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Monday, November 23, 2009

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 23, 2009

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*Translation*]

WORLD AUTISM AWARENESS DAY ACT

The House resumed from October 9 consideration of the motion that Bill S-210, An Act respecting World Autism Awareness Day be read the second time and referred to a committee.

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, we are resuming the debate at second reading of Bill S-210, the sole purpose of which is to institute World Autism Awareness Day.

On reading the bill, which contains only one clause and several "whereas" paragraphs, it is clear that it was written by a Canadian. It is clear to me, as a Quebecker, that some of these paragraphs concern elements that fall under the jurisdiction of Quebec and the provinces.

I will discuss this with my colleagues when this bill goes to the Standing Committee on Health, of which I am a member. Many of the matters that come before this particular committee for study fall under the jurisdiction of Quebec and the provinces. Canadians represented by the Conservative Party, the Liberal Party and the New Democratic Party cannot seem to distinguish between matters that the federal government is responsible for and those that legislative assemblies in Quebec and the provinces are responsible for.

As Quebeckers, Bloc Québécois members feel it is important to remind people about each level of government's responsibilities. For example, in the context of the current study on human resources in health care, it is clear that training, professional associations and deployment of resources in hospitals and social services centres fall exclusively within the Government of Quebec's jurisdiction. That being said, I will address the problem "whereas" statements in committee.

I highly doubt that any member of the House would be against instituting World Autism Awareness Day. As we all know, any disorder can deeply affect those who have it and their family members. It is therefore important to give people regular reminders so that they can become more aware of the issue. We should also take time to recognize the health professionals and researchers who work to minimize suffering and find long-term solutions.

I would now like to talk about autism to begin building awareness among those listening and members of the House who may or may not be familiar with the disorder.

The information I will share was taken from the Internet. The website of the Fédération québécoise de l'autisme et des autres troubles envahissants du développement says that autistic disorder, better known as autism or Kanner's autism, is one of five pervasive developmental disorders. The other four developmental disorders are: childhood disintegrative disorder, Rett syndrome, pervasive development disorder not otherwise specified or atypical autism, and Asperger's syndrome.

I should point out that autistic disorder, pervasive development disorder not otherwise specified and Asperger's syndrome are the three most common types of pervasive developmental disorders.

According to this site, there are three categories of symptoms commonly seen with people who have pervasive developmental disorders: difficulties with verbal and non-verbal communication; difficulties with social interaction; and restricted interests and/or repetitive behaviours.

Here are some quick facts about autistic disorders: they affect 4.3 boys for every 1 girl; they lead to different developments among children of the same age; individuals have difficulties maintaining eye contact; they cause delayed, non-existent or abnormal language development; they cause individuals to have repetitive and limited play; there is abnormal posture, walk or movement; and, 10 out of every 10,000 people have a PDD, according to a Fombonne study conducted in 2003.

Autistic disorder is one of the most common types of PDD, which refers to pervasive developmental disorder. I remind members that PDD affects four or five boys for every one girl, and is defined as a neurological disorder characterized by a delay in the overall development of an individual's basic functions.

Mutism is present in nearly half of all cases of autism. Non-verbal autistics have major problems with comprehension, mimicry and gestures. Impaired imagination can be manifested by a lack of symbolic games and stories invented with toys, or by difficulties imitating the actions of others. A number of autistic people show weaknesses in terms of motor coordination. Many also have difficulties with fine and gross motor skills. Autism can be found in individuals with varying levels of intelligence. However, the majority of people with autism seem to have lower than average intellectual performance, and present adaptive behaviour deficits, so in this respect, they are similar to people who have moderate or severe intellectual disabilities. Because of their particular characteristics, many people with autism also have behavioural problems.

A diagnosis of autism implies that the deficits have appeared before the age of three, that they have become a part of the individual's functioning, and that they are nearly constantly present.

The Autism Society Canada website also describes the general characteristics, and I would like to read them now.

> Children and adults with autism spectrum disorders, or ASDs, have challenges with the following: social interactions; verbal and non-verbal communication; the ability to learn (in the usual settings); repetitive behaviours; unusual or severely limited activities and interests.
>
> They usually find it hard to communicate with others in a typical way and have difficulty understanding social conventions. As a result, individuals with autism may respond in unusual ways to everyday situations and changing environments.
>
> Autism varies tremendously in severity. Individuals with severe autism conditions may have ... symptoms of extremely repetitive and unusual behaviours. This can include ... self-injury ... and aggression.... Without appropriate intensive intervention, these symptoms may be very persistent and difficult to change. Living or working with a person with severe autism can be very challenging, requiring tremendous patience and understanding of the condition. In its mildest form, however, autism is more like a personality difference caused by difficulties in understanding social conventions.

There are also a number of related disorders.

> Many individuals with autism have other health problems, for example: neurological disorders including epilepsy; gastro-intestinal problems, sometimes severe; compromised immune systems; fine and gross motor deficits; and anxiety and depression.

That information can all be found on the Autism Society Canada website.

I also wanted to talk about the impact it has on the family, but since I am out of time, I will have to leave it at that.

● (1110)

[*English*]

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am very pleased to stand in the House today to voice my wholehearted support, as well as that of my caucus, for Bill S-210, An Act respecting World Autism Awareness Day. If passed, this bill would declare April 2 world autism awareness day.

Prior to donning a political hat, for 10 years on the west coast and of course in my great riding of Sudbury, Ontario, I was a front-line worker supporting individuals with autism and their families.

Let us first look at why it is important to have a world autism awareness day. First and foremost, what is autism? Believe it or not, there are still many people who do not understand this neurological condition or its potential impacts on behaviour.

The term autism is used quite generally to describe a wide spectrum of symptoms. Since children's severity of symptoms can vary so widely, professionals have been using the term autism spectrum disorder, or ASD, to emphasize this variance.

Autism occurs four times more frequently in boys than in girls. Autism occurs in all countries and within all socio-economic classes. There is no cure for autism, so treatment may reduce a person's symptoms, but he or she will still suffer from autism.

More often than not, children with autism exhibit unconventional reactions to sensory stimulation. Some children show a hypersensitivity to stimuli while others display a hyposensitivity to stimuli.

A great example of that was found in one individual I was supporting. That individual had a very difficult time going to a specific pool and, as support staff, we could not figure out why this individual had such difficulty going to that pool. After numerous attempts, we figured out it was the glare from the lights on the pool that made it difficult for the person to go to that particular pool. We moved to a different location and that person was then able to swim, once again being integrated into the community.

Another fact about autism that many do not know is that a large number of friends and neighbours are affected by it. According to some reports, autism affects more children worldwide than cancer, diabetes and AIDS combined. In fact, one in two hundred families in Canada is living with autism. Those families and others around the world need the government to help. They need all of us to help.

Unfortunately, because of our society's misunderstandings and lack of knowledge of what autism is and how it can affect people, families and children with autism can often feel isolated from their friends, classmates, neighbours, communities and, of course, the world around them.

Many different therapies are available, but waiting lists are long and many therapies are not covered by our health care system. It is not easy, but many individuals and groups across Canada and in my riding of Sudbury have worked tirelessly to raise awareness about autism.

The Sudbury and district chapter of Autism Ontario is one of them, and I would like to congratulate Mr. Rick Grylls, the former president of CAW Mine Mill Local 598, who took on this cause once he retired. He has been working tirelessly on its behalf. This group was re-established over two years ago by a small group of dedicated volunteers.

The group holds workshops throughout the year, complete with guest speakers, all in an effort to educate members of the Sudbury community about autism. Some of the issues the Sudbury chapter has raised include positive behaviour interventions, sensory issues, educational advocacy and how to build friendships for individuals with autism.

I applaud the Sudbury and district chapter of Autism Ontario and, in particular, Heather McFarlane, president of the Sudbury and district chapter of Autism Ontario for her continued dedication and hard work and, of course, as mentioned earlier, my friend Rick Grylls, who has been a tireless advocate for this cause that is as close to his heart as it is to mine.

● (1115)

Autism Ontario was also fortunate enough to pair up with one of Sudbury's finest country singers, Larry Berrio, in May of this year for a concert at the Fraser Auditorium to promote autism awareness. Larry generously gave some of his good fortune back to the local community. His wife, a child psychologist, has been helping Sudbury families deal with autism for years. Mr. Berrio has said there is a lack of autism awareness in the area.

