 49% of the total value of procurements by the departments from businesses located in Canada.

Recently, questions were raised regarding the number of contracts awarded by PWGSC to businesses from Gatineau and Ottawa. At first, I was surprised by the figures. However, these figures should be interpreted carefully, because they do not reflect the true reality.

For example, some businesses have their head office in Ottawa, but they create jobs elsewhere. Moreover, many Quebeckers work in Ottawa, and conversely. Our procurement process is not at all discriminatory.

It is important to note that PWGSC does business with Canadian suppliers, and not with the regions. In this regard, we were pleased to cooperate with those businesses that put in a bid, and we are going to do the same in other regions of Canada.

● (1835)

**Mr. Richard Nadeau:** Madam Speaker, what does the federal government do about this? It moves its Gatineau Office of Small and Medium Enterprises from the sixth floor to the basement of Phase III, in Gatineau. How pathetic.

As well as the matter of goods and services contracts, there are other inequities. We have been waiting since 1983 for 25:75 equity. This means a shortfall of over 6,000 federal jobs in Gatineau. There is no federal research centre on the Gatineau side, but 27 of them in Ottawa. Those 27 centres are complemented by 200 SMEs, but there is nothing in Gatineau. As for festival funding, the Department of Canadian Heritage injects 3% of regional funding into the Gatineau region, as opposed to 97% into Ottawa.

One just needs to call to mind the federal refusal of any funding for Outaouais en fête. What is more, Gatineau was promised the Museum of Science and Technology 23 years ago, and Gatineau has been waiting 13 years for phase two of the National Archives' Gatineau Preservation Centre . And when will there be any ongoing funding for the Language Technologies Research Centre in Gatineau?

All of these examples are proof that the federal government has no respect for Gatineau.

● (1840)

**Mr. Jacques Gourde:** Madam Speaker, the government has a fair, open and transparent procurement system based on competitive processes. All companies, no matter their location, have equal access to government opportunities. We are pleased to help Gatineau companies as we would be to help other regions that ask for assistance.

The Office of Small and Medium Enterprises has organized activities and information sessions for businesses located in Gatineau and Ottawa. On May 12, 2009 Public Works and Government Services Canada opened a walk-in service in Gatineau for SMEs in the national capital area. This office is located on the main floor and therefore is accessible to all.

The Office of Small and Medium Enterprises has already initiated talks with Développement économique Gatineau and will work with it in order to assist Gatineau business that are—

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Burnaby—Douglas has the floor.

[*English*]

PUBLIC SAFETY

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I am pleased to have this opportunity to follow up on a question I posed in the House on March 30 regarding the report of the Transportation Safety Board into a crude oil pipeline accident that occurred in North Burnaby in July 2007.

On July 24, 2007, an excavator being used in a construction project excavating a trench for a new storm sewer line along Inlet Drive punctured the Kinder Morgan Canada TransMountain pipeline. This puncture sent a geyser of oil spraying over many homes, yards and streets, severely damaging 11 houses. Oil eventually drained into Burrard Inlet, fouling the shorelines. Kinder Morgan reported that 234 cubic metres of crude oil was released.

The Transportation Safety Board, TSB, released its report into this incident in March of this year. It is clear from the TSB report that confusion existed about the exact location of the pipeline in the area of the construction project. Design drawings and maps of the pipeline in the area date from the 1950s when the pipeline was originally constructed, and no longer accurately indicate the exact location of the pipeline.

This is a serious problem. Up-to-date and accurate design drawings must be held by pipeline companies, and resurveys of the exact pipeline location must be required on a regular schedule. This is particularly important in urban areas like North Burnaby and in environmentally sensitive areas. A full resurvey of the pipeline in our community must be required.

The Transportation Safety Board also indicated that the pipeline was scraped by the excavator bucket five times before it was actually punctured. It is hard to imagine how contact between the construction equipment and the pipeline could have occurred even once without work on the project immediately stopping.

In light of this, stricter regulations are required to ensure direct and full-time supervision by the pipeline company of any work near a pipeline. As well, better training for construction workers and contractors, and clear and unequivocal guidelines for contractors doing work in the vicinity of a pipeline must be developed. There must be an explicit requirement to stop work immediately when contact is made with a pipeline.

The TSB also noted that communication within the pipeline company, and between the company and the construction contractor was inadequate. Given this, the regulations must address this failure with explicit requirements to develop a project work plan, determine and maintain an accurate construction schedule, and name full-time supervisors to the project responsible for ensuring pipeline safety and integrity. This supervision should not be left to the pipeline and construction companies alone. There must be government safety inspectors from an appropriate department or agency.

As well, standard emergency shutdown procedures must be fully integrated into the operations of pipeline companies, perhaps with requirements for better training and regular accident simulation drills and exercises.

