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OFFICIAL REPORT
(HANSARD)

Monday, October 26, 2009

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, October 26, 2009

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

•(1105)

[*English*]

FEDERAL SUSTAINABLE DEVELOPMENT ACT

Mr. Stephen Woodworth (Kitchener Centre, CPC) moved that Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament), be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise in the House of Commons on the second reading of Senate public Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament).

The Federal Sustainable Development Act requires the government to produce and table a number of reports before the House of Commons. Bill S-216 proposes that the government also table the same reports before the Senate. The bill also proposes to give the Commissioner of the Environment and Sustainable Development greater flexibility regarding the timing of the tabling of some of the reports under the Federal Sustainable Development Act.

I am informed that the government agrees with tabling these reports before the Senate and agrees with giving the commissioner that added flexibility. This bill responds to an oversight that occurred during the development of the Federal Sustainable Development Act. Mr. Speaker, as you may be aware, the Federal Sustainable Development Act underwent considerable amendment at the committee stage of its development.

The wording for these amendments regarding the tabling of reports was largely borrowed from the existing provisions of the Auditor General Act. Those provisions required the tabling of sustainable development strategies and the reports of the Commissioner of the Environment and Sustainable Development before only the House of Commons. This bill will correct that oversight.

The government is pleased to support this bill and believes in the importance of the role of both houses of Parliament. The Federal Sustainable Development Act allows the government to spell out its environmental sustainability priorities more clearly. It requires the

development of an overarching federal sustainable development strategy for the first time since sustainable development strategies were introduced in 1995.

This federal strategy will allow departments to align their respective strategies with federal priorities. The Federal Sustainable Development Act requires a draft federal strategy to be put before the Canadian public, the Commissioner of the Environment and Sustainable Development and a standing committee of the House of Commons for review and comment.

The act also establishes a sustainable development advisory council. It is made up of representatives of the provinces and territories and representatives from labour, business, environmental organizations and aboriginal peoples. They will also each comment on the draft federal strategy. Giving the draft strategy to Canadians in this way increases transparency and accountability. It improves federal sustainable development planning and reporting.

The government supports Bill S-216, which proposes to have senators review the draft of the federal sustainable development strategy and all of the other reports required by the Federal Sustainable Development Act. These other reports include the supporting departmental sustainable development strategies. They include triennial progress reports on the federal strategy prepared by the sustainable development office of Environment Canada.

Senate comment on all of these documents will improve the transparency and accountability about which I spoke a moment ago. Further, as a result of amendments made by the Federal Sustainable Development Act to the Auditor General Act, the Commissioner of the Environment and Sustainable Development will be required to prepare a number of reports. For example, the commissioner must offer a report as to whether the targets and implementation strategies are capable of being assessed.

The commissioner will also assess the fairness of the information contained in the progress report on the government's implementation of the federal strategy. Finally, the commissioner will also continue to audit the departmental sustainable development strategies and report on the extent to which departments and agencies have contributed to meeting the targets set out in the federal sustainable development strategy.

At present, the commissioner can table the results of such enquiries only at certain times. Should Bill S-216 pass, the commissioner would be able to offer more timely reports as Bill S-216 allows greater discretion in this respect.

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I am pleased to sponsor Bill S-216 in the House. The government joins me in welcoming Senate review of all the reports I just mentioned and additional flexibility in the commissioner's reporting.

I thank Senator Banks for originating this legislation in the Senate. I have appreciated his assistance and support to me.

I hope that my sponsorship of the bill and the government's support of it will serve as an example of bipartisan cooperation and of the spirit of consensus that represents the best and most noble of parliamentary ideals. I call on all parliamentarians to search out such opportunities for cooperation and consensus wherever possible.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I want to thank my colleague for the moving sentiment and his plea for cooperation. He is perhaps asking for a rare and almost unparalleled degree of cooperation. However, I applaud him for the effort.

Notwithstanding the relative merits of the bill, we note in reviewing this private member's bill that it originated in the Senate with an unelected senator. The people of Canada never gave senators the mandate to create legislation. In fact, the people of Canada have never given senators any mandate whatsoever. They are appointed through patronage appointments made by the Prime Minister.

There seems to be a growing number of bills originating in the Senate that are being sponsored by government members thereby giving senators an avenue by which to introduce legislation in the House of Commons.

It was the position of that member's party not that long ago that the unelected Senate should be abolished. There should be, quite frankly, no unelected Senate. It should be a triple-E Senate if anything. Some members on my colleague's side believe there should be no Senate at all.

Does my colleague not find it galling to be sent in here with a prepared speech on behalf of an unelected parliamentarian from the other chamber, which is edging into our valuable private members' time when it—

• (1110)

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Kitchener Centre.

Mr. Stephen Woodworth: Mr. Speaker, I am happy that no Senate bill will ever be passed without the consent of the House. That is the way Parliament works, and I am sure my friend is enough of a parliamentary scholar to know that. That should alleviate any of his concerns.

Apart from that, my friend's comments perhaps do not respect the spirit that I was trying to address at the end of my speech. I do not take offence to much provided that the ideas involved make sense. If an idea made sense, to tell the truth, I would accept it even if it came from a member of the NDP.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, unlike my colleague from the NDP, I think this is a very good day. This not only shows the cooperation between the Senate and the House, and the cooperation between two different parties, but it also demonstrates our desire to make sure that, as much as possible, our sustainable development strategy and all our strategies on the environment are absolutely public and transparent.

That way, the other place can delve into those and make sure it has full access and can report publicly as well.

Does my colleague agree with that?

Mr. Stephen Woodworth: Indeed I do, Mr. Speaker. As long as the Senate forms a part of this Parliament, the House is obligated to respect the role that is set out for the Senate in the Constitution.

It is true that we would like the Senate to be more effective and more accountable, but this legislation goes a long way to showing the kind of mutual respect that both Houses, which are constitutionally provided for, should have for one another.

Mr. Pat Martin: Mr. Speaker, I just have to call to the attention of my colleague the contradiction in his position.

His party always says that it is the unelected, obstructive Senate that gets in the way of all the good legislation that the Conservative Party wants to pass, yet now we have this flowery, romantic language about how the Senate is some font of wisdom, the merits of which are so great that we have to abandon our principles about an elected Senate and accept its ideas into our chamber.

Mr. Stephen Woodworth: Mr. Speaker, I want to thank my friend for his compliment on my prose and my oratory. I am trying to achieve and raise the standards for these in this House.

However, having said that, anyone who takes on the responsibility of representing the people of Canada ought to be open to good ideas from any source, and the fact that a good idea comes from the Senate certainly does not prevent me from supporting it. I hope it will not prevent my friend from supporting it.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, it is a pleasure to rise this morning to speak to the Senate bill, which seeks to amend a statute, a law that was brought in to being by the Liberal Party of Canada in the last Parliament. In fact, my former colleague in the House, John Godfrey, brought to the floor the Federal Sustainable Development Act for the country, which this Senate bill seeks to amend.

It is important to take a few minutes to remind Canadians and to remind the House just what has been happening over the last 15 to 20 years. I am really proud to be the environment and energy critic of a party that did a number of things. First, it brought into being the Commissioner of the Environment and Sustainable Development, a quasi-independent office, working with the Auditor General, which gave rise to the need for sustainable development strategies in the first place for most of our line departments and a number of agencies, for example, like the RCMP and others, who are obliged on a bi-annual basis to actually prepare a strategy showing how they would get from point A to point B over that two year period of time. I am very proud that our former government created the Commissioner of the Environment and Sustainable Development.

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I am on record, and our party is on record, as wanting the location of that commissioner's office freed up from the Auditor General's office today. We really are in favour of a more independent Commissioner of the Environment and Sustainable Development reporting directly to the House. In that sense, the bill brought forth by the other place is reinforcing of the need for more independence, more visibility of these reports, and more visibility for the work of the Commissioner of the Environment and Sustainable Development.

I am also very proud to have been part of the government that brought in the Canadian Environmental Protection Act, which is the foundational statute. It is the architecture upon which we build most of our environmental protections in this country, our regulations. I am also particularly proud to have helped this party in its role as the previous government to bring in the Species at Risk Act, again, a major biodiversity protection initiative brought forward by our government in years past. These are the foundations of what we are doing now as a country, as we look to enhance ecological integrity, environmental integrity, while growing our economy.

Unlike the other side of the House, the Reform-Conservatives have always put forward the view that the environment and the economy are two competing interests. Unfortunately, they are very far behind in contemporary thinking, and in the last four years we have seen that Canada has been put behind, not only in contemporary thinking but in contemporary action.

We see south of the border in the United States in some instances a 15-fold advance, 15 times more investments going into things like renewable energy than we are doing here on a per capita basis. Even the governor of Alaska, Sarah Palin, is investing more in renewable energy than Canada. We are in the unenviable position now of losing the North American competitive race toward a more energy efficient economy, and that of course is there and plain for all Canadians to see.

Nowhere is that more prominent than in the quintessential and difficult issue of climate change. We have had now four years of Reform-Conservative government. It is important to remind the House of a few things around this notion of climate change because it speaks directly to the bill. Climate change forms a huge part of the challenge we are facing in this country that will have to be addressed in any sustainable development strategy brought forward by a federal government.

The problem, of course, is that we come from a position on the other side, in the Reform-Conservative caucus led by the Prime Minister, that is ideologically opposed to a number of notions. First, it is ideologically opposed to the notion that Canada, as a comparatively rich citizen of the world, has an obligation to move first, as one of the annex one countries under climate change treaties, to show the way and to take action domestically to reduce greenhouse gas emissions. When we do that, we actually enter the race more quickly than we would otherwise.

• (1115)

Now, because we have wasted four years of time under these Reform-Conservatives, the Canadian situation is that we are falling behind our competitors in Europe and falling behind, as I mentioned

moments ago, the United States of America, our largest trading ally and perhaps our largest competitor.

What we have seen is an ideological opposition to annex one countries like Canada, wealthier countries, developed countries going first.

The second thing that Canadians are seeing and that we are bucking in the House of Commons is the Reform-Conservatives' ideology that rejects the notion that the world should come together in a multilateral way, that is through organizations like the United Nations where many countries come together. They reject this notion because our Prime Minister was schooled really at the heels of the Republican movement and party in the United States.

It is important factually and for the record to remind Canadians that the Prime Minister gave a keynote speech some nine years ago to the most right wing organization in the United States, the American council, and behind closed doors not knowing he was being caught on tape again said that this group, this council, this most right wing of all think tanks in the United States was his personal inspiration. He went on to say that not only was it his inspiration, not only was its ideology his inspiration but he wanted to import that ideology up here into Canada.

We have seen the systematic importation, infiltration, inculcation, the surreptitious insertion of this kind of ideology right here in the House through the climate change debate.

The reason why it is important for Canadians to know about this is because deep down the Prime Minister is not a multilateralist. He does not believe in the United Nations. I recall when he was leader of the opposition he attacked the Liberal government because we were even considering creating the G20 which it turns out is something he is now embracing. However, the reason he is so opposed is because deep down he is an isolationist. He is on record as saying that if it is not in favour of the United States, it is not something that he would endorse.

Should any Canadian have been surprised last week when the Prime Minister revealed publicly in a speech that he did not, according to him, watch Canadian newscasts but rather spent his time on CNN and Fox News where he has given more interviews than he has to domestic broadcasters?

What we are seeing in this bill is a strengthening of a law that was brought in by a Liberal member to force our country to be more coherent when it comes to dealing with the concept of sustainable development; that is, development that enhances ecological integrity while strengthening our economy and creating jobs, jobs for today, not speculative, fictitious jobs of tomorrow but jobs for today.

That is what the bill from the Senate seeks to do. It seeks to strengthen an existing law brought in by the Liberal Party of Canada.

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In closing, it is very important for Canadians to use this opportunity to ask the Reform-Conservatives where their climate change plan is. We heard expert testimony in committee this week that the government has no plan; that it will first hide behind President Obama's skirt by alleging that there is some kind of dialogue while it undermines smog standards for fuels used in the Great Lakes. On the one hand the government is saying that it is pursuing a dialogue and on the other hand a dialogue for climate change on some kind of continental basis. It cannot have it both ways. It must clarify its position.

What the government really has to explain now is why it is not using this particular bill and the law that we gave the country to strengthen our climate change response, so we can win this energy efficient, clean economy competition that we are now involved in. We are falling so far behind after four years of Reform-Conservative rule, is it any wonder that we are losing so much investment to south of the border and other jurisdictions with respect to climate change technologies?

• (1120)

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is my pleasure to speak on behalf of the Bloc Québécois about Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament). Bill S-216 was introduced on January 27 and came before the House on May 14. As I just said, it would amend the Federal Sustainable Development Act and the Auditor General Act in two main ways. First, it would give the Commissioner of the Environment and Sustainable Development the opportunity to submit audits of government reports to Parliament more than once a year if he or she wishes to do so.

Under the Federal Sustainable Development Act, the Commissioner of the Environment and Sustainable Development is responsible for producing an annual report to be tabled in the House of Commons on a specific date. The report addresses issues that the commissioner wishes to draw to the attention of the House, particularly with respect to the government's progress toward implementing the federal sustainable development strategy. The Commissioner of the Environment and Sustainable Development is also responsible for auditing data in reports that the sustainable development office is required to submit to the minister at least once every three years, reports that are then tabled in Parliament.

By law, the commissioner is currently required to include these audits in his or her annual report. Amendments to the Federal Sustainable Development Act will enable the commissioner to include the results of these audits in an Auditor General's report.

The Bloc Québécois supports Bill S-216, especially because the environment is becoming a bigger and bigger issue. Recent surveys have shown that more and more Canadians from all over Canada believe that the Government of Canada's performance on the environment has been terrible. Quebeckers seem to have the harshest words to say about the Conservative government. I cannot over-emphasize just how important this issue has become. I have risen in the House several times now to discuss bills.

People are talking about a navigable Arctic passage. That is not something we should ever have had to discuss in this House. The Arctic should have remained frozen solid forever. But because of global warming, people are now talking about developing an Arctic waterway and protecting navigable waters. This is all going to hurt future generations. Bloc members have always risen in the House to speak up for environmental issues, and we will do so again today.

It is good that the Commissioner of the Environment and Sustainable Development would be able to submit the results of audits more than once a year, since environmental issues are becoming increasingly important to Quebeckers and Canadians.

Second, Bill S-216 states that the report of the Commissioner of the Environment and Sustainable Development must now be laid before each House of Parliament. Members are familiar with the Bloc's position regarding the Senate. I will have the opportunity to explain our position and to speak about the money wasted by the Government of Canada on the Senate.

Nevertheless, the work of the Commissioner of the Environment and Sustainable Development is necessary, especially since it is clear that the Conservative government has a far from impressive record when it comes to the environment and sustainable development. International specialized journals have called the oil sands industry the most polluting industry on the planet. So it is important that the Commissioner examine this issue, so that we do not end up being the laughingstock of the world.

The Commissioner wanted greater powers to intervene. In his last report, he indicated that the government's progress toward providing guidance to departments on greening their operations was unsatisfactory. The Conservatives' targets are non-specific. They reiterate previous objectives, are non-binding, and are open to interpretation. In short, the Conservative government's development strategies are not focused on achieving effective results. The plan is incomplete and does not incorporate the targets.

Even if the government committed itself to becoming a leader in terms of the environment and sustainable development, it lacks the leadership and the will. So, the Commissioner is asking for more and more powers. The Bloc Québécois supports this request, which was the impetus for Bill S-216 before us today.

• (1125)

This brings me to the question of the Senate. The Bloc Québécois has long called for the Senate to be abolished. I would remind the House that in 1996, a Bloc Québécois member, Paul Crête, moved a motion calling on the government to abolish the Senate. We are in favour of abolishing the Senate. Indeed, senators have no democratic legitimacy, since they are not elected. It is practically irrevocable; they are appointed until the age of 75. They have the authority to oppose measures passed by the House of Commons, whose members are elected. In this democracy, unelected officials can oppose the decisions of elected officials. They are not selected based on merit. They are appointed based on purely partisan criteria.

In 1993, Brian Mulroney appointed David Angus, who was the Conservative Party's chief fundraiser and chairman of the PC Canada fund from 1983 to 1993. He is currently a director and chairman emeritus of the Conservative Party of Canada fund. Thus, his appointment was purely partisan.

The Liberals did the same thing. Senator Céline Hervieux-Payette was appointed in 1995. Since 2007, she has been the Quebec lieutenant for the Liberal Party of Canada. She spends practically all of her time on electoral organization. The same is true of Senator Dawson and Senator Fox, two former MPs who were appointed to the Senate in 2005 by Paul Martin. They are actively involved in organization. I find this amusing, because Senator Fox's son is my rival, the Liberal Party candidate in my riding. I see him at all the discussion forums. I have also noted that he spends all of his time playing politics. I also find it amusing that Senator Fox does not have the courage to run against me. I have often challenged him. If he had any courage, he would have left his position in the Senate and faced me in an election, but no, he prefers to sacrifice his son, whom I will easily beat hands down during the next election. That is the Liberals' choice.

Recently, the Conservatives appointed Senator Léo Housakos and Senator Claude Carignan, who are party organizers. This morning, ruefrontenac.com, the site set up by *Journal de Montréal* employees who are on lock-out, ran a headline that said, "Léo Housakos—Tory insider raises funds for a number of parties in Quebec". Those parties include Union Montréal, Gérald Tremblay's party, Action démocratique du Québec—we saw that in the news on the weekend—Vision Montréal, when it was controlled by Benoît Labonté, and the Conservative Party of Canada. A senator appointed by the Conservatives is a fundraiser for a number of political parties.

Again, why have a Senate full of political party organizers who are paid by the government to manage election campaigns for each of the parties, the Conservatives or the Liberals? It all depends on the partisan appointments. The Senate is expensive. Why have a second chamber? We are quite capable, here in the House of Commons, of defending the interests of the public. Again, we are legislators elected by the public.

In 2006-07, according to the public accounts, the Senate cost \$81 million, essentially to duplicate the work of the House of Commons. That \$81 million could have been invested in health or in dealing with greenhouse gases. Many other things could have been done with that money. No province has had an upper chamber since 1968. Quebec did away with its upper chamber a long time ago. It is interesting to note that members of several provincial upper chambers once had to earn their election. At least some provinces elected the members of their upper chamber. Prince Edward Island's legislative council was elected as of 1862, and the Province of Canada's as of 1857.

Even though it was the Senate that introduced this bill, we will vote in favour of it to protect the environment.

• (1130)

[English]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I rise to speak to Bill S-216. I will not spend much time

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talking about the value of granting this change to the law as it would simply make mandatory a practice that already occurs.

I am advised by the Commissioner of the Environment and Sustainable Development that, as a matter of course, when he delivers his report to the House of Commons he also delivers it to the Senate. We need to be mindful of the fact that if this bill passes, there will be absolutely no change in the practice of the Office of the Commissioner for the Environment and Sustainable Development.

I wish, instead, to speak to the value of the Office of the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General. I have nothing but high praise for the Auditor General of Canada. She does laudatory work. It is regrettable that she only has two years left in her mandate. I have had the privilege, since becoming an elected member of Parliament, to spend time with her and I have nothing but high respect for her work. I encourage her to continue in that vein.

The Commissioner of the Environment and Sustainable Development reports under the ambit of the Auditor General. There has been a lot of discussion about whether the Office of the Commissioner of the Environment and Sustainable Development should be separated away. Regardless of whether that happens in the future, I have nothing but praise for the delivery of the functions of the Commissioner of the Environment and Sustainable Development.

I would like to give particular personal praise to Scott Vaughan, who is a renowned international economist. I had the privilege of working with him when he was working with the North American Commission for Environmental Cooperation. He was working on the economic and trade impacts connected with the environment and I was working in the enforcement realm.

Since being elected and since Mr. Vaughan being appointed as commissioner, I had the opportunity to meet with him when he delivered his reports to Parliament and when he appeared before the parliamentary committee to deliver his reports. He is a credible, reputable, highly skilled commissioner. I hope he will continue in that position for many years because he has done an absolutely phenomenal job.

It is incumbent upon both Houses, the Senate and the House of Commons, to ensure the Office of the Commissioner of the Environment and Sustainable Development remains independent and well budgeted to continue in the role that he is doing so well.

I had the opportunity to review, through the parliamentary committee, the reports he has delivered over the past year and I have nothing but high regard. I could bring to the attention of the House the report where the commissioner audited the Government of Canada on how well it was delivering on its promised program to reduce climate change. The report of the commissioner said that it was very difficult to audit because there were no clear triggers or measurables in the program to allow him to audit and say whether it was delivering one way or another.

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In the cases where it was clear what the government was doing within those programs, he stated that those measures seemed to be falling down on the job. While it may have been well intentioned, the government does not seem to be delivering the reductions that it stated it was delivering. The government has commented on those and promised, as is the case with the process, to do better, to provide better measures and so forth.

What we need to look at is the whole series of reports by the Commissioner of the Environment and Sustainable Development since the appointment a couple of decades back. We also need to know why that appointment was made and why that office was created. It was in the spirit and intent of federal governance being done in an open and transparent way.

From that standpoint, I commend the government that created the office and the government for continuing the office. I would encourage the present government to embellish the budget for the commissioner because there are so many critical matters facing us: the growing number of toxins being produced, emitted into the environment and not yet controlled; the challenge of tens of thousands of chemicals not yet regulated; the challenge with water management in Canada and whether the Government of Canada is carrying out its role in that avenue; and whether the Government of Canada is delivering in transboundary ways, which is the function and role of the federal government.

• (1135)

One of the most important roles of the Commissioner of the Environment and Sustainable Development is to receive petitions from citizens across Canada. When they feel that the government is not delivering on its obligations, citizens can file petitions. Those petitions and the results of those investigations are publicly reported and are a good report card on how well the governments at the time are doing.

Whether we need to make it mandatory on the commissioner to report, I would hope that does not introduce a scenario where the Senate might, in any way, interfere with the timely delivery of the reports or the response by the government. However, I would look forward to both houses of Parliament respecting the reports of the commissioner and responding in a far more timely fashion than thus far.

I have the highest regard for the work by the commissioner but, unfortunately, less regard for the governments of the day in delivering and responding on the very credible reports.

I see no reason to go against this bill. I do not see that it adds anything of necessary value. If the Senate feels that perhaps a future commissioner may not look kindly upon reporting to it, the Senate would have some level of security that it too will be able to talk first-hand with the commissioner.

I can say nothing except that it is good news to hear that the Senate values the work of the Commissioner of the Environment and Sustainable Development and would like to have the opportunity to dialogue with the person who holds that office in the same way that the parliamentary Standing Committee on Environment and Sustainable Development has that opportunity.

I look forward to the report of the Commissioner of the Environment and Sustainable Development, which will be tabled, I believe, this week, and our committee will have an opportunity to meet face to face with the commissioner.

• (1140)

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I am pleased to speak in the debate at second reading of Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act. The government is happy to support the bill, as a contributor to federal transparency and accountability for sustainable development.

The government believes in sustainable development and is of the view that we have to balance environmental progress and economic progress, that our responsibilities for prosperity are balanced, as well as our responsibilities as stewards of the environment.

While we need a certain amount of prosperity to derive environmental progress, we also know that protecting and sustaining our natural environment is central to this prosperity, to our standard of living, and to the health and well-being of all Canadians. That is why we have taken concrete steps to improve sustainability.

We announced this past March legislation to increase the penalties for polluters, and in April, new regulations for tailpipe emissions.

We have been working with our partners, the Obama administration in the United States, on a clean energy dialogue which will enhance collaboration on the development of clean energy technologies to reduce greenhouse gas emissions and to address climate change.

We have introduced grants under the eco-energy retrofit homes program. We have increased them by 25% to help Canadians take more sustainable action in their homes. This program is a chance for Canadians to save money on home renovations that will reduce energy consumption and that will provide for a cleaner environment. It will also cut their energy bills and save them money.

We have put in place a strong comprehensive approach to ensure that our water resources are used wisely, both economically through making investments in regulating and enforcing laws, monitoring, science, cleaning up problem areas, as well as building partnerships to protect our fresh waters.

This government has been clear on its commitment to environmental sustainability through these and other concrete actions. We have also been clear about our commitment to greater accountability in advancing sustainable development. Part of that commitment was evidenced last year when Parliament passed with all-party support the Federal Sustainable Development Act. All parties were able to work together in a show of goodwill and common commitment to environmental sustainability.

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The act represents a marked improvement over the previous approach due to sustainable development plans and reporting under the Auditor General Act. That previous process did not make an overarching federal sustainable development strategy. Rather, it only required individual federal departments and agencies to prepare and table individual strategies every three years, in the absence of an overall guidance or set of federal sustainable development goals. The Commissioner of the Environment and Sustainable Development likened it to trying to assemble a large jigsaw puzzle without the picture on the box. With no idea of what that picture was meant to look like, departments and agencies were left floundering.

The new Federal Sustainable Development Act will improve this process by requiring an overarching federal sustainable development strategy, with complementary departmental strategies. These will be updated every three years to reflect sustainability priorities and to reflect progress made through the implementation of the strategies.

The new act also requires oversight at a number of levels, including by the cabinet. It requires the appointment of a multi-stakeholder sustainable development advisory council made up of a broad cross-section of Canadian society. It includes provincial and territorial representatives, business and labour representatives, aboriginal peoples and environmental groups. It requires the establishment of a sustainable development office within Environment Canada to develop and maintain systems and procedures to monitor progress on the implementation of the federal strategy and report this progress to the Minister of the Environment, to Parliament, and to Canadians.

• (1145)

It also requires the Commissioner of the Environment and Sustainable Development to assess and to report on the government's progress toward its sustainable development target and goals and to assess the extent to which individual departments have contributed to meeting the targets set out in the federal sustainable development strategy.

The Federal Sustainable Development Act will clearly increase transparency and accountability and improve federal sustainable development planning and reporting. Bill S-216 offers further improvements to this important piece of legislation.

This government believes strongly in accountability. Improving Senate involvement in the Federal Sustainable Development Act and the Auditor General Act will offer further improvement. Allowing the Commissioner of the Environment and Sustainable Development greater flexibility in the timing of his or her reports, which will contribute to the timelessness of the information contained in them, is another important accountability tool.

We are pleased to support this bill. We are also pleased that the draft federal sustainable development strategy that is required under the Federal Sustainable Development Act will be brought forward to Canadians shortly for their review and comment. The consultations will include standing committees of both houses of Parliament, this House and the Senate, the multi-stakeholder sustainable development advisory council created by the act, the Canadian public, and the Commissioner of the Environment and Sustainable Development.

The views of Canadians will be heard and will be taken into consideration as we work together to prepare the final federal sustainable development strategy, which will be tabled in Parliament within the timelines outlined in the Federal Sustainable Development Act.

I began my comments with the need for a balance between a prosperous economy and a clean environment. This government is committed to that balance. It is committed to making sure that we have jobs for Canadians and that our economy is prospering and growing. However, sustainability also requires that we have a cleaner environment.

When the Liberals spoke earlier, it seemed that they were in a bit of a bad mood, but they know that this government is committed to cleaning up the environment. They were in government for 13 years and we saw growing greenhouse gas emissions and growing environmental problems, but those days are over. This government is committed to a sustainable development within Canada and that means jobs for Canadians and a cleaner environment.

We are committed to work with our international partners. I just came back from Copenhagen late last night. We are very involved with our international partners. Canada is a world leader with technologies such as carbon capture and storage. I heard that the world is depending on the United States and Canada to develop those technologies and reduce greenhouse gas emissions. Canada is a superpower in cleaner energy with those technologies. Our commitment to carbon capture and storage is very important.

We have reduced emissions through stringent tailpipe emission standards, which begins with the 2011 model. Ninety per cent of Canada's electricity will be coming from environmentally clean sources by 2020. There will be a 20% reduction in greenhouse gas emissions. It is one of the toughest targets in the world. That is part of sustainability. We are committed to a cleaner environment and prosperous jobs for Canadians.

I look forward to all-party support for Bill S-216. The government is proud of its actions and commitments to improve sustainable development in Canada while balancing environmental progress and economic progress. We are glad to support Bill S-216.

• (1150)

Mr. Greg Rickford (Kenora, CPC): Mr. Speaker, it is always an honour to stand in the House on behalf of the constituents of the great riding of Kenora. I am also pleased to participate in the debate on Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament).

To echo what we have already heard, this government is pleased to have senators review both the draft and final versions of the federal sustainable development strategy. We are very happy for their participation in this process as well as all of the other reports required by the Federal Sustainable Development Act.

Private Members' Business

As my colleagues previously mentioned, this bill comes in response to an oversight in the original Federal Sustainable Development Act, which, as we have heard, failed to properly include the whole Parliament in its processes.

As the House is aware, similar provisions in the Auditor General Act require the tabling of sustainable development strategies and reports of the Commissioner of the Environment and Sustainable Development before the House of Commons. When that language was borrowed for amendments to the Federal Sustainable Development Act, the tabling of reports in the Senate was unfortunately lost.

This government believes strongly in accountability. Improving Senate involvement in the Federal Sustainable Development Act and Auditor General Act would offer a further improvement, a concept that we fully endorse.

The government has no issue with the tabling of the reports required by the Federal Sustainable Development Act or the Auditor General Act before the Senate and is pleased to support this bill. That said, let me take a moment to briefly and importantly address what lies at the very core of the actual Federal Sustainable Development Act, and that is sustainable development itself.

Sustainable development is necessary to Canada's economic stability. We see that in the great Kenora riding with the importance of infrastructure projects that help our mills and our residential, commercial and industrial development not just serve its community for its utility and convenience, but also continue to be more environmentally friendly.

This is also to the financial well-being of our country, because economic decisions can carry with them economic ramifications. Development must be undertaken in such a way that does not unduly deplete Canada's rich and diverse natural capital. This approach to sustainable development calls on citizens, industry and governments to participate equally in activities that achieve results without jeopardizing the future of our resources.

In that respect it has been a guiding principle of this government to work in partnership with all parties to ensure our resources are exploited and developed in a manner that harms neither the economy nor the environment. We heard the parliamentary secretary speak of that balance that any government is trying to achieve in this regard. I am pleased to say that this government has repeated that refrain long and large.

Our collaboration with our partners in the United States on clean energy dialogue, for example, has been as much about reducing greenhouse gas emissions and protecting the shared environmental fabric of our two nations on this great continent as they have been about protecting the shared economic footing that allows both Canada and the United States to thrive and prosper.

Our strong and comprehensive approach to ensuring our water resources are used wisely has as much to do with ecological gains as it does with economic growth.