Another huge help with this concert was Brenda Ranger, who is with Canadian Injury Management Services. She and others have been huge allies of this local awareness campaign.

Another important local ally of autism awareness is the movement right now by the Sudbury Catholic District School Board. In October of this year, the school board partnered with Autism Ontario's Sudbury and district chapters to share office space within the St. Benedict Catholic Secondary School. With this space, Autism Ontario will be able to hold weekly office hours and to meet with members of our community, school staff, and individuals and families on the autism spectrum disorder to provide support and share resources.

I would be remiss not to thank Yolanda Thibeault, my wife, for her countless hours of work at the Catholic school board on this file. I am very proud of my wife's tireless efforts as the coordinator at the Catholic school board providing support to teachers, teachers' aides, and the families and students dealing with autism. This will also get me in her good books.

While we do not know very much about autism, we do know that the earlier the treatment, the more successful it tends to be. That is why I introduced Bill C-360, An Act to amend the Canada Health Act (Autism Spectrum Disorder). This act will actually open up the health act to look at some of the treatments we can provide to children who are diagnosed with autism at the early stage.

When people with autism do not receive treatment in a timely fashion, it means they are denied the tools they need to succeed and to contribute to the community.

IBI or ABA treatment can, in some cases, cost up to $65,000 a year. Each province has a different approach to funding treatment, and far too many families have to remortgage their homes, find a second job or make other sacrifices to ensure that their children receive the treatment they need. This is shameful.

I think the federal government and all parliamentarians need to take the lead and adopt a national strategy, or at least look at creating a national strategy on this file.

The cost for society also increases when treatment is lacking. I believe a Senate report called, "Pay Now or Pay Later: Autism Families in Crisis", outlined this issue.

Canada needs treatment, interventions and services for both children and adults with autism. The title of the report, "Pay Now or Pay Later: Autism Families in Crisis", came from a man from New Brunswick. He said, "Look, we either have to pay now or pay later." I think that sums it up.

Would it not be great if Canada could do as much as our neighbour the United States is doing to help our own citizens with autism? Let us recognize that autism is serious and affects a growing number of Canadian families. Let us declare April 2 World Autism Awareness Day.

It is great to be able to speak to this issue. I look forward to celebrating April as World Autism Awareness Day.

● (1120)

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, my adopted kids were born healthy, but early in their lives their families noticed that their personalities were different from those of other babies of the same age. They hit milestones later and they increasingly showed little awareness of the outside world. Their words became fewer and they banged or chewed their toys, rather than playing with them. Tantrums were common, and others were quick to judge them when, for example, the child flapped his or her arms or shoved a nearby adult who had ventured too near. Even birthday parties or grocery shopping could be distorted by outbursts of anger and frustration.

Eventually the parents received the diagnosis of autism spectrum disorder, which is often made harder by a lack of understanding of those around them.

Most parents are concerned with whether their children will be engineers, lawyers or teachers, and whether their children will find happiness and marry. My adopted kids' parents faced the very real questions of whether their children would lead independent lives or not, and who would look after them when they, the parents, were no longer around.

Autism spectrum disorder, or ASD, is a neurological condition that causes a range of developmental disabilities. Some people can function well, while others are locked in a world of their own.

Today ASD occurs in 1 in 165 children, representing an increase of 150% in the last six years, and there is no explanation for the dramatic increase. Worldwide more children are affected by autism than AIDS, diabetes and pediatric cancer. In Canada a total of 48,000 children and 144,000 adults have some form of ASD.

A child who shows a number of the following characteristics and behaviours would likely be diagnosed with autism: if he or she shows no interest in other people; does not know how to play with or talk to people; develops language and speech skills slowly, or not at all; can only initiate and maintain conversations with difficulty; and repeats ritualistic actions, such as rocking, spinning or staring.

A person with a mild case could go for years and may only be detected when he or she goes through a crisis that brings them into contact with professionals who are able to recognize the disorder.

There is no known cause, but research is focused on differences in brain function, environmental factors, genetics, immune responses and viral infections.

No single test will confirm that someone has ASD. Some people with mild forms of autism may never need treatment, as they may function well and even excel. However, those with severe forms of the disorder cannot function and may benefit from active therapy.

There are several ways that people with autism are treated. Applied behavioural analysis and intensive behavioural intervention are designed to actively engage the children with behavioural, communication, learning and socialization problems. Therapy can be extremely expensive, as it may involve one-on-one teaching for up to 40 hours per week, with costs ranging from $30,000 to $80,000 a year. Other therapy may include counselling, development of motor and language skills, diet and medication and physiotherapy.

It takes hard work, patience and sheer determination to help navigate the system and allow a child to emerge from the bonds of autism. The physical and psychological strain on a family can be overwhelming, and the isolation profound. I am therefore honoured to rise in the House to speak in support of Bill S-210, An Act respecting World Autism Awareness Day.

I would first like to thank the sponsor of the bill, Senator Munson, as well as my many colleagues in the House who have been supporting and advancing this cause. I also thank Senator Eggleton, who was the chair of the standing Senate committee that provided an extensive report on funding for autism, entitled “Pay now or Pay Later”.

Bill S-210 calls for Canada to join with member states of the United Nations to focus the world's attention on autism each April 2.

● (1125)

World Autism Awareness Day shines a bright light on autism as a growing global health crisis, and it is one of only three disease-specific United Nations days. It reflects the UN's deep concern about the prevalence and high rate of autism in children in all regions of the world, and the consequent development challenges for long-term health care, education, training and intervention programs, as well as its tremendous impact on children, their families, communities and societies.

This day also acknowledges the extraordinary talents of people living with autism, as well as their ongoing struggles and those of their caregivers, families and friends.

This bill will not change the reality of families affected by autism, people such as Jacob, Dee and Mary in my community. Jacob is a beautiful little boy with long eyelashes, who loves technology and is an accomplished photographer. His prizewinning picture of owls is front and centre on my desk at work. His mother, Dee, left her job to focus full-time on Jacob. She and Aunt Mary, an 82-year-old who is currently recovering from heart surgery, are his greatest advocates, but they still have to fight every day to get treatments and to make the sacrifices necessary to pay for those treatments.

This bill will increase Canadians' opportunities to learn about autism and to recognize that in their communities there are families living with ASD, people like our Jacob, who is a superstar.

Last year the United Nations hosted a rock concert by Rudely Interrupted, whose members have various disabilities, including ASD. The words of lead singer Rory Burnside were especially inspiring:

> My advice to kids who have some form of disability is: don’t let it stop you. Use it as your strength; don’t use it as your weakness. One red light can lead to a whole bunch of green lights, with a few orange lights thrown in. And the red lights are just a bit of a test.

I have seen first-hand what caring people who work tirelessly can achieve. We must change the future for all those who struggle with ASD. That means each of us must fight hard for every Jacob in our community, and when roadblocks are put in front of families, we must work all the harder. We must fund research into the causes, prevention, treatment and cure for autism and raise public awareness about autism and its effects on individuals, families and societies.

In 2006, the United States' Combating Autism Act authorized nearly $1 billion in expenditures over five years to help families with autism. We must bring hope to all of those who deal with the hardships of this disorder and we must develop a national strategy on autism.

I am proud to share with you that we have formed an all-party subcommittee to address neurological disease and to bring researchers, stakeholders and decision-makers together on ASD, MS, ALS, Alzheimer's disease and Parkinson's disease, all of which are major neurological diseases that cross all ages.

One in three, or 10 million, Canadians will be affected by a neurological or psychiatric disease, disorder or injury at some point in their lives. NeuroScience Canada estimates that about $100 million at most is invested in operating costs for neuroscience research in Canada annually. This compares with a burden of disease in the order of $20 billion to $30 billion, a ratio of 200 to 1.

This past April, Yoko Ono unveiled *Promise*, a mural created especially for World Autism Awareness Day. It consisted of 67 pieces, representing the 67 million autism sufferers around the world. The pieces were to be broken apart and auctioned off individually. With each winning bid came the promise that when the cure for autism is finally found, all the pieces will be reassembled for a day. *Promise*, just like World Autism Awareness Day, symbolizes the coming together of society around people with autism and the unfinished work of the world in finding the causes and cure for the disorder.