The city of Burnaby has also called for improvements to the National Energy Board pipeline crossing regulations and the proposed NEB damage prevention regulations in light of our community's experience with this pipeline accident.

The city has stressed that companies must be required to maintain accurate pipeline records, implement high standards to assess pipeline conditions, conduct public safety awareness campaigns, report publicly and annually on pipeline inspection and maintenance, undertake regular emergency readiness exercises, and develop local public information programs.

No family, no neighbourhood, and no community should have to deal with an oil pipeline accident of the magnitude experienced in North Burnaby in July 2007. The government, the National Energy Board, and other agencies must take action to ensure that every possible step is taken to ensure safety and to prevent this kind of accident.

Is the government prepared to act on the TSB report, and the concerns of residents and the city of Burnaby?

● (1845)

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Madam Speaker, the member will be reassured to know that the Transportation Safety Board has investigated this occurrence for the purpose of advancing pipeline safety under its mandate.

In this instance, the pipeline that ruptured is operated by Kinder Morgan Canada Inc. and is regulated by the NEB under the National Energy Board Act.

The National Energy Board regulates the operations of KMC. When the rupture occurred, Natural Resources Canada became the lead federal response agency. In that role we worked with the other responders and KMC in ensuring the emergency response was effective and coordinated. The NEB had people on site throughout the emergency and during the following remedial cleanup efforts.

The NEB has initiated an investigation into this event to determine if there were any violations of its regulations. The investigation will also include a review of practices, behaviours, regulations, or anything else that could prevent similar occurrences in the future.

The TSB has completed its investigation with the publication of this report. The National Energy Board's investigation is continuing and until it is complete, it is premature to comment on any of its possible or potential findings.

The NEB continues to coordinate discussions between agencies and KMC. A multi-jurisdictional stakeholder group consisting of first nations, along with regional, municipal, provincial and federal agencies, has been established. This group is working co-operatively to determine the remediation end points and to review intermediate reports and analysis.

Cleanup activities occurred during the emergency response and continued through follow-up operations. These efforts included containing the released oil, while attempting to mitigate potential impacts to the public and the environment.

The cleanup of the residential area impacted by the spill was completed in a coordinated manner between both KMC and the affected residents.

The reclamation activities were performed in accordance with the British Columbia ministry of environment's contaminated sites regulations under British Columbia's regulations and guidelines and it followed the certificate of compliance process.

The majority of cleanup operations in the residential area are now complete. KMC will continue to monitor the area and address landowner concerns as they arise. KMC continues to monitor and assess the impacted areas and initiate additional cleanup work as necessary.

Through the course of the NEB's investigation, we will seek to determine and identify if any of the parties involved were in contravention of the act and regulations. Further actions on the part of the NEB will be determined as the investigation evolves.

I know the industry has an outstanding safety record, but there does remain a need for constant vigilance in order to ensure the protection of people, the environment and energy security.

**Mr. Bill Siksay:** Madam Speaker, the folks in the neighbourhood want to express their appreciation to the emergency responders who responded on July 24, 2007. There was an emergency plan and it did seem to work well.

I also want to thank the current Minister of Transport, then minister of the environment, for his personal intervention and availability to deal with this crisis. He also visited the site of the accident, which was greatly appreciated by people in the neighbourhood.

However, continuing concerns exist about the functioning of KMC and its ability to safely operate its pipeline. This is the third incident faced by people in my riding related to Kinder Morgan.

There was a clear cutting of a pipeline right-of-way through the Forest Grove neighbourhood, where it became clear that Kinder Morgan did not know the location of the pipeline. There was the pipeline incident on July 24, 2007, which we have been discussing. More recent, on May 7, there was a major oil leak at the Kinder Morgan tank farm on Burnaby Mountain, where over 200 cubic metres of oil escaped and was contained by the berms.

There are ongoing concerns. We want to ensure that the regulations meet the expectations of public safety, especially when pipelines cross residential areas.

**Mr. David Anderson:** Madam Speaker, we certainly appreciate the words of thanks from the member opposite.

I am sure the industry will provide thoughtful comments to the National Energy Board's proposed damage prevention regulations. There are concerns about this. I have been assured that the NEB wants the development of these regulations to be an open and an interactive process. This is particularly important given the broad nature of stakeholders that will be affected by them, as mentioned by the member opposite.

These proposed regulations would give renewed meaning to the phrase “dial before you dig”, providing a more comprehensive and coordinated approach to preventing damage to pipelines and improving public safety.

● (1850)

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Vancouver-Quadra not being present to raise the matter for which adjournment notice has been given, the notice is deemed withdrawn.

[*Translation*]

The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 9 a.m. pursuant to order made earlier today.

(The House adjourned at 6:50 p.m.)

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