Our measures to clean the air Canadians breathe were created with good health in mind, good personal health, good environmental health, good community health, but also good economic health. All of those are factoring heavily in the design of our regulations, for

example, the regulations for tailpipe emissions that we introduced just last April.

• (1155)

I mentioned, quite purposely, the three elements, greenhouse gas emissions, water and clean air. More than any others, these three represent the most recent indicators of good environmental sustainability. As members are no doubt aware, our health, well-being and economic security are highly dependent on the quality of the environment.

Reports of smog alerts, blue-green algae growth in our lakes or shrinking ice caps in our north bring attention to changing conditions in the environment. Issues like asthma, cardiovascular disease and water-borne illnesses underline linkages between the environment and human health. Environmental changes such as low water levels, pest infestations and intense storms also have economic impacts on such sectors as agriculture, forestry, tourism and fisheries.

My point here is that there is an interconnectedness between our abilities to be environmentally sustainable and to experience sustainable economic development in general. The two are not mutually exclusive. As far as developing land, cities, businesses and communities go, our government subscribes to the very definition of sustainable development, namely that we will meet current needs without compromising the ability of future generations to meet their own.

This definition, to which our government has adhered since being elected into office nearly four years ago, recognizes that social, economic and environmental issues are interconnected and that decisions that will ultimately be judged as being successful are the ones that incorporate each of these aspects over the long term for our future generations.

The fact is that sustainability can be used as a means to enhance the health and well-being of Canadians, as a mechanism for preservation of Canada's natural environment, and as a tool to advance Canada's long-term economic competitiveness, be that on a continental or a global plane.

Given the importance of good, smart, sustainable development to our environmental, economic and even personal health, it goes without saying that this government will continue to do what it can to improve sustainable development in Canada.

This includes continuing to work with all of our partners. I think of the opportunity that we have in northwestern Ontario at this very moment to share in resource management and to learn from sound environmental principles from our first nations communities. We have benefited greatly from understanding traditional practices with respect to care of the land, its lakes, its trees, our forests and other important resources.

As well, we need to continue to work closely and consultatively with industry, our communities, citizens, and other levels of government, including the Senate, for the betterment of Canada's economic and environmental landscapes.

*Government Orders***GOVERNMENT ORDERS***[English]***ENDING CONDITIONAL SENTENCES FOR PROPERTY AND OTHER SERIOUS CRIMES ACT**

The government is pleased to have senators review both the draft and final versions of the federal sustainable development strategy, as well as all other reports required by the Federal Sustainable Development Act. The bill responds to what is largely the result of an oversight, as I have said, within the Federal Sustainable Development Act, which failed to properly include the whole of Parliament in its processes.

This government believes strongly in accountability. Improving Senate involvement in the Federal Sustainable Development Act and the Auditor General Act will offer further improvement.

For the purposes of today's discussion, our commitment to sustainable development also and obviously includes supporting Bill S-216.

• (1200)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the government is pleased to have senators review both the draft and the final versions of the federal sustainable development strategy as well as the other reports required by the federal Sustainable Development Act. The bill responds to what is largely the result of an oversight within the federal Sustainable Development Act, which failed to properly include the whole of Parliament in its processes.

I would like to provide an example of sustainable development so we can better understand exactly what it is we are talking about. My hon. colleague, who spoke previously, described forestry as being sustainable development. In my riding of Renfrew—Nipissing—Pembroke, we are a model of sustainable forestry for the world. To do forestry in our riding is to conduct science. No one goes in clear-cutting the forest. Each tree that is to be taken down is individually selected based on which trees can give the most of themselves when they are eventually harvested. We also take into consideration the various habitats of the wildlife. We have done this to such an extent that we now grow 30% more lumber than we could possibly harvest.

We are going through a transition right now with the pulp mills no longer providing a market for our various woods, and we see the forestry industry as playing a key role in Canada's emergence as a world superpower with respect to energy. Because we were able to successfully take the energy that is built within the lumber, carbon, and put it into energy sources such as pelletization for the clean production of electricity and for homeowner use of the warm wood source with a carbon neutrality, we are finding new markets and we are able to keep people employed. So we are balancing the environment, taking into consideration both the needs of wildlife and trees and the needs of human beings to have a job and to continue harvesting the forest.

It is interesting to note that a forest that is harvested is a younger forest, and that the newer trees are able to sequester more carbon than the older trees are. Overall, we are helping out the environment.

[Translation]

The Acting Speaker (Mr. Barry Devolin): The time provided for the 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.

The House resumed from October 23 consideration of the motion that Bill C-42, An Act to amend the Criminal Code, be read the second time and referred to a committee.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, Bill C-42 is an important bill which should engage Canadians.

There are a number of questions that I want to raise. I will be talking briefly about sentencing. I want to talk about judicial discretion. I would like to talk about some of the implications of this legislation vis-à-vis certain offences and the serious questions that Canadians will want to have answered. As a consequence, the Liberal Party is going to be supporting Bill C-42 at second reading, to go to committee in order to hear from experts.

One of those implications will definitely be the cost of implementing changes to the Criminal Code. As members know, although the Parliament of Canada, the Government of Canada, passes legislation amending the Criminal Code, the responsibility to enforce that legislation in most cases falls to the provinces. There is an important element that has to be addressed, and that is that if we pass a law, there must be reasonable certitude that it will be respected and enforced across the land. However, if there is an impediment to that happening, then Parliament has to address that. It is not good enough to pass a law just because the law makes sense. We have to be able to enforce that law.

Today in the media, members will know, the Parliamentary Budget Officer has been asked specifically to start costing out the provisions in a number of pieces of legislation that have been proposed by the government which will have an impact on our ability to enforce the changes proposed in the legislation.

There are some very serious issues and it is going to be very important that this bill go to committee so that we hear from the experts. We all have an opinion here in this place but we need to go to committee. That is where the resources of outside experts from across the land will be available to inform parliamentarians, and that is why we do this.

Second reading allows us to at least raise some issues that we hope the committee itself will address when committee hearings start, and that is important.

For those who are not aware, the summary of this particular bill reads as follows:

This enactment amends the Criminal Code to eliminate the reference, in section 742.1, to serious personal injury offences and to restrict the availability of conditional sentences—

—and that is an important part—

—for all offences for which the maximum term of imprisonment is 14 years or life and for specified offences, prosecuted by way of indictment, for which the maximum term of imprisonment is 10 years.

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For most people, that will not make any sense whatsoever, so as I was looking at some of the debates so far, I thought it would be important to remind hon. members and Canadians about what conditional sentencing is. When did it come about and why was it there?

The member for Edmonton—St. Albert had a very concise description, and I would simply like to draw on it.

This aspect of conditional sentencing came into being in June of 1994, under then Bill C-41, and it was described as Canada's first comprehensive reform to modernizing sentencing law and procedures since 1892, so it was breaking new ground. It was introduced in the House of Commons, and among its elements was the creation of the concept of a conditional sentence of imprisonment. This meant that sentences of imprisonment of less than two years, if ordered or mandated by a court, could be served in the community under certain conditions and under supervision. This could be done only under statutory conditions such that the court was satisfied that the offender could serve the sentence in the community without endangering the population at large.

● (1205)

Therefore, our system of justice recognized that there were cases where the people who had broken the law and who were subject to imprisonment were, in some cases, not likely to reoffend or to be a risk to society. Often it is said that if one commits a crime there are consequences. One must be responsible and accountable for one's actions and must take one's punishment.

There are cases where someone who, for instance, is convicted of dangerous driving causing bodily harm to another person and that would prescribe an imprisonment. However, when someone is put in jail, the judges need to look at some other factors. I was looking on the web last night about the various kinds of cases and the conditional sentencing arrangements that were given and this bill would change them.

I want to advise the House of some of these cases. Anything to do with drugs, as far as I am concerned, is very serious and it is something for which I would have a hard time giving a conditional sentence. We must understand that a conditional sentence means not going to jail and living one's life. It is like being on probation. There is a fine line between conditional sentencing and probation. Conditional sentencing usually involves curfews put on people and they cannot leave the house from 6 p.m. until 9 a.m. the next day. It also means that they are only permitted to go to and from work directly, with no stops in between. It also means that they must under prescription check in with someone akin to a probation officer to ensure they are doing all the things under the court order. It is quite restrictive and, in some cases, the length of a conditional sentence may be longer than the period for which they would serve in jail if they were in fact sent to jail for the offence.

There was a case in Alberta recently where 12 men were involved in drug trafficking. One of the persons involved was an 18-year-old with a clean record. He was a bright kid who made a mistake by getting involved with bad people, which happens a lot. He was sentenced to 24 months of conditional sentence and a probation period after that. The court took into account that there may be circumstances under which the person may be less likely to reoffend

or get involved in criminal activity if he did not go to jail, which some people have described in this debate as being crime school where one learns how to be a good criminal.

In another case, a 32-year-old New Brunswicker was drinking at a bar and he assaulted a staff member at the bar following an altercation with his girlfriend. He punched the staffer in the bar because the staffer had insulted his girlfriend. Under the law, he should have gone to jail but he was given a conditional sentence.

A Nova Scotia man got one year of conditional sentencing for uttering a death threat but there were other circumstances for justifying giving that conditional sentence.

A Kingston man was given nine months conditional sentence for assault. He has a curfew from 6 p.m. until 9 a.m. the next day, except for going to and from his work.

A woman received a 12 month conditional sentence for punching her husband's girlfriend. She normally would have gone to jail but something happened. She assaulted her husband's girlfriend and she should have gone to jail but the law currently provides that she could get a conditional sentence.

● (1210)

An Edmonton nurse received a 23 month conditional sentence for dangerous driving causing bodily harm. I do not know the details of the case but it was 23 months of house arrest, although I do not think it is sitting around the house having a good time.

A New Brunswick woman was sentenced to a 12 month conditional sentence plus 3 years probation for concealing the body of her newborn baby who had died. Under the Criminal Code, normally she should have gone to jail but she was given a conditional sentence of 12 months.

A Regina man convicted of dangerous driving causing bodily harm was given a two year conditional sentence. Another man, who had no hands, was a courier for a drug group. He was given a 12 month conditional sentence plus 2 years probation mainly because he was at risk of being harmed if he was in jail.

Those are the kinds of things that would be covered in Bill C-42 and, if it were to pass as is, all of those people would go to jail. There would be no conditional sentences and no consideration of whether they have family, are the sole bread winners or have a disabled child who needs a father or mother. Those are the kinds of things the judges need to take into consideration.

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When I looked at the legislation and read some of the things that would be changed, it drew to my attention that there needs to be some judicial discretion. I believe this is where the Conservatives and the other parties part on justice bills. It has to do with judicial discretion. It has to do with whether we respect the courts and judges to make informed decisions based on criteria and principles.

With regard to sentencing, the fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, and to show respect for the law and the maintenance of a peaceful and safe society by imposing just sanctions that have one or more of the following objectives: first, to denounce unlawful conduct; second, to deter the offender and other persons from committing serious offences; third, to separate offenders from society, where necessary; fourth, to assist in the rehabilitation of offenders; fifth, to provide reparations for harm done to victims in the community; and sixth, to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims and the community.

The need for these things was reinforced in a judgment in the year 2000 from Justice Proulx, who, in his ruling said that the provisions on conditional sentencing:

...were enacted both to reduce reliance on incarceration as a sanction and to increase the use of principles of restorative justice in sentencing.

A conditional sentence should be distinguished from probationary measures. Probation is primarily a rehabilitative sentencing tool. By contrast, Parliament intended conditional sentences to include both punitive and rehabilitative aspects. Therefore, conditional sentences should generally include punitive conditions that are restrictive of the offender's liberty. Conditions such as house arrest should be the norm, not the exception

The Supreme Court of Canada finds that there are circumstances where an offender could have the benefit, first, of some rehabilitation component, but also the punitive component. It is important that we never have any understanding that someone is going to commit a crime and not be responsible for his or her actions.

That issue comes to bear when we look at what is happening in the proposed justice bills that have come before Parliament. We have often heard in this place that if people do the crime, they do the time. It tends to indicate that the philosophy is to treat everybody the same, regardless of the circumstances or conditions.

Members will know that there are some 20 principles and guidelines guiding judges, allowing them the latitude to look at a circumstance and find out what best fits that case. Clearly, for the most serious crimes that is not a problem, but in some of the examples I gave, I found it somewhat problematic.

I also want to point out to members that in a recent survey it was found that 39% of inmates in jail in the province of Ontario suffer from some form of mental illness. Having done a lot of work on fetal alcohol syndrome, I am quite aware that many of the people in our jails suffer from alcohol-related birth defects.

● (1215)

Those are the kinds of things on which judges have some discretion. However, Bill C-42 would make it much more difficult for the justice system to treat people who have problems that are beyond the problems they have.

I certainly hope the committee will look at the costs of implementing these kinds of changes to the law. The estimates that I

have already seen and that, hopefully, will be confirmed by the Parliamentary Budget Officer, will show that the cost of implementing these changes to Bill C-42 would be in the hundreds of millions of dollars. Over 5,000 people who are currently on conditional sentencing would be in jail.

The magnitude of this is very significant. The issues are significant and I hope all hon. members will bring those to committee so we can get it right.

● (1220)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, the hon. member is absolutely correct. If the power is taken out of the judgment of the judges, then decisions we make could eventually lead to the debate of why we have judges at all.

There is no question that people who have a crime committed against them feel very angry, upset and despondent about what happened to them. The fact is that many of those crimes are committed by people who started life with a mental or physical challenge. Whatever the challenges are, we are not walking in their shoes.

There are a million reasons why people resort to crime, which is why it is important that judges have the discretion, through a legal system that allows all the facts and bearings of a case to go before a judge or jury of his peers, to make a complete analysis of what the time should be when fitting the crime.

I hear fiscal Conservatives talk about the financial aspects of everything, but when it comes to this, they are very silent on what the actual costs will be. Why does the member believe the Conservative Party is so reluctant to release financial information on what these particular legislations would eventually cost the taxpayers of Canada?

Mr. Paul Szabo: Mr. Speaker, as I indicated at the beginning of my speech, it is easy to pass laws but to have them enforced and work within our system is another prerequisite. There is no point in passing laws that will never be enforced. It happens. We have heard time and time again that the provinces are strapped and that the courts and jails are full.

It costs about \$300 a day on average for an inmate, which is more than a hotel stay. However, by changing this law, 5,000-plus people would go to jail. It means that certain jails would need to be expanded and new jails built. All kinds of additional people would need to be involved. The costs would be very significant and, beyond the capital cost of prisons, much of the cost would fall on the shoulders of the provincial government.

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They have clearly said that they do not have the money to do it. They do not have the people, the probationary officers or the staffing in the system to care for this. Does that not mean that we need to do more in terms of identifying those who will not reoffend? We need to allow them to have conditional sentencing or house arrest with the understanding that it is both punitive as well as rehabilitative, and look for more ways in which we can work on crime prevention.

We need prevention. It has never been in any of these bills and that concerns me because prevention is much cheaper than incarceration.

Mr. Peter Stoffer: Mr. Speaker, I cannot let it go by that the Conservatives like to consider themselves the law and order party but the reality is that the people who uphold law and order in this country, the RCMP, had their salary increases rolled back on December 23 from 3.5% to 1.5% without notification.

What a slap in the face to those hon. men and women who serve our country and go after the bad guys every day. I would like the hon. member's comments on how he and the police in his riding felt just before Christmas when their salary increases were rolled back arbitrarily by the government.

• (1225)

Mr. Paul Szabo: Mr. Speaker, there are many people who are involved in the administration and the enforcement of the criminal justice system. Police officers certainly are the front line. We hear year after year how many of them lose their lives in the line of duty, enforcing the laws of Canada. So, I do not disagree with the member. I can, however, enlighten him.

The Department of Justice says that 5,000 more people would be put in jail as a consequence of this and it is estimated that the 5,000 additional inmates would cost the provinces in the range of \$250 million to \$500 million a year. That is not counting the capital costs. There is no way that the provincial systems currently can accommodate these 5,000 extra inmates. It is also estimated that the capital costs for expanding or building new prisons would be \$1.5 billion to \$2 billion.

This is the dimension of the problem we have to demonstrate that we will be able to enforce the changes in the law that are currently being presented under Bill C-42.

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I am honoured to rise today during the second reading of Bill C-42, the bill that proposes to limit the use of conditional sentencing for serious offences.

This is an important issue to constituents in my riding of Leeds—Grenville. They take getting tough on criminals very seriously. It is something that I hear constantly when I go around my riding. They are happy that our government has taken a number of initiatives over the last three plus years to get tough on crime.

We have heard from others who seem to have a problem with criminals doing the time for the crime. One could find all kinds of excuses not to support this legislation, but my constituents are happy that the government is finally taking these issues seriously. They are happy that our minister continues to introduce bills and they want to see them pass through Parliament.

My constituents get discouraged when they tune in to find out what is going on in Parliament and find that often these bills are held up by the opposition. Sometimes a bill goes through the House of Commons and then the other place slows down its implementation.

I am happy to rise today to speak in support of this particular bill. My constituents are happy that we have brought this legislation forward.

A conditional sentence is also known as house arrest. House arrest is a relatively new tool in Canadian law and it can be imposed when several conditions are met: first, the offence is not punishable by a mandatory prison sentence; second, the court imposes a sentence of less than two years; third, the court is convinced that the service of the sentence in the community would not endanger the safety of the community; fourth, the court must be satisfied that the conditional sentence would be consistent with the fundamental purpose and principles of sentencing; and, fifth, the offence meets the following criteria: it is not a serious personal injury offence as in section 752; it is not a terrorism offence; and it is not a criminal organization offence prosecuted by indictment and for which the maximum term of imprisonment is 10 years or more.

Sentencing judges may decide not to impose a conditional sentence even if all of the conditions are met if they feel that justice will not be served with such a sentence.

Bill C-42 would add new, clear provisions to the conditional sentence sections of the Criminal Code to ensure that conditional sentences are not available to individuals who commit serious violent crimes and serious property crimes.

Bill C-42 would remove some of the sentencing latitude that is now available for some of these offences. It would end conditional sentences for indictable offences for which the maximum term of imprisonment is 14 years or life.

This legislation would also apply to indictable offences for which the maximum term of imprisonment is 10 years where the offences result in bodily harm; involve the import, export, trafficking or production of drugs; or involve the use of a weapon.

In order to cover serious offences punishable by a maximum term of imprisonment of 10 years, Bill C-42 seeks to eliminate the use of conditional sentences for: prison breach, luring a child, criminal harassment, sexual assault, kidnapping, trafficking in persons, theft over \$5,000, breaking and entering a place other than a dwelling house, being unlawfully in a dwelling house with intent, and arson for fraudulent purposes.

As has been explained, conditional sentences were never intended for very violent or serious crimes but rather for less serious offences. They were designed to be used in cases where offenders would be better served by doing soft time in surroundings where they could be rehabilitated.

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•(1230)

Unfortunately, not all sentencing courts have interpreted the availability of conditional sentences in the same manner. Consequently, many, including some provinces and territories, became increasingly concerned with the wide array of offences that resulted in conditional sentencing of imprisonment.

It is not just the courts that are concerned. Citizens, like those I spoke of from my riding of Leeds—Grenville and across Canada, are echoing those concerns. Residents of my riding of Leeds—Grenville, as I said before, continue to talk to me about these issues. They are very important to them.

I am happy to be standing up here today in support of another one of those initiatives. In their eyes the laws are not working properly. We need to look at them and make changes where necessary.

The best way to deal with the ambiguity is through the bill, which provides clear definitions of what crimes are not punishable with a conditional sentence. We attempted to do that months before with Bill C-9 in 2006. That bill was amended by the opposition. Bill C-9, in its original form, proposed a new criterion that would have eliminated the availability of a conditional sentence for offences punishable by a maximum sentence of 10 years or more, and prosecuted by indictment. This would have caught serious crimes, including designated violent and sexual offences, weapons offences, offences committed against children, and serious property crimes such as fraud and theft over \$5,000.

Just last week we were dealing with another bill to do with penalties for serious property and theft crimes over \$5,000. I was happy to have spoken on that bill as well.

However, opposition members of the justice committee, when they were dealing with Bill C-9, left it too open and too broad. The opposition voted to amend the legislation to only capture terrorism offences, organized crime offences, and serious personal injury offences as defined in section 752 of the Criminal Code that are punishable by a maximum sentence of 10 years or more and prosecuted by indictment.

Because of the changes imposed by the opposition on Bill C-9, it has become clear that the current conditional sentencing regime still fails to categorically make conditional sentences ineligible for many, very serious crimes.

My colleagues in the House might be asking themselves if it is necessary to amend the conditional sentencing regime once again, since the last amendments came into effect on December 1, 2007. The answer to that is a resounding yes. The concept of serious personal injury offences defined in section 752 of the Criminal Code was developed in the context of dangerous offenders. However, the opposition parties borrowed this as a limit on the use of conditional sentences when they modified the government's original proposal in Bill C-9.

This has resulted in more confusion in sentencing in the eyes of the general public where, for example, people found guilty of such crimes as assault with a weapon and assault causing bodily harm receive conditional sentences. My constituents want to see a stop put to that. Serious property crimes in which fraud is committed against

victims who have no recourse and receive no restitution for their often devastating loss bring the offender a conditional sentence.

We appear to be allowing criminals who do serious harm to others, physically or even monetarily, to serve their time in comfort. Once again, this is something that my constituents find very offensive.

Sentences are supposed to reflect our society's abhorrence of the crime. What are we telling our citizens and those who commit crimes, when we send criminals, who wilfully and knowingly do harm to others, away to serve a conditional sentence?

•(1235)

I often speak about this in the House when we bring forward legislation that introduces mandatory prison sentences. When we introduce mandatory prison sentences, we are doing two things. We are attempting to show those who would commit those crimes that there will be a price to pay and that if they commit those crimes, they will serve the time. We are also attempting to use these mandatory prison sentences as a deterrent so that those who are thinking about committing such crimes will think twice before doing so.

Conditional sentences are an appropriate sentencing tool in many cases, but they do not need to be restricted when it comes to serious property and serious violent offences. Conditional sentences were created for less serious crimes. It is for this reason that they are not available for offences punishable by a mandatory prison sentence or for offences for which a sentence of two years or more is imposed.

[*Translation*]

We need to ask ourselves why conditional sentences were created.

Before conditional sentences were created in 1996, offenders who were declared by the courts to pose no threat to society were generally punished with sentences of less than two years in a provincial institution or suspended sentences with probation.

However, probation orders and other alternatives to incarceration placed—and still place—fewer restrictions on freedom and do not allow judges to order that offenders undergo treatment. There is no quick way to convert a probation order into a sentence of detention in the event the offender breaches the conditions of the sentence.

Conditional sentences were therefore created as an alternative to the sentences that could be imposed on this sort of offenders. The courts could quickly convert a conditional sentence into a sentence of detention, set limits on the offender's freedom and require the offender to undergo treatment.

A conditional sentence cannot be accompanied by parole or a sentence reduction.

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[English]

As I said before, Bill C-42 is something that my constituents and many Canadians look forward to seeing go through this House. Bill C-42 fulfills a 2008 platform commitment made by our party seeking to restrict the availability of conditional sentences of imprisonment to ensure that serious crimes, including serious property offences, are not eligible for house arrest. In addition to the existing criteria limiting the availability of conditional sentences, Bill C-42 would deal with many of the things which I already spoke about.

These amendments are really needed, because the government's previous attempts to prevent the use of conditional sentences for any indictable offence punishable by a maximum penalty of 10 years' imprisonment or more, which we brought forward in Bill C-9, were significantly weakened by opposition amendments to restrict the availability of those conditional sentences only for those 10 years or more offences, which were terrorism offences, something which I learned a lot about when we were dealing with the Anti-terrorism Act in the last Parliament.

The problem with the current law, as a result of the opposition amendment, is that the definition of serious personal injury offences lacks that true, needed clarity. It is really not certain whether particular serious property or serious violent offences such as wilful mischief, endangering life, causing bodily harm by criminal negligence, or serious drug offences would be interpreted as serious personal injury offences and therefore ineligible for a conditional sentence in all cases.

Bill C-42 addresses these flaws by providing a much more consistent and rational approach for the offences which cannot receive a conditional sentence.

Canadian citizens have many questions about this bill. They want to know whether the reform we are bringing forward in this bill will modify the fundamental purpose and principles of sentencing. This reform does not propose to modify or change the fundamental purpose and principles of sentencing contained in the Criminal Code. However, with respect to serious matters, it is going to require the courts to focus on the objectives of denunciation, incapacitation and general deterrence which I spoke about a little earlier.

Some might ask why we want to eliminate the reference to serious personal injury offences from the conditional sentencing regime, which is section 742.1, when the amendments brought forward by Bill C-9 in the 39th Parliament came into force just 18 months ago. As I said before, the reference to serious personal injury offences in section 742.1, a term originally intended to apply to the dangerous and long-term offender provisions of the Criminal Code, was the result of the efforts by the opposition and its amendment to Bill C-9. The reference to serious personal injury offences in section 742.1 does not clearly establish those limits on the availability of conditional sentences for serious and violent crimes.

Some also want to know if this amendment to the bill covers offences that are prosecuted by summary conviction. This reform focuses on the most serious cases, those cases that Canadians find most offensive, that were eligible for this conditional sentencing. Those cases which are generally indictable offences and carry a 10 year plus maximum sentence can also be prosecuted by summary

conviction where the maximum sentence is much lower. In those cases where police and prosecutors exercise their discretion to proceed summarily, conditional sentences will still be available in those cases. The justice system must rely upon police and prosecutors using summary conviction charges in appropriate cases.

• (1240)

One thing that I was concerned about with the bill was whether all sexual assault cases would be ineligible for a conditional sentence. This reform will restrict the use of conditional sentences for all sexual assault offences that are prosecuted by indictment and punishable by 10 years or more of imprisonment. Consequently, sexual assault cases that are prosecuted by summary conviction will still be eligible for a conditional sentence order.

I have confidence in police and prosecutors using summary conviction charges only in appropriate cases. The offence of sexual assault covers a wide range of conduct, and not to allow conditional sentences at the very low end of that range would not be in the interests of the administration of justice.

I urge all members to support the bill moving on to committee. This is something which the constituents in my riding of Leeds—Grenville take very seriously. They are very happy that the government is taking action. I urge all members to get behind the bill and stand up and vote in favour of it.

• (1245)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I thank the hon. member for his comments and his ability to try to get tough on crime.

He indicated during his speech that there are many occasions on which he spoke to his constituents about this issue. I was wondering if the member, for the record, would advise us if he has advised his constituents of any evidence based facts that this would actually reduce crime. If he has, perhaps he could table it in the House or perhaps he would be able to provide it during the committee process.

Has the member been clear with his constituents about the actual financial costs and who will pay for all the additional sentences, jails, prisons and so on?

I have no problems with the perception of getting tough on the worst criminals. I have a bill on child Internet pornography and I would like us to get a lot tougher on child pornographers in this country than we are now. We hear about truth in advertising. We would like to know what the economic costs of the provisions in this bill will be. Who is going to pay for it? Where is the evidence that it would actually reduce crime in this country?

Mr. Gordon Brown: Mr. Speaker, I congratulate the member for introducing the bill on child pornography. Child pornography is something which my constituents find offensive.

The question was about who is going to pay for this. Some of this reform will fall on the provincial and territorial governments. The hon. member asked about the cost. What is the cost to society when people continue to commit these crimes and they do not have any deterrents in place whatsoever?

I ask the hon. member about the real cost to society if we do not take these types of action.

Government Orders

Mr. Greg Rickford (Kenora, CPC): Mr. Speaker, in keeping with the line of questioning around the member's constituents, I have been listening with great interest to the member for Leeds—Grenville. I noted that during his speech he mentioned his constituents and their interest in this important bill. I was wondering if the member could elaborate on why they think the bill is so important.

Mr. Gordon Brown: Mr. Speaker, the member for Kenora was elected to the House last year. Since he arrived here he has taken on many of these issues and has shown a great deal of interest. His riding of Kenora is very much like the riding of Leeds—Grenville, and not just in rural ridings but across the country people are concerned about crime.

This is a bill that my constituents find to be very timely. They want to see proper penalties in place for those who commit crimes. They do not want conditional sentences to be used because they do not feel that they act in any way as a deterrent. These are the types of things I was thinking of when I talked about the cost to society in not passing the bill.

I know that the member's constituents want to see the bill passed, as do mine.

• (1250)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I know that the member has been here from the beginning of the debate, so I know that he is looking at this carefully. The issue is one of cost versus implementation of the law, as the member is quite aware. I want to know whether the member believes that we should make changes to the Criminal Code if we know that we are unable to provide the funds necessary to enforce those changes.

Mr. Gordon Brown: Mr. Speaker, my constituents, and I am sure his constituents in Mississauga South, feel that we should spend the money to implement these changes.

I am just looking at some of the numbers that were provided before, when Bill C-9 was going through the House. The cost, ultimately, was amended to \$10.7 million. However, the cost for the original Bill C-9 was \$21.7 million. So, I know that Canadians expect their tax dollars to be used wisely, and I know that my constituents expect us to spend money on these types of things.

Mr. Peter Stoffer: Mr. Speaker, I asked a financial question because I have a bill, Bill C-201, that deals with veterans. The first thing out of the mouths of the Conservatives was “What is it going to cost?”, not what is best for the veterans, but what it is going to cost. They did not care about veterans and their families and the issue of what my bill would do to help them. All they asked about was the cost.

So, I will ask once again. Has he got the evidence to prove that this would actually prevent crime, and what is the financial cost of the bill?

He said some of the provinces would pay for it, and that is true. However, would the money then be transferred from the federal government to the provinces to pay for that?

With a burgeoning deficit, where is the money going to come from, increased taxes or cuts to services?

I have no problems with him debating the issue of crime and punishment, but someone has to pay the financial costs for this. Yes, there is a cost when people commit crime, but there is also a cost when we put them behind bars for extended periods of time.

So, how much would it cost and where is the evidence to support his conclusions that this would actually prevent crime?

These are two very basic questions.

Mr. Gordon Brown: Mr. Speaker, once again the hon. member has asked the question about the cost. I do not know whether members might have asked him how much his bill would cost. What is the cost in terms of dealing with child pornography?

Once again, I go back to the real question. What is the cost to society of not taking these types of action? What is the cost to society of not putting in place the deterrents to stop these types of action?

I have laid out that the original bill, as amended, was \$10.7 million and that Bill C-9, as it was originally introduced, was \$21.7 million.

There will be some costs, but these are costs that the people of Canada expect the government to pay.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, it is a privilege to rise today in the House to address Bill C-42 regarding conditional sentences.