Let us keep the promise. Autism speaks: it is time to listen.

● (1130)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I do not profess to be an expert on many things and I certainly am not an expert on autism, but I would profess to being an expert on being a parent of a child with autism. I have a 14-year-old son, named Jaden, who has autism. He was diagnosed 11.5 years ago with autism. I am not going to get into the numbers and the definitions. I will let others do that and it is a very important part of the debate here. Instead, I want to talk about why autism awareness is so important and why the bill is so important.

Before I do that though, I will recognize a few people. I would like to recognize Senator Munson for putting forward this important bill and the work that he has done in terms of raising autism awareness. I would definitely like to recognize our Minister of Health who, on April 2, declared that from now on each April 2 will be known as World Autism Awareness Day in Canada.

I would like to recognize colleagues from all parties who have shown an interest in my son and asked me many questions about autism, and have come to me for advice in terms of dealing with constituents who approach them on this issue. Most of all, of course, I would like to thank Jaden and recognize my son for all that he means to me. I would also like to take the opportunity to recognize my wife, Debi, and my daughter, Jenae, for the work that they do in holding down the fort at home while I am here working on behalf of my constituents.

Why is autism awareness so important? There are many reasons. First, because early diagnosis is critical. In the past decade, we have seen that knowledge about autism and related disorders has increased tremendously. We have seen that more early diagnosis, treatment and support at those early stages is absolutely essential. We need not only parents to be aware but for doctors and the public at large to be aware of this disorder, what it looks like and recognize it early.

In our experience, when Jaden was 18 months old, we remember taking him to the doctor to express some concerns about the fact that he was not talking and there some other behaviours that we noticed. At that point, just over a decade ago, even the doctor who looked at him said, “Oh, he's a boy and some boys talk late”. We have heard similar stories from many parents who eventually had diagnoses of autism.

It was actually a cousin of ours who mentioned, when Jaden was about 21 months old, that maybe he had autism, that some characteristics looked familiar. The cousin knew someone with autism and thought maybe that was the case. That was the first time it was brought up to us.

Thankfully, at two years, we did recognize that Jaden had autism and at two-and-a-half he was actually officially diagnosed at the Glenrose Hospital in Edmonton, and we were able to start treatment. Many of the people who have spoken to the bill have talked about the importance of that early treatment and quality treatment. We were able to get that treatment and Jaden's pediatrician several years later commented that Jaden was an entirely different kid because of the treatment he received at those early ages.

Another reason why the bill is important, why autism awareness is important, and probably the most important reason in our view is because families need support. I am not just talking about the support of the medical community. There has been talk of the treatment challenges across the country, but I am talking about support in terms of understanding, the things we do not see. When families are dealing with autism, oftentimes we do not see that 24/7 stress they are under. We do not see the knife jammed in the door jamb at night because they are concerned that their child might decide to go swimming and it is mapped out in his or her head where the swimming pool is and he or she knows how to get there, but the child has no concept of danger, traffic, or nighttime. If the child decides to go swimming, he or she might just go swimming.

We do not see the times that the child wakes up in the middle of the night. In our experience, it was often about five or six times a night that Jaden would wake up and we would be alerted by a bang on the door. Jaden was nonverbal so he communicated by saying “bah bah bah” before he threw himself on the bed in the middle of the night. This would happen five or six times over the course of the night. I am not sure how the translators will translate “bah bah bah”, but now we are down to two or three times in the night that he often wakes up, but there is this stress that is caused in terms of lack of sleep and the need to be on high alert all the time for the child's safety because the child does not understand or recognize danger the way other kids do all day long.

● (1135)

One time we had an incident. We were at a friend's house who had a swimming pool. Jaden was about five or six years old and he stepped out onto the tarp of the swimming pool. He did not really understand that the tarp was not solid and he tried to walk out on top of it. He loves swimming, so there will be lots of swimming stories here.

Then there are the things that the public does see but does not necessarily understand. My colleague, who previously spoke, talked about kids throwing themselves down onto the floor in the middle of a grocery store. These are six- or seven-year-old kids who look like every other kid, but throwing a temper tantrum in the grocery store can be very hard for parents.

There was a situation in Edmonton not that long ago, about a year and a half ago, where a child threw a tantrum and was squealing and making a lot of noise in a restaurant. The restaurant manager came to them and asked them to leave because they were being disruptive, not understanding that the child had autism or not understanding what that was.

There is another funny story actually with Jaden, just to kind of illustrate the sort of lack of filters, in terms of conduct, or lack of barriers. When Jaden was about eight years old, we went to a McDonald's in the West Edmonton Mall between Christmas and New Year's. The place was jam-packed. There were about 50 people in line and about 20 people buzzing around behind the counter, working. It was probably one of the busiest McDonald's I have ever seen. We were picking up food for a bunch of other people, but it was Jaden and I in the restaurant. We got to the front and got our food. I was walking out with my hands full so I could not hold Jaden's hand like I normally would. We got about halfway out of the restaurant and all of a sudden Jaden got a big smile on his face, started giggling, turned around and ran, keeping in mind he was seven years old, behind the counter, all the way across behind the counter, with all these people starting at him, reached into the bin where they held crushed Smarties, grabbed a handful of crushed Smarties and shoved them into his mouth. He had Smarties all over his face and the biggest smile, as everybody stood aghast at this scene that they had just witnessed of this pretty normal looking seven-year-old running behind and filling his face full of Smarties.

However, not all the stories are so funny. It is very difficult, for example, for kids with autism to express more abstract feelings. We had one situation around that same time where Jaden had got hurt. He had actually fallen down the stairs. He came upstairs and his head had been cut pretty badly and he was bleeding pretty badly. We had no idea what had actually happened. All we knew was that his head was bleeding badly, but he could not explain, he could not articulate. Even though he can talk on a computer or write things down, it is hard for him to express things that are more abstract. As parents, we can imagine how difficult that is when our children might be suffering from something like the flu or a sore stomach or something like that, and they cannot possibly explain what it is that is causing the pain they have.

These are things that parents of kids with autism deal with every day.

I have not even spoken about the challenges that parents of adults with autism face, wondering what is going to happen to that child of theirs when they are not there any more to take care of them, and how heartbreaking that is. It is something that we think about, even at this stage in our lives, fairly regularly.

I want to talk a bit about the people who go above and beyond, the people who get autism awareness, who express that awareness. I want to thank people who take their time to, in our case, encourage Jaden to get involved in things. He has been involved in hockey. A coach of a tae kwon do class started a class for kids with autism. Even though he did not have any family members, he recognized the potential there. There are cooking classes and things like bowling. Different things where community leaders have had their eyes opened and been made aware of the potential for kids to get involved.

I also want to quickly talk about the opportunity for people with autism to contribute. In Jaden's case, at his school, they have found ways to have him work in the library, putting books away, which is something that he absolutely loves to do and is incredible at.

I see my time is getting very short. I could talk for hours about the need for autism awareness and thank the people who have contributed and enriched our lives. I will close with this. I want to recognize and thank all of the people out there with autism spectrum disorders, the family members and friends who live with this disorder every single minute of every single day. God bless them.

● (1140)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, it is an honour to follow the member from Edmonton. I have had the honour and privilege of meeting his son. He is a great kid. I have also met hundreds of other children with autism across this country. They are all beautiful, wonderful children. The member of Parliament from Edmonton's son has the right parents. They are beautiful parents and they are doing everything they can to help him. Jaden is very lucky to have the parents he has.

Beyond the love of the parents, we need the support of governments. We need the provinces and the federal government to work together to develop a national strategy so that it does not matter where one lives in this country. If a child or family member has autism, they should be able to get the help that they need. It should be similar across the country.

We just do not have that right now. Alberta is fortunate enough to have treatment up until the age of 18. In Nova Scotia, we have it starting at six, with a few trial programs here and there. Quebec has its programs as well as Ontario, but there is not a national strategy. We have asked for many years that the federal government and the provinces work together to develop a strategy that allows us to develop the best practices. No matter where people live in this country, if they have a child with autism, they should be able to get the treatment and care that is required in order to assist them.

I want to mention a few people who have been instrumental in my life in raising the cause of autism with me. First, there is Mr. Andrew Kavchak of Ottawa. When I saw him years ago, he was outside here with a sandwich sign, asking that autism be under medicare. I did not know much about the issue at that time, but I learned from him and many others. There is Laurel Gibbons, also of the Ottawa area, whose husband serves in the military. He is away an awful lot and they have a son with autism.

Roxanne Black of Vancouver has two children with autism. I know some military folks from my riding in Eastern Passage. One gentleman has served overseas in many tours of duty. He has a child who is a severe flight risk. As the hon. member indicated, some suffer a lack of speech and some are flight risks. If the crack of a door or window is open, they will take off, not knowing the fear of danger. The only thing they know is that they are going. Whether there are cars on the road or whatever, they are oblivious to that. They will just keep on going. While her husband is serving in the military, that lady back home requires support programs in order to assist her and her family.

Anyone who has met children with autism knows that they are some of the most wonderful, beautiful and gifted children in this entire country. They deserve that opportunity. In fact, I know that the autism pin that people wear is in the shape of a ribbon, but it is actually a puzzle. From what I have heard from medical experts, the objective is that if we can get the puzzle rearranged at a young enough age and if these children are diagnosed early enough, we can assist them to the point where they can live productive lives without much assistance. This is the key.

One system does not fit all children or all families. We know that. However, we have a caring and compassionate Canada. I honestly believe, our party believes, and I am sure that most members of Parliament also believe that if we put our heads together, we can come up with a system that is cost effective, accountable, and does what we would like it to do. We can provide a national system in this country for the treatment of autism.

I am going to highlight this again. I have mentioned his name many times in the House, but there is a young man here named Josh Bortolotti, who is from the Ottawa area. I believe he is around 15 years old right now. A few years ago, he was in an *Ottawa Life* magazine as one of the future people to watch for. Josh Bortolotti is a young man whose younger sister is autistic. He said to me and many people in the House many times that his sister cannot speak for herself, so he was going to do it. That is not bad for a kid who was only 11 years old at that time.

● (1145)

Josh is now 15 and is still fighting the good fight. He is raising the issue and raising funds for autism treatment. This young man will be the next Craig Kielburger, the gentleman who raised the issue of child work slavery around the world. Craig is a dynamic young man and someone to watch out for.

This is something that goes beyond politics. Every one of us knows someone in our ridings who has dealt with autism.

We just heard here in the House of Commons a very eloquent defence by a father standing up for his child. I have heard my colleague from Edmonton speak so eloquently on this issue. Kudos to him and to his wife for raising Jaden and giving him every opportunity they can possibly give their child.

Other families are not as blessed, which why we need a national strategy to ensure that autism is not put in the closet and ignored because we do not have the funds for it. The reality is that we do have the funds for it.

I have said it many times, and I honestly believe that if we could get together in a non-partisan way and work with our provincial cousins and first nations groups we could develop a strategy so that no matter where people live in this country, if they have a child with autism the child will get first class treatment and the family will get the best services possible to assist them.

On behalf of our party and all the people in my riding who I represent, I thank the member for Charlottetown for moving this particular motion and all those who spoke on this important issue. It is one of the issues that transcends politics. Hopefully, we will see the day when we can have a national autism strategy in this country.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I am pleased to join in the debate today on this very important discussion of Senator Munson's Bill S-210, An Act respecting World Autism Awareness Day.

In my background in health care as a community based nurse, I remember parents visiting with newborn children and their delight and excitement as they welcomed these new additions into their families. I also remember visiting with parents over time as their children normally would start speaking. The parents would be concerned about the development of their children when they realized the very difficult and unique challenges they would need to deal with in terms of their children being diagnosed with autism.

The other experience that stands out very prominently in my mind was of a particular child who was not diagnosed until he was a teenager. I had known his mother quite well over the years and she would say, “God gave me patience and then God gave me Mark”. She was just amazing. However, it was not until her child was in his late teens that he was diagnosed and got special support. I have to wonder how much easier it might have been for her and Mark and how much easier his life might have been had he managed to have an earlier diagnosis and perhaps support earlier in his life.

The Chris Rose Therapy Centre for Autism in Kamloops is a centre for children who have been most profoundly affected by this disease. The caregivers and the parents are amazing. It is a very challenging circumstance and the passion, commitment and work the caregivers and parents do is absolutely amazing.

I will now focus on some of the things the government is doing. We know autism affects Canadians across this country, impacting the lives of those affected, as well as family members and beyond. Among children under the age of four, autism is the third most commonly reported disabling chronic condition, after asthma or severe allergies and attention deficit disorder. Among Canadians aged 15 and older, the prevalence of autism is not known, but approximately 5 out of every 1,000 report being disabled due to developmental disability, which would include autism, among other conditions.

The actions of the government to improve the lives of those affected by autism are part of our ongoing commitment to safeguard the health and safety of all Canadians. The Government of Canada recognizes that there is a lack of evidence and consensus regarding the nature, cause and treatments for autism, and that this is a barrier to any strategic undertaking by government and stakeholders to address autism. It is for that reason that the federal government is supporting a variety of activities and initiatives to improve knowledge and awareness of autism.

For example, in declaring April 2 as World Autism Awareness Day, the government has demonstrated its commitment to increasing awareness and understanding of autism spectrum disorder.

In addition, the federal government provided funding in 2007-08 to the Canadian Autism Intervention Research Network, CAIRN. This funding supports the network's excellent work of disseminating new knowledge about autism and has improved access to quality information on autism for families affected by autism and for those providing care.

We also have provided addition support this year to the Oxford Centre for Child Studies to further fund CAIRN, to conduct a survey among autism stakeholders to identify research priorities and to host a conference this October. This conference provided an ideal opportunity for all stakeholders and scientists to come together to pool knowledge and experience in the development of updated research priorities for autism. We understand the response to this was positive.

Research has been a strong priority in the federal government's work to support Canadians with autism, as noted by my colleague. CIHR's Institute of Neurosciences, Mental Health and Addiction is supporting autism-related research and is working with partners in the autism community to set research priorities, to coordinate action and to accelerate the speed at which knowledge is translated into improved health for Canadians with autism and their families.

● (1150)

Health Canada also plays an important role in this government's activities to address autism. The strategic policy branch of Health Canada is designated as the autism spectrum disorder's lead for actions related to autism at the federal health portfolio level. In designating a portfolio lead, the government has demonstrated that it takes the issue of autism seriously, and we will continue to do so.

Another pivotal action undertaken by this government is autism surveillance. I will talk a little bit about this today. Surveillance is the systematic and ongoing collection of data about diagnoses of a disorder in a population over time. Its purpose is to enable action to minimize the negative effects of the disorder in question.

Effective surveillance requires high-quality screening and a comprehensive surveillance program to manage the results. The accurate and up to date information on autism in Canada, which effective surveillance can provide, is essential to implementing an effective response. Quality information on the distribution and impacts of autism in communities across the country allows public resources to be put to use where they will make the most difference.

The importance of the autism surveillance is outlined by the Senate Committee On Social Affairs, Science And Technology, chaired by the hon. Art Eggleton, in its final report on the enquiry on the funding and treatment of autism. The report, entitled *Pay Now or Pay Later: Autism Families in Crisis*, recommended the stakeholders be consulted regarding autism surveillance and cited a call for national surveillance of autism.

The government heard the call for better surveillance information on autism in Canada and has taken action to strengthen this crucial link in the autism chain.

Today we have heard from fathers and from everyone who has been touched and impacted. We are in support of this important initiative. We are also hearing that the government is taking some good action on some very important things, such as the surveillance and research that will be absolutely critical.

● (1155)

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I first want to take this opportunity to thank every member of Parliament who spoke in favour of this bill. Although we do not necessarily agree on everything that happens in this House, I believe we agree this is a major issue facing Canadian families.

As has been pointed out by other members, this bill originated in the Senate and was championed by Senator Jim Munson. I would like to take this opportunity to commend and congratulate Senator Munson for the time and energy he put into this important piece of legislation. Speaking of persistence, Senator Munson introduced the bill three times, but because of elections and prorogations, it was delayed. He certainly is persistent and needs to be congratulated.