This legislation fulfills another campaign promise we made in the 2008 election by seeking to restrict the availability of conditional sentencing to ensure that those who commit serious crimes, including serious property offences, are not eligible for house arrest. This is a bill that is desperately needed as we attempt to send a strong message to criminals that serious crime will result in serious time.

My riding of South Surrey—White Rock—Cloverdale has been near the centre of a violent gang war in the lower mainland of British Columbia. Earlier this year hearing reportings of several shootings in a given week was not uncommon.

Many people, some gang members and some not, have been murdered or seriously injured in our streets this year. This gang warfare appears to be fuelled mostly by the illicit drug trade as rival gangs battle for a share of the profits.

As I am sure all members can appreciate, my constituents are upset and concerned about the extreme violence in our normally peaceful community. They want to know what action we are taking to keep illegal drug producers and pushers off the streets and behind bars. They want to know why criminals convicted of serious drug offences such as running a grow house, who are sometimes repeatedly convicted seem to be back on the street within days of their conviction.

Government Orders

They do not understand why someone convicted of serious crimes, offences often linked to the drug trade or involving a weapon or causing bodily harm, could serve literally no time in prison.

Bill C-42 is part of our answer. Our bill will close the loophole created by the opposition in the last Parliament by ensuring that the time served for all serious crimes is ineligible to be served under house arrest.

• (1255)

[*Translation*]

The proposed law will clearly state the offences for which the courts cannot hand down a conditional sentence.

This will ensure that the courts use conditional sentences cautiously and more appropriately, reserving them for less serious offences that pose little risk to community safety.

[*English*]

Bill C-42 is needed because our government's previous attempt to prevent the use of house arrest for serious crimes was seriously and significantly weakened by opposition amendments.

In addition to maintaining the existing criteria limiting the availability of house arrest, Bill C-42 would make all offences punishable by a maximum of 14 years or life ineligible for house arrest. It would make all offences prosecuted by indictment, as well as those punishable by a maximum of 10 years, those resulting in bodily harm or involving the import, export, trafficking or production of drugs, and those involving the use of weapons, ineligible for house arrest. It would also make specific serious property and violent offences ineligible for house arrest.

Here are some of the other offences for which house arrest would be eliminated when prosecuted by indictment: prison breach, luring a child, criminal harassment, sexual assault, kidnapping or forcible confinement, trafficking in persons where there is a material benefit, abduction, theft over \$5,000, auto theft, breaking and entering with intent, being unlawfully in a dwelling house, or arson for fraudulent purposes.

When I read this list, I am reminded that the last time we debated this issue, these were all crimes for which the Liberals felt that house arrest might be an entirely appropriate punishment. Well, this is no longer the case. Bill C-42 will send the message that drug crime, gun crime and other serious crime will not be tolerated in Surrey or anywhere else in Canada. It will send a message to those engaged in the illegal drug trade in my community that their crimes will no longer be treated with a slap on the wrist.

[*Translation*]

This bill and other initiatives to come will ensure that cases of serious fraud are treated as serious offences, which includes the proposal in Bill C-42 to prohibit the use of conditional sentences in such cases.

It is also disturbing to note that by promoting the definition of serious personal injury at the expense of the government's approach, the opposition parties are saying that only violent offences are serious and that the limits on the use of conditional sentences should apply only to such offences.

Do I need to remind them of the extent of the frauds recently reported in the media?

[*English*]

Unfortunately, it has become very plain to me that our Conservative Party is the only party that has been willing to stand on principle and ensure that the sentence matches the crime. Opposition parties stall criminal justice reform legislation here in the House or their friends stall it in the Senate.

It is no exaggeration to say that in this Parliament and the last, we have been opposed every step of the way by the Liberals or the NDP and the Bloc as we have attempted to pass even modest reforms to sentencing laws. For instance, the opposition Liberals watered down our bill, Bill C-9 on house arrest, in the last Parliament. Even so, I note that since taking office in 2006, our Conservative government has been making progress on some criminal justice reform, including house arrest, despite the minority situation.

We provided the funds and introduced the legislation that will support our law enforcement bodies and justice system as they attempt to crack down on gun violence and the illegal drug trade. In our first budget, we provided the funds to hire an additional 1,000 RCMP officers and new federal prosecutors to focus on such law enforcement priorities as drugs, corruption, and border security, including gun smuggling.

Also, in our 2006 budget we provided the funds to hire an additional 400 Canada border services officers, to properly arm all of these officers, and to improve border infrastructure and upgrade technology. Our efforts have improved the ability of our Border Services Agency to crack down on the smuggling of firearms and illegal drugs, which are significant problems in our community.

In 2007, we launched the national anti-drug strategy, focusing on prevention, enforcement and treatment. Budget 2007 also provided \$64 million over two years to address these priorities.

In budget 2008, we provided \$400 million for the police officers recruitment fund, allowing the provinces to recruit an additional 2,500 front-line officers. My province of British Columbia received \$53 million of this funding.

In terms of legislation, during the last Parliament we were able to pass bills that addressed the issues of gun and gang violence. Among the resulting measures were increases in the mandatory minimum sentences for various crimes involving firearms and the toughening of dangerous offender provisions in the Criminal Code.

Government Orders

We also imposed a reverse onus in order for those charged with firearms offences to qualify for bail, and we toughened sentences for street racing and increased the maximum sentence to be life in prison. However, our Conservative government knows that further federal action is necessary to help address the gang violence we have seen on the streets in my community recently.

Our public safety minister, our justice minister and our Prime Minister have all travelled to the Lower Mainland in British Columbia to hear directly from police officials and victims groups about the recent violence. We have listened and responded by introducing the following legislation.

Bill C-14, now law, targets gangs and organized crime groups. Any murder committed in a gang-related context is deemed first degree murder. A new criminal offence carrying a mandatory prison sentence has been created for drive-by shootings.

Bill C-15 cracks down on serious drug crimes, such as trafficking and running large cannabis grow operations or crystal meth labs. Narcotics producers will now face mandatory prison sentences.

In addition, Bill C-25 eliminates the two-for-one credit in sentencing for time spent in pre-trial custody. Of course, the bill that we are debating today, Bill C-42, would eliminate house arrest for all serious crimes, not just some of the offences the opposition begrudgingly allowed us to address in the last Parliament.

• (1300)

[*Translation*]

For the reasons I have given, I would urge my colleagues in the House to support this bill unanimously in order to expedite its passage.

[*English*]

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, there is something that does not come up very often. We all know that as members of Parliament, we quite often hear from the public, from people who are concerned that criminals sometimes have more rights than do the actual victims of crime.

There is another issue that I would like the member to comment on, if he could. I have relatives and friends who are policemen, and one thing they tell me from time to time is that they work very hard to catch criminals, and they go through the court system, and while many criminals sometimes get off on technicalities, the ones that are convicted quite often get out on early parole or other loopholes in the justice system. They tell me that it very distinctly creates low morale for the police and the RCMP.

I wonder if the member could comment on how this bill, if passed, could maybe help in that case as well.

• (1305)

Mr. Russ Hiebert: Mr. Speaker, I also hear those concerns from people in my community.

Police officers work hard to find and arrest dangerous offenders in our communities, and to their shock and dismay they see these same offenders back on the street sometimes days and weeks later. They shake their heads and ask themselves why they are even doing this.

The discretion that allows these individuals to be back on the street so quickly is definitely a cause for concern. It is also demoralizing for many police officers, especially when they consider the amount of paper work and other steps that need to be taken to get these people before a judge in the first place.

I completely concur with my colleague's concerns. I am confident that the reforms we are making here will make a tremendous difference because we will be taking these people off the streets.

In my previous work as an attorney, I would often hear individuals say that house arrest was a joke. Offenders could be on the street, do whatever they want, and if anybody stopped them they simply had to say they were on their way to a job interview or to a doctor's appointment. They essentially had all the freedoms that they would otherwise have if they were not behind bars.

That is the concern that Canadians are expressing to us. They feel that if somebody commits a crime they have to do the time. Canadians feel that the slap on the wrist that criminals have been getting up until this point is simply not acceptable.

Mr. Greg Rickford (Kenora, CPC): Mr. Speaker, it is great to stand in the House once again on behalf of the constituents of the great Kenora riding. I am honoured to speak during second reading of Bill C-42, which proposes to limit the use of conditional sentencing for serious offences.

The Criminal Code allows for conditional sentences, also referred to as house arrest, to be imposed when the following conditions are met: the offence is not punishable by a mandatory minimum sentence, the court imposes a sentence of less than two years, the court is convinced that the service of the sentence in the community would not endanger the safety of the community, and the court must be satisfied that the conditional sentence would be consistent with the fundamental purpose and principles of sentencing.

Finally, the offence must meet the following criteria: it is not a serious personal injury offence under section 752; it is not a terrorism offence; and it is not a criminal organization offence, prosecuted by indictment and for which the maximum term of imprisonment is 10 years or more.

Even if all the criteria are met, the sentencing judge may decide not to impose a conditional sentence. Bill C-42 aims to eliminate the reference to serious personal injury offences and end the use of conditional sentences for indictable offences for which the maximum term of imprisonment is 14 years to life. The same would apply for indictable offences for which the maximum term of imprisonment is 10 years where these offences result in: bodily harm; involve the import, export, trafficking or production of drugs; or involve the use of a weapon.

Government Orders

Furthermore, in order to cover serious offences punishable by a maximum term of imprisonment of 10 years, Bill C-42 seeks to eliminate the use of conditional sentences for the following reasons: prison breach, luring a child, criminal harassment, sexual assault, kidnapping, trafficking in persons, theft over \$5,000, breaking and entering a place other than a dwelling house, being unlawfully in a dwelling house with intent, and arson for fraudulent purposes. These are obviously very serious crimes that this government intends to get tough on.

I am well aware that my colleagues in the House might ask themselves if it is necessary to amend the conditional sentencing regime once again, especially given that the last amendments to this regime came into effect on December 1, 2007. To them, I would say yes. The concept of serious personal injury offences as defined in section 752 of the Criminal Code of Canada was developed in the context of dangerous offenders.

However, the opposition parties borrowed it as a limit on the use of conditional sentences when they got together to modify the government's original proposal as laid out in Bill C-9. While the courts have, since the last amendments came into effect, distinguished between the interpretation of the definition of serious personal injury offences and the contexts of conditional sentences and dangerous offenders, the fact remains that there are serious shortcomings.

Whether it be in the context of dangerous offenders or in the context of conditional sentences, only sexual assault, sexual assault with a weapon, and aggravated sexual assault are deemed to be serious personal injury offences. I would like to reassure my colleagues that although Bill C-42 proposes to eliminate the reference to serious personal injury offences as laid out in section 742.1, it would still ensure that conditional sentences would not be available for such indictable sexual offences.

● (1310)

However, as we have previously heard, robbery, for example, is not treated as a serious personal injury offence in all cases. This is all the more surprising, given that the offence of robbery, under section 343 of the Criminal Code, includes elements of violence. The same goes for the offences of assault with a weapon and assault causing bodily harm.

It is also worrying to see that the opposition parties, who favour the definition of serious personal injury offences instead of the proposed government approach, are of the view that only violent offences are serious crimes, and that only violent offences should be subject to limits on the use of conditional sentences.

Need I remind them of the extent of the fraud cases reported in the media recently. Serious white collar crimes that had serious impact on people's lives. Yet, the definition of serious personal injury offences cannot ensure that conditional sentences will not be available in cases of fraud or theft over \$5,000. The bill, along with upcoming initiatives, will ensure that cases involving serious fraud are treated as serious offences. They are treated within the law for the serious offences that they are.

Conditional sentences were created for less serious crimes. It is for this reason that it is not available or that it not be available for

offences punishable by a mandatory minimum sentence, or for offences for which a sentence of two years or more is imposed. The government is attentive to the concerns of Canadians who no longer wish to see conditional sentences used for serious crimes, whether it is a violent physical crime or a serious property crime. For the reasons I just explained, I would urge my colleagues in the House to give the bill their unanimous support.

I want to address by way of summary some of the key points. Conditional sentences are not available for all offences. There are several criteria for their use. For example, conditional sentences are not available for sentences with a mandatory prison sentence and are not available if the sentence would be more than two years imprisonment.

Bill C-42 fulfills this 2008 platform commitment by restricting the availability of conditional sentences of imprisonment to ensure that serious crimes, including serious property offences, are not eligible for house arrest.

I encourage all members to take a serious moment to pause around what this legislation is intended to achieve. We want to make it clear that when it comes to serious crimes, this government is getting serious with the people who need to do the time.

● (1315)

The Speaker: Order. The hon. Minister of Justice is rising on a point of order.

* * *

PRIVILEGE

INTRODUCTION OF BILLS

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this is my first opportunity to rise in the chamber to address the matter that was raised on Thursday by the member for Joliette concerning the introduction of Bill C-52.

It was correctly pointed out to the House that details of that bill were released prior to the actual tabling of the bill while the bill was on notice. Members have the right and the duty to see the bill first.

One of the things I share with you, Mr. Speaker, is a deep respect for the House, its traditions and its rules. The release of those details was a mistake, and for that I apologize to the House without reservation. I have indicated to my colleagues, and I will be indicating to them, that this should never happen again.

As for myself, it is my sincere hope to introduce many more bills in the House, and I can assure you, Mr. Speaker, and the House that this will never happen again.

The Speaker: I thank the hon. Minister of Justice. Unless I hear further, I believe this matter should therefore be closed and I will not need to come back with a ruling on the question of privilege raised the other day, and I am thankful for that as well.

Questions and comments on the speech we have just heard. I call first on the hon. member for Edmonton—St. Albert.

ENDING CONDITIONAL SENTENCES FOR PROPERTY AND OTHER SERIOUS CRIMES ACT

The House resumed consideration of the motion that Bill C-42, An Act to amend the Criminal Code, be read the second time and referred to a committee.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I thank my colleague for his enlightening speech and the thought he put into the role of conditional sentencing in our justice system and its limitations with respect to the types of convicts and persons who have come into the criminal justice ought to have it apply to them.

I know he is a lawyer, as am I, and relying on his legal experience, could he provide some comment, anecdotal or otherwise, as to situations where perhaps this process has not worked out properly and, more specifically, if he could comment, based on his experience as a lawyer, as to how this bill fits into the government's overall law and order strategy.

Mr. Greg Rickford: Mr. Speaker, I did not practise a lot of criminal law. I have very little experience in that area but from my days in law school, from having several colleagues who practise in this area and from having a number of friends who are with the RCMP and the Ontario Provincial Police over the years working in communities, I share the concerns expressed earlier that we need to get tough on perpetrators of serious crimes, such as personal injury and degrees of theft which ruin, in many cases, people's lives. It is important that citizens and constituents of our respective ridings have assurances that people will not be out on house arrest for crimes that have significantly impacted a person, often a family, a neighbourhood or a community.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, my colleague repeatedly stands in the House in a very humble way and asserts that he represents the constituents of Kenora, and it is obvious that he is there for them.

If he cannot really comment on it as a criminal lawyer, could he comment on what he is hearing in his community as he is out there often? Is this the kind of legislation that they want to see. What other kind of feedback is he getting on the justice agenda that this government has?

Mr. Greg Rickford: Mr. Speaker, I thank the hon. member for recognizing the important contributions I make in this House.

Yes, the folks in the great Kenora riding take this issue, as they do all justice issues, very seriously. There is always a balance that we need to be aware of in terms of what we are trying to achieve.

However, as the discussion alluded to earlier, which I found quite interesting, what are the challenges with respect to the costs? The costs are of the crimes themselves. When we start talking about drug trafficking and human trafficking, the impact on families, on the health care system, rehabilitation treatment, and in those orders, it becomes very clear that there is a tremendous cost to the individual, to the family, to the neighbourhood, to the community, to the riding and to the region.

This bill, like many of our justice bills, would replace the cost of crime with doing time, time in jail for perpetrators of serious crimes.

Government Orders

That is something I think most people, not just in the great Kenora riding, but Canadians throughout the country share as a concern.

• (1320)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I would like to take a few minutes to reiterate some of the points my friend, the previous speaker, outlined in regard to conditional sentencing.

It is important to note that conditional sentences are not available for all offences and there are several criteria for their use. For example, conditional sentences are not available for offences with a mandatory prison sentence. They are also not available if a sentence would be more than two years of imprisonment.

Bill C-42 fulfills a 2008 platform commitment by seeking to restrict the availability of conditional sentences of imprisonment to ensure that serious crimes, including serious property offences, are not eligible for house arrest.

In addition to the existing criteria limiting the availability of conditional sentences, this bill would also make all offences that are punishable by a maximum of 14 years or life ineligible for a conditional sentence. It would make all offences prosecuted by indictment and punishable by a maximum of 10 years if they result in bodily harm; involve the import, export, trafficking or production of drugs, or involve the use of weapons, ineligible for a conditional sentence.

It also would make specific serious property and violent offences punishable by 10 years and prosecuted by indictment ineligible for a conditional sentence. For example, it would specifically exclude criminal harassment, trafficking in persons, theft over \$5,000 and the proposed offence of auto theft, as well as some others. Due to the criteria not previously mentioned, the reference to serious personal injury would be eliminated.

One of the interesting anecdotes that we might want to discuss here today, especially the appropriateness of it, is what this bill would eliminate. We know there has been mention of persons convicted of the sale of large amounts of drugs and who became eligible for parole after a very short period of time, in other words, anywhere between one-sixth and one-third of their sentence. I think most Canadians find that type of sentence arrangement no longer acceptable to our society.

We have people selling drugs in front of schools and in places where young people hang out, and they are making our neighbourhoods very unsafe. Parents are worried about their children when they should not be worried. There was a time when we would send our children to school and we would not worry that they were being preyed upon by drug dealers who would hook our kids on things like crack, cocaine and ecstasy.

If these drug dealers get caught and go to prison, we assume they will be there for a long time because they have taken the most precious thing we have, our children, and have misused and abused them, perhaps not physically right at the time but they have, because we know these drugs ruin lives and ruin relationships between parents and children.

Government Orders

We send these people to jail not just as a punishment. We send them to jail to think about what they have done and to, hopefully, learn a better trade and increase their literacy. We want to give them an opportunity to fully realize the severity of their crimes but serving one-sixth of a four or five year sentence certainly does not avail them to try to improve their lives, to bring home to them the seriousness of the crime they committed and to show them how important it is for us all to be more responsible in our communities.

● (1325)

Many people think we should be more severe but I think we need a balanced approach, which is what this government is all about, balancing the needs of our communities and the needs of our citizens against the needs of the individual, and to see where those two needs can come together and bring about an appropriate resolution.

The problem with the current law, as a result of the opposition amendment, is that the definition of serious personal injury offences lacks the needed clarity. It is not certain whether particular serious property or serious violent offences, such as wilful mischief, endangering life, causing bodily harm by criminal negligence or serious drug offences would be interpreted as serious personal injury offences and, therefore, in eligible for conditional sentences in all cases.

What we find sometimes with well thought out legislation that is put before this House, there is an immediate need on some people's part to throw out amendments. However, these amendments are not always well thought out and the results of the amendments actually make the situation worse than it was before. Clarity is needed and I believe Bill C-42 delivers just that kind of clarity.

As a member of the public safety and national security committee and also the justice and human rights committee, we, at various times, when we are looking at issues surrounding crime and punishment and its effects on society, all too often see people, small special interest groups, who lose sight of the fact that illicit drugs are pervasive throughout our whole society and that they are changing us in a way that we do not want to be changed and do not need to be changed, in a way that is negative to the very core of some of our social beliefs and our work ethic, what we believe to be right and wrong.

Before we go about changing things, we need to look at the end result. We need to look at what would occur as a result of these amendments, what would occur if we began to retract and be a more permissive society, accepting things that, quite frankly, could injure the very base of our society, which happens to be the family.

It brings us, of course, full circle to the need to protect those among us who need protection, such as our children and our youth, the most vulnerable among us. We need to send a message to those who would endanger the safety and well-being of our children and those who would lead our children and other persons in our society who feel weak and succumb to the need to take drugs and other substances, that there is a cost to that and the cost will be their personal freedom.

When these individuals are convicted and sent to our prison system, we need to ensure they are there long enough to realize the error of their ways and to avail themselves of the programs that are

available for them, whether they themselves are addicted, whether they need upgrades to their education or whether they need to learn a trade.

Canada's largest federal penitentiary is located in my community, which I have visited quite often. Despite some of the negativity we hear, there are opportunities for people to have a better life.

With the bill we have before us, we are concentrating on the fact that we do not want people to have early parole when they have committed serious, grievous offences. At the same time, however, we want to ensure that those people do get the help they need. I can assure the House that places like Warkworth Institution do give inmates the ability to get a secondary school diploma and to carry on further than that if they wish.

● (1330)

There is a program at that institution to refurbish Canada's large military trucks. People at the institution can get their sandblaster's certificate. I was speaking to some of the instructors and the number of recidivists over the last 10 or 15 years can be counted on one hand. Many of inmates have jobs before they even leave prison because the instructors have connections. The people who are availing themselves of that opportunity do not have a need to carry on their anti-social behaviour and life of crime.

In addition, there is a program for first nations. First nations people in Warkworth Institution are able to avail themselves of the healing circles to help get them back on track and help address their specific social needs. At the same time, they can learn traditional ways of earning a livelihood which bring them closer to their ancestry. They can rekindle a connection with their country, with their land, with their people, with all of us.

We need to look at this bill in a holistic way. We need to look at it not as crime and punishment but as an opportunity. When people go astray, we need to give them an opportunity to learn a better way of living, to be more responsible and to be more respectful of their fellow people when they get out of jail.

It is high time this country looked at our Criminal Code and brought it into the new millennium. We need to make it more responsive not only to the society it is designed to serve, but to the people who commit crimes. We need to offer them an opportunity to get better, because they do have an illness. It is anti-social behaviour and it needs a system that addresses it.

This is an appropriate time to talk about what this government is doing with regard to those who find themselves in jail and in the penal system. We recognize that many of them are addicted to drugs or alcohol. Some suffer from various degrees of mental illness. Our government and the public safety committee are looking at not only Canada's penal system and prisons, but the systems in other countries that share a similar social background to see how we can better treat the people in our jails so that they do not have a need to go back to a life of crime.

Government Orders

We have to look at the whole system in a holistic way. We need to make sure that we do not just concentrate on the punishment aspect, because this does address that. There is no talking around it. It does address that part of it. At the same time it recognizes that our penal system provides an opportunity for those people who we say must spend longer in jail to find a way to improve their personal life, improve their education, reflect upon what they have done and look at how they can become a better person. This government wants to afford them an opportunity to have a better life.

While Bill C-42 looks as though it is strictly the punishment aspect, because of the various other backup systems in our whole judicial system—and some people would call it the crime and punishment system, but I refer to it as our judicial system—it offers people an opportunity to get better, to be better and to become better citizens.

● (1335)

First we must address the reason they find themselves in that predicament. We cannot give them a slap on the wrist and tell them what they did was not that bad and that we will open the door for them. We need to let them know that they committed a serious crime and that they will spend significant time reflecting on it. At the same time we need to let them know that we will provide them with an opportunity to make a better life so they will not end up back in prison.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, contrary to the silence of the Conservative member, the Department of Justice has confirmed that the passage of Bill C-42 would result in an increase in the prison population by over 5,000 inmates. There is no room in the provincial institutions now. Therefore, expansion and/or the construction of new facilities would be required, at a cost of \$2.5 billion to \$3 billion.

I saw a recent report in the press about recidivism rates. People who commit crimes, not serious ones, not drug crimes, et cetera, but dangerous driving or fraud over \$1,000, are actually less likely to reoffend under conditional sentencing than if they were in that crime school called prison. I wonder if the member is aware of that.

Is he aware of any other information that talks to the recidivism rate of first time offenders of not the most serious crimes but the examples I gave him?

Mr. Rick Norlock: Mr. Speaker, all of us in this place watch the news. Horrific accidents are caused by people who commit the offence of dangerous driving.

In answer to my colleague's question, quite a few years ago a Liberal government brought in the one-sixth provision to reduce prison costs.

The hon. member mentioned that sending people to jail is going to be a terrible cost. Maybe we should not send anyone to jail if we are worried about the cost. Society is telling us something. There is a cost to crime. A previous speaker talked about that cost. There is a cost to the lives of families, the relationship between parents and children who are hooked on drugs, the relationship between a husband and wife when one or the other gets hooked on drugs. It can happen so insidiously. Kids wonder what the harm is when they buy a marijuana cigarette in front of the school. They fail to realize that it

might be laced with ecstasy. Some drug dealer may get some other kids in the class to sell a little piece of crack cocaine. There is the real cost. The real cost is the ruination of lives.

The people who want to commit these crimes need to be put in a place where they can think about what they have done and have a chance at rehabilitation.

● (1340)

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I have a tremendous amount of respect, as we all do in the House, for those who serve our communities on the front lines as police officers. My colleague did a fabulous job in his former career making sure that the public in his area was protected. That is what he is doing here today in talking about this legislation that would protect people not just in his riding, but across this country.

My colleague is a member of the justice committee and the public safety committee. I would like to know what he is hearing in his own riding about this particular bill regarding conditional sentencing.

Mr. Rick Norlock: Mr. Speaker, referring to what I was speaking about just a few minutes ago, Canada's largest federal penitentiary is in my riding. The folks there are very accepting of the fact that we need these kinds of institutions.

My hon. friend from Mississauga South conveniently left out some things, but the Minister of Public Safety has assured the House that we have the capacity. Based on this bill and others, we currently have the capacity in our prison system to handle that. We are improving on that. We are improving on our ability to treat people who are addicted to drugs and alcohol. We are bound and determined to improve the treatment of mental health in our prisons or look at alternate methods of doing it.

The average person who lives in Northumberland—Quinte West believes, as does the average Canadian, that one-sixth of a sentence for a serious infraction of selling drugs not just to society but to our children is deserving of more than a few weeks or months in jail. That is the bottom line.

This piece of legislation is the kind of legislation the people of Canada are hungry for. We are going to provide it to them.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I listened with great interest to the member for Northumberland—Quinte West.

As my colleague from Burlington mentioned, before being elected to this place, the member for Northumberland—Quinte West was a long-time police officer who worked hard on the front lines. From a law enforcement perspective, why is this bill so important?

Mr. Rick Norlock: Mr. Speaker, we are trained as police officers to go out, get the evidence, put together a good case and give it to the crown attorney, and whatever happens after that, we accept. We have done our part. We have total respect for our judicial system.

Government Orders

However, it does whittle away at police officers when time after time people commit serious crimes, such as the ones I mentioned before, trafficking in narcotics, and there seems to be a revolving door. After months and in some cases years of investigation in order to prove the offence, the courts have a trial, the person is found guilty and after sometimes millions of precious taxpayers' dollars have been spent, thousands of hours of investigation have taken place and in many cases the lives of officers have been put at risk for undercover investigations, they find out that the criminal, after availing himself or herself of all the benefits of our judicial system, is out on the street in a few months. That makes it very difficult at times. We still do the job but it does make it difficult.

• (1345)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member indicated that the minister has commented on the cost of the expansion and that there is enough space. The Department of Justice, which is responsible for these matters, said in today's media that, in fact, the jails cannot absorb another 5,000 inmates. There is not enough room. It will take an expansion costing \$2.5 billion to \$3 billion to accommodate the increase in the prison population. Inmates will be doubling up in cells.

The member knows that, so why is he misleading the House by saying something different?

Mr. Rick Norlock: Mr. Speaker, the short answer is the member for Mississauga South has never been accused of understating things. As a matter of fact, he is embellishing quite well.

He says there are going to be 5,000 more people sent to jail. I could make a good argument that it may be just the very opposite because people will realize there is going to be a tremendous cost to it. What is the alternative?

It is fine for him to talk about those things, but under his party's government, people were being released after serving one-sixth of their sentence based on no other reason than to save dollars.

It is time that we had some common sense in our judicial system and some balance. That is what this bill does. It brings balance and common sense back to our judicial system. People respect that.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I thank the member for Northumberland—Quinte West for his speech and his work as a police officer on the front line for many, many years.

Is the debate based on politics; that is, what is best to be elected or what is best for society? No party has the wherewithal to say that it is the party with this issue and no other party can debate or talk about this issue. It is simply not true. Every single member of Parliament has had people come to them over their period of time here to talk about a crime that has been committed against them, what they have read in the paper, or what they have seen on the news. In many cases, unless people have been in a courtroom and understand the procedure from the time the crime has been committed to the sentencing aspect of it, many of us just simply get our information from what we hear. If we have been victims of crime, we understand the process a little better than others.

The previous speaker spoke about people doing time in prison and what happens when they are there? That is the key. It is one thing to

say to someone that they are going to jail for six months, six years, 25 years, but what happens to that individual behind bars? What happens to them in the prison system? Are the human resources there to actually try to change this person's opinion? Are they there to say, "All right, buddy, what you've done was seriously wrong. That type of behaviour was against society's rules. Now we are going to ask you to work with us and we are going to try to correct that behaviour".

The reality is that what we get from the Conservatives is the back end of what we call the justice issues. We do not know if they are acting on a revenge premise or the justice issue. I will give them the benefit of the doubt, because I know a lot of them personally, and I think that they are actually trying to do what they believe is best for their constituents and Canadian society.

When we debate these types of issues, we have to have an honest and thoughtful debate, one that is not pointing fingers at anybody. No riding is exempt from crime. No person in this House is an expert on what to do in this regard. That is why it is important for the House of Commons to have this type of debate and eventually committees can bring in experts.

When we have this type of debate, we would think that the government, with all the research capability at its fingertips, when it brings legislation forward in terms of increased sentences or whatever it brings, that it would be able to bring up the financial costs as well, not just the cost of what happens when the crime is committed but the actual costs of longer duration of prison time for these perpetrators.

The Conservatives should be able to come up with those answers fairly quickly. They have all the research capability at their fingertips, but we never get that from them until much later. If they are looking for more support, if they are looking for more positive debate on this particular issue, I ask them to bring those financial figures forward. Then we can find out exactly who will pay for this. It is one thing to say to someone, "Buddy, you did something wrong. We are going to tack on an extra 10 years to your sentence", but there is a financial cost to that, a financial cost to the taxpayers of Canada.

I remember a Conservative Party once in this place called the Reform Party, and its members always said that nothing should be presented to the House until a dollar figure was attached to it, and it did not matter what it was. This particular Conservative Party, if there are any fiscal conservatives left over there, seems to have forgotten that aspect of it. Plus, we are asking the government, where is the evidence that this will actually deter crime? Where is the evidence? That is all we are asking for.