As has been pointed out by other speakers, who I submit are more knowledgeable than I am on this particular issue, presently in Canada approximately one in 165 Canadian children is living with some form of autism. That means that one in every 165 Canadian families is dealing with the financial and emotional hardship of caring for a child with autism. These families need and deserve the support of the federal and provincial governments and the community at large.

It must be pointed out that this bill does not provide that type of help. The most fundamental function of this bill is that it reiterates the importance of raising public awareness about autism spectrum disorders. The benefits of public awareness certainly cannot be denied or understated.

As Canadians, we have to realize that people affected by autism are not just statistics; they are not numbers on a page. We heard that from the member for Edmonton—Mill Woods—Beaumont, who eloquently spoke of his experiences. Rather, they are our friends, colleagues, co-workers and neighbours. That reality deserves our attention.

This bill is a reminder to us in the House and all Canadians that there is much more we can do as parliamentarians and lawmakers to address this alarming national health crisis, and I underline the word "health". Right now, there exists no national strategy for the treatment of autism spectrum disorders. That means that treatment availability and financial support vary tremendously depending on where one lives in Canada.

In certain provinces, autism treatments, including applied behavioural analysis and intensive behavioural intervention, are covered under the provincial medicare program and are more readily available, especially, as has been pointed out by others, for those who are diagnosed early where treatments are much more effective. However, in other provinces of the country where facilities or trained caregivers are limited, families have to pay out of their own pockets for this treatment. In some cases the treatment is not even in the health envelope; it is in the social services envelope.

Some families, as has been pointed out by others, can expect to pay upwards of $65,000 each year for treatment, a financial burden that no family in Canada should have to endure. That unfairness does not reflect my view of the values that we have as Canadians.

For those who are interested in following this issue, I point out, as the previous speaker did, the excellent Senate report entitled, "Pay Now or Pay Later", which discusses this particular issue.

To bring us back to the bill we are presently considering, I see this legislation currently before us as an important stepping stone in this process. Hopefully we will achieve a national autism strategy designed to protect and support the families and those living with autism.

Earlier this year the Minister of Health recognized April 2 as world autism awareness day. I applaud the minister's efforts, but at the same time, I remind the House that there is no force of law behind such a declaration. The only way is to formally declare April 2 of each and every year as world autism awareness day, as has been done by 192 other countries in the world following the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities.

● (1200)

In closing, I urge every member of the House to think seriously about this bill, to consider those constituents of theirs who are facing autism each and every day of their lives and to move Canada forward in the fight to better the lives of Canadians across the country who are dealing with autism spectrum disorders.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It being 12:03 p.m., the time provided for the debate has expired.

[*English*]

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Health.

(Motion agreed to, bill read the second time and referred to a committee)

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-36, An Act to amend the Criminal Code, as reported (with amendments) from the committee.

The Acting Speaker (Mr. Barry Devolin): There being no motions at report stage, the House will now proceed, without debate, to the putting of the question on the motion to concur in the bill at report stage.

Hon. Stockwell Day (for the Minister of Justice) moved that Bill C-36, an act to amend the Criminal Code, as amended, be concurred in at report stage.

The Acting Speaker (Mr. Barry Devolin): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. Barry Devolin) I declare the motion carried.

When shall the bill be read the third time? By leave now?

Some hon. members: Agreed.

Hon. Stockwell Day (for the Minister of Justice) moved that the bill be read the third time and passed.

The Acting Speaker (Mr. Barry Devolin): The hon. member for Edmonton—Strathcona on a point of order.

* * *

POINTS OF ORDER

COMMENTS BY MEMBER FOR OTTAWA SOUTH

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am rising on a point of order related to a statement by the member for Ottawa South on November 20, 2009.

That statement was that it was not two weeks ago that his colleague, Mr. Hyer, the member for Thunder Bay—Superior North, the critic in the NDP was in agreement—

The Acting Speaker (Mr. Barry Devolin): Order. I would like to remind the member that she should not refer to colleagues by their given name, but by their riding. The hon. member for Edmonton—Strathcona.

Ms. Linda Duncan: My apologies, Mr. Speaker.

The statement I would like to bring to your attention, Mr. Speaker, was by the member for Ottawa South and appears on page 7036 of the November 20, 2009 issue of *Hansard*. That statement is:

> It was not two weeks ago that his colleague, the critic in the NDP, was in agreement that this extension for 30 days in committee was extremely important in order to hear other expert witnesses.

I want to bring to the attention of the House that that is an untrue statement. I very clearly in the House voted against the extension that was requested. I would request that the member return to the House and withdraw that untrue statement.

● (1205)

The Acting Speaker (Mr. Barry Devolin): The Chair has heard the point of order raised by the member for Edmonton—Strathcona and will take it under advisement.

* * *

CRIMINAL CODE

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

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, I am pleased to speak to Bill C-36 now that it has been reported back to this House by the Standing Committee on Justice and Human Rights.

Bill C-36, the serious time for the most serious crime bill, will amend the Criminal Code to repeal the so-called faint hope regime for all those who commit murder after the legislation comes into force. Importantly, it will also toughen the procedural requirements to make a faint hope application for the approximately 1,000 already convicted murderers now serving life sentences in Canada's prisons who presently have the right to apply for faint hope, or who will have the right to do so after serving 15 years.

I am pleased to note that after hearing from several witnesses, the standing committee reported Bill C-36 back to the House with but a few technical amendments that will better harmonize the English and French versions of the bill.

Allow me to recap the nature of the substantive Criminal Code amendments contained in Bill C-36 for the benefit of hon. members.

As most hon. members are aware, high treason and first and second degree murder are all punishable by life imprisonment with the right to apply for parole after a stipulated period of time. Section 745 of the Criminal Code stipulates that the earliest possible parole eligibility date for those convicted of first degree murder and high treason is 25 years. It is also 25 years for second degree murder, where the murderer has been convicted of a prior first or second degree murder, or of an intentional killing under the Crimes Against Humanity and War Crimes Act. Otherwise, the parole ineligibility period for second degree murder is automatically 10 years and can be up to 25 years as determined by the judge under section 745.4 of the Criminal Code.

Serving up to 25 years in prison without being eligible for parole is obviously a very long time and it is deliberately so, for murder and high treason are two of the most serious crimes in Canada's Criminal Code. Nonetheless, the faint hope regime provides a mechanism for offenders to have their parole ineligibility period reduced so that they serve less time in prison before applying to the National Parole Board for parole.

The current faint hope process is set out in section 745.6 and related provisions, and has three stages.

First, an offender must convince a judge from the jurisdiction in which he or she was convicted that the application has a reasonable prospect of success. The courts have already told us that this is not much of a hurdle and almost all applications are eligible to go to the next stage.

Second, if the judge is convinced, the applicant can bring the application to a jury of 12 ordinary Canadians, whose role is to decide whether to reduce the applicant's parole ineligibility period. This decision must be a unanimous one.

Third, if the applicant is successful with the jury, he or she may apply directly to the National Parole Board. At that point, the applicant will have to convince the board that, among other things, his or her release will not pose a danger to society.

The faint hope regime has been around since 1976 when capital punishment was abolished. The data indicate that between 1976 and the spring of this year, there have been a total of 265 faint hope applications. That is an average of eight applications a year. Of the 265 applicants, 140 obtained reductions in their parole ineligibility periods. Thus, 103 applicants with 25 year ineligibility periods obtained reductions of 1 to 10 years, and 37 applicants whose ineligibility periods ranged from 15 to 24 years obtained reductions of 1 to 5 years.

Ultimately, the National Parole Board granted parole to 127 applicants. In short, nearly half of the 265 faint hope applicants were ultimately granted parole before the expiry of the parole ineligibility period imposed on them at the time of sentencing.

The existence of the faint hope regime and high success rate of applicants has led to a great deal of public concern, particularly among victims' advocate groups. This has in turn led to a series of amendments to restrict access to the faint hope regime and to make better arrangements for the needs of the families and the loved ones of murder victims.

● (1210)

Thus, government amendments to the faint hope regime in 1995, which came into force in January 1997, toughen the application procedure, first, by entirely barring multiple murderers from applying if one of the murders occurred after the coming into force date of the legislation; second, by requiring a judge to conduct the review already mentioned whereby the applicant must show a reasonable prospect of success before the applicant may go to the jury; and third, by setting the high standard of jury unanimity that I have already mentioned before the applicant's parole and eligibility period may be reduced.

I wonder if I might ask for unanimous consent to share my time with the member for Oakville. I neglected to do that at the beginning of my speech.

The Acting Speaker (Mr. Barry Devolin): Does the hon. member for Oak Ridges—Markham have the unanimous consent of the House to split his time with the member for Oakville?

Some hon. members: Agreed.

Mr. Paul Calandra: I thank my colleagues, Mr. Speaker.

In 1999 the Criminal Code was amended again in response to the concerns set out in the report of the Common's Standing Committee on Justice and Human Rights entitled “Victims' Rights—A Voice, Not a Veto”.

As a result, under Section 745.01 a judge sentencing someone convicted of first- or second-degree murder or high treason must declare, for the record and for the benefit of the surviving victims or their representatives, the existence and nature of the faint hope regime.

Given the controversial history of the faint hope regime, the rationale for Bill C-36 is very simple. Allowing convicted murderers a chance, even a faint chance, of getting early parole flies in the face of truth in sentencing. With its alternate title, this bill indicates that truth in sentencing means that those who commit the most serious of crimes must do the most serious time.

This is what the proposals in Bill C-36 aim to do. They aim to restore truth in sentencing for murderers and to protect society by keeping potentially violent offenders in prison for longer periods of time.

I am pleased to note that Bill C-36 would fulfill a long-standing commitment of the government to repeal the faint hope regime for future offenders and to tighten up the current application procedure in the interests of families and loved ones of murder victims.

Bill C-36 would bar all those who commit murder or high treason after the legislation comes into effect from applying for faint hope. In effect, the faint hope regime will be repealed for all those who commit murder in the future.

Bill C-36 would also toughen further application processes for those already sentenced as lifers with the right to apply for faint hope by setting a higher judicial screening test. From now on, a judge will have to be satisfied that there is a substantial likelihood that a jury will unanimously agree to reduce an applicant's parole ineligibility period. Moving from a reasonable prospect to a substantial likelihood will likely screen out the most undeserving applications.

There are also longer waiting periods for reapplication in the event of an unsuccessful initial faint hope application, a minimum five years instead of the present two.

Most important, Bill C-36 would impose a new three-month time limit for an offender to apply or reapply under the faint hope regime. The three-month time limit would apply in the following situations.

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

Second, it would apply to those offenders who are now serving a sentence but who have not yet reached the 15-year mark. For example, they may have served four years, eight years, or ten years when this bill passes. At exactly the 15-year point in their sentence, all of these murderers will have three months within which to bring an application.

There is also a new five-year waiting period during which an offender may not apply at all if he or she does not apply to a judge within the three-month time limit.

These new longer time limits are explicitly designed to reduce the number of applications that someone may make, in order to spare the families and loved ones of their victims from having to rehash the details of the crime every time a particular applicant applies for faint hope.

In closing, Bill C-36 would eliminate the faint hope regime for all future murderers and would ensure that murderers now in prison would have a much tougher time accessing the regime.

None of these substantive aspects of Bill C-36 have been amended in any way by the standing committee. As I mentioned earlier, there are a few highly technical amendments that have no impact whatsoever on the substantive provisions that I have briefly described.

The reforms to the faint hope regime proposed in Bill C-36 will accomplish two worthwhile goals: first, they will allow us to meet the concerns of Canadians that murderers do the time they have been given and stay longer in prisons than they do now; and second and equally important, they will help ensure that families of loved ones and murder victims are not forced to rehear the details of these crimes every two years as they are sometimes required to do under the current regime.

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

● (1215)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I will try to go slowly in order that the interpreter and my colleague may fully grasp what I am saying.

I do not understand—and perhaps you could explain this to me—why you are changing something that works perfectly well. The faint hope clause works perfectly well. We have all the numbers from the solicitor general and the parole board. All the numbers show that among all the prisoners released as a result of the faint hope clause, none reoffended by committing an offence as significant or serious as murder. There has been no failure.

There are currently 4,000 prisoners serving life sentences at a cost of $100,000 each. If you do the math, it costs several hundred million dollars a year.

My question is: why change something that works just fine?

[*English*]

Mr. Paul Calandra: Mr. Speaker, at the outset let me suggest that we are not going to be putting a price tag on justice in this country. One of the things the hon. member misses is that each time a faint hope application is brought forward, the victims have to relive the crimes over and over and over again.

The hon. member talks about liberating people who have been convicted of murder. The victims' families will never be liberated of the burden that they carry from these actions. Last week in my constituency office I had the honour of meeting of someone whose sister was murdered. A number of years later the family is still torn up over what happened to their sister. She will not be coming back after 15 years. She will not be applying for early parole.

The hallmark of the justice system is that it is a justice system, and people are required to do the time when they commit some of the most serious and heinous crimes. The member should reflect on that. He should put the families of the victims first and should not put the criminals ahead of them. As I said earlier, I would suggest to the hon. member that we cannot put a price tag on justice. It is important that we do what is right for Canadians. Canadians have said loud and clear that they want this provision repealed. I am very proud to do so, and I hope the hon. member will reflect on that and come on board and support the bill.

● (1220)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the bill is puzzling to me because an amendment in 1997 actually required that it be the unanimous decision of a jury to even recommend that the Parole Board hear the faint hope application. What is puzzling to me is the government is proposing that what it is doing is representing the views of the public who do not want these people released. It seems to go against the grain of the fact that under our system we recognize a jury of peers, who are people, where the offence occurred. In that process they actually allow for statements by the victims' family.

I wonder if the member could explain why he would want to replace the views of a jury of citizens from the area where the offence occurred.

Mr. Paul Calandra: Mr. Speaker, let me clarify for the hon. member that the bill actually repeals the faint hope clause. It is pretty clear. All of those who are convicted of some of the most serious crimes will no longer have the ability to apply for early parole. In fact what the bill does is respect the people who made the initial sentence. When someone is convicted to 25 years in jail for a crime of murder, the jury that has convicted that person assumes the person will serve 25 years for the act that they have been convicted of.

The faint hope clause sets aside the earlier decision of a jury of the person's peers and seeks to go back and see if they cannot change their mind. We are saying that is not appropriate, that we are going to change the way that justice works, we are going to put victims ahead of criminals and we are going to make sure that people who do the most serious crimes will do the most serious of time.

Mr. Terence Young (Oakville, CPC): Mr. Speaker, I want to thank the member for Oak Ridges—Markham for sharing his time with me today.

It is my pleasure to speak in strong support of Bill C-36, amendments to the Criminal Code that will put an end to the faith hope regime.

Saturday morning was Oakville's Santa Claus parade. I rode in a convertible with Frosty the Snowman, erstwhile Sheridan College student, Jaclyn Seer, as thousands of joyous adults and children waved and cheered along the curbs.

Towards the end we passed a police officer holding his radio microphone while he was chatting with another. “Look what I picked up”, he commented to the other officer. Alongside was a little boy about eight years old, still smiling, with a red foam ball attached to his nose, part of his Rudolph costume, apparently waiting for the officer to find his parents. I immediately wondered what might be going through his parents' minds. No doubt it would be worry that would grow exponentially as time passed, sadly with good reason.

I thought back to when I was a child in the 1950s and early 1960s. Even in Toronto, Canada's largest city, parents could allow their children to go out and play in the parks without fear, without fear they would be kidnapped, tortured or murdered. Today that is not true. Parents have to actually train innocent children against stealthy predators, both male and female. Tragically sometimes the predators still succeed.

I have to conclude that past governments have simply not done their best to protect our children and other vulnerable people. They have spent more time and effort worrying about the criminals in the system. As we passed that officer and little boy, I thought about why the people of Oakville sent me to Parliament. The first duty of any government is to protect its people, especially vulnerable people. That is my first duty to my constituents in Oakville. By voting for this bill, I am fulfilling that first duty.

Bill C-36 will ensure that those who commit the serious crimes of murder and high treason will serve the time that was imposed on them by the court that heard their case, serious time for serious crime, instead of getting some special break after 15 years and a paper review.

This means under this government many of our most dangerous criminals will be off our streets for 10 years longer, and others will think twice about their criminal plans. This will be real deterrence.