We are not saying what the Conservatives are doing is wrong or right. All we are asking is, where is the evidence that these particular pieces of legislation will indeed do exactly what they say it will do? If they brought that and the cost figures forward, they would probably get a lot more support in the initial stages of this discussion.

Government Orders

I will give the Conservatives credit for bringing forward issues that a lot of people do not like to talk about. However, if we cannot debate these issues in the House of Commons, then where can we debate them?

• (1350)

I agree. There are some people in this country, if I had them in front of me, I do not know what I would do with them after seeing some of the crimes they have committed. But I have asked for over twelve and a half years, through many justice ministers, including two with the Conservative Party, to bring forward a comprehensive child Internet pornography bill, and I am still waiting.

I have had the legislation. A previous member here had the legislation. The former attorney general of Saskatchewan, Mr. Chris Axworthy, brought it forward many times. We are still waiting. From Liberals and Conservatives, we are waiting to stop child pornography in this country. Whether or not we can completely stop it, I do not know, but the reality is that we have to do a lot better to protect our children in this regard.

It does not just necessarily mean putting those perpetrators behind bars. It is trying to get at the root of the problem first.

A priest once told me that when dealing with crime or anything of this nature, crime is like dandelions. We can cut off the tops of the dandelions but if we do not get at the root of the problem, they will just grow back again, and this is what we in the NDP have emphasized for many years. We have to get at the root of the crime to really prevent it from happening again. That is where the real investment and real expenditures should be made.

If we can create for the families and children of communities right across this country, from coast to coast to coast, a system of ensuring that they all have proper nutrition, proper education, proper housing, proper health care, et cetera, many of them would not fall into the lap of crime, but unfortunately, when they do not see a way out, many of them resort to substance abuse and to criminal activity in order to get through their lives on a day to day basis. In fact, many of them fall into gangs.

This is what happens when we do not invest in families and children right from the very beginning. We can lock them all up but we are never going to prevent it from happening. There is no question that deterrents will have an effect on some people, but if we are truly serious about justice issues in this country, we have to get at the root of the problem to begin with.

Crime has been with us since time immemorial. We have always had some form of thievery in this country, ever since man has been around. Since Adam and Eve we have had some form of crime in this world, and not one person has been able to completely stamp it out. We know that when we look at the Scandinavian countries, when we look at the European countries and what they are doing in prevention, and we see what they are doing when criminals are in jail, we see that many times they will not repeat what they have done before, and also many of them do not commit the crime in the first place.

It begs the question: What do we do with someone who murders three children? What do we do with someone who has had 12

impaired driving charges, and on the 13th time, went and killed someone?

In my own riding, when I first became an MP, I will never forget it. We gave a beautiful 18-year-old girl a grade 12 graduation certificate. Three months later, we sent her family a condolence card on the death of their daughter because of a drunk driver in Nova Scotia who had nine impaired driving charges. On the 10th one he got it right. He finally killed someone. He went to jail for the maximum sentence at that time of eight years.

I can assure members that I and my entire community were very upset with the fact that it was only eight years. I would love to have seen a more personal, longer sentence. But we have to ask ourselves how he got a driver's licence after every single other offence. The fact is that we did not get at the root of that problem. We just slapped him on the wrist. We put him in jail the first time, fined him, and then just let him carry on his way.

Society, in fact politicians at all levels, failed the system because we forgot to go after this guy and teach him from the beginning that drinking and driving was an unacceptable aspect of our society and that thou shalt not do it again, but we just ignored it and passed it on.

Again, if we are going to prevent crime from happening, we have to get at the roots of it. It is critical that we as parliamentarians look at the roots of all of this in society from our aboriginal people to new immigrants, to gangs, to the whole bit. For the Conservative Party to say that it has all the answers is simply not true.

Here is something else that is really quite offensive in many ways. RCMP officers, in many ways, are the front line warriors when it comes to crime in this country. They are the ones who are up all night. They are the ones who go after the bad guys in our communities.

• (1355)

What does the Conservative government do? People who understand agreements with the RCMP know that the RCMP does not have an association or a union. After six months through the RCMP pay council, it turned around and agreed to a 3.5% increase. That is not very much money for our brave men and women who wear the red serge. The government agreed to it and signed the deal that said this is what they were going to receive. What happened on December 23? In an email, just before Christmas, what did the Conservatives do? They told the RCMP that, without debate, without discussion, they were going to rollback that increase they agreed to back to 1.5%.

What is the Conservative Party saying to the RCMP? "Yes, we value your service. We're proud to have you as police officers in this country doing the job that we ask you to do. And when we negotiate in writing and agree to your pay increase, yes, we're going to honour that". Then, without notice, bang. Gone. Rolled back to 1.5%. I have yet to hear one Conservative stand in this House and apologize for that action. It begs the question: Why did they roll back that salary without debate in the House of Commons, without any previous warning, and just prior to Christmas? I have spoken with many RCMP officers and their families across this country who are very upset and very angry over that.

Statements by Members

I will say this to the federal government, and these Conservatives, if they care to listen. They do not have all the answers to crime and punishment in this country. However, by working co-operatively in this House of Commons, we can work together to ensure that those perpetrators of serious crimes do pay the time that they deserve. However, at the same time, for all of those people who are suffering from mental health issues, from social issues, from all other issues, who find no other way in life but to resort to crime, we as a society should be there to invest in those early treatment programs to ensure that they do not fall into crime in the first place.

If we have that ability, as a Parliament, to do that, then I think we can not only reduce crime drastically in this country but we as a society will be able to move forward, as other countries have as well.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I listened to the member very carefully. He talked about getting to the root of crime, and I do not disagree that that is part of the equation, but I did not hear him talk about victims. And of course, on this side of the House, we are very concerned about victims. We certainly want to provide support to those victims.

My specific question for the member is this. What do we say to victims who have had their house broken into, their personal possessions rifled through, their property stolen, and then they find out that the perpetrator served the sentence inside his or her own house, under an order of house arrest?

• (1400)

Mr. Peter Stoffer: Mr. Speaker, if the individual was listening to my speech earlier, he would know that I did talk about victims. I talked about one lady in my riding who lost her daughter to a drunk driver.

Having lived in Yukon and witnessed a tremendous amount of crime there, and having also lived in British Columbia and Nova Scotia and seen many friends who were victims of crime, every single one of those people are very angry and very upset.

One of the things that I have always sought is victim impact statements. Every single victim should have their day in court to tell the judge and the jury exactly what the offender has done that created turmoil in their lives. I believe that if every victim had the opportunity to appear before a judge and/or jury to make an victim impact statement, it would assist the legal system tremendously.

The Acting Speaker (Mr. Barry Devolin): Order, please. I must interrupt at this time. The member will have eight minutes remaining in questions and comments when the House returns to this matter.

Statements by members. The hon. member for Ancaster—Dundas—Flamborough—Westdale.

STATEMENTS BY MEMBERS

[English]

BILL C-384

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, is there anything more valuable and more sacred than life itself?

Right from birth, our bodies and minds are designed by instinct to protect ourselves from what we sense is harm and to preserve life.

Mindful of this, I find it troubling that the Bloc has introduced a bill that would allow a medical practitioner to take the very life that he or she was sworn to protect. At best, the bill can be called irresponsible.

Would we not be better off as a society discussing how to comfort those in pain, to support the families who are struggling with caring for a terminally ill member or how we could better support the valiant efforts of nurses and doctors who are providing hospice care across the country?

Surely, we would never consider the intentional taking of a life by medical practitioners would ever be acceptable in our nation. I will be voting against Bill C-384 and I urge all of my parliamentary colleagues to do the same.

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GLOBAL HANDWASHING DAY

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, October 15 marked Global Handwashing Day.

The WHO and other health organizations worldwide are encouraging people to wash their hands to avoid and prevent the spread of H1N1 disease.

Handwashing not only prevents the spread of H1N1 but it can save the lives of thousands of children in the developing world. Pneumonia is the leading killer of children in the world, killing more than any other disease combined: AIDS, malaria, measles.

Simple handwashing with soap can reduce the rate of child morbidity by 44% while curbing the incidence of pneumonia and diarrhoeal disease by up to 30% in children.

Canada has an opportunity to be a real leader internationally on child health issues by investing an initial funding commitment of \$10 million to \$15 million to the global sanitation fund, a multilateral fund that supports community driven sanitation and handwashing programs in the poorest communities around the world.

The world's children cannot wait any longer. Canada cannot wash its hands on this issue.

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[Translation]

INTERNATIONAL DAY OF CLIMATE ACTION

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, while a group of young people, including a number of Inuit, are on the Hill today calling for global, immediate and co-ordinated action to counter the most significant threat to the world, climate change, Canada is hard at working sabotaging negotiations leading up to the Copenhagen conference. It is demanding, through its Minister of the Environment, less stringent greenhouse gas reduction targets than those of its European and Japanese partners.

Statements by Members

On Saturday, events were held throughout Canada to highlight the International Day of Climate Action. Thousands called for the government to not only implement the Kyoto protocol but to also develop a serious plan to fight climate change.

This government must stop hiding behind false pretexts, such as its industrial structure, and finally take action.

* * *

● (1405)

ALLAIN OUELLETTE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, last week the Business Development Bank of Canada announced the winners of the 2009 Young Entrepreneur Awards.

One of my constituents, Mr. Allain Ouellette from Bathurst, was the winner for the province of New Brunswick.

In 2004, Allain purchased City Glass & Locks, a small custom glass company, and turned it into an example of what can be done with know-how and an entrepreneurial spirit. Today, City Glass & Locks serves the entire province of New Brunswick and has grown by 20% per year.

With the team of seven employees already in place when he purchased the company, Allain has diversified the services offered by City Glass & Locks and developed the commercial side of the business.

In five years, the company's staff has doubled to 14 employees.

Congratulations to Allain, who is contributing to the economic development of northeastern New Brunswick with his know-how and entrepreneurial spirit.

* * *

[*English*]

POPPY CAMPAIGN

Mr. Greg Kerr (West Nova, CPC): Mr. Speaker, this Friday, the Royal Canadian Legion will launch its annual Poppy Campaign, making available millions of the flowers of remembrance to support the poppy fund.

The poppy has become the most recognized symbol of remembrance in Canada. We wear it to remember those who have served and sacrificed so that future generations might know peace and freedom.

I want to take this opportunity to remind Canadians about the extent of the support that the poppy fund provides. The basic purpose of the fund is to offer emergency assistance to veterans and their families, including food, shelter and medical attention, but the fund reaches beyond this. It provides community medical equipment, such as defibrillator units, support for day care centres, student bursaries, meals-on-wheels programs and even disaster relief.

I encourage all Canadians, young and old, to make a donation and wear a poppy with pride. Lest we forget.

PENSIONS

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, I have just returned from a very successful forum on pension reform, hosted by my hon. colleague from York West.

The topics we discussed were those of the complaints many of us on this side of the House have been hearing from our constituents over the past many months.

Ravi and Harvie are from my riding and they are both former Nortel employees. Since Nortel's bankruptcy, Ravi and Harvie, like thousands of other Canadians, have no pension left to collect.

Those in need are too numerous to name, Nortel and other unsecured pension funds in many industries across our country. It is clear that the government needs to take action. Instead, it leaves pensioners without retirement income that they have worked for.

Today we discussed their concerns and we are committed to improving the quality of life for seniors, providing dignity for seniors and raising seniors out of poverty. The priority of pension funds and bankruptcy and the current unsecured creditors regime, which is a federal not provincial responsibility, must be changed.

We understand that those on long term disability are adversely impacted and they need help too. When can we expect the government to act?

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MEDICAL RADIATION TECHNOLOGISTS

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, November 8 to 14 is MRT week, a celebration of the contributions of the medical radiation technology profession to health care in Canada.

If people have ever had an x-ray, MRI or CT scan, a mammogram, nuclear medicine procedure or radiation therapy, they have been in the care of these highly educated, highly skilled professionals as they capture diagnostic images or applied radiation therapy.

MRTs are integral members of the health care team who are certified to perform precise diagnostic imaging procedures and administer radiation treatment to cancer patients.

MRTs make an enormous difference to patients in hospitals and clinics, to athletes injured in sport and in the most challenging conditions as members of National Defence medical units on the battlefields in Afghanistan.

I am proud to have been a past member of this profession and honoured to bring the contributions of Canada's medical radiation technologists to the attention of the House today.

Statements by Members

[Translation]

MARIE-ANTOINETTE RIVERIN

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, I would like to mark the passing of the oldest citizen of Saguenay—Lac-Saint-Jean, one of my constituents, Marie-Antoinette Riverin, who passed away on September 27 at the respectable age of 108. For some time, she had been considered the oldest person in Quebec.

Not only did Ms. Riverin live a long life, but she also no doubt left a lasting impression on the many generations who followed her. She was in excellent health, and worked as an elementary school teacher before studying nursing, which she practised for over 41 years.

Speaking personally and on behalf of my Bloc Québécois colleagues, I offer our sincerest condolences to the family and friends of Marie-Antoinette Riverin.

* * *

● (1410)

[English]

INFRASTRUCTURE

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, since this parliamentary session began, the Liberal leader has been trying to force an unnecessary and opportunistic election at every turn. He and his party throw mud, make baseless accusations and present false information in their attempt to force an unwanted election.

They even voted against important recession fighting measures, such as the home renovation tax credit.

We are working hard with governments across Canada to make valuable infrastructure investments that are helping communities and creating and maintaining jobs during this global recession.

Last week, the deputy premier of Ontario, George Smitherman, confirmed that the infrastructure spending was fair. This week former Liberal MP, Carolyn Parrish, said:

...the recent infusion of infrastructure stimulus dollars...is the largest pot of money ever to be bestowed on the City of Mississauga...

We are getting the job done. The Liberal leader should listen to Canadians, support these important projects and stop making baseless accusations.

* * *

LOUIS BERKEL

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I stand today to pay tribute to and honour the memory of Rabbi Louis Berkel who died last week in Winnipeg at the age of 95.

In 1954, he joined the Shaarey Zedek Synagogue in Winnipeg where he served as a cantor and assistant rabbi for over 50 years. A soft-spoken man, he has been described by many as a gentle soul. His work, his teaching and his kindness, coupled with his humility and his dedication to the immediate needs of both the Jewish and non-Jewish communities of Winnipeg, made him greatly loved and respected. His cantorial voice soared when he chanted the traditional

prayers, allowing him to draw those around him into the spiritual space he inhabited.

His legacy will be in the lives well lived by the thousands of students who were privileged to have him as their teacher. I would like to quote the words of the Dalai Lama, for they exemplify the life of this very special man:

Love and compassion are necessities, not luxuries. Without them humanity cannot survive.

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[Translation]

JUSTICE

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, our government has introduced a number of bills to maintain law and order. We must also ensure that criminals serve their time.

Many criminals are released early, which undermines Canadians' faith in our judicial system. That is why our government is committed to solving the problems associated with parole.

Despite what the Leader of the Opposition says in front of the cameras, the Liberals' attitude towards this is appalling.

Meanwhile, the Bloc leader claims to have a monopoly on the truth about crime, but when it comes time to make decisions, he stands firmly with the criminals. How can the Bloc leader sleep at night, while children are being exploited by human traffickers?

Quebeckers cannot trust either the Liberals or the Bloc Québécois when it comes to getting tough on crime. This is all about protecting our families and making our communities safer.

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[English]

LONG SERVICE CONGRATULATIONS

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I am proud today to stand in the House to recognize one of Parliament Hill's greatest employees, Mr. Robert "Bob" Beauchamp. Bob Beauchamp has been on Parliament Hill for 31 years, serving this great House and all of its members. He has been through eight prime ministers and many elections.

Mr. Beauchamp was also the local president of his union, working with the membership in order to bring better value and benefits to this workers. Without Mr. Beauchamp and the people who work on Parliament Hill, we as parliamentarians could not do our job.

We thank his wife Sharon, his children Kimberley, Christopher, Patrick, and his six grandkids for sharing Bob with all of us. Whether one is driving a bus, moving tables or moving legislation, we are all part of the democratic process. We salute Bob for 31 years of great service. He will retire on November 12. We wish him the very best. God bless Bob.

FIREARMS REGISTRY

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, on November 4 an important vote will take place to scrap the long gun registry, which is a bill sponsored by the member for Portage—Lisgar. It is finally time for this billion dollar boondoggle to end and the vote on November 4 is an important step toward that end.

We know the Liberal leader and the leader of the NDP support this waste of taxpayer money. We also know there are opposition MPs who campaigned on scrapping the long gun registry and have told their constituents they will stand up to their political masters here in Ottawa and protect the local way of life for their constituents.

Across the country, concerned, law-abiding gun owners, sports enthusiasts and farmers have expressed discontent with the Liberal boondoggle. It has damaged the way of life of thousands of Canadians while doing nothing to prevent gun crimes.

Many Canadians across the country are opposed to the long gun registry. We call on those opposition MPs to support their constituents' view and vote to scrap this boondoggle once and for all.

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•(1415)

[*Translation*]

THE ENVIRONMENT AND CLIMATE CHANGE

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, a recent poll reveals that the Conservatives trail far behind public opinion when it comes to the environment and climate change.

In fact, 56% of the 1,000 respondents from across Canada believe that the Conservative government's approach to climate change is not ambitious enough.

The majority of the respondents also believe that wealthy countries like Canada have a responsibility to set new, higher and harder targets than less developed countries such as China and India. Countries like Canada and the United States have to take a global approach if they want to have a real impact on climate change.

Clearly, most Canadians do not support the Conservatives' arguments about climate change.

It is high time this government understood the message that the public is sending it and stopped doing everything in its power to derail the negotiations leading up to the Copenhagen conference.

* * *

[*English*]

STEPHEN LEWIS FOUNDATION

Mr. Francis Valeriote (Guelph, Lib.): Mr. Speaker, I would encourage my colleagues in the House to join me in supporting the Stephen Lewis Foundation "Dare to Remember" challenge. The foundation supports grassroots community-based organizations and their efforts to turn the tide of HIV-AIDS in Africa.

Since 2003, the foundation has funded over 300 projects in 15 African countries, focusing on women, grandmothers, orphans and people living with HIV-AIDS. It is a remarkable accomplishment

Oral Questions

and one that has improved the lives of countless people suffering from the effects of this terrible disease while giving them hope.

Guelph has a long-standing commitment to this issue and a lengthy tradition of global citizenship.

Today I dare members of the House and local and national media to join me in making a donation of \$50 to \$100 to this very worthy cause and to view stephenlewisfoundation.org for more information. Every dollar donated will provide care and enhance the well-being of those in desperate need.

* * *

PAROLE SYSTEM REFORM

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, our government has been clear in its efforts to reform the parole system in this country. We promised Canadians we would replace the automatic release of prisoners with a system of earned parole. We take this issue seriously and offer no apologies to those who would prefer we were softer on crime.

People sentenced as drug dealers or for white collar crime now have a paper only review and can be released after serving only one-sixth of their sentences. Canadians expect that when a person is sentenced for a crime, that person will serve the time. This party will take steps to end the current practice. We will seek to abolish the practice of paroling offenders after they have served only one-sixth of their sentence.

Canadians want criminals to serve their full sentence and to earn their parole. Canadians want to feel safe in their homes and communities. We call upon the opposition to support our efforts, do what Canadians want and make the country safer for law-abiding citizens.

ORAL QUESTIONS

[*English*]

HEALTH

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, survey after survey about the H1N1 vaccine shows a dangerous trend. Only half of Canadians are planning to get vaccinated. That is down from two-thirds in July. Too many people do not think the vaccine is safe, do not think it is necessary. That communications failure could put lives at risk.

How does the Prime Minister justify an advertising tsunami of \$100 million for partisan Conservative propaganda, but only a pittance for crucial information about vaccinations?

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Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the hon. Minister of Health is doing an excellent job of communicating to Canadians about the H1N1 flu situation. She has said that the vaccine will be available to every Canadian who needs and wants it. The Minister of Health and the Chief Public Health Officer are urging Canadians to get the vaccine. This is the best way to protect our health and the health of our loved ones.

Despite the fearmongering on the other side, we are focused on protecting the health and safety of every Canadian.

• (1420)

[Translation]

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, in Quebec doubts about the vaccine are the highest: 60% of Quebecers say they do not want it. Doubt is greatest among young adults. Although they are in a high risk group, 64% say they are opposed to the vaccine.

In this climate of confusion, why is this government spending 12 times more on partisan propaganda than on public information on the flu?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, we are distributing the vaccine across the country, in Quebec and in all the provinces and territories. We support the use of the vaccine. We have said it is important for everyone and all Canadians will have a chance to get vaccinated.

[English]

It is important that every Canadian know that this is important for his or her own health and safety and for his or her family's health and safety. We have been crystal clear on this point. I wish it were the same for the opposition as well.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, probably the greatest confusion is with regard to the situation of pregnant women. They are told the unadjuvanted form of the vaccine is best but that if that form is unavailable, if the infection rate is rising in their community, and if the pregnancy is over 20 weeks, then the adjuvanted form will be okay. It is no wonder they are worried.

When are women going to get sufficient reassurance? Why is there not enough of the right vaccine for all pregnant women in Canada right now, not next week, not next month, but right now?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, while the opposition was busy fearmongering in preparation for today's question period, our health minister was announcing to Canadians, and to pregnant women in particular, that they will have access to that vaccine, that it will be available because of the extraordinary efforts that she and her department have made.

That is what we are doing. We are not fearmongering. We are acting to protect the health and safety of Canadians.

* * *

[Translation]

GOVERNMENT ADVERTISING

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, the Conservatives' propaganda campaign has cost at least \$100 million in borrowed money. That \$100 million could have paid for 50 MRI

machines, 34,000 hip, knee or cataract surgeries, and 14,200 insulin pumps for children with diabetes.

With such long waiting lists, how can the Prime Minister justify this incredible waste?

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we have shown responsibility as mandated by the House to report back to Canadians on our economic action plan, and we are doing just that.

When it came to health care we had a choice. We could have followed the example of the previous Liberal government and cut health care by \$25 billion, which led to hospital closures and substantial reductions in services, or we could take a different path, the path that the Prime Minister has taken, showing an unprecedented commitment to public health care, something that was absent in the previous Liberal government.

Mr. David McGuinty (Ottawa South, Lib.): So says the minister, Mr. Speaker, who fired 8,500 nurses in Ontario. That is a bit rich.

What is most obscene is that the \$100 million propaganda campaign is being paid for with borrowed money. Let us continue: \$100 million buys 1,000 affordable housing units; salaries for 1,700 public health nurses to fight H1N1 for a year; 50,000 doses of chemotherapy drugs at a time when Canadians with cancer are suffering while they are on waiting lists.

In the face of so many needs, why is the Prime Minister obsessed with self-promotion? Why is greed put before need and politics before people?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I regret the tone of the member opposite.

We are working tremendously hard on creating jobs and opportunities. We are working hard on tax reductions. We are working hard on putting credit into families and small businesses in every corner of the country. We are working hard with the government of Ontario and provinces from coast to coast to coast to ensure that infrastructure projects are rolled out. We are focused on jobs. We are focused on the economy.

All we have seen from our friends in the Liberal Party has been the push for an early and unnecessary election in September and now more political games. That is regrettable.

Oral Questions

● (1425)

[Translation]

FEDERAL BRIDGE CORPORATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister declared that Jacques Cartier and Champlain Bridges Incorporated was independent. Yet, it is the government that appoints the members of the board of directors of the Federal Bridge Corporation who, in turn, appoint the directors of Jacques Cartier and Champlain Bridges Incorporated which, in turn, awards contracts to BPR, a corporation that employed Senator Housakos.

Can the Prime Minister explain how Jacques Cartier and the Champlain Bridges Incorporated is truly independent?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, as is the case with many boards of directors, they are autonomous. They operate autonomously. More to the point, if the Leader of the Bloc Québécois would like to make a formal complaint, he knows exactly what he must do and where he should go.

I would like to point out in the meantime that Senator Housakos has asked the Senate Ethics Officer to shed light on this issue. If the Leader of the Bloc has anything to say or to reveal, I invite him to do so.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Raymond Brunet, the owner of a construction company and a generous contributor to the party, is a director of the Federal Bridge Corporation. Serge Martel, who has had ties to the Conservative Party and the Canadian Alliance since 2001, is on the board of directors of Jacques Cartier and Champlain Bridges Incorporated. Paul Kefalas is also a member of that board and, together with Mr. Martel, attended the fundraising cocktail party organized by Senator Housakos.

Does this not prove that there is a system that appoints friends to key positions so they can award contracts to companies such as BPR, where Senator Housakos worked?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, once again, we have the desperate Bloc Québécois leader constantly making unfounded accusations. He is attacking the reputation of certain people.

Did these people comply with legal provisions pertaining to political party funding? You will remember that this side of the House has put in place the strictest measures ever implemented by a government. Once again I invite the Bloc to file a formal complaint if it has one.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, we will see who ends up looking desperate.

If we dig a little, we discover that not only was one of the directors, Raymond Brunet, a construction company owner, appointed by the Minister of Foreign Affairs, but he also contributed to the minister's election fund. Neutral and impartial? I think not.

Does the minister acknowledge that Raymond Brunet's appointment to the board of the Federal Bridge Corporation was not mere happenstance and that it proves a system exists to reward Conservative cronies?

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

Mr. Speaker, if the member had taken a moment to look at Mr. Brunet's resumé, he would know that Mr. Brunet is a past president of Engineers Canada. He brings tremendous knowledge and extensive professional experience to the position and carries out his responsibilities honestly and ethically. Once again, if the Bloc members wish to lay accusations, let them reveal their information.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I have another example for the minister. Serge Martel, a Jacques Cartier and Champlain Bridges Incorporated board member, donated \$250 at a Conservative Party fundraising cocktail party. As it happens, he also worked on the merger between the Canadian Alliance and the Conservative Party.

Does the minister deny that all of these appointments are starting to look suspiciously like a system?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, if I understand the hon. member correctly, the individual in question donated \$250, thus violating some rule somehow. I invite the member to review the political party financing legislation and then tell us whether or not these people complied with the provisions therein. These people obeyed the law to the letter.

* * *

[English]

PENSIONS

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, when it comes to pensions, the government is now floating some trial balloons, but when we take a closer look at them, it turns out what it is proposing to do is to give pension fund managers more money to manage and more fees to earn. A public option would be better. Besides that, seniors actually need help right now, as the NDP has been proposing.

Of course, the government members would know that if they were not so busy watching *Fox News* and consulting with the financiers on Bay Street.

What about consulting with the workers and the pensioners? When will they be consulted in this process?

● (1430)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, we are actually consulting with the facts. Indeed, the hon. member should know that most pension plans are provincially regulated. Only 10% of them are federally regulated.

Having said that, my hon. colleague, the Minister of Finance, has been dealing with this with cross-Canada consultations, just as he demanded. They have been working to address these issues in our federally regulated areas, and indeed there will be a summit of federal, provincial and territorial ministers of finance.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, you will have to excuse us, as I am sure you will, for being a little skeptical about the government's willingness to consult broadly, because it certainly has not happened to date.

Last week, pensioners from Nortel—

Oral Questions

[*Disturbance in gallery*]

The Speaker: Order. We will start again with the second question of the hon. member for Toronto—Danforth.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, as I was saying, we have to be a little skeptical about this so-called consultation on pensions, because last week, pensioners from Nortel, including disabled employees and lots of people who are really suffering, were here on the Hill. I was there. The leader of the Bloc Québécois was there. The Liberals showed up on the pension issues a little late, but they were there nonetheless. I do not think a single Conservative member came down to meet or have a discussion with the Nortel pensioners.

Are the Conservatives so indifferent to the financial crisis being faced by so many seniors in our country today that they will not even meet with them, they will not even talk with them or have a public discussion with them?

• (1435)

Hon. Tony Clement (Minister of Industry, CPC): Not at all, Mr. Speaker. Indeed, members on the government side have met with constituents who happen to be Nortel pensioners. Our chief government whip had similar meetings earlier last week and the week before.

Those very same people who have the right to dissent and to demonstrate here on Parliament Hill were, two weeks before that, on the lawn of Queen's Park in front of the Ontario legislature, which incidentally is a good place to be, because their pension is registered with the provincial government, as are 90% of the pensions in this country.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the NDP has done its homework on pensions. Our critic consulted and met with the key players. Our ideas are simple, effective, and can be quickly implemented.

Is the government prepared to increase the guaranteed income supplement, strengthen public pension systems to double benefits, create a facility that can adopt orphaned pension plans, and create a pension insurance? These are all things that the federal government can and must do.

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as I said, more than 90% of those pensions fall under provincial and territorial jurisdiction, but we have held consultations all over the country, and it is important that something be done in the future.

[*English*]

However, his own member, the member for Sackville—Eastern Shore, just yesterday was saying that he gave the parliamentary secretary and the Minister of Finance credit that he has gone across the country to talk about the issue. That is what the member for Sackville—Eastern Shore said. We agree with him. We have done that. More than that, we will act.

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GOVERNMENT ADVERTISING

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, three weeks ago I wrote a letter on behalf of all Canadians to the members

of the Treasury Board noting that the government's advertising is breaking several laws: the Financial Administration Act; the Conflict of Interest Act, which is part of the Federal Accountability Act; the Conflict of Interest Code; and the party financing provisions of Elections Canada.

Three weeks ago I asked them to stop. I have had no response, no acknowledgement. When can Canadians expect an answer?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we have been working very hard on rolling out the economic action plan. We have an important responsibility to Canadians to report back. That was spoken of by the member opposite.

I like the member for Willowdale. I enjoy her interventions in this place. I wanted to ask her a question. Would she tell me whether it would be appropriate or inappropriate for a certain Liberal leadership candidate to use her MP office to raise funds for her leadership campaign? Would she think that would be appropriate?

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Willowdale has the floor. Order.

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, if that is requiring interpretation, I will follow that interpretation.

The government is consciously breaking the rules on purpose. Logos on cheques are bad enough, but that is merely a symptom of a larger disease and that is confusing the Government of Canada with the Conservative Party.

Democracy requires an impartial government, one that uses taxpayer money to benefit taxpayers, not the Conservative Party. When will it stop?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the independent Ethics Commissioner will speak to these issues, but I do have in my possession an email sent from the House of Commons office of the member opposite inviting people to “donate to Martha's leadership debt at www.liberal.ca/donate”. I wonder whether doing partisan fundraising right here on Parliament Hill would meet the ethics standards that she and her leader have been speaking of so strongly in recent weeks.

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NATURAL RESOURCES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the Minister of Natural Resources put herself in a conflict of interest by allowing a registered lobbyist to organize her recent political fundraiser. Contrary to federal law, she also misused the offices and private information of the Toronto Port Authority for that fundraiser. Now she officially recuses herself from any further contact with the lobbyists to prevent any conflict of interest or further conflict of interest.