It is important to note that these are not troubled teens who stole a car to go for a joyride. They are not people who broke the law by mistake. They are the worst of the worst, people who have planned and carried out the worst crimes against innocent victims, crimes that are so horrible people would not even discuss them in front of children.

The faint hope clause was conceived in 1976 as a wish, an experiment by Liberal Justice Minister Warren Allman. It was supposed to provide an incentive for long-term offenders to rehabilitate themselves and at the same time increase security in prisons. It was good for the criminals but bad for the victims and their families.

I have heard some of the members opposite talk about studies that supposedly show that longer prison sentences do not deter crime, but how are these studies done? They are carried out by interviewing the people who have demonstrated they lack morals and have the highest motivation to lie, the criminals themselves, or they use selective statistics or they quote figures from the U.S., a largely different culture, regarding poverty, guns and crime.

Of course longer sentences reduce crime. The police and crown attorneys who deal with violent criminals will tell us that murderers are generally very well aware of the penalties they face if caught. Time in prison is what it is all about for these people. It is our most important tool in the justice system. The faint hope clause is a way that the worst criminals try to beat the system one more time. This is to say nothing of the huge cost to the taxpayers of the reviews and the hearings.

From victims' statements it is clear that the average person can only imagine the fear that the victim's families bear year after year that the person who murdered their loved one will obtain early release and kill again, or the continuing nightmare that they may one day meet the criminal face to face on the bus or in a lineup for a movie.

They have another dread, that one day after 15 years they will receive a letter in the mail requiring them to relive their terror and grief in order to make sure the criminal who stole the life of their loved one serves the full sentence he or she was given, because Parliament decided over 33 years ago to allow criminals to revisit that crime and sentence every two years. Why is that so? Is it because the perpetrator has been well-behaved in prison and he or she wants out?

● (1225)

There is no parole for the families. There is no early release for murder victims. The Liberal minister, who first introduced this clause in 1976, was concerned about the waste of the offender's life being in prison for 25 years, but where was the concern for the wasted life of the victim when the murderer chose to snuff it out? Who cared that the families were asked to relive their nightmares, in some cases every two years, by appearing at hearings for these criminals to tell their tragic stories over and over, effectively preventing them from leaving their pain behind and having any kind of closure?

Those of us in the Conservative Party care. There is an old expression that a Liberal is a Conservative who has not been mugged yet. There is an essential truth to that expression. Victims of violent crime on the whole have a vastly different view of crime and sentencing than those who have never been a victim. They see things much differently. That is because they have had the joy sucked out of their lives, at least temporarily, and their eyes are open. For some of them, life is never the same.

People who have looked into the eyes of a serial murderer or rapist and lived offer a unique perspective on a criminal's claim that 15 years in prison will change the criminal sense of right and wrong. All criminals want is for everyone to forget about their crimes. All the families of the victims want is for everyone to remember it. For justice, pick one.

The NDP member for Burnaby—Douglas claims that the system is working because, from 1997 to 2009, of 991 criminals who were eligible under this clause, only 131 were released and only four of them were caught in a similar crime. How incredibly naive that is. That statement is based on the ridiculous assumption that all crimes are solved and that all criminals are caught. Yet, we know there have been 3,400 unsolved murders in Canada since 1961. Over 500 native women have vanished in the last 30 years.

Clifford Olson was convicted for killing 11 children. Tragically, we have serial killers in Canada. Why would any clear-thinking person assume that the 101 faint hope parolees still out there are all perfectly reformed? When the time came to decide if Clifford Olson could apply for parole, however unlikely it was that he would get it, literally thousands of family members of those children and of those 500 missing women suffered a new man-made cruel and unusual punishment, this process of faint hope, as they relived their own losses.

We are keeping our promise to get tough on crime and hold offenders to account. If passed, Bill C-36 will bar all future murderers from applying for faint hope. This will effectively repeal the entire regime.

We in Parliament are tasked and trusted to protect vulnerable people. Each of us in this place asked for this trust and we must fulfill it. It should make no difference that the prison is in an unpleasant place. Our priority must be victims and their families and deterring violent crime.

I believe every member of the House should vote on the bill with one question in mind. If it were my child or spouse who was raped and murdered, how would I vote? We owe our constituents the same level of protection we would provide for our own families and nothing less.

● (1230)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I want to thank the hon. member for Oakville for his speech. I would like him to clarify something.

[*English*]

During his speech, the member for Oakville said that the current system, under the Criminal Code, for an offender to apply for the faint hope clause was a “paper review”. It is my understanding that if the judge finds there is a reasonable prospect of success on an application, the judge then orders that a 12 member jury be constituted. That jury hears from the offender, the families of the victims, should they so wish to testify, and from other expert witnesses. Is the member not incorrect when he calls it a “paper review”?

Mr. Terence Young: Mr. Speaker, what I have said is there is no new evidence regarding the crime presented. If a jury is put together, the judge looks at paper. What they are essentially doing is revisiting a criminal trial that took place 15 years prior or earlier than that.

I ask my friend opposite where she stands. I would like her to listen to what families have said.

Heidi Illingworth, with the Canadian Resource Centre for Victims of Crime, said in the *National Post*, on June 6, “The process is tantamount to cruel and unusual punishment for survivors”.

Ed Teague, whose 18-year-old daughter was murdered, said, "My sons will have to end up going to those parole hearings. I don't want them to have to go through that on a regular two-year basis like has happened in the past".

Carolyn Gardner, whose sister was murdered, said, "He can waive it", a faint hope application, "but we don't have that option, to say 'we don't want it', If we don't go, there's no voice for my sister, for their daughter".

Theresa McCuaig, whose grandson was murdered, said, "It's going to be very difficult for our family to go through court three times in one year for each criminal, and if they don't get it they are allowed to re-apply every second year after that. So we're going to go through this hell every second year".

I ask the member opposite to listen to the families and help us repeal this provision.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, when I hear such things it makes what little hair is left on my head stand up. I am certain that the hon. member has never appeared before the board to have someone released. That is not really how it works. Only someone with experience can tell it like it is and properly inform the public.

Exactly 127 inmates have been released and none has reoffended by committing murder. I can assure hon. members that the parole board is not going to release the likes of Clifford Olson or Paul Bernardo. Get real. You have to be ridiculous and dim to think that the board would be so reckless.

I have a question for the hon. member. What is his beef with the 1976 act that gave faint hope to an inmate? Why destroy something that has been working so well since 1976?

● (1235)

[*English*]

Mr. Terence Young: Mr. Speaker, we on this side of the House are concerned that the victim does not get one last chance. The victim does not have a voice, and we are primarily concerned about the families. Not many of these people are released anyway, but the families, as we have heard from the quotes, go through a living hell and for no good reason.

Let me quote Darlene Boyd, who said, "You don't have to relive it every time they feel like going through a judicial review or parole—that's hard on families". I have quote after quote from people who are suffering because of this unfair system.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is a pleasure to speak on behalf of my party. I will state outright that my party, based on the recommendations of our justice critic, will support the legislation at report stage and third reading. However, I would like to make a few points.

It is becoming more disconcerting to listen to the Conservative government and its MPs use fallacious statements and facts in order to bolster its position. There are many times when all members of the opposition or one or another party of the opposition support a particular policy that the government has put forward. Yet the government seems to be unable to help itself in either quoting out of context, in order to put a false conclusion on it, or in giving misinformation. The best example of that was right during the last speech.

The Liberals will, as I said, support Bill C-36 at report stage and third reading. We have concerns about the legislation. However, we would like to stick to facts because we believe, if we are solid on the facts, that they will support whatever conclusion or policy a government or a party puts forward and that there is no need to quote fallacious information, or to misquote people or to take things out of context in order to bolster one's position. That is inherently dishonest. If one is convinced of the rightness of one's position or the solidity of one's position, then there is no reason to undertake that kind of argument.

Bill C-36 would repeal section 745.6 of the Criminal Code, known as the faint hope clause. That section is applicable to offenders who have been sentenced to life imprisonment without possibility of parole for 25 years. Under that section, those offenders can apply at the 15-year mark of their sentence for an earlier parole eligibility date. There is a process that has been put into place. It initially began in the 1970s. In 1997, under the previous government, it was tightened up.

The judicial review for an earlier parole date is not a paper review. It is not simply a question of rehashing whatever evidence was put in before a court on the original charges of first degree or second degree murder, depending on which charge it is, or high treason. For members of the governing party to claim that it is, is simply not true and does not bolster their case. In fact, it weakens their position because it makes people then suspicious about every other statement of so-called fact and just how valid it is.

In fact, the current process is that at the 15-year mark of having served a first degree life sentence without possibility of parole until 25 years has been served, offenders can apply for an earlier review as to whether they are eligible for an earlier parole. That application form is quite substantive and unwieldy, as has been testified to before the committee by justice and public security officials, by Correctional Service Canada and by various groups, psychiatrists, criminologists and offenders themselves. One person who benefited from that clause came before us and explained the conditions and the process.

As was rightfully explained by the first member of the Conservative Party who spoke to this, the standard of proof that a judge on a judicial review of this application has to base his or her decision upon is that proof has been established that there is a reasonable prospect of success.

● (1240)

If the judge is of the opinion that this standard has been met, the judge then orders that a 12-member jury be constituted. That jury does not simply look over the evidence of the previous trial that led to the first degree murder conviction, but actually hears from witnesses. It hears from the offender. It hears from the victim's family and relatives, should they wish to testify. It hears from the members of the Correctional Service of Canada who have seen and handled this offender, and who will come to testify as to the conduct of the offender since.

When the member for Oak Ridges—Markham claims it is a paper review, that member is being disingenuous and does not bolster the case of the government. It actually weakens the government's case because it then leads people to believe that the government is trying to hide something. I would urge the members opposite not to be disingenuous, but simply to base their arguments for the bill on the facts.

What are the facts? The facts are that the overwhelming majority of offenders sentenced to life imprisonment without possibility of parole for 25 years for first degree murder, or 15 years served for second degree murder, do not even apply. They do not apply because they know they do not even meet that lower standard that exists right now, which requires a "reasonable prospect" of success.

Clearly, if the overwhelming majority do not meet the lower standard, it is clear that even fewer will meet the higher standard that Bill C-36 puts into place, which requires a "substantial likelihood" that a jury would unanimously approve the request for a hearing for earlier parole.

There is no reason for the members opposite to obfuscate the facts. That is my first point.

My second point is that it repeals the faint hope clause for those offenders who will be found guilty after the bill receives royal assent. For those who are currently serving, or will have been convicted and have begun serving their sentence prior to the day of royal assent, they will still benefit from Section 745.6 of the Criminal Code. So it is very important that the members opposite do not attempt to play a hoax on most victims.

The minister came before committee and basically said that the reason he was bringing the bill forward was to ensure that no victim's family would ever have to relive testimony, et cetera. I asked him if there was a retroactive effect to this legislation, and he answered honestly, thank goodness, that no, it would only be repealed going forward. Therefore, I said to him that in fact the family members of victims who have already been murdered, and for whom the murderer has already been found guilty of first or second degree murder, will likely continue to have to face the prospect of testifying, should the offender apply under the faint hope clause. To that point, the minister said yes.

I beg the minister to please stop obfuscating the truth. What he should have said was that he was unable to garner a sufficiently strong argument to justify retroactive application of section 745 and, therefore, he has tightened up the possibility of limiting the application time of those offenders for whom section 745.6 will continue to apply, and has provided more security and certitude for the family members of victims.

● (1245)

I find it amazing that as a member of the official opposition, I am having to provide the government members with solid arguments to justify the government's own legislation because they have not done their homework. I am finding that is the case more and more.

We asked the commissioner of the Correctional Service of Canada for information, which was supposed to have been brought to the committee beforehand. That information dealt precisely with the actual statistics, whether or not anyone who had benefited from the faint hope clause had in fact gone on to reoffend and commit murder again, first or second degree, or high treason. We asked because those are the only charges to which the faint hope clause actually lends itself to a review and the possibility or faint hope of early parole. I have yet to see that information.

I cannot believe that the Correctional Service of Canada does not have that information, but I have not seen it. I have to question whether or not my colleagues from the Bloc and NDP who sit on the justice committee received that information. It would be curious to note whether or not the Conservative members who sit on that committee received that information.

I am offended when I am being asked to evaluate, study and review proposed government policy and legislation and the government does everything it can to keep information from members of the committee and parliamentarians. It does not bolster the government's case at all. It lends itself to making other parliamentarians less open to even listening to the government when it comes up with other new policies, because past behaviour is, in many cases, a predictor of current and future behaviour.

We have seen how the government has absolutely no qualms about misinforming people and taking information out of context, and when confronted about it, refusing to even acknowledge it was in the wrong. Then one has to call into question the government's good faith, because if someone unknowingly misquotes or quotes something out of context and it is brought to his or her attention, if that person has good faith, he or she will publicly apologize for getting it wrong. I have yet to hear this government or any of its members apologize when they have been confronted clearly with misinformation or misquotes.

The government has proposed repealing the faint hope clause after royal assent of the bill for anyone who is convicted of first degree murder, second degree murder, and high treason. Liberals will be supporting that. The government could not make it retroactive, and even on that I have concerns whether or not that was the case, because I have asked the question already. The minister did not table any legal opinions that would have demonstrated that a constitutional case could not have been made to make the repeal retroactive. I asked that question because I know this very well from when I was parliamentary secretary to the then solicitor general, now the public safety minister portfolio. At that time, when we were looking at creating a national sex offender registry, the proposed legislation first brought to us by the departmental officials was not retroactive.

● (1250)

At that time, I said that in my view there was a solid constitutional argument that would withstand a charter challenge and allow us to make the sex offender registry retroactive. I asked the officials to go back and do their homeworker. I did my own homework on the jurisprudence et cetera. When they came back, the Department of Justice officials admitted there was a solid argument that would allow the creation of a retroactive sex offender registry that would withstand a court challenge.

I asked the minister whether or not that work had been done for this particular legislation, and while he said yes, he also refused to provide any kind of documentary evidence, legal opinion, or research, et cetera, showing they could not make it retroactive in this case.

I have said all I need to say on this matter.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to what my colleague had to say, and I would like to congratulate her on her speech, because what she said was accurate. I will talk about this in more detail when I speak in a few minutes.

I am a bit surprised, though, and that it what my question is about. In 1976, if memory serves—and I hope it does—the Liberals were in power. I believe that Mr. Trudeau was Prime Minister at the time, but I am not certain. If I recall correctly, the Liberals abolished the death penalty in Canada in 1976 and introduced the faint hope clause. I will come back to this in a few minutes in my speech.

I have a question for my colleague, who seems to be a lone voice among her Liberal colleagues, who will likely vote in favour of Bill C-36. I am looking for just one good reason why she should vote against it.

The party opposite should not talk about the victims. It does not understand the victims. We will talk about the victims later. I would like to know why the Liberal Party, which brought in the faint hope clause and knows how the system works, would vote for such a bill, which will take the last hope away from certain hand-picked inmates who have proven that they may be eligible for parole. I would like to understand.

Hon. Marlene Jennings: Mr. Speaker, I must tell my colleague that his memory serves him well.

In fact, in 1976, the Liberal Party of Canada was in power. It formed the Government of Canada at the time, and the Right Honourable Pierre Elliott Trudeau was Prime Minister. My predecessor in my riding, the Hon. Warren Allmand, was Minister of Justice at the time.

If I were to behave like the Conservatives, who are forever labelling everything with their logo, their big C and the colour blue, I would say that that was the year the red Liberal Party of Canada abolished the death penalty and brought in section 745.6 of the Criminal Code, which gave inmates very faint hope, but one last chance nonetheless.

I am a Liberal. I am a good Liberal. When the official opposition justice critic recommends that my caucus vote for or against something, I try to be a good Liberal.

● (1255)

[*English*]

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, based on that last comment, I just cannot let it go.

I appreciate the presentation by the member opposite. I know she is active on the justice committee and has been dealing with these issues for a number of years. The minister clearly indicated the charter issues with retroactivity. The member may not agree.

I am asking the member a question. Where is the member going? Is she allowed to leave? It is time for questions and comments. Is that what a good Liberal does? Avoids questions and leaves the House. Is that what happens? I will make it simple.

The member was at committee. The member voted against the legislation at committee. That is my understanding