When will the Prime Minister accept that his code of conduct for ministers has been blatantly violated by the minister, who refuses to be accountable to Parliament?

Oral Questions

• (1440)

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, our government takes these allegations seriously. We pride ourselves on accountability and ethics. That is why we strengthened the powers and responsibilities of those arm's-length agencies that are charged to investigate these matters.

The minister continues to cooperate fully with the Ethics Commissioner. The minister is following and will follow the commissioner's rulings and guidance on this very important issue.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the minister, who is sitting there, has refused to answer questions and to be accountable, as required by the Prime Minister's own code of ethical conduct. Now we find out that contrary to federal law, the minister misused the resources of the Toronto Port Authority during her last election campaign.

We also have learned that Colin McSweeney, eastern Ontario coordinator for the Conservative Party of Canada and the brother of the lobbyist who ran her recent fundraiser, is actually an employee of the minister herself.

Why does the minister believe that she is above the law and why is she showing such contempt for the rules of ethical conduct?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, an email was sent inappropriately. It was from a crown corporation, from a port authority. That was inappropriate and that has been acknowledged. The Ethics Commissioner was asked to look into this.

While we are focused on jobs and the economy, while we are focused on H1N1, while this government is focused on creating jobs and fighting crime, all the Liberal Party can do is try to force an unnecessary election and engage in some very nasty muckraking. That is regrettable.

* * *

[Translation]

NATIONAL DEFENCE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, this morning, Radio-Canada produced a scathing report on the state of several federal buildings, mostly located in the historic district of Old Quebec, around the Citadel. Of the 35 buildings examined, 31 were considered to be in a poor to tolerable state, and were considered a threat to public safety.

In light of this scathing report, can the Minister of National Defence explain why the \$100 million budget announced last March to repair the Citadel was delayed for more than 10 years?

[English]

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I appreciate the question.

The Department of National Defence has 300 heritage buildings across Canada. The budgets for the maintenance of those buildings are not based on individual buildings. They are based on who are the custodians of the buildings and those are the various Canadian Forces bases.

Those bases set priorities for maintenance and repair of their realty assets including their heritage assets. Twenty per cent of the 300 DND heritage buildings are in the province of Quebec and DND is committed to meeting the responsibility for stewardship of all those buildings, regardless of where they are in Canada.

[Translation]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, we can see that DND has been careless about its heritage buildings, and these facilities have become dangerous. Has the minister not learned his lesson from the Quebec City Armoury, which, according to some rumours, will take more than 10 years to rise from the ashes?

[English]

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, it has nothing to do with negligence of any kind.

The Canadian Forces, the Department of National Defence, takes very seriously its commitment and its responsibility to look after heritage buildings that are part of DND property. It will continue to do that.

We are spending \$100 million to refurbish the Citadel. The issue of the armoury in Quebec is a very serious issue. We have taken it very seriously. The fact is it is a very old building that will take an awful lot of money and an awful lot of time to see set right, but we will set it right.

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[Translation]

FORESTRY INDUSTRY

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, this House adopted a Bloc motion calling on the government to help the forestry industry as it has helped the automotive industry in Ontario. During the debate on this motion, the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec deliberately played with words by confusing loan guarantees and accounts receivable insurance guarantees issued by EDS.

How can the minister be so ignorant of what is going on in the forestry industry as to confuse insurance guarantees and loan guarantees, which help forestry companies in a tangible way to deal with the forestry crisis by enabling them to get cash?

• (1445)

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, speaking of ignorant, I would like to tell my colleague that the organization in question is a crown agency called EDC.

Through all of its financial products, EDC has provided the forestry industry in Quebec with \$16 billion in support in the past 21 months. The information will be released in due course. There are trade secrets involved. The companies that receive support can go to a financial institution and access credit with the letters or guarantees they are given.

Oral Questions

Since there will be a second question, I will be pleased to answer it.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, according to the CEO of the Forest Industry Council, Guy Chevette, what the minister said is gobbledygook.

I challenge the minister to tell us how much of the \$16 billion has actually been used to help the forestry industry. How much?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, it comes as no surprise that a former provincial minister from a party that is friends with the party opposite would make such comments. It is not really surprising.

We are going to keep on doing our job. I just said that there are trade secrets involved that must be kept. However, during the year, EDC has issued press releases confirming that two kinds of assistance have been provided: Kruger has received over \$24 million and AbitibiBowater has received \$42 million in loan guarantees. EDC has made these things public. The full list may be very long.

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POLITICAL PARTY FUNDING

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, obviously, Senator Housakos and the Prime Minister's advisor, Dimitri Soudas, know a lot of people. We have learned today that Senator Housakos organized fundraising events for Mario Dumont and the ADQ at the Onyx restaurant in Laval at the Tops entertainment complex, owned by Tony Accurso. Mr. Accurso generously picked up the \$14,000 tab.

Is the Prime Minister also benefiting from the vast network of friends being built up by Senator Housakos and Mr. Soudas?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we are getting to a stage now where the official opposition has abandoned discussing any serious public policy issues.

We are tremendously concerned about what we are seeing going on with H1N1. We are tremendously concerned about creating jobs. My colleague, the Minister of Human Resources, is working hard to make employment insurance more available to those hardest hit by the recession and all we have is the political muckraking of the members opposite.

I wonder whether those same members would have the courage to make these outrageous statements outside of this place.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, Senator Housakos has confirmed that he knows Tony Accurso, whom he praised as a great businessman. It was also Senator Housakos who introduced Mr. Accurso to a former Montreal mayoral candidate, who recently resigned when his ties to Mr. Accurso became public.

Did this information influence the government's recent decision to give up, once and for all, on the idea of an inquiry regarding collusion among suppliers?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the member is very good at making outrageous allegations within the confines of this place where he enjoys protection. If he is so brave and so sure of the facts in this matter, he should place them before this House and he should have the courage to make these allegations outside the protection of this place.

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COMMUNITY ADJUSTMENT FUND

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, the Cape Breton auto industry is shut down. We have lost over 300 auto parts jobs.

Meanwhile, the Minister of Industry is heavily favouring his own riding, even though the unemployment rate in Cape Breton is well below that in his riding: 6.8% versus our 13.5%.

The community adjustment fund has been abused. It has little to do with community adjustment and more to do with Conservative campaigning.

Why is the industry minister hijacking the community adjustment fund for his own advantage?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, hot off the trail of trying to force an unnecessary and unwanted election, the Liberal caucus is now throwing mud, making baseless accusations and presenting false information.

The hon. member well knows the kind of infrastructure money his own riding, his own community, received from this government, from this side of the House.

I wish they would spend as much time researching for the good of the public as they do on their pitiful attempts at overturning this government.

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, the reality is that we have three idle plants on the north side. We have well-trained people there. It is a perfect example of where the community adjustment fund should be invested.

A region with less than half the unemployment of Cape Breton, his region, has 15 times more funding.

What is it about the community adjustment fund that the minister does not understand?

● (1450)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, here is what the Liberal deputy premier of Ontario said about the funding in Ontario, "there is going to be a very equitable regional distribution".

If the hon. member is so sure, he should add up all of the grants and all of the infrastructure payments and then we will compare apples to apples. On this side of the House, we know we have done something for Canada. Fair, equitable, more jobs and more recovery is what we are all about.

JUSTICE

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, day after day, Canadians hear about criminals who get out of jail early: swindlers who bilk investors out of millions of dollars and leave them with nothing; and drug dealers who prey upon our most vulnerable citizens and ruin their lives forever. Some of these criminals are being released after serving only one-sixth of their sentence.

The Liberals believe that criminals should be released early. Our government, on the other hand, puts the rights of victims and law-abiding citizens first.

Would the minister tell this House what he plans to do to protect Canadians against serious criminals.

Hon. Peter Van Loan (Minister of Public Safety, CPC): Mr. Speaker, many Canadians were surprised to learn about a system called accelerated parole review. Under that system, when non-violent, first-time offenders, major fraudsters and drug dealers are convicted for the first time, they are allowed to go out on day parole at one-sixth of their sentence and full parole at one-third of their sentence, and, what is more, it is virtually automatic. Even if the Parole Board believes they will go right back out and do the same thing all over again, it has no choice but to release them on the street.

Canadians think that is wrong. It offends their sense of justice. It offends us, too, which is why we are taking action today to fix it.

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TAX HARMONIZATION

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the impact of the Conservative-Liberal HST scheme cannot be ignored. We already know that the HST will make it harder for families to afford after-school activities. Now we hear that it could affect children in the classroom.

School boards that are barely scraping by will face bigger budget challenges because the new tax raises their costs. Reports of possible fees for school buses, drastic schedule changes and job cuts for teachers and support staff have parents concerned.

Why is the government so eager to implement this damaging tax increase?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the implementation of harmonization of PST and GST schemes is the responsibility of the provinces. In this case, it is the province of British Columbia.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, this HST will cost some hard-working people their jobs. According to the Council of Tourism Associations of British Columbia, the new tax will likely see tourism spending drop by close to \$500 million. As a result, more than 5,000 jobs could be lost.

When he was in opposition, the Prime Minister said that the HST would not help reverse Canada's economic decline.

Again, why is his government pushing a job killing tax onto B.C. and Ontario families?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, nothing has changed since the late 1980s and early 1990s. If and when a province chooses to harmonize, that province's legislature

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makes the decisions about how to implement it. It remains so today in Ontario and British Columbia and any other province that may choose in the future to harmonize their sales tax with the federal GST.

* * *

[Translation]

PENSIONS

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the Bloc Québécois has recently been urging the federal government to help retired workers affected by their former employer's bankruptcy. The minister replied that retired workers are not the federal government's concern. Yet today we have learned that the government is thinking of introducing a bill to increase the threshold for pension plan contributions, as suggested by the Bloc Québécois.

My question is simple: does the minister also intend to take responsibility for federally regulated pension plans?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the opposition has come late to this discussion about pensions. In December of last year, we had the experts discussing this issue with the provincial and territorial ministers of finance.

We moved forward with solvency changes with respect to federally regulated pension plans in the spring of this year. My parliamentary secretary has conducted a vast consultation across the country, the result of which is some comprehensive reform to pensions that will be announced shortly, and there is more.

• (1455)

[Translation]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, although the government said last week that it was unable to take any action, it has decided to introduce a measure proposed by the Bloc Québécois.

I wonder if the Minister of Industry plans to take inspiration from any other measures proposed by the Bloc Québécois, such as lowering the threshold for automatic review of foreign acquisitions to \$300 million, in order to ensure that businesses are not sold off at the expense of its retired workers.

What is the minister waiting for to assume his responsibilities and take a page from the Bloc Québécois' plan?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, there is more. Only 10% of pensions in this country are federally regulated, so we need to work in consultation with the provinces and territories, which is precisely what we are doing. We have a research working group created by the provinces, territories and federal government. We will be meeting again to review the results of that.

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This is a serious issue. It is not to be dealt with on the back of an envelope or by a knee-jerk reaction. It needs to be dealt with collaboratively, intelligently and thoroughly by governments working together in Canada.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, many families have lost part of their retirement savings in this economic downturn. They are worried about the future and are looking to Ottawa for a national solution.

However, in four years the Conservative government has done little to improve pension management. We know that it broke its promise on income trusts. The Canadian Association of Retired Persons has accused the Conservatives of serial stalling.

The Liberal Party of Canada is responding today with a national pension forum. What will the government do to ensure that pensions are given the protection they deserve?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the Liberal opposition has been spending most of this year pushing for an unnecessary, unwanted election in this country and now, all of a sudden, it offers a knee-jerk reaction to a serious issue that has been going on for more than a year.

The Liberals' solution is to have a one-day meeting in Ottawa. This is their answer to a very serious problem for Canadian pensioners. We are not doing that. We are working with the provinces and territories. We are not doing the research and the study but not on the back of an envelope like the Liberal opposition.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, after all that talking, I am looking forward to seeing some results.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Westmount—Ville-Marie has the floor.

[Translation]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, Canadians fear for the security of their retirement and need to know that they are protected. This Conservative government has abandoned pensioners. It says that this is a provincial problem, but the truth is it is a national problem.

Why does the current government not agree to modernize the provisions of the bankruptcy legislation regarding pensioners, such as those from Nortel, in order to better protect Canadians in their retirement?

[English]

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as the Minister of Finance has so ably pointed out, we have been ahead of the Liberal caucus, ahead of the official opposition in our consultations with Canadians and in our consultations with the provinces and territories, and that includes the bankruptcy and insolvency legislation.

If the hon. member has any scintilla of useful suggestions, instead of trying to force an unnecessary election, he should be our guest and tell us what they are. They might be part of the solution.

However, we are not here to force an unnecessary election. We are here to govern. That is what we are all about.

FINANCIAL INSTITUTIONS

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, tomorrow is the six month anniversary of the adoption by this House of our credit card motion. It mandated the government to introduce measures to protect consumers, as the Conservatives promised to do but never did. And, no, an information campaign does not protect consumers.

When will the government follow through on all of the elements of our motion and do something concrete to protect consumers instead of protecting its friends in the banking industry?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, again, I do not know where the member opposite has been this year.

In the economic action plan, we said that we would regulate in the area of credit cards. We said it, we studied it and we did it several months ago. If he would like to read the regulations, he will see that they are published and they are coming into force. They are very important in terms of transparency and rights for credit card holders and issuers, so that everyone understands what is happening.

There is more to come with respect to interchange fees relating to merchants.

• (1500)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, the finance minister says that he will introduce a voluntary code of conduct to govern Visa's and MasterCard's entry into our \$168 billion debit card market. That code will include the priority routing of transactions, which will shut out Canada's low cost debit network, Interac. Small and medium size businesses will end up paying more.

Why is the government catering to the interests of Visa and MasterCard instead of standing up for consumers and small businesses?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as is our habit on this side of the House, unlike the other side of the House, we have actually been consulting with the consumer associations. We have been consulting with the stakeholders and the participants so that we get the results right, and we have spent a great deal of time on that.

The work has been done. The necessary coding is being drafted and will be released shortly.

* * *

FIREARMS REGISTRY

Ms. Candice Hooppner (Portage—Lisgar, CPC): Mr. Speaker, on November 4, my private member's bill, Bill C-391, which will end the long gun registry, will be before this House for a vote at second reading. I hope members of the opposition who support ending the registry in their ridings will be here on November 4 to support this bill. It is time to end the wasteful and ineffective boondoggle of the long gun registry.

Could the Minister of Public Safety please tell this House why members of the opposition should support Bill C-391?

Oral Questions

Hon. Peter Van Loan (Minister of Public Safety, CPC): Mr. Speaker, our government has taken action to tackle criminals who use illegal handguns. Before that, however, the Liberals wasted \$2 billion on an ineffective long gun registry that only served to criminalize law-abiding farmers and hunters.

Opposition members know that the long gun registry does not work and it is an unwanted intrusion into the lives of law-abiding citizens. A prominent politician once said:

I want to be in a party that respects the right of legitimate gun owners - it's an issue of freedom.

Who said that? It was the leader of the Liberal Party.

Let us get behind his call for freedom and abolish the ineffective long gun registry.

* * *

[Translation]

PENSIONS

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, today, the Liberals are organizing a forum on pensions to gather ideas on how to protect the pensions and retirement savings of Canadians. We are determined to find new ways to provide Canadians with financial security and better protection for pensioners whose employer declares bankruptcy.

We know that the Conservative government always chooses politics over Canadians. Is it now in the process of abandoning pensioners?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, that is the point, precisely.

This is a very serious issue for seniors and pensioners in Canada. We had to deal with this as a government with respect to the Air Canada issue earlier this year and also with some other situations.

We do not deal with it in a one day meeting. We do not treat it lightly. We do not treat it frivolously. It is too important for Canadians and that is why we will study the issues hard this year, led by the Parliamentary Secretary to the Minister of Finance.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, last spring, Canada made the decision to require visas from citizens of the Czech Republic. That rather abrupt decision was received with disbelief and confusion. Now, the European Union is threatening Canada with retaliation if the visa requirement for one of its members is not dropped.

In light of these threats by the European Union, does Canada intend to remove this requirement for Czech nationals?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, no, absolutely not.

We manage immigration policies in Canada according to the best interests of Canada. Ever since this government gave a visa

exemption to the Czech Republic two years ago, we have received over 3,000 asylum seekers. It was the Government of Quebec that asked me to take action to protect the integrity of the Canadian asylum system and to defend taxpayers. It costs a lot of money to keep false asylum seekers. We are working together with the Czech authorities—

● (1505)

The Speaker: The hon. member for Edmonton—Strathcona.

* * *

[English]

THE ENVIRONMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, on Saturday people in 181 countries joined the most significant day of action on climate change in the planet's history. At over 5,000 events, people gathered to call for bold leadership on climate change. Last week, Canada's lead climate scientists asked Parliament to pass Bill C-311 without delay, and re-establish Canada's reputation on climate change.

Will the Minister of the Environment continue to ignore Canadians' demands for timely action, or will the government bring Bill C-311 back to the House for a vote before Copenhagen?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, before the beginning of question period, the hon. member was good enough to provide me with hundreds of tear-off sheets relating to Bill C-311. I now have a better idea of what inspired her generosity.

I would like to assure her that the names, mailing addresses and email addresses that she has provided me with, I will take full advantage of and will correspond with all of those people. I will provide them with details not about the NDP's so-called publicity stunt but rather about the good work that the government is doing on a continental basis, clean energy dialogue, tailpipe emission standards, aviation standards, marine standards, and work on a continental cap and trade system.

* * *

NATURAL RESOURCES

Mr. Peter Braid (Kitchener—Waterloo, CPC): Mr. Speaker, our Conservative government has established Canada as a leader in new and innovative approaches to energy efficiency. We have implemented eco-energy for homes, vehicles, buildings, renewable fuels and much more. These efforts are helping individuals to thrive in a new green power environment. The next innovative step would be to pursue efficiency at the community level.

Could the Minister of Natural Resources please advise the House regarding her latest strategy?

Routine Proceedings

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I am pleased to advise the House that this past Friday, I chaired a round table on community integrated energy solutions and systems. It proved to be an in-depth strategy session with community, industry and university reps, as well as with NGOs and efficiency visionaries to map out a very real green alternative vision for communities.

By examining the various sources and uses of power in our communities, I know that we can continue to be that world leader. I look forward to sharing the results of this unique round table with all Canadians.

* * *

[Translation]

PENSIONS

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, to state that today's forum is not a serious one, is to show a lack of respect for the people, organizations and pensioners who attended the forum.

We are trying to establish a plan to protect the pensions of retired Canadians and to give all Canadians the means to retire with dignity.

If they have been working for so long on a plan, where is it?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, it is very clear that pensioners are serious and are seriously concerned. It is the Liberal Party of Canada that is not seriously concerned about the issue.

The Liberals bring it up now toward the end of the year. We have been working on this for more than a year. Not only have we been working on it, we have been listening to Canadians led ably by the parliamentary secretary. We have brought forward solvency regulations.

I can tell the member opposite, we would have had pension plan failures this year had we not moved earlier in the year to do the solvency changes. I welcome the member to catch up with what is going on in pension research in Canada. There is much to learn.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, the Minister of Transport alluded to an email emanating from my office. He knows me well enough to know how strongly I feel about following the rules. My staff and volunteers in both offices are under strict instructions not to use parliamentary resources improperly. We all take this very seriously.

If the minister has evidence of any such breach, I ask him to table it. But I will also volunteer that if it did happen, it is certainly not our practice; it would have been done completely in error. I will apologize and take full personal responsibility.

• (1510)

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I have great regard for the

member for Willowdale. I have great respect for her ethics and for her presence in this place.

When the Liberals do it, it is always a mistake and an error. When the Tories do it, it is always a conspiracy.

I will table an email sent out from the member's parliamentary account dated September 14 at 12:16 p.m. that was widely circulated around this place. It wanted to raise funds and said it wanted to do it, and I am not making this up, "SHAMESLESSLY". It gives a website where money can be donated to the member opposite's leadership campaign.

Again, I have great regard for the member's ethics. I have great personal regard for the member. I know she would want to have as equal regard for our colleagues on this side of the House.

I will be pleased to table this, Mr. Speaker, if you are concerned.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, it is with some dismay that I received the reply to my question to the Minister of the Environment, with whom I consider to have a very cordial and cooperative working relationship.

I do not know if he was referring to giving the NDP credit for over 5,000 events across the planet, or if he was speaking about the events in the House today. If he was speaking about the events in the House today, I think that is a slur on the young people who are completely non-partisan. I assure him our party had nothing to do with it.

The Speaker: I do not think what the member is talking about is a point of order. I am not sure. It sounded more like a supplementary question and of course question period has ended.

ROUTINE PROCEEDINGS

[Translation]

INTERPARLIAMENTARY DELEGATIONS

The Speaker: I have the honour to lay upon the table the report of a Canadian parliamentary delegation concerning its visit to Ukraine from September 5 to 9, 2009.

* * *

[English]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

PROTECTING CANADIANS BY ENDING EARLY RELEASE FOR CRIMINALS ACT

Hon. Peter Van Loan (Minister of Public Safety, CPC) moved for leave to introduce C-53, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

Routine Proceedings

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

* * *

COMMITTEES OF THE HOUSE

CITIZENSHIP AND IMMIGRATION

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 12th report of the Standing Committee on Citizenship and Immigration. Your committee has considered Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171) and reports it without amendment.

* * *

• (1515)

NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY ACT

Mr. Rick Norlock (Northumberland—Quinte West, CPC) moved for leave to introduce Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

He said: Mr. Speaker, the purpose of this bill is to recognize the tremendous contribution that hunting, trapping and fishing have made to our national heritage. This bill seeks to designate the 23rd day of September in each and every year as national hunting, trapping and fishing heritage day.

Hunting, trapping and fishing are significant parts of Canada's national heritage. This bill acknowledges the historical role that these activities had in the development of our nation, the enjoyment and participation of these traditional activities by millions of Canadians, and the significant contribution that these activities make to the national economy.

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

* * *

PETITIONS

ANIMAL WELFARE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have two petitions today. The first petition, pursuant to Standing Order 36, deals with animal welfare.

These petitioners would like to point out to the House that there is scientific consensus and public acknowledgement that animals can feel pain and suffer and that all efforts should be made to prevent animal cruelty and reduce animal suffering.

They also want to point out that over one billion people around the world rely on animals for their livelihood and many others rely on animals for companionship. Finally, these animals are often significantly affected by natural disasters and yet are seldom considered during relief efforts.

Therefore, the petitioners call on Parliament to support the universal declaration on animal welfare.

PROTECTION OF HUMAN LIFE

Mr. Paul Szabo (Mississauga South, Lib.): The second petition, Mr. Speaker, has to do with the protection of human life.

These petitioners from my riding of Mississauga South would like to draw to the attention of the House that Canada is a country that respects human rights and includes in the Canadian Charter of Rights and Freedoms that everyone has the right to life. They would also note 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.

The petitioners call upon Parliament to pass legislation for the protection of human life from the time of conception until natural death.

ANIMAL WELFARE

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I have the honour to present two petitions today as well.

The first petition is signed by a number of people calling on the government to support a universal declaration on animal welfare.

PROTECTION OF HUMAN LIFE

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): The second petition, Mr. Speaker, also calls on Canada to pass legislation for the protection of human life from the time of conception until natural death.

[*Translation*]

CANADA POST

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, today I am tabling a petition that is very important to the residents of the Saint-Sacrement neighbourhood. This petition was signed by 1,400 citizens who are opposed to the November 1 closing of the postal outlet on Sainte-Foy Road in Quebec City, in the Saint-Sacrement neighbourhood. This closure would deprive many residents, including seniors, business owners, organizations and institutions, of their only postal outlet in this neighbourhood.

Nearly 3,000 households are served by this outlet, which, it should be pointed out, perfectly meets the needs of the customers in this district. Because of the short deadline, the minister responsible for Canada Post must declare a moratorium on these closings in order to avoid interrupting services, which would affect many customers, and to allow talks to continue in order to maintain a postal outlet in the Saint-Sacrement neighbourhood.

I know that the smoke shop owner is currently negotiating with Canada Post, but if there are too many requirements, another business owner very close to the smoke shop would also be extremely interested. We hope that Canada Post is currently holding open discussions, and that it is taking into account the needs of the residents of this district.

[*English*]

ANIMAL WELFARE

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am delighted to table a petition today that is signed by hundreds of people from my riding of Hamilton Mountain in support of a universal declaration on animal welfare.

Routine Proceedings

I am sure that most members are aware of the profound interdependence of human beings and animals. People rely on animals for their livelihood, jobs, companionship and food security. We know that responsible animal management provides a positive impact on land use, climate change, pollution, water supplies, habitat conservation and biodiversity. In spite of that, we also know that the House has failed on numerous occasions to strengthen Canada's laws with respect to animal cruelty.

The petitioners want that to change. They want nations to formally recognize that animals are sentient and can suffer and that we have to respect their welfare. As a critical first step, they are therefore asking the Government of Canada to support the universal declaration on animal welfare.

While members are not allowed to endorse petitions, let me just say that it is a pleasure for me to be able to table this petition on their behalf.

• (1520)

CANADA POST CORPORATION

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I rise today to present a petition on behalf of my constituents in Random—Burin—St. George's in Newfoundland and Labrador. The issue at concern is the current moratorium on post office closures and the fact that people in rural communities really want to see that maintained.

It is a problem not just for rural Newfoundland and Labrador. It is a problem throughout rural Canada. People are very concerned about whether or not there is any consideration at all being given to the possibility of further closures of post offices in their area. They call on the government to maintain the moratorium on post office closures and to withdraw the legislation to legalize remailers.

They are also calling on the Government of Canada to instruct Canada Post to maintain, expand and improve postal services in recognition of the important role that a post office plays in the social and economic well-being of any community and particularly of rural communities.

PROTECTION OF HUMAN LIFE

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, I have a petition here signed by 100 signatories who want to draw the attention of the House to the fact that there has been no legislation regarding abortion and life for the last 40 years. They would like to draw the attention of the House to the fact that legislation is needed in order to protect life from the time of conception until natural death.

It is my pleasure to present this to the House.

PAY EQUITY

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, those who have signed this petition call for a stop to wage rollbacks and a restoration of pay equity for public service workers. Bill C-10 empowers the government to roll back negotiated wages and arbitral awards retroactively. It radically changes the rules governing pay equity in the federal public sector.

Bill C-10 infringes on the right of civil servants to freely and fairly negotiate wage increases and collective agreements with their

employers. In addition, it adversely affects the rights of public sector workers, particularly women, to equal pay for work of equal value.

Bill C-10 prevents civil servants from filing and adjudicating gender-based wage discrimination complaints through the Canadian Human Rights Commission and would trade away their human rights to the bargaining table. The petitioners call upon the Government of Canada to rescind the provisions of Bill C-10 that violate workers' rights to collective bargaining, including arbitral awards and equal pay for work of equal value.

CANADIAN BROADCASTING CORPORATION

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am pleased to present over 1,300 signatures from constituents in my riding of Sudbury. This petition outlines our concern with the permanent job losses and the sale of capital assets and how these will affect CBC programming in rural areas, specifically northern Ontario and my riding of Sudbury.

Sudbury has a long history with the CBC, as CKSO was the CBC's first privately owned affiliate TV station. This happened back in 1953. Therefore, the undersigned would like to see the Minister of Canadian Heritage do what is necessary to protect this vital public institution.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Question Nos. 406 and 414 could made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 406—**Mr. Claude Gravelle:**

With respect to federal employees, including Crown corporations, consultants and Orders in Council appointees earning in excess of \$200,000 a year, for the last three years: (a) which individuals earn such amounts; (b) what amounts do they earn; (c) to whom do they report; (d) what is their professional title and what tasks or service do they perform; (e) which were appointed at the discretion of a Minister of the Crown or without a competitive search process; (f) who signed employment contracts on behalf of the government; (g) what performance bonuses were awarded, and to whom; (h) with specific reference to consultants, (i) how many individuals earned above \$200,000 as a consequence of multiple contracts within a one year period, (ii) what is the duration of each contract, (iii) who authorized their employment?

(Return tabled)

Question No. 414—**Mr. Peter Stoffer:**

With respect to the crew personnel who were on board during the October 2004 HMCS Chicoutimi fire: (a) how many are still working with the Canadian Forces (CF) as submariners; (b) how many have left the CF permanently for any reason; (c) how many have left their positions and were transferred to other departments within the CF; and (d) what compensation or severance has been paid to crew members?

(Return tabled)

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

ENDING CONDITIONAL SENTENCES FOR PROPERTY AND OTHER SERIOUS CRIMES ACT

The House resumed consideration of the motion that Bill C-42, An Act to amend the Criminal Code, be read the second time and referred to a committee.

The Speaker: Before question period interrupted the debate, the hon. member for Sackville—Eastern Shore had the floor for questions and comments following his speech. There are eight minutes remaining for questions and comments on the hon. member's speech. I therefore call for questions and comments the hon. member for Nickel Belt.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to ask the hon. member for Sackville—Eastern Shore about a private member's bill that is being presented.

We know that the Conservatives like to pretend that they are very tough on crime, yet when it comes to the long gun registry, they had a backbencher introduce legislation.

I would like the thoughts of the member for Sackville—Eastern Shore on why the government did not present this bill.

• (1525)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, that is the \$64,000 question.

Here we are debating a bill regarding sentencing of certain types of criminal acts in the country, and there tends to be the perception that only the Conservatives can talk about crime and are tough on crime. Yet when it comes to an issue that affects many rural farmers and hunters and many Canadians across this country, it took a backbencher to introduce Bill C-68, the old gun legislation.

First the Conservatives had the Senate try to do it, and they failed. Then they had the member for Yorkton—Melville introduce it, and it was convoluted and failed. Then they got a new member of Parliament to introduce it.

If the government were truly serious about the gun legislation and the gun registry in this country, it would have introduced that as a government bill.

I could not help but notice in question period today that the backbencher in question asked the Minister of Public Safety a question about it. That is the first time I have ever seen that.

If the government were truly serious about elimination of the gun registry, it would have introduced it as a government bill.

Government Orders

Only the Conservatives can truly determine why they did not, but I think I know why. It is to give the impression within their urban ridings and with their urban voters that this is an issue. They know that a backbench bill rarely gets through.

With delays in time and everything and a possible election in the spring, this bill may never see the light of day, which is unfortunate, because I think it is worthy of the debate, and it is something the government should have done when it became government in 2006.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to thank the member for Sackville—Eastern Shore for an excellent presentation.

Before question period he was asked a question by one of the government members about why the member had not talked about victims' rights. If the member had been listening, and obviously he had not been, to the member's speech he would have known that the member spent a very large portion of his speech talking about that very point, victims' rights.

It seems as though it is almost an organized effort on the part of the government to simply make the charge that somehow people in the opposition are not interested in victims' rights when in fact we spend half or three-quarters of our speeches talking about that very point.

I would like the member to elaborate on why they keep denying that we are taking the side of the victims when we continue to do so. Why do they not recognize that?

Mr. Peter Stoffer: Mr. Speaker, the best way to get attention is to politicize a very serious topic.

When it comes to issues of crime and the victims of crime, no member of Parliament has *carte blanche*. No member of Parliament can stand up here and say "I have all the answers" or "My party has all the answers".

As I said earlier, there is not one member of Parliament, or a senator for that matter, who does not know someone who has been a victim of crime.

We have, over and over, tried to emphasize that if the government is going to institute longer penalties for crime, then it must tell people where the evidence is, the scientific evidence or the research, that shows that will be a preventer of crime.

Where are the funding elements to help the provinces and territories build the additional prisons for the longer times, et cetera?

We have asked those two questions over and over again, and we have not gotten an answer. I will give the Conservatives credit in this regard: they brought up a subject that is worthy of debate. I would remind them that just because they brought up a topic for debate does not mean that other members of Parliament from other parties do not have the constitutional and democratic right to ask serious questions when it comes to these issues.

Mr. Claude Gravelle: Mr. Speaker, the Conservatives want us to believe that they are the only ones who are concerned about crime, but we in the NDP are concerned about the victims. We are concerned about the cost to society. We are also concerned about the cost this is going to bring to taxpayers.

Government Orders

I would like the member for Sackville—Eastern Shore to give me his thoughts on what this is going to cost.

● (1530)

Mr. Peter Stoffer: To be honest, Mr. Speaker, I do not know what the fiscal cost will be to people in this country. I do know that if the federal government can, it will download these fiscal responsibilities to the provinces and territories. It could end up with a bit of friction with the provinces.

Have the justice minister and the public safety minister worked with the provincial and territorial justice and public safety ministers? Has there been true consultation with the provinces and territories when it comes to these very important issues? What agreement has taken place on cost sharing and everything else?

Since 1995 we have been asking Liberal and Conservative governments to bring in a comprehensive child Internet pornography bill. We are still asking for that bill because child Internet pornography is one of the worst things perpetrated on our children.

Why is the government so reluctant to bring in a child Internet pornography bill? I already have one, and the government could just run with it. I have asked the justice minister to do the same.

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Madam Speaker, I would like to ask the member if he intends to support the continuation of the long gun registry or not support it. Is he going to vote yes or no on the bill put forward by the member for Portage—Lisgar? If he fudges it, we will assume that he is voting against a private member's bill.

Mr. Peter Stoffer: Madam Speaker, long before the Minister of State for Democratic Reform arrived in the House, I have been on the record over and over again as being opposed to Bill C-68. He can check with the gentleman right behind him, the member from Yorkton. In my 12 years in this place all I have ever asked is that the government bring in a bill that is very clear and ends the long gun registry. I would personally stand up and support that. I have been very clear on the record.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I am very pleased to speak to Bill C-42.

At the outset, I want to thank the member for Sackville—Eastern Shore for a fantastic speech. He does that all of the time; almost every speech I have heard him make in the House has been excellent. He certainly caught the minister unaware. The member for Sackville—Eastern Shore signed on to the even earlier gun bill. He was one of the MPs who endorsed the bill by signature. The member for Sackville—Eastern Shore has certainly been on the record for a long time on this issue. The Minister of State for Democratic Reform should rest easy and sleep well knowing where the member for Sackville—Eastern Shore stands on this issue.

Bill C-42, an act to amend the Criminal Code to end conditional sentences for property and other serious crimes, was given first reading in the House of Commons on June 15, 2009. The bill amends section 742.1 of the Criminal Code, which deals with conditional sentencing, to eliminate the reference to serious personal injury offences. It also restricts the availability of conditional sentences for all offences for which the maximum term of imprisonment is 14 years or life, and for specified offences

prosecuted by way of indictment for which the maximum term of imprisonment is 10 years.

Conditional sentencing was introduced in September 1996. It allows for sentences of imprisonment to be served in the community rather than in a correctional facility. It is a midway point between incarceration and sanctions such as probation or fines. The conditional sentence was not introduced in isolation but as part of a renewal of the sentencing provisions in the Criminal Code. These provisions included the fundamental purpose and principle of sentencing. The fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. The renewed sentencing provision set out further sentencing principles, including a list of aggravating and mitigating circumstances that should guide sentences imposed.

The primary goal of conditional sentencing is to reduce the reliance upon incarceration by providing the courts with alternative sentencing mechanisms. In addition, the conditional sentence provides an opportunity to further incorporate restorative justice concepts into the sentencing process by encouraging those who have caused harm to acknowledge this fact and to make reparation. At the time of their introduction, conditional sentences were generally seen as an appropriate mechanism to divert minor offences and offenders away from the prison system. Overuse of incarceration was recognized by many as problematic, while restorative justice concepts were seen as beneficial.

The provisions governing conditional sentences are set out in sections 742 to 742.7 of the Criminal Code. Several criteria must be met before the sentencing judge may impose a conditional sentence. There are at least seven provisions, and rather than read all seven of them, I will simply deal with two of the provisions.

One is that the sentencing judge must have determined that the offence should be subject to a term of imprisonment of less than two years, where we are dealing with offences where the normal term of imprisonment would be two years or less. The other is that the sentencing judge must be satisfied that serving the sentence in the community would not endanger the safety of the community. That is fairly self-explanatory. If there is a determination that the offender might cause problems in the community and endanger the safety, the offender would not be eligible for this type of sentence. The sentencing judge must be satisfied that the conditional sentence would be consistent with the fundamental purpose and principles of sentencing, which are set out in sections 718 to 718.2 of the Criminal Code.

Insofar as the final criteria is concerned, among the objectives of sentencing are the following: the denunciation of unlawful conduct; the deterrence of the offender and others from committing offences; separation of the offender from the community when necessary; the rehabilitation of the offender; the provision of reparation to victims in the community; and the promotion of a sense of responsibility in the offender.

Government Orders

● (1535)

In addition to meeting the criteria, conditional sentences involve a number of compulsory conditions set out in section 742.3 of the Criminal Code. These conditions compel the offender to keep the peace and be of good behaviour, appear before the court when required to do so, report to a supervisor as required, remain within the jurisdiction of the court unless written permission to go outside of the jurisdiction is obtained from the court or the supervisor, and notify the court or the supervisor in advance of any change of name or address and promptly notify the court or the supervisor of any change of employment or occupation.

There have been examples where, in fact, people have chosen to go to jail rather than take this option because they felt that jail was less onerous on them than this route.

Depending on the circumstances, the offender must abstain from the consumption of alcohol or drugs, abstain from owning, possessing or carrying a weapon, perform up to 240 hours of community service, attend a treatment program approved by the province, or any other reasonable condition that the court considers desirable for securing the good conduct of the offender and for preventing the offender repeating the same offence or committing another offence.

The court must ensure that the offender is given a copy of the order and an explanation as to the procedure for changing the original conditions and the consequences of breaching any of those conditions that were agreed to.

Members can see that this is not a simple process. It is very involved. We know that conditional sentencing was enacted both to reduce reliance on incarceration as a sanction and to increase the principles of restorative justice in sentencing. All of this was happening in 1996, at a time when there was a lot of previous experience with minimum sentencing in the United States. I will get to that in a few minutes.

In the 1980s, the United States built lots of private prisons, which I am sure made a lot of private entrepreneurs rich, but at the end of the day, the crime rate did not go down, it went up. I have statistics on that which, as I said, I will get to in a couple of minutes.

Statistics Canada reports that conditional sentences still represent a small proportion of all sentences. In addition, the tendency in recent years has been to use conditional sentences less frequently. In 2003-04 conditional sentences accounted for only 5.3% of all admissions to adult correctional services. By 2007-08 the figure had actually declined to 4.7%. In 2007-08, of the 107,790 offenders being supervised in the community, the vast majority of them, 75%, were on probation, and only 16% were on conditional sentences, with another 5% on parole or statutory release.

Canada's incarceration rate in 2007-08 rose by 2% from the previous year, which was the third consecutive annual increase. By the way, the reason was that there were a growing number of adults being held in remand in provincial and territorial jails while awaiting trial or sentencing.

We know that on any given day in 2007-08 an average of 36,330 adults and 2,018 youths age 12 to 17 were in custody in Canada, for

a total of about 38,348 inmates, which, by the way, is a rate of 117 people in custody for every 100,000 in population.

Let us look at some other countries. Canada is higher than western European countries and lower than the United States. For example, in 2007 Sweden had a rate of 74 people in custody per 100,000. The Canadian rate was 117 people per 100,000.

● (1540)

Guess what the rate is in the United States? The members of the government are experts on crime; they are tough on crime but not so smart on crime. They should know this figure. However, if they know the figure, they are not going to want to tell us what the figure is because it is an astronomical figure. It is 762 per 100,000.

So, here we have the United States right at the top, at 762 people per 100,000. In Canada, it drops way down, or seven times lower, to 117. Then in Sweden, it drops even lower, to 74. So, I think the government should be looking at what works.

Maybe the Conservatives should be looking to Sweden. They should focus their eyes over to Sweden and see what Sweden is doing there to see why its rate is 74 per 100,000. But, no, they do not that. They concentrate on the United States, which has seven times the number of people per 100,000. So, they are adopting a model that does not work.

I would never suggest that we adopt it because it comes from the United States or that we do not adopt it because it comes from the United States. We should be looking at what works.

I have said time and time again in this House that in the Manitoba environment, and the Minister of democratic reform knows this very well, we had a severe problem with, and we still have a severe problem with, auto theft. Although, one day a few months ago, we actually had zero auto thefts in Manitoba. Why did that happen? The government came to terms with the issue. It mandated immobilizers in cars. It also set up a task force within the police force to target the most serious 50 offenders, monitor them, chase them, get them off the streets and keep them off the streets, and that has shown a huge turnaround. That is what worked. And so, other jurisdictions are looking at that.

I think we should be looking at different jurisdictions. I am sure there are programs in the United States that do work. If anyone can find me one that works, in the United States, then I would applaud the government if it would look at the United States example and follow that example. However, it should not just blindly go in and say, "We are going to go on this program of mandatory minimums because it shows good in our polling results. We did some polling the other day and it showed that when we talk about mandatory minimums, our numbers went up 5%. So, we are going to do that". And then we look at what the results were in the United States and we see it has seven times the number of people in jails. There is obviously a disconnect here.

I would admonish the government and suggest to the government that it look to Sweden, that it look to other countries that have lower rates and show success in certain areas, that it should adopt a program that is comprehensive but borrows the best, that it look at best practices in other jurisdictions and follows that, rather than just simply blindly following the opinion polls.

Government Orders

The imposition of conditional sentences should not only reduce the rate of incarceration, it should also reduce expenditures on the correctional system.

I always thought Conservatives were interested in sound financial management—

Mr. Pat Martin: So they say.

Mr. Jim Maloway: The member for Winnipeg Centre says, “So they say”.

—and we found this over and over again. I remember the Liberals driving up the deficit year after year, in the seventies. Then the Mulroney government came in and said it was going to be fiscally conservative and it was going to take care of this deficit. In fact, it just kept driving it up and up.

Why the Conservatives have a good fiscal image with the public is just beyond me because every government that I ever look at, the Grant Devine government in Saskatchewan, any of these Conservative governments, preach a great line in opposition about how they are going to balance the books, how they are going to pull themselves up by their bootstraps, how they are going to always give a hand up rather than a handout and all this right wing ideology. Then they get into power and do everything but what they said they were going to do in opposition and that whole fiscal conservatism just goes right out the window and they run huge deficits.

We do not want to get into what the Conservatives are doing right now because, in actual fact, they had to do something to deal with the issue. However, Preston Manning and his group would just be in shock right now. If we were able to look back 10 years ago and predict in the future that a Conservative government would own General Motors, it would be laughable. The Conservatives would be rolling in the aisles at their conventions over this issue.

● (1545)

Mr. Pat Martin: A bunch of pinkos.

Mr. Jim Maloway: Yes, Madam Speaker, there would certainly be a revolution in the ranks. They would be trying to root out those pinkos for sure who would even suggest that something like that could ever happen in a Conservative government, and yet it has all come to pass.

There is always room for some reform, some change of thought. We are in a minority government and there is a possibility that the government can be trained. The member from Thunder Bay mentioned that governments need training, especially minority governments, so maybe we could do some work on this one and try to get it to redirect some of its crime initiatives into a more reasonable and more workable form. The Conservatives are certainly unable to do it on their own.

The cost of the system is simply a function of having huge amounts of people incarcerated. The annual cost for persons in provincial or territorial custody, including remand and other temporary detention, in 2005 was \$52,000. I have read other figures up as high as \$70,000.

The average annual cost of supervising an offender in the community, including conditional sentences, probation, bail super-

vision, fine options and conditional release in 2006-07 was only \$2,398. Juxtapose that figure against \$52,000 to \$70,000 for incarcerating these people in what are nothing more than crime schools. They are just trained to be better criminals.

Why would we try to eliminate a system that actually works, that saves on cost, that gets results?

I want to deal with recidivism rates and not knowing how much time I have left I will have to deal with that rather quickly.

A 2004 study found that conditional sentencing has had a significant impact on the rates of admission to custody, which have declined by 13% since its introduction. This represents a reduction of approximately 55,000 offenders who would otherwise be in custody.

Another Statistics Canada study found that adult offenders who spent their sentence under supervision in the community were far less likely to become reinvolved with correctional authorities within 12 months. Is that not what we want to happen to the released and those who were in a correctional institution? This is a win-win situation.

The study found that in four provinces, 11% of people who were under community supervision became reinvolved with correctional authorities within 12 months of their release in 2003-04. Among those in custody, only 30% were reinvolved. In other words, people who were put in jail were twice as much, 30%, double the proportion of those who were under community service, likely to reoffend. If that is not proof that the system is cost effective and actually gets results with only half the people reoffending, I would say is an argument for keeping it.

In a study that concentrated on victims of crime and their attitude toward conditional sentencing, the benefits of conditional sentencing were said to be:

—that most rehabilitation programs can be more effectively implemented when the offender is in the community rather than custody...that prison is no more effective a general or specific deterrent than the more severe intermediate punishments...keeping an offender in custody is significantly more expensive than supervising him or her in the community...the public has become more supportive of community-based sentencing, except when applied to serious crimes of violence...widespread interest in restorative justice...has also revitalized interest in community-based sanctions. Restorative justice promotes the use of victim compensation, and service to the community...The virtues of community sanctions have thus become increasingly apparent in recent years. When offenders are punished in the community, the state saves valuable correctional resources, the offender is able to continue (or seek) employment, and maintain ties with his or her family.

It is very important to not lose contact with family and with any employment possibilities. We have to get people back to a better place than they were when we found them.

● (1550)

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Madam Speaker, I listened with great interest to the member's comments.

He began talking about the long gun registry. I would like him to tell this House right now if he is for the long gun registry or against the long gun registry. Which way will he vote? Will he support the member for Portage—Lisgar's bill to get rid of the long gun registry?

Government Orders

My second question is this. We are from the same city of Winnipeg. The member for Elmwood—Transcona comments on the criminal element and his lack of will to get tough on criminals is scandalous. I know the community of Elmwood—Transcona very well and people are sick and tired of criminals back on the street after spending a fraction of their time in prison. Where is the justice?

The member only won by 1,500 votes and I would like him to stand up and be very clear to the people of Elmwood—Transcona that he is not supporting the government legislation because this issue will cause him to lose his seat. The people of Elmwood—Transcona will be outraged.

Mr. Jim Maloway: Madam Speaker, I think the minister for democratic reform should be more concerned about saving his own seat from the resurgent Liberals than worrying about my situation.

• (1555)

Hon. Stockwell Day: What? Resurgent Liberals? You are down 25%.

Mr. Jim Maloway: For the government member's information, there is a little bit of a resurgence in certain pockets of Manitoba. We cannot explain it. It may be an aberration of the polling system but it is showing there, so I want to alert him to the fact that he should be casting his gaze back and looking at that.

In terms of my electoral prospects, I would tell the hon. member that he is welcome to come in and campaign for any Conservative candidate that the government wants to run against me next time because we demolished the last candidate who was an NHL hockey player with a full campaign of \$70,000, and we rolled right over him. We are willing to take on anybody the government wants to send our way.

I think he is looking at old stats. He is looking at stats from a year ago. Let me inform him that things have changed a lot.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I thank the hon. member for his insight into the debate.

It is going to be very important to have this matter dealt with at committee. I am sure that many of the questions that have been raised in the debate will be resolved there, things such as cost, and I know the Parliamentary Budget Officer has been engaged to look into the costs of this and other legislation dealing with the Criminal Code.

The member talked about recidivism rates in his speech. I have recently seen a case in a media report that seems to indicate that all of the studies and the literature find that people who are given conditional sentences are substantially less likely to reoffend than those who would be put in jail and have to serve that full term.

It makes an interesting question about whether or not the intent of the legislation that we bring forward should be to reduce recidivism, and conditional sentencing appears to support the action of reducing recidivism.

I wonder if the member has any some comments on that.

Mr. Jim Maloway: Madam Speaker, I often wondered why I liked the hon. member. He is very wise. He does not always follow the Liberal line on the Canada-Colombia trade deal and other issues.

He takes a bit of an independent stance and I kind of like that. He is certainly correct. The stats do seem to bear out.

I had mentioned that a Statistics Canada study found that adult offenders who spent time under supervision were far less likely to become re-involved with correctional authorities within 12 months of their release than if they were in a correctional institution. The figures were that 11% who were under community supervision reoffended within a year, whereas of the people who had been in incarcerated, it was 30%.

Not only do statistics show it is twice as effective, there are also statistics to show that it is enormously more effective financially. Rather than costing between \$50,000 and \$70,000 per person per year, it was only a matter of a couple of thousand dollars.

Do not bother the government with the facts. The Conservatives do not want to know about the facts because they are too busy stoking up the polling machine to get the numbers up. Look at what they are doing now. They are sitting over there asking us about the gun bill because they just cannot wait.

I say to the Minister of State for Democratic Reform, there are just a few more sleeps. He can show up in the House on November 4 and he will find out how we are all going to vote. He should come here and he will find out that day.

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, we have heard a lot about criminals committing blue collar crimes and white collar crimes. One thing we have not heard about are the victims. I would like to ask the hon. member what this bill is going to do to help the victims of crime.

Mr. Jim Maloway: Madam Speaker, I owned an insurance agency for 30 years and I certainly had numerous opportunities to deal with people who were victims of crime. Those people are very supportive of what the Manitoba government has done in terms of victims' rights.

Victims' rights have been improving over the years, since the days of Howard Pawley. The Gary Filmon Conservatives took over and made some improvements. Then Gary Doer's NDP took over and made some more improvements, to the point where Dave Chomiak and Gord Mackintosh constantly made improvements over the years so that victims are being recognized in the system and have a say over how things develop.

There was a time 20 years ago when if people's homes were broken into and things were stolen, the victims could not find out any information about what had happened. They could not track down what the status of the thieves were, whether they were in court, when they were in court and what the resolution was of the case.

Fortunately, things have improved over the last number of years and it has happened in an environment where the NDP government in Manitoba has made those initiatives. Even the two for one credit which the government is ballyhooing about and finally got through the Senate was started by justice minister Dave Chomiak in the NDP government of Gary Doer in Manitoba.

Government Orders

I wish the Conservatives would quit harping about how everybody in the opposition is soft on crime and they are tough on crime. They may be tough on crime, but they are not smart on crime and that is where we want to be at the end of the day.

• (1600)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Madam Speaker, I will make this question very brief in order to give an opportunity for the member to answer the questions that the Minister of State for Democratic Reform asked regarding the gun registry and which the member very cleverly avoided answering.

Will he be accountable to his constituents? Will he tell them publicly now how he is going to vote on that and on conditional sentencing?

Mr. Jim Maloway: Madam Speaker, it may be a surprise to the member, but I was a provincial member for 23 years.

My constituency is an urban seat. I do not know why he is getting so excited here. It is not a rural seat at all. It is an urban seat. If anything, the majority of people would probably support gun registration. For his information, in the 1995 provincial election, I was one of the members who at that point had said that I did not like the way gun registration was developing, and—

The Acting Speaker (Ms. Denise Savoie): The hon. member has run out of time.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Denise Savoie): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Denise Savoie): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Denise Savoie): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Ms. Denise Savoie): Call in the members.

And the bells having rung:

The Acting Speaker (Ms. Denise Savoie): The recorded division on the motion stands deferred.

• (1605)

[*Translation*]

INVESTIGATIVE POWERS FOR THE 21ST CENTURY ACT

Hon. Steven Fletcher (for the Minister of Justice) moved that Bill C-46, An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, be read the second time and referred to a committee.

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, thank you for giving me the opportunity to rise here today to support Bill C-46. This bill proposes amendments to the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act. These amendments would serve to update offences and investigative powers, to ensure they are in line with modern technologies.

The Minister of Justice has already briefly outlined Bill C-46, but I thought I would take this opportunity to expand on a few particularly important and innovative aspects of these Criminal Code amendments.

As we have shown on many occasions, the safety of our communities, our families, and particularly our children is something that this government takes very seriously. As part of a responsible government, a member of Parliament and a citizen, I am concerned about the safety of our communities.

Before I continue, I would like to briefly explain what the lawful access initiative is all about. Lawful access has nothing to do with listening to private conversations or monitoring the Internet browsing or emailing habits of Canadians. This initiative aims to ensure that law enforcement and national security agencies have the technical and legal ability to keep up with changes in communications and computer technologies.

New technologies are powerful and useful tools. However, criminals and terrorists can use them to endanger public safety. Current technologies provide numerous benefits. We applaud innovation in computer science and technology. However, we recognize that modern technology can facilitate crime, such as the distribution of child pornography, and make police investigations very difficult and complex. This bill will help by providing law enforcement organizations with the tools they need to fight crime in today's environment. The bill updates various offences and creates new investigative powers.

Our justice agenda has recently been the target of criticism. We have chosen to take these actions because we believe that justice reform is necessary. Canada was one of the first countries to establish criminal provisions for computer crimes. However, no significant amendments have been made since 1990. As I said, technologies have evolved considerably since then, but Canadian laws have not kept pace with the changes.

Government Orders

These increasingly complex technologies are challenging traditional investigative methods, and criminals are taking advantage of the situation by using complex technology to carry out illegal activities and endanger our citizens. Fighting crime means overcoming major challenges. Modernizing legislative tools, such as the Criminal Code, is essential to enabling law enforcement organizations to investigate criminal activity effectively while protecting the privacy rights and civil liberties so important to Canadians.

Right now, law enforcement personnel can get a warrant to intercept communications on conventional phone lines. The legislative measures in this bill will bring the legislation up to date by including cell phones and other wireless technologies. These measures will require Internet service providers, ISPs, to have interception capability in place.

When law enforcement officials try to prevent a crime or conduct an investigation, ISPs do not give them all of the basic client information they need.

• (1610)

The measures in this bill allow them to obtain that information in order to protect children from online predators and to prevent other types of cybercrime. We believe that these measures are very important and necessary. We have to protect our children from these predators, especially as our children now surf the Internet at an increasingly younger age. These measures are very useful.

The proposed changes create a data preservation demand that requires an Internet service provider to protect and not delete information relating to a communication or a subscriber if the authorities and the police believe this information could help in their investigation.

Allow me to elaborate more specifically and in greater detail on preservation demands and orders, on modernizing the current provisions regarding warrants for tracking and on the new concept of “transmission data”. I think that each of these tools will have a truly positive influence on investigations in Canada.

Let us start with the new preservation demands and orders, which create new investigative powers for criminal offences under the Criminal Code and offences under the Competition Act. Their purpose is to ensure that volatile computer data is not deleted before the police have the chance to get a warrant or an order to collect the data for investigation purposes. The need for these types of tools is obvious in this day and age. Not only is computer data easily erased, but it can also be lost through negligence or simply through ordinary working procedures. A preservation demand or order will legally require a person to keep computer data that is essential to the investigation for enough time to allow the police to obtain the necessary warrants and orders to get the information. This tool will allow the police to begin the investigation without losing elements of the evidence when the loss can be prevented.

Some people might be concerned about the repercussions of these changes on the right to a reasonable expectation of privacy. They may have heard about the European data conservation systems and are worried that our legislation will import those systems to Canada. That is not what Bill C-46 is about in any way.

Data retention can make it possible to collect a large amount of data over a long period of time on all telephone and Internet subscribers, regardless of whether they are linked to the investigation. Bill C-46 does not provide for data retention. It provides for the preservation of data, which is completely different. This would allow for the preservation, for a limited period of time, of specific data related to a specific investigation and to specific individuals. It is important to note that the data will be handed over to the police only if a warrant or order has been issued. Furthermore, data that would not have been preserved as it is no longer useful to the investigation. That is quite a change.

This will ensure that the system put in place by this bill will not inadvertently lead to the type of retention that exists in European countries, as I have explained. So we can see that the preservation system we have created here is very limited and targeted. It was developed to be a temporary solution, so that the warrants and orders obtained by the police to gain access to information are not rendered useless because the data was erased in the time that it took the police to obtain the orders. That is what happened in the past.

• (1615)

Another important amendment proposed by Bill C-46 will update the current Criminal Code provision regarding the warrant for tracking. This warrant was created in 1990, over 19 years ago. The police were able to obtain and use the warrant to locate persons, vehicles or other objects. However, tracking techniques have changed dramatically. Their accuracy and persistence in locating objects has improved. This means that the current type of warrant is no longer suitable and may result in more serious breaches of privacy than before. Consequently, Bill C-46 proposes to increase the protection of personal information for the use of the most intrusive tracking techniques.

The bill establishes a double warrant system for this purpose. The police can obtain the first type of warrant in the usual manner: by proving to the judge that they have reasonable grounds to suspect that the warrant will assist in the investigation of an offence. They would use this warrant to locate objects, vehicles and transactions, as was done in the past.

When a more invasive technique for tracking individuals is required, police must obtain the second warrant, which provides greater protection of privacy than the first. Thus, there would be stricter requirements. According to Bill C-46, to obtain this warrant, the police will have to prove to the judge that they have reasonable grounds to believe—not to suspect, but to believe—that the warrant will assist in the investigation of the offence. Legally, this criterion is much more difficult to meet, and therefore it provides more protection of personal information than the warrant for tracking objects. This is an important legal distinction.

Government Orders

This approach to the tracking warrant provisions is very innovative because it provides stronger protection of personal information where it is really needed while retaining the current tool, which is effective for investigations where expectations with respect to the protection of privacy are not as high.

Lastly, I would like to talk about the new warrant for transmission data. For 15 years, police have been able to obtain a warrant under the Criminal Code for information such as the telephone numbers dialed to and from a suspect's telephone. That is what used to happen. Police could obtain such a warrant if they had reasonable grounds to suspect that the data could help them investigate a crime. Today, this type of data, which experts refer to as call identification data, include not only telephone numbers, but also technical data that all sorts of more sophisticated calling mechanisms can generate on a network.

The fact that the distinction between conventional telephones and the Internet is blurring also poses a problem for police in using the current warrant to obtain call identification data. For example, most cell phones can be used to access the Internet. And in a sense, the opposite is also true. Millions of subscribers use voice over IP to make calls on the Internet. The result is that technologies use IP—or Internet protocol—addresses in addition to telephone numbers; it is a sort of mixture. This has created a gap in what the current warrant can cover. The type of address data police need for their investigation can no longer be obtained using phone records or conventional equipment such as telephone number recorders.

And why should criminals be treated differently just because they use voice over IP to make calls instead of a conventional phone? That is an important question.

Clearly, we need a new legal concept that reflects 21st-century technology. Bill C-46 creates the concept of “transmission data”, which applies to Internet routing data as well as telephone numbers.

• (1620)

For the sake of clarity, I would add that this new concept applies exclusively to this type of data. “Transmission data” applies only to some parts of what is known as the “header”, which includes the email address and information about the email servers that transmitted the email.

This concept was carefully developed, specifically to exclude the contents of messages in order to minimize privacy infringements. This means that the police cannot use this power to read what people have typed in the “Subject” field. Moreover, the police will not be able to use this power to read what people have typed in the body of the email, which is very important.

Like the other amendments I just discussed, the power to intercept transmission data will provide the police with the investigative tools they need to fight crime in a world where techniques are constantly evolving. Like all of these tools, this power was specifically designed to fulfill this purpose with minimal infringement on privacy.

I repeat that our government wants to ensure that law enforcement officials have the tools they need to bring criminals to justice.

The proposed bill will ensure a fair balance between protecting public safety by giving police essential investigative powers and protecting the privacy and the rights and freedoms of Canadians.

I therefore urge all members to fully support Bill C-46, which will update our Criminal Code for the 21st century.

[*English*]

Mr. Mark Holland (Ajax—Pickering, Lib.): Madam Speaker, I wonder if I could ask the member to explain two things. First, since the bill was essentially introduced by a Liberal government in 2005 and has been reintroduced every session since by the member for Notre-Dame-de-Grâce—Lachine as a private member's bill, why did the government take so very long to introduce it? It is not as though the police have not been calling for this for years.

Second, if the Conservatives finally understood that technology had changed and that the bill we tabled four years ago needed to be implemented, why on earth would they have introduced the bill at the end of the last session in the last week before the summer, not giving us the opportunity until today to actually vote on it? Why were they dragging their feet? Why were they delaying bringing in this legislation for which we have been calling for so long?

[*Translation*]

Mr. Daniel Petit: Madam Speaker, through you, here is what I have to say in response to my Liberal colleague.

Perhaps this bill was in fact introduced long before I arrived here. I was not here at the time. I have been a member of the Standing Committee on Justice and Human Rights since 2006, and have never seen this bill. But perhaps it was introduced in the past.

I would like the member to understand that in the past two and a half years—since I have been a member of this House, so nearly three years—all I have heard is this: “election, election, election”.

We have never been able to have a normal, four-year term. For a bill to pass, it must be introduced, debated and passed. It takes time. In many cases, bills do not survive. We have introduced nine bills, none of which have survived.

So I understand and I sympathize with my colleague. Perhaps the bill before us today does resemble something they introduced in 2005. I do not know. However, when we look at things over the past five years, there have been four elections. It is therefore impossible for a government, any government, to get anything done under those conditions.

Government Orders

•(1625)

[English]

Mr. Mark Holland (Ajax—Pickering, Lib.): Madam Speaker, I find that comment by the member opposite very curious. I will start my comments by saying that I think he has forgotten who caused the last election. It was in fact the Prime Minister who walked over to the Governor General's residence and precipitated the last election, therefore killing every bill on the order paper, including a bill dealing with this very matter which was introduced by the Liberal member for Notre-Dame-de-Grâce—Lachine. I find the member's comment curious that he is blaming the frequency of elections, every single one of which the Conservatives precipitated in the last two instances, and using that as an excuse for why this was not adopted.

A point that bears mentioning is that in 2005 the Liberal Party introduced the modernization of investigative techniques act, which is essentially the same bill that we are working with here today. With very minor modifications, it is essentially the same legislation, so why would it take four years essentially to deal with the same bill that we had written so many years ago?

The member talked about things like voice over Internet protocol in terms of changes to Internet service provisions. All of those things were present four years ago when that work was done, yet the government refused to introduce it. Even recently, when this was brought back, the decision that was made by the government was to bring it in at the end of the last session. It was in the last week immediately leading up to the summer recess when suddenly this was a priority put on the order paper. It languished there for months and months and now the government is bringing it back. And the Conservatives have the audacity to try to talk about us delaying bills. The Conservatives themselves have had their crime bills sitting on the order paper, not only for months but in some instances for years, only to bring them back when they are a hit politically.

What they do is when there is a scandal, the most recent one being the cheque scandal, they decide to resurrect their crime bills that they have been ignoring for months on end. Suddenly it is an imperative national priority to deal with whatever particular crime bill they put on the table at that particular moment, when we all know that the real objective is to change the political channel away from whatever political troubles they are having. In this particular instance, it is the cheque fiasco. As this bill has been ignored and ignored and left to languish and we have been calling again and again for it to be dealt with, we can know that is essentially what their strategy is.

Now they have come to this bill and said that it is important to deal with it but only after we have been pushing for it for four years. I hope something does not distract them and we do not find this bill suddenly being lost yet again.

It is important to mention that the bill we have been advocating for the last four years is badly needed by police. Technology has changed and evolved in many different ways. While criminals have evolved with it, our legislation simply has not. For the last number of years while the Conservatives have been sitting on this, whether the criminals are involved in cyber fraud or are using technology like BlackBerries in the commission of crimes, to which the police cannot get access, the criminals have had a huge advantage against the law enforcement agencies.

One of the areas in which they have had a great advantage is in their anonymity. People are able to do things on line and police are not able to uncover who exactly they are, even if they know they are committing acts of a criminal nature. Police have been calling on us for years to change that and only now are the Conservatives bringing something forward to do something about it.

I have had many conversations with police, not just about things that were mentioned by the hon. member, but about other things, such as child pornography. Obviously child pornography is a deep concern and we want to root that out and give police every tool to be able to go after those individuals. I have also spoken with the police about instances where a criminal is known to have a particular phone and his whereabouts cannot be ascertained. The police want to be able to use the GPS tracking device in that device in order to figure out where the individual is. The current laws do not allow the police to do that.

I was talking to the chief of police in Calgary who was expressing deep frustration at the number of dial-a-dope operations. Individuals are using cell phones almost like a pizza service to deliver drugs to people's doors. When the police find these cell phones they are unable to access them because of the encryption software. The maker of the device is under no obligation to help open it up to reveal all of the phone numbers and the client base. It is a crime that is almost impossible to catch someone doing because it is locked behind that wall of encryption. That has been going on for years and the Conservatives have been refusing to give the police the tools they need to deal with it, even though solutions are present.

•(1630)

At the same time, it is important to mention that one of the things we are going to have to look at and study in committee is to ensure that there is balance. A number of people have expressed concerns that a law of this nature could be misused to allow access into people's searching history and people's personal messages or could be used maliciously by somebody to gain access to people's Internet search records and history. We have to ensure that balance exists. We have to protect individual rights to protect people's freedom to do what they want without somebody being able to go through willy-nilly, without warrant, their information. At the same time, we have to provide police with the opportunities to chase those individuals who we have reasonable grounds to believe have committed a crime.

It is worth mentioning as we talk about this bill, that the Conservative approach to crime is, I think, in general, disingenuous. We listened all day today to speeches by members about how the Liberal Party had held up a variety of bills. Of course, factually, that is entirely incorrect.

If we were to talk about the Liberal Party record in this session of Parliament in terms of bills that we have supported and helped to accelerate, I can list the following: Bill C-2, which was an omnibus bill which included provisions from Bill C-10, Bill C-32, Bill C-35, Bill C-27, and Bill C-22; Bill C-14; Bill C-15; Bill C-25; and Bill C-26. It is important to mention that in every instance we tried to get those bills accelerated and pushed forward.

Government Orders

That does not stop the Conservatives from talking about other parties holding up their crime bills. The problem is the facts do not match their rhetoric. In this specific instance and many others, the reality is the exact opposite of what they have said. In many instances, the Conservative crime bills have been languishing on the order paper, forgotten. They are sitting there waiting to be implemented. The Conservatives are not waiting for the right time for the public interest, not waiting for the right time to ensure there is adequate information to get the bills passed, but they are waiting for the right political moment to put the bills forward to try to turn the political channel.

If that were not bad enough, the other reality is that they are fundamentally letting down the Canadian public by only offering one solution to crime, and that solution invariably is to lock up people.

I do not have any problem with the notion of tough sentences. We have to have harsh, stiff sentences for people who commit serious crimes. However, if tough sentences were the only answer, then places like Houston, Dallas, Los Angeles, and Detroit would be some of the safest cities in North America. In fact, we know the opposite to be true.

The reality is that places with the stiffest sentences are more often than not some of the most dangerous cities in North America. Why? The Americans are being crushed under the weight of their own correctional system. They are literally in a position where there are so many people pouring into the prisons that they cannot possibly keep up with the costs of building all of the prisons, let alone the programs and services to ensure that people do not repeat offend. In fact, in California the situation has become so bad that its rate of recidivism is now 70%. They are creating crime factories. People go in for a minor crime and come out as a major criminal. It is like putting in a butter knife and getting out a machine gun.

That is the strategy the Conservatives are trying to bring here: a failed Republican strategy in dealing with crime that we know as a fact does not work. They are trying to apply it here to change the channel, to use it as a political game changer. If they are in trouble with the cheque fiasco, they talk about locking up people longer. If they are in trouble because a minister is caught in a fiscal indiscretion, they talk about locking people up longer. That is what they do.

I think most of them, I would hope most of them, realize that it is a disastrous strategy, that it leads to less safe communities, that it leads to billions of dollars in additional costs, and that it is exactly following down the road that even Republican governors say was a huge mistake to walk down. If anyone doubts that, I will point quickly to what has happened specifically with incarceration in the United States compared with Canada.

• (1635)

In 1981, before the United States began a similar agenda on which the Conservatives are now embarking, locking people up longer and longer, the gap between the rate of incarceration in Canada and the U.S. was much narrower. In Canada, 91 per 100,000 people were incarcerated, while the figure in the United States was 243 for every 100,000 people.

By 2001, Canada's rate had grown only slightly in terms of the number of people who were incarcerated, to 101 incarcerated for every 100,000 people, while in the United States that rate had soared to 689 for every 100,000, a rate almost 700% higher than that in Canada. In that same period of time, Canada and the U.S. had the same decline in their overall rate of crime. Imagine that.

The United States' rate of incarceration went up 500% over ours, and yet over that same period of time we had the identical reduction in the amount of crime. The only difference was that 500% more individuals were being incarcerated per 100,000 people, and it cost billions of dollars more.

In fact, if we continue to follow this model suggested by the Conservatives and we extrapolate to the same path that the Republicans took the United States, where they put them right to the brink, we are talking about roughly \$9 billion a year in additional costs to have the same rate of incarceration.

As for the difference for public safety, well, unfortunately, I wish I could say it just kept it the same, that the only impact of that was the loss of \$9 billion a year, but we all know that that \$9 billion a year has to come from somewhere. We have already seen where the Conservatives' priorities are on crime. Let us take a look at the crime prevention budget.

Since 2005 the crime prevention budget has been slashed by more than 50%. That is actual spending. At the same time as they are increasing sentences and chasing after a failed Republican model, the Conservatives are slashing the money that is given to crime prevention. It is crazy. Anybody who would look at it objectively would say that this is a path to disaster, and yet that is exactly the road they have decided to head down.

There are opportunities here to be smarter on crime, to listen to police, to talk to them about what the real solutions are, to invest in prevention, to invest in making sure people turn down the right path instead of the wrong one. I had the opportunity to go around with the former chief of police in Regina and see a neighbourhood which is designated as one of the most dangerous in Canada. He was able to show me a home that had no septic system, no heat and where the child in that home was going to school hungry. That same child predictably, just scant years later, could be committing his or her first crime by starting to get involved in drugs.

For more than 60% of our inmates, addiction is the root cause of the problem and yet they do not get help. They get thrown into prison and forgotten about, and they come out worse because the core problem was never addressed. In this case it would be an addiction problem that sent them there. They go in for a minor crime, usually break and enter, and they have an addiction. They go into a system that is not providing them any rehabilitation services, and they come out and commit worse crimes. So goes the cycle. It is a constant cycle of things getting continually ever worse.

Government Orders

When we look at our prison system and we ask where these criminals come from, not often enough do we take a hard look at that. Imagine. Sixty per cent of those in prison face addiction issues. Over 10% face serious mental health issues. Not only are our prisons turning into crime factories, but the Conservatives are trying to use them as hospitals, by sending people with serious mental health issues into prisons. The prisons are so ill-equipped to deal with them that they are putting them in solitary confinement. They are often released directly from solitary confinement into the general population, only to reoffend again. Whether it is the facilities in St. John's, Grandview or different facilities across the country, we see this time and time again.

The reality here is we have a bill that has been called for by police for years. The government is only now finally bringing it forward, after its having been on the table since 2005. It is trying to use crime as a political game changer, misrepresenting what crime is really about and how to stop it, and at the same time it is taking us down a path that has been tried and failed before in the United States.

We need to do better than this. We need to be honest on crime and offer real solutions.

• (1640)

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Madam Speaker, I was listening to my colleague across the way and I have a couple of questions for him.

Number one, the past Liberal government clearly showed that criminals' rights meant a lot more than victims' rights. I wonder if his views have changed on that in any way. I hope they have towards the positive.

The other thing is I know most of us in this chamber know or are related to somebody in the policing business. I have a brother-in-law and lots of friends who are police officers. The one thing I hear constantly from policemen is that they work hard to make a case against a criminal; they go to court, and it is like pulling teeth to get someone convicted. They have to make sure all the *r*'s are dotted and the *t*'s are crossed. They do all this work and if they are fortunate, the criminal is put where he should be, behind bars, but then our system allows him to be out on the street in no time. I hear time and time again about the low morale in police forces.

Does the hon. member think he can address that problem? He has to have heard the same thing I have.

Mr. Mark Holland: Madam Speaker, the problem is that my interests are in preventing a victim in the first place. Focusing only on punishing people who commit crimes is a model that has been tried and failed. We could look at it in Texas or in California, where the governor is saying that the system is collapsing under its own weight, and it is such a disastrous failure that they do not even know how to get back to where they were before they implemented the disastrous policies the government now has.

The reality is that wherever possible, we have to stop that crime from happening in the first place. When I talk, for example, about addictions, let us think about that number: 60% of prisoners are facing serious addiction issues.

I was on the Durham Regional Police Services Board. I had the opportunity to work with police officers every single day, and to talk

with them about what the root causes of crime are. The root causes of crime come down more often than not to addiction problems. More often than not they come to socio-economic issues and socio-economic problems. We are creating crime factories, both in our prisons and in our communities. We are sending people down a path that of course does not guarantee crime. However, when somebody is born in a ghetto in Detroit, there is a chance they will get out, but if they have no hope, if they have hope stripped away from them, if they have no opportunity for a good education, if their only role models, the people who break through, are drug lords, the chances the person will be a criminal are pretty darned high. I say we need to shut down the crime factories and stop the crimes from happening in the first place.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, I see that the debate has gone off on a small tangent, but since we have gone there, I think that this bill will have to be very carefully examined. In any case, after listening to the previous speaker, with whom we obviously share a number of opinions, I have an additional question for him.

Considering everything that he believes, how can he agree to support the current government, which wants to take away a tool judges often use to avoid putting first-time offenders through the criminal process? I am talking about conditional sentences. When a judge felt that prison could be a valid option, these sentences made it possible for the judge to nevertheless impose conditions on that individual at home, allowing the offender to continue to work, raise a family, go to school, and to stay out of that place where crime prevails: prison.

How can he support the government on such a crazy initiative?

• (1645)

[*English*]

Mr. Mark Holland: Madam Speaker, I thank the hon. member for his question. It is a bit tangential but it is an important question.

Let us make no mistake about it. We believe that when somebody has committed a serious crime, there should be a sentence that reflects that. We have no problem with the notion that there are certain areas where it is important to remove judicial discretion because the nature of the crimes is serious enough to warrant sentences that reflect that. We support that notion and have no problem with it.

The problem I have is that the current government is slashing funding for crime prevention. It is slashing money and not investing in the things that reduce recidivism. Right now our rate of recidivism in Canada is 36%. If we continue along the route we are on, we only need to look at California to see where it will end. It has a recidivism rate, the rate at which people reoffend, of 70%.

There is nothing wrong with giving tough sentences. The problem is that if doing so is the only solution, it becomes a total disaster.

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The focus has to be on stopping crime before it happens. That has to be our first priority, and there are 1,000 ways to do that before it gets to the point where somebody commits the type of offence that is so serious that we have to remove judicial discretion in order to send out the right message about the severity of that crime.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I thank my colleague from Ajax—Pickering for a very clear and lucid presentation.

I am just wondering if my colleague would consider that perhaps he is being a little too hard on the Conservative government. Perhaps some of what he outlined could be, as seen through the Conservative government's own kind of warped world view, a form of national housing strategy. Just as the Americans have tried to lock up an entire generation of young black men, the Conservative government seems hell-bent and determined to follow that folly and lock up a whole generation of young aboriginal men and women.

I would like to put on the record a statistic I recently read in a book by Pierre Berton. The book was about 1967, the last time Canada was happy. At that time, 100% of the inmates in the women's penitentiary in Kingston were aboriginal women. Every single inmate was an aboriginal woman.

I wonder if perhaps my colleague wants to reconsider his remarks and entertain the notion that perhaps this is the Conservative government's concept of a national housing strategy, to lock up a generation of young aboriginal people, given their overrepresentation in the penal system.

Mr. Mark Holland: Madam Speaker, I think I will leave that matter. I think probably the best way to respond to it is just to leave that.

Of course I am very concerned with the high proportion of aboriginals who are there, but I think the characterization by the member is not right, and I will not respond.

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Hull—Aylmer, Automotive Industry; the hon. member for Don Valley West, Public Transit.

Resuming debate. The hon. member for Marc-Aurèle-Fortin.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, the bill we are studying has a title that does not at all describe what it is about. It has various objectives that all have to do not so much with cybercrime, because it likely would have been given that sort of name, but with the use of not only computers, but virtual means of communication to help the police fight criminals who use these means.

The bill deals with a number of subjects. It includes amendments to the Criminal Code and several other laws. It is a complicated bill, with 72 pages but only 45 clauses. It has many explanatory notes, and some clauses are several pages in length. Consequently, it is a very long bill, and it is very late in coming. Once again, God knows that it was not the opposition that delayed the government's bill. The current government bears full responsibility for the recent delays.

This bill originated with the convention on cybercrime that was signed in 2002 following lengthy negotiations that had begun in the 1990s. The convention was drafted by the Council of Europe with the active involvement of Canada, the United States, Japan and South Africa. It is clear that in the mid-1990s, countries were well aware that criminal organizations were making extensive use of the new means of communication. Telegraph, mail and long-distance calls were things of the past, because criminals were using modern means of communication. In addition, new types of crimes were being committed on the web.

Obviously, we think mainly of child pornography, but also of all kinds of fraud. The horrible consequences of identity or information theft were also talked about. Moreover, they came up again last week when a new bill was introduced. In 1995, it was already clear that developed countries needed to enter into agreements to help each other fight such crimes and prosecute major criminal organizations. Wiretapping was agreed to with some reluctance. As we will see a bit later, the guidelines for wiretapping were much better than the guidelines the government wants to give the police under this bill for using these new means of communication.

Nonetheless, without wiretapping today, I do not think we could have penetrated major organized crime groups the way we did with the Hells Angels and the way we do with the mafia, whose structure is more fluid. It would have been difficult to penetrate major organized crime groups in general without the use of wiretapping.

All these countries felt that the police needed updated methods, but with limits on how much police action was necessary.

• (1650)

We do not want the government to control the web, the way China does, since the web was originally designed as a tool for scientists to allow them to communicate freely amongst themselves. However, those who used it for unlawful purposes needed to be stopped and caught.

The convention on cybercrime had little impact until 2001. We all know what happened on September 11, 2001. People again began to take an interest in electronic technology as well as the need to fight organized criminals that might be operating in a number of different countries using modern communication devices.

The person who spoke before me said that this type of bill had already been introduced in 2005 and that this was not new. I have not yet compared the current bill to the one from 2005. On the face of it, there does not seem to be much difference except for some changes to account for the evolution of the technology over the past few years. Why did the government not introduce this sooner? However better late than never. Since the government is introducing this bill, it can count on our cooperation for a serious study of it.

Government Orders

A serious study. That means that we start with the conviction that this legislation is needed to fight modern criminal organizations that may use these technologies and to fight new types of crimes made possible by modern communications. But we must also ensure that we do no more than is necessary. We have to strike a balance. The government speaks a great deal about this balance with respect to the protection of personal information. They talk about the protection of fundamental rights; however, in this case, we are dealing more specifically with personal information. Unfortunately, in other legislation, this objective was reflected more in the government's speeches than in specific measures proposed, with the ever-present tendency of increasing powers.

Organizations that defend human rights, in this case the right to privacy and confidentiality of communications, have raised a number of points that must be examined when we study this bill. It is difficult work that, of necessity, will take some time. The bill itself is long and has many complex provisions. By the way, this may be just the thing for those who suffer from insomnia. This type of legislation can easily put you to sleep. Moreover, the impact of certain provisions on others is difficult to gauge.

We want to take the time to thoroughly study the bill, examine all aspects and hear from police organizations, among others, although I have the impression that the government has probably heard a lot about it from them. I, too, have heard many things from police forces. Organizations concerned with protecting human rights have also undertaken the arduous task of studying this bill. They must be heard. They must be given, as must we, the time to reflect and to ensure that this legislation really does strike a balance.

• (1655)

The provisions of this bill will make it possible to track an individual's movements wherever they go. The provisions will make it possible, on mere suspicion, to access all of an individual's online communications, or information about each time they use a computer or the Internet. Someone will be able to see what certain people do, what they like, what they read, what they want to read, who they are in contact with.

In fact, modern methods allow the government to go beyond the possibilities in futuristic novels that scared us so much, like *1984* or the many other novels that described a future filled with totalitarian regimes.

I hope that the government will understand that the reason we want to carefully examine this bill is not because we are defending the rights of criminals, as the government side keeps senselessly claiming. We are not defending the rights of criminals. We are defending the rights of all individuals, even when they have been accused of a crime.

I think that the Canadian public as a whole expects us to do this. About 20 or 25 years ago, I remember that some cases at the Supreme Court foresaw that technology could make it possible to monitor a person's life, which I almost thought sounded like something out of a fantasy novel. I must say that these judges, who were much older than I was at the time, had a vision of the future that seems to be coming true.

We will have to pay very close attention to the system that gives the police certain permissions—the system of warrants—and to the justifications that will have to be provided in order to penetrate an individual's personal life so deeply. We need to ask ourselves if it is really worth it.

Something like this worries me about the current government. I see that they still plan on reinstating some provisions. In the Anti-Terrorism Act, some provisions were deemed to be so drastic that they would be re-examined in five years. That was done. We suggested that they be abolished. The previous Parliament refused to reinstate them, but this government still wants to go back to it.

In other words, what concerns me is that when this government talks about a balance between individual rights and the necessary powers of state, it always thinks more about the powers of state. We should therefore be entitled to expect that there will be—and I hope there will this time—productive discussions, and that those who want to defend individual rights, those with questions about the scope of police powers, will not again be treated as though they are defending the rights of criminals, when that is not what we are trying to do.

Indeed, they need to clearly understand what we are trying to do. I think they really do understand, but they prefer to pretend that they do not. One thing is certain: as long as we continue seeing crime bills modelled on the American example in recent years, we will oppose them, because we know that that is not the right approach.

The member who spoke before me gave some figures that confirm the trends I have noticed.

• (1700)

It depends somewhat on what years we look at, but the trend is always the same. The United States currently has the highest incarceration rate in the world. It is a democratic country. Does it also have the lowest crime rates? Not at all. It also has one of the highest homicide rates, that is, three and a half times higher than Canada and, I might add, five times higher than Quebec. Quebec, like some of the maritime provinces, has focused more on rehabilitating young offenders, and its police officers also have a different attitude. Instead of always promoting force and the use of force, they have focused more on developing community police forces that are involved in their communities, that dedicate much of their resources and energy to prevention. I would not say they dedicate as much energy, because when you are the only one responsible for preventing crime, it takes a great deal of energy. Indeed, we note that these provinces have lower homicide rates than those who do not seem to care as much about prevention.

As long as the Conservatives keep on aping the Americans and introducing minimum sentences left, right and centre in bills, a model that does not work and that 22 states are currently backing away from, we will keep on raising objections.

Government Orders

Moreover, I know why they have introduced their “get tough on crime” provisions and minimum sentences. It is because such measures are popular, but the Conservatives should remember that there have been great leaders of the Conservative Party. The fact that I have questioned him harshly does not mean that I do not respect Brian Mulroney's great qualities and what he did. In his speech celebrating the 25th anniversary of his coming to power, he said something that struck me. He said that just because something is popular doesn't mean it is right. He said that government should not make policies just to please people, but that it had to have a vision that sometimes went beyond popular opinion. Politicians had to take measures that gave their vision life, because when one is in government, one knows things that ordinary people do not.

The Conservatives do not seem to realize that there is a science that allows us to measure the impact of criminal actions. That science is criminology. The government's only justification right now for proposing new legislation with minimum sentences is that it is listening to the people. The only thing that matters to them is their popularity.

I do not think that is the right approach. In matters of health we would not say we will take a certain measure because it is popular or, since most people do not believe in the vaccine, we will not have a vaccine. In health, we rely on science. Relying on science in matters of crime means relying on criminology. Criminology is not one of the hard sciences, no more than psychology. However, just because it is not a hard science does not mean it is not a science, that it does not have solutions to our problems, or that it cannot judge some solutions to be better than others.

As long as the Conservatives introduce legislation like this, which responds to a real need, they can count on our support and our help to improve it.

• (1705)

Mr. Guy André (Berthier—Maskinongé, BQ): Madam Speaker, I would like to congratulate my colleague on his excellent speech that touched on cybercrime. We will support this bill because it strengthens a number of police powers, thus facilitating investigation. I would like my colleague to talk about prevention. We hear about cybercrime and cyberbullying. Thanks to a new means of communication, the Internet, people are committing all kinds of economic crimes and crimes against children. This medium is relatively new to many of us. It has not even been around for 100 years. We have been using it for about 20 years.

Does he believe that people, children and adults alike, are sufficiently informed to protect themselves from the kinds of crimes that can be committed via the Internet? Are there other preventive actions the government and the House can take to better protect people?

• (1710)

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, there are two perspectives to consider. The first is the public perspective and the second is the family perspective. Of course parents have to be aware of what their children and teenagers are looking at. They may not always succeed, but I think that families should talk about what their kids are learning.

The public perspective is similar. Early on, crimes committed via the Internet were never punished because they were never discovered. That is why we need surveillance measures. I myself have often proposed setting up on-line reporting sites for people to report child pornography. We need measures like that, but that is not really what we are talking about here. We are talking about the fact that law enforcement personnel need to be able to get inside these new technologies to track the criminals who use them and possibly prevent crimes.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, one of the things I wish to advise my colleague is that for many years there was a bill before the House of Commons on child Internet pornography. It was first introduced in 1995 by Mr. Chris Axworthy, who was a long-time member of Parliament and became the attorney general of Saskatchewan.

The government was asked to introduce legislation through this bill or any bill it wished that would make ISP providers partially responsible to monitor their sites and when they noticed any that may have child pornography, they would be required to report it to the authorities. That is basically the bill in a nutshell, as well as certain amounts of time offenders would have to serve.

Child Internet pornography, in my own personal view, is one of the most despicable crimes perpetrated upon unsuspecting children. I have worked with OPP and RCMP officials on this and when I speak with them, they get quite emotional and concerned when they speak about what they have seen on these sites.

As a Parliament we need to do everything we possibly can in order to ensure that we mitigate, reduce and eventually stop this action. I know people are concerned about privacy rights. In fact, most ISP providers I have spoken to do not like me very much because of the fact that a bill such as this would force them to be partially responsible to monitor their sites.

I would like to ask the hon. member, who I know is an extremely intelligent and well-versed person on justice issues, not just in Quebec but in Canada, what does he think about asking ISP providers to be partially responsible, through legislation, to ensure that any pornography on websites can and will be reported to the authorities so they can do their job properly?

[*Translation*]

Mr. Serge Ménard: Madam Speaker, that is certainly the type of solution legislators come up with. We think that such matters can be solved with laws. However, I doubt that those working in the computer field and ISP providers are qualified to spend long hours poring over these sites.

That is why I have always called for reporting sites, among other things. Such sites are useful not only in cases of pornography but also in those involving potential killers. I am thinking of the horrible events at Dawson College, in Montreal, where young Anastasia was murdered. In the days that followed, some people contacted the police to report a certain site. The police arrested three or four people.

I truly believe that people know that they are doing something illegal. We could draft another bill to tell them that it is illegal, but we have to provide the tools to deal with them. I believe the best way is to use hackers, those who like to go from one site to another on the Internet. They have to be informed that they can contact the police if they stumble across a child pornography site or the site of a gun-crazed maniac, which could foreshadow a massacre. Although I have been told by the Sûreté du Québec that they have officers to respond to such complaints, I have never known the government do this with the RCMP or other forces.

Our objective is to identify the best solutions. At times, it may be legislation, but quite often it is also the enforcement of the legislation, the actual police work.

• (1715)

[English]

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Madam Speaker, I am proud to rise in the House today to speak about the important piece of legislation which updates criminal offences for the new technological environment and gives police officers the tools to conduct their investigations in a world which has moved beyond old-fashioned telephone calls and snail mail.

The world is changing and so is the way we communicate. It used to be that we could find a pay phone on every city block. That seems quaint to us now. Now we just reach into our pockets or our purses for our cellphones and make our calls on the spot. It used to be we could send a letter to a friend in England or other parts of the world, and it would take days or weeks to get there. Now we can turn our computers on and send a message in a matter of seconds. We can do it while we are in a coffee shop or while we are walking down the street or even in the House of Commons.

The world is changing in other ways, too. We do not have to go to a store anymore to buy a new pair of shoes. We can sit in our living rooms and buy them online from a store in Paris. When we want to do research on World War II, we can haul out our old dusty encyclopedias or we can look it up on the Internet. We can look at whole books online. Even if people prefer to go into the library to pull a book off the shelf, they will probably look it up on a computerized card catalogue first.

Not only are the new technologies useful and efficient, but they are also unavoidable. They are present in every aspect of our lives. It is clear that criminals are taking advantage of the new technologies as much as anyone else. They use these technologies to facilitate their criminal activities.

Criminals use email and websites to distribute child pornography. Members of organized crime use mobile phones to plan their drug deals. Hackers can access bank records by electronically spying on computer activity.

New technologies give rise to new crimes and they provide new ways of committing old crimes. They create key evidence of crimes, old and new. Most importantly, for the bill before us, they create new electronic forms of evidence.

So, it is obvious that police officers need a way to obtain this evidence to do their jobs. They could be stuck in a telephone world

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while criminals operate on the Internet. That is why the Minister of Justice tabled Bill C-46, the investigative powers for the 21st century act on June 18.

We need the legislation to give police officers the tools they need to investigate crimes, whether they are facilitated with a traditional land-line telephone or a laptop. We need the legislation to give them the tools they need to collect evidence no matter what form it takes. We need legislation to prevent the Criminal Code from lagging behind the criminals. We need the legislation to ensure that our investigative techniques are as modern as the crimes they are investigating.

I am pleased to say that Bill C-46 does exactly that. Let me say a little bit more about Bill C-46. This bill does a few different things, some of the most extensive changes found in this bill are the Criminal Code amendments. Some of these amendments create new offences. For instance, the bill criminalizes certain forms of child sexual exploitation facilitated by the Internet.

There are also updates to some existing offences to ensure, for instance, that crimes traditionally committed using regular mail will now be punishable if they were committed using email. Finally, the bill creates and updates investigative powers to ensure that the tools available to police can meet the requirements of modern investigations.

I will talk more about these Criminal Code amendments in a few minutes. Before I get into that, I would like to briefly address the other legislation amended in Bill C-46.

Bill C-46 will also update the Mutual Legal Assistance in Criminal Matters Act to allow us to co-operate with global partners more effectively in the fight against cyber crime and other crimes that exploit modern technologies. These changes will ensure that Canada's treaty partners have access to new investigative tools in the Criminal Code.

The Competition Act would also be amended to ensure some of the important investigative tools created in this legislation are available to its investigations under that act.

• (1720)

One of my colleagues will go more into detail about some of these amendments when I am finished. Right now, I would like to tell members a bit more about the Criminal Code amendments themselves. As I mentioned, some of the amendments update the offences in the code, while some of them update investigative powers.

I will begin by telling members some of the important changes we have made in the area of child sexual exploitation.

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The first one is communication for sexual offences against a child. Bill C-46 would create a new offence prohibiting people from using the Internet or another method of telecommunication to make arrangements with another person to sexually exploit a child or to agree to such arrangements. An offence of communicating with a child in order to communicate a sexual offence against that child was adopted in 2002. The police have found this offence to be a good tool in the fight against sexual exploitation.

However, concerns have been raised about this provision not going far enough to tackling this very pressing issue. Therefore, the proposed offence would add to what we already have by prohibiting communications between adults for the purpose of facilitating child sexual exploitation. This improvement would help police in conducting undercover investigations of child sexual exploitation crimes. A person convicted under this provision would face up to 10 years of imprisonment.

The next amendment concerns false information, indecent communications and harassing communications. As I mentioned, the Criminal Code would also be updated to ensure that new technologies are reflected in a number of existing offences. For instance, the crimes of false information, indecent communications and harassing communications were previously recognized only when committed using old technologies, such as the telephone and telegraph. Now, these crimes would be punishable when committed using email, text messaging and any number of other mediums.

These amendments would be useful in the fight against cyber bullying, an issue that has become particularly worrisome of late. Cyber bullying is 21st century bullying. It is bullying using email, text messages or posting threats and defamatory messages on websites. It is an issue that has affected many Canadians, school children and teachers. Although the Criminal Code currently contains many useful provisions for fighting cyber bullying at its worst, these amendments would provide incremental tools for those situations that the Code does not quite reach yet.

Those are just two examples of the kinds of updates we have made to our Criminal Code offences, but new technologies affect the criminal law in many different ways.

Many traditional crimes often leave evidence in electronic form. The police must be able to capture this evidence in order to complete their investigations. Therefore, we have created a series of new investigative powers to deal with the aspect of changing technology. These powers are designed to target electronic evidence, yet tailored to ensure minimal intrusions on privacy and civil liberties.

Preservation demands the preservation orders. Two of the tools we have included in our package are the preservation demand and the preservation order. These would require the person subject to the demand or order to preserve a specific set of data long enough for police officers to get a warrant or court order to obtain the data. I would like to emphasize that preservation should not be confused with the types of data retention schemes we see in Europe and elsewhere.

This bill does not require Internet service providers, or ISPs, to collect everyone's information and keep it on hand indefinitely—

• (1725)

[*Translation*]

SUSPENSION OF SITTING

The Acting Speaker (Ms. Denise Savoie): I am sorry to have to interrupt the hon. member.

Apparently the translation is not working for those who are listening to the French. We will therefore suspend the sitting for a minute or two to restart the interpretation system.

(The sitting of the House was suspended at 5:26 p.m.)

• (1735)

[*English*]

SITTING RESUMED

(The House resumed at 5:40 p.m.)

The Acting Speaker (Ms. Denise Savoie): I will speak in English just to check if the system is working. The translation is coming through.

[*Translation*]

Can everyone hear me in both languages?

All right.

[*English*]

Resuming debate. The hon. member for Desnethé—Mississippi—Churchill has 10 minutes left.

• (1740)

Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC): Madam Speaker, what a preservation demand or order would do is require a person or business that is not the target of the investigation to preserve and prescribe a set of computer data for a limited amount of time in order to conduct a specific investigation.

We might want to think of this as a do not delete order because it is simply asking that the person preserve or save information already in their possession when a demand or order is made for a short period of time. This kind of tool is vital for our ability to conduct effective investigations in an age where crucial evidence can be deleted with a stroke of a key.

The Acting Speaker (Mr. Barry Devolin): Order, please. Some confusion remains with the sound system. I understand that when we are speaking English, the French translation is working.

[*Translation*]

When I speak French, is there an English translation?

It seems to be working.

[*English*]

I apologize to the member for Desnethé—Mississippi—Churchill River. Once again, please continue.

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Mr. Rob Clarke: Mr. Speaker, the preservation demand and the preservation order would provide police with enough time to go to a judge and get the warrants or orders they need to obtain this evidence. They can do this without fear that the highly volatile data they need will be lost or deleted, either inadvertently or in the manner of regular business practice during the sometimes long periods it takes to obtain a warrant or production order for that data.

Also, as I have mentioned before, we have built important privacy safeguards into these powers to ensure an appropriate balance is struck between providing for the safety and security of all Canadians in ensuring that their rights and liberties are respected.

Although a court order is not required for the preservation demand, the duration of the demand is limited to 21 days. This means that if a police officer does not get a court order or a warrant for the preserved data before the demand expires, the data will simply be deleted. The data will not be provided to the police without a court order or warrant.

The police can also obtain a preservation order from a judge or justice. The order will give them up to 90 days to get a production order or warrant to obtain the data that has been preserved. Again, if they do not get the production order or warrant by the time the preservation order expires, the person in possession of the preserved data is required to destroy it unless his or her business practices otherwise require that it be retained.

What this means is that specific data will be preserved only for a limited time period for the purpose of an investigation. Data that would not otherwise be kept by the businesses would be destroyed as soon as it is no longer needed for an investigation. This safeguard is an example of our efforts to respect the privacy of rights throughout the bill and is consistent with Canadian privacy law.

We have also updated the production order regime to tailor it to the needs of modern investigations. A production order is a judicial order that requires third parties to provide police with documents containing certain data in connection with an investigation we currently have to production orders in the Criminal Code.

There is production—

SUSPENSION OF SITTING

The Acting Speaker (Mr. Barry Devolin): Order, please. The technical problems continue with the translation so we will need to suspend again. If the system is fixed in the next few moments, we will continue. If we are unable to repair the system, we will suspend until 6:30, at which time the votes will be taken and we will do that in both languages manually here on the floor.

We will suspend again, resuming once the problem is fixed or resuming at 6:30 for the vote.

(The sitting of the House was suspended at 5:45 p.m.)

• (1755)

SITTING RESUMED

(The House resumed at 5:59 p.m.)

The Acting Speaker (Mr. Barry Devolin): Order, please. Colleagues, it is my understanding that the sound system is functional now. It is my understanding that the translation is

working from English to French. Is the translation coming through in French?

• (1800)

[*Translation*]

Is there an English translation when I speak French? Very good.

[*English*]

Colleagues, it is my understanding that half of the microphones are now working, every other microphone. It is my understanding that this will be sufficient for us to proceed and it is also my understanding that the translation is working in both English and French. We will give this one more try. If it works, then we will proceed until 6:30, when the vote will be taken as scheduled. This is the last try. If this does not work, we will suspend and we will then wait until 6:30, when we will still proceed with the vote, doing the translation manually.

With that, I give the floor to the hon. member for Desnethé—Mississippi—Churchill River.

Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC): Mr. Speaker, I hope that I have not set the record for the longest 20 minute speech in parliamentary history. I will keep on going.

We currently have two production orders in the Criminal Code. There is a production order for financial information as well as a general production order for any other types of data that might be needed in furtherance of an investigation. In this bill, we have created more specific production orders for more specific types of data. This will allow police officers to target exactly what they are looking for in an investigation with tools designed to reflect the expectation of privacy associated with the data being sought.

We like to call this kind of tailoring privacy with precision. Instead of using one big hammer to hit every size of nail, we are providing several hammers that are precisely suited for specific types of nails. In addition to the two production orders that we currently have, we are proposing to create production orders for the transmission of data and tracking of data. We will address these concepts in more depth in just a few moments.

We have included a production order to trace specified communications, which is a really interesting tool because it allows police to trace the origin of a communication that may have gone through several different service providers. It is a very current tool that addresses the complexity of modern communications.

We have made some changes to the powers of the Criminal Code that will make investigations more effective while taking into account people's rights to privacy. One of these changes has to do with tracking warrants. Police have been able to get tracking warrants for over 15 years now. As one can imagine, technology has changed a lot in that time.

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Where we were once able to track people with only a moderate amount of accuracy, there are now technologies that exist that can track objects or people much more closely. We are proposing to increase the threshold necessary to get a tracking warrant in situations where one is going to be able to track people more closely. This means that now, when police officers apply to the judge or justice for a warrant to do this more continuous and accurate type of tracking, they will have to meet a stronger test to convince the judge that the tracking warrant is needed.

However, the existing lower threshold warrant will also be retained to allow police to obtain less privacy-invasive tracking information. Specifically, police will continue to be able to obtain information related to the tracking of objects, vehicles and transactions at the current lower level. This dual approach will allow police to retain the efficiency of the lower threshold warrant while increasing the privacy protections in situations where there are greater privacy interests at play.

We have also updated what is currently called the dial number recorder warrant. The name in itself should explain why this tool needs to be updated. When we think of dialing, we think of old analog-type telephones, but people do not communicate with these types of telephones anymore. We communicate with cellphones, text messaging, email and numerous other methods that are emerging faster than I can keep track.

We need to be able to capture the routing information that these new technologies produce. The transmission data recorder warrant would allow us to do just that. Where we could previously get the phone number that someone was dialing, we would now be able to get parallel updated forms of communication and destination information like email addresses as well. The warrant would provide for a much needed update with respect to new technology, since technology has moved well beyond simple telephone dialing.

I want to emphasize that we would not be getting the content of people's emails, text messages or phone calls under this warrant. We would not even be able to get the subject line of the email. We have other provisions in the Criminal Code to deal with access to the content of private communications and this bill does not affect those processes.

This bill allows police officers to get information about where a communication is coming from or where it is going, but that is the only information they are getting with this warrant. We have taken privacy very seriously in creating this legislation. There is nothing in this bill that would allow police to obtain information without a current court order or authorization. There are important privacy safeguards built into the preservation demand and the preservation order. Each investigative power has been carefully tailored to reflect the expectation of privacy associated with it.

• (1805)

Before I conclude, I would like to take a minute to discuss the global nature of many of these issues and the importance of ratifying the Council of Europe Convention on Cybercrime and its additional protocol on xenophobia and racism.

As I mentioned before, it is clear that technologies like cellphones and the Internet have had a huge effect on our lives. We also know

that these technologies have, in a sense, made the world a much smaller place. Thanks to the Internet, it has become possible to commit a crime in Japan while sitting comfortably in an armchair in Sarnia.

The international community started thinking about these issues relating to computer crime back in the mid-1980s when personal computers started appearing in people's homes. Since then, the use of the Internet has become widespread, once again changing the rules of the game. The international community has been studying the challenges posed by these developments and working on solutions.

I am pleased to say that this bill would allow us to ratify the Council of Europe Convention on Cybercrime and its additional protocol on xenophobia and racism, which are the only existing instruments at the international level to combat computer-related crime. Ratification of this convention would allow us to co-operate with other signatory countries in the investigation of cybercrimes when, for instance, a Canadian falls victim to a crime committed in France. The convention would also help us access evidence that, due to the nature of Internet technology, can actually be found on a different continent.

Again, one of my hon. colleagues will tell the House a little more about the convention in a few minutes, but for now I would like to leave everyone with a few thoughts.

We have created an effective and efficient set of tools, which will allow police to conduct complex investigations in a modern world. As we know, this government is committed to combating crime in all its forms. We have also been particularly active in the fight against organized crime and the sexual exploitation of children. Bill C-46 is an important contribution to all of these battles.

We conducted extensive consultations when creating these amendments with all kinds of people and organizations. We heard from privacy advocates, police, industry, and regular folks who really care about the safety of their communities, as well as the protection of their rights. With their input, we have created legislation that achieves the right balance between promoting Canada's safety and security, and protecting the rights of Canadians.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I would like to begin my question with a little background by saying that I have always been inspired and very interested in speeches in the House where people draw upon their previous experience before arriving here. Many people bring compassion and some very reasoned arguments as a result of their previous experience.

I thought one of the interesting parts of the member's speech was about cyberbullying, which is close to my heart because in this century, certainly with the advent of technology and social networking on the Internet, that is a very pertinent issue.

I would like the hon. member to draw upon his previous experience as a front line officer, as he has in his speech, and perhaps provide the House with an example of why this bill is needed now.

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Mr. Rob Clarke: Mr. Speaker, I served in the RCMP for the better part of 18 years and was stationed throughout Saskatchewan. As technology evolves, so do policing techniques and investigations.

When I first started in the RCMP, we did not have the technology of computers as we do today. As technology has evolved, I have seen a different type of bullying coming across policemen's desks. At first, we would get a phone call from a mother or father who would be upset over bullying. They would call because their child had been assaulted or bullied on the school grounds.

The unfortunate part is that what I have had to investigate today is cyberbullying. Cyberbullying is basically text messaging or other forms of verbal abuse toward another student or individual. It could be by a group of people bullying one child. Many times that one child has no avenue. I have seen action being taken by the schools, and they are helpless without having this bill passed, to battle cyberbullying. This legislation is needed and we need to get it through to help protect the future generations of Canadians.

• (1810)

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, I would like to congratulate my colleague from Desnethé—Missinippi—Churchill River. I know that was the first 20-minute speech that he has made in the House of Commons, and he made it a memorable one for multiple reasons. I think it was one of the longest 20-minute speeches in the history of the House because of technical difficulties.

Given the member's police background, I would like to ask him a question that I think the public would be vitally interested in. If this bill were to become law, would the police be able to monitor everyone's Internet activity, email content or cell phone use? It is a very simple question.

Mr. Rob Clarke: Mr. Speaker, how will my privacy be protected? The Government of Canada is strongly committed to maintaining the rule of law in all of the legislation.

None of the lawful access tools, production orders, preservation orders, interception orders and search warrants can be obtained in the absence of lawful authority. A person's reasonable expectation of privacy will continue to guide how the federal legislation will be updated.

In addition, the government will ensure that such authority will continue to be exercised, bearing in mind that privacy and human rights laws such as the Canadian Charter of Rights and Freedoms, the Privacy Act, and the Personal Information Protection and Electronic Documents Act must be adhered to.

Mr. Greg Rickford (Kenora, CPC): Mr. Speaker, I also applaud my colleague for his first 20-minute speech and for doing so well under those circumstances.

My question comes out of the experience I have had on the privacy and ethics committee. My understanding of this is that there is a careful balance we have to take between having lawful access to communications and protecting one's privacy.

I heard something in the speech about a lawful access initiative, and I was wondering if the member could just expound on that a little more and give us comfort that this act gives the appropriate powers for monitoring, but at the same time protects our privacy.

Mr. Rob Clarke: Mr. Speaker, what is proposed in this new legislation?

The proposed legislation will update certain existing Criminal Code offences and investigative powers, as well as create new powers to meet the demands of today's computer and telecommunications environment.

The proposed legislation will, among other things, update current Criminal Code provisions to allow police to obtain transmission data, also referred to as traffic data, that is received and sent via the telephone or the Internet and will require the telecommunications service providers to preserve, for a certain period of time, data related to those communications or to a subscriber if that information is needed in the investigation of an offence.

Under the legislation, it would also be an offence for two or more persons to agree to arrange or commit an offence against a child by means of telecommunications.

One thing I saw in my policing career was Internet luring, and this is totally unacceptable. During my police tenure, I at times saw how a family was divided and torn apart because their child who had been playing on the computer had formed a conversation with an unknown offender. That offender tried to lure that child out of his or her home to meet in a neighbouring community, or in that community itself. That is why this legislation is very important to help protect our young children and also to protect our communities.

Our mandate was for safer homes and safer communities, and I feel that this legislation will come forward and will protect all Canadians as a whole.

• (1815)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am fascinated by this discussion because all Canadians are implicated in it in some sense because we are all living in a digital realm. All our kids are on the Internet. We recognize the need to make sure that police have the tools they need.

The member says that provisions will be in place to ensure that the normal rule of law, in terms of warrants and privacy, will exist, and yet there is a provision for telewarrants. In other words, if it is inconvenient to have a written warrant, it can be obtained verbally. I find that a very odd and possibly huge loophole to slide into the legislation.

I would ask the member to explain to me why it is that in this day and age, as hooked up as we are, we should have a provision so that if it is inconvenient to get a written warrant or to type anything or to send a fax, one simply needs to make a phone call and there will be access immediately. That seems to me to be a bit beyond what we would have under normal jurisprudence.

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Mr. Rob Clarke: Mr. Speaker, I spent many years getting search warrants manually. It takes days to do a proper and thorough investigation. I have been in circumstances where I requested a telewarrant through a normal phone line but it was declined because we could not get the necessary information. That becomes a Canadian problem. We cannot protect the community if we are declined a telewarrant.

I feel this legislation will come forward and will cover all the bases needed to address the safety of Canadians.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise on behalf of my party to signal that we have done a fairly thorough review of Bill C-46 and will be supporting it at second reading to go to committee.

I do want to be clear, and I think it is obvious to anyone who peruses the bill, and it is a lengthy one, that it is a significant step forward in bringing a number of our procedures and much of our criminal law into the 21st century.

It has a number of short provisions in it. In the past we did not have technological terms that would allow us to lay charges or in some cases get warrants to pursue investigations simply because the term computer, for example, was not in the particular section of the code that was the subject of the investigation.

We have other changes, setting aside the technological ones, that are fairly short amendments, whereby we are again expanding the scope of a number of crimes to reflect the reality of cyber crime, crime that is based on the use of technological equipment.

It is very important that we make those changes and bring things up to date because we know of a number of investigations that have gone on and have failed and of a number of charges that have been laid and have failed simply because the terminology in the code was not up to modern-day standards.

From that perspective, it makes a lot of sense to have this. In fact this bill is quite overdue in terms of when it should have been on the law books of this country. Those amendments have been planned for some time.

I want to say that there are some other relatively short amendments, and I want to note one in particular that is to clause 6. This is the section of the code that deals with hate propaganda and hate literature, and we are including an additional group in the identifiable group that would be the subject of an attack based on certain criteria. Right now the wording mentions colour, race, religion, ethnic origin or sexual orientation. We are adding to that list “national or ethnic origin”, because there have been a couple of cases in which that was the motivation for the attack by the hate-mongers and we could not charge them because the group in question did not fit within the definition of identifiable group.

That is a significant update, a significant change. It will allow us to catch people who publish and disseminate that kind of literature and that kind of hatred. That is an improvement. We have several more like that.

I want to make a few comments about some of the reservations. We heard one of them in the last questions from my colleague from Timmins—James Bay. There are provisions for amendments to the

Competition Act more specifically than to the code, which will allow for telewarrants, so the police officer or the prosecutor would not actually physically stand in the presence of a judge. They would obtain a warrant through some form of telecommunication.

In terms of the design, it appears they would do that in the normal way. They would prepare written material, submit it to the proper judicial officer, and if so justified, they would receive the warrant. They could do it by fax, a combination of telephone and fax, or by computers, over the Internet.

There is a third way that is of concern, and it was raised by my colleague, the member for Timmins—James Bay. There are provisions in here whereby one will be able to seek a warrant through a telecommunication mechanism without putting anything in writing. I have to say that does cause me some concern. The test for that is that one can seek it where it is impractical to submit a request in writing.

• (1820)

I am concerned about that because it potentially could be open to abuse where people argue. As we heard from the last speaker, it sometimes takes a long time to get a warrant but that is the way our system works and it has worked quite well in terms of ensuring that the judicial officer has in his or her possession sufficient information to allow for the incursion into usually private residences, commercial establishments and now, more commonly, computers and that whole world.

We need to be very careful that we do give our judicial officers sufficient information. I must say that it is somewhat hard to imagine, on a consistent basis, being able to do that without submitting a reasonable amount of written text to the judicial officer. Again, it does not need to be by fax. It can be over the Internet. However, it can simply be speaking to a judicial officer over the phone and recounting the reasons why a warrant is needed and why it is impractical.

Another concern I have about the section is that it is not clear as to who determines the impracticality. We do not know whether it is the police officer or the prosecutor seeking it, and if it is the judicial officer, what do those officers need to do to establish that there is no criteria as to what impracticality means? I think that again is open to some potential abuse.

When I first started practising law, we did not have the provisions in the law to obtain warrants for wiretapping. It was just blank. In fact, I was involved early in my career with a couple of cases where we actually challenged the police forces who we believed were conducting illegal wiretaps. It was shortly after that that the legislation came into play.

However, I remember the debates that went on in this House at that time and, more generally, in legal circles, where we were debating what criteria had to be met for those kinds of warrants. When I look at the debate that went on at that time and the ultimate criteria that we put into play as to what we had to meet in order to get those kinds of warrants, I have not heard that debate today in the House, and I do not see the criteria in the legislation.

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RETRIBUTION ON BEHALF OF VICTIMS OF WHITE COLLAR CRIME ACT

That is an area of concern for us and when it gets to committee we will be investigating that more thoroughly to see if there are ways we can, not only accommodate this type of amendment, but also provide some guidelines for our judiciary as to when they would allow for a warrant to be issued, in effect, over the telephone, without anything in writing in front of them.

It is really important, with the exchange that now goes on where the prosecutor and oftentimes the police officer appear in front of a judge or a justice of the peace to get a warrant, that the exchange that goes on of a personal nature is fairly crucial for the judge to make his or her decision, and that is much more difficult over a telephone.

The other major concern is the bill would, in two areas, place additional pressure on people who provide computer services, service providers, in that we would have two provisions for requirements to produce material and, coupled with that, requirements for the computer service operators to preserve material.

I have seen some commentary in the public media from service providers who are concerned about their ability to do that. This would not be a problem for large service providers, the large companies, but it may very well be for the small ones. Are we going to allow for a relatively comfortable period of phase-in where they need to add additional technology if they do not already have it? That still remains a question mark. Will it be, in some cases, just too expensive? Would this put people out of business by simply asking for a preservation order from them, which comes only from the police and then they go get the warrant for production?

• (1825)

As I have said, I have heard those concerns expressed. One of the ways to deal with this may be to allow for a phase-in period when they can get their computers and the new technology up to snuff to meet the requirements of this.

The final point I would make is the point raised by one of my other colleagues in a question, which was about our ability, with these amendments, to give additional tools to our police officers and prosecutors around what are cyber crimes. Some of that is cyber bullying, which is an issue that has already been raised today, but it also expands our ability to deal with child pornography over the Internet. It would give some additional tools to the police for that purpose, which is another reason for supporting this.

With those two reservations that we have been able to identify, we will be supporting the bill but we will be looking at ways of perhaps improving it in committee. In committee, we may also identify additional problems with it but we believe overall that this bill certainly takes us in the right direction with regard to those additional tools that our police officers need.

• (1830)

The Acting Speaker (Mr. Barry Devolin): When the House returns to this matter the member will have eight minutes remaining.

The House resumed from October 23 consideration of the motion that Bill C-52, An Act to amend the Criminal Code (sentencing for fraud), be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at the second reading stage of Bill C-52.

Members will know that this afternoon we have had some technical challenges here with the translation system and the sound system. It is functioning now and we will proceed with the votes.

Call in the members.

• (1855)

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

(Division No. 117)

YEAS

Members

- | | |
|---------------------------------|-------------------------------|
| Abbott | Ablonczy |
| Aglukkaq | Albrecht |
| Allen (Welland) | Allen (Tobique—Mactaquac) |
| Allison | Ambrose |
| Anders | Anderson |
| André | Angus |
| Ashfield | Bachand |
| Bagnell | Bains |
| Baird | Bélanger |
| Bennett | Benoit |
| Bernier | Bevilacqua |
| Bevington | Bezan |
| Blackburn | Blais |
| Blaney | Block |
| Bouchard | Boucher |
| Boughen | Braid |
| Breitkreuz | Brown (Leeds—Grenville) |
| Brown (Barrie) | Bruinooge |
| Brunelle | Byrne |
| Cadman | Calandra |
| Calkins | Cannan (Kelowna—Lake Country) |
| Cannis | Cannon (Pontiac) |
| Carrie | Casson |
| Charlton | Chong |
| Chow | Christopherson |
| Clarke | Clement |
| Coady | Coderre |
| Comartin | Cotler |
| Crombie | Crowder |
| Cullen | Cummins |
| Cuzner | D'Amours |
| Davidson | Davies (Vancouver East) |
| Day | Dechert |
| Del Mastro | Deschamps |
| Desnoyers | Dewar |
| Dhaliwal | Dorion |
| Dreeshen | Dryden |
| Duceppe | Dufour |
| Duncan (Vancouver Island North) | Duncan (Etobicoke North) |
| Duncan (Edmonton—Strathcona) | Dykstra |
| Eyking | Faillie |
| Fast | Finley |
| Fletcher | Foote |
| Freeman | Fry |
| Gagnon | Galipeau |
| Gallant | Garneau |
| Gaudet | Glover |
| Godin | Goldring |
| Goodale | Goodyear |
| Gourde | Gravelle |
| Grewal | Guamieri |
| Guay | Guergis |

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Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hill	Hoback
Hoepfner	Holder
Holland	Hughes
Hyer	Jean
Jennings	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kania
Keddy (South Shore—St. Margaret's)	Kennedy
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Laforest
Laframboise	Lake
Lalonde	Lauzon
Lavallée	Layton
Lebel	LeBlanc
Lee	Lemay
Lemieux	Leslie
Lévesque	Lobb
Lukiwski	Lunn
Lunney	MacAulay
MacKenzie	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
Mayes	McColeman
McGuinity	McKay (Scarborough—Guildwood)
McLeod	McTeague
Ménard	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Fundy Royal)	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Neville	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Oliphant
Pacetti	Pailé
Patry	Payne
Pearson	Petit
Poilievre	Prentice
Preston	Proulx
Rafferty	Raiit
Rajotte	Ratansi
Rathgeber	Regan
Reid	Richards
Richardson	Rickford
Ritz	Rota
Russell	Savoie
Saxton	Scarpaleggia
Scheer	Schellenberger
Sgro	Shea
Shiple	Shory
Silva	Simms
Simson	Smith
Sorenson	Stanton
Stoffer	Storseth
Strahl	Sweet
Szabo	Thi Lac
Thibeault	Thompson
Tilson	Tonks
Trost	Tweed
Uppal	Valeriot
Van Kesteren	Van Loan
Vellacott	Vincent
Wallace	Warawa
Warkentin	Wasylcia-Leis
Watson	Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)	Wong
Woodworth	Wrzesnewskyj
Yelich	Young
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NAYS

Nil

PAIRED

Members

Beaudin	Brown (Newmarket—Aurora)
DeBellefeuille	MacKay (Central Nova)
Mark	Moore (Port Moody—Westwood—Port Coquitlam)
Mourani	Paquette
Paradis	Plamondon
Roy	Toews— 12

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.

(Bill read the second time and referred to a committee)

* * *

ENDING CONDITIONAL SENTENCES FOR PROPERTY AND OTHER SERIOUS CRIMES ACT

The House resumed consideration of the motion that Bill C-42, An Act to amend the Criminal Code, be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): The House will now proceed to the taking of the deferred recorded division on the motion at the second reading stage of Bill C-42.

● (1900)

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

(Division No. 118)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Ashfield
Bagnell	Bains
Baird	Bélangier
Bennett	Benoit
Bernier	Bevilacqua
Bezan	Blackburn
Blaney	Block
Boucher	Bougen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Byrne
Cadman	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Coady
Coderre	Cotler
Crombie	Cummins
Cuzner	D'Amours
Davidson	Day
Dechert	Del Mastro
Dhaliwal	Dreeschen
Dryden	Duncan (Vancouver Island North)
Duncan (Etobicoke North)	Dykstra
Eyking	Fast
Finley	Fletcher
Foote	Fry
Galipeau	Gallant
Garneau	Glover
Goldring	Goodale
Goodyear	Gourde
Grewal	Guarnieri
Guergis	Hall Findlay
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill

Hoback	Hoepfner
Holder	Holland
Jean	Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kania
Keddy (South Shore—St. Margaret's)	Kennedy
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
LeBlanc	Lee
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacAulay
MacKenzie	Malhi
Martin (Esquimalt—Juan de Fuca)	Mayes
McColeman	McGuinty
McKay (Scarborough—Guildwood)	McLeod
McTeague	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Fundy Royal)	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Neville	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Olipphant
Pacetti	Patry
Payne	Pearson
Petit	Poilievre
Prentice	Preston
Proulx	Raitt
Rajotte	Ratansi
Rathgeber	Regan
Reid	Richards
Richardson	Rickford
Ritz	Rota
Russell	Saxton
Scarpaleggia	Scheer
Schellenberger	Sgro
Shea	Shipley
Shory	Silva
Simms	Simson
Smith	Sorenson
Stanton	Storseth
Strahl	Sweet
Szabo	Thompson
Tilson	Tonks
Trost	Tweed
Uppal	Valeriotte
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	Wong
Weston (Saint John)	Wrzesnewskyj
Woodworth	Young
Yelich	
Zarac — 193	

NAYS

Members

Allen (Weland)	André
Angus	Bachand
Bevington	Blais
Bouchard	Brunelle
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen
Davies (Vancouver East)	Deschamps
Desnoyers	Dewar
Dorion	Duceppe
Dufour	Duncan (Edmonton—Strathcona)
Faille	Freeman
Gagnon	Gaudet
Godin	Gravelle
Guay	Guimond (Rimouski-Neigette—Témiscouata—Les
Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hughes	
Hyer	Julian
Laforest	Laframboise
Lalonde	Lavallée

Adjournment Proceedings

Layton	Lemay
Leslie	Lévesque
Malo	Maloway
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathysen	Ménard
Mulcair	Nadeau
Paillé	Rafferty
Savoie	Stoffer
Thi Lac	Thibeault
Vincent	Wasylycia-Leis — 60

PAIRED

Members

Beaudin	Brown (Newmarket—Aurora)
DeBellefeuille	MacKay (Central Nova)
Mark	Moore (Port Moody—Westwood—Port Coquitlam)
Mourani	Paquette
Paradis	Plamondon
Roy	Toews — 12

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.

(Bill read the second time and referred to a committee)

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1905)

[Translation]

AUTOMOTIVE INDUSTRY

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, in May 2009, I asked a question about the auto industry. As the House will recall, this Reform-Conservative government was unable to defend the interests of Canadians during the massive upheaval of the auto industry. What the crisis needed was a coordinated response and this government dragged its feet in communicating with American officials to come up with a joint plan.

When he appeared before the Subcommittee on the Automotive Industry in Canada, the president of General Motors Canada confirmed that GM had committed all of its available worldwide assets, including its assets in Canada, as collateral for U.S. loans.

That left General Motors with few assets to secure the amounts loaned by the Government of Canada. The Conservative government was not—

[English]

The Acting Speaker (Mr. Barry Devolin): Order. It would appear that the translation from French to English is not working. We have had ongoing difficulties with the system this afternoon. Is there currently translation from English to French? Yes.

[Translation]

Is there an English translation if I speak in French? There is no translation? There is no translation into English?

For the final time, is there French to English translation? No?

Adjournment Proceedings

[English]

Colleagues, as I said, we have had problems with translation this afternoon. It appears that the translation from French into English is not functioning. It would be my suggestion that we finish for the day and reschedule these adjournment questions at a later date.

Mr. Marcel Proulx: Mr. Speaker, I rise on a point of order. I ask you to not push tonight's late show to the end of the list. My suggestion would be to do tonight's late show at the next available opportunity, which could be tomorrow.

● (1910)

The Acting Speaker (Mr. Barry Devolin): The hon. member's point is well made. We will make all efforts to reschedule these at the earliest opportunity, which may indeed be tomorrow.

It being 7:10 p.m. the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:10 p.m.)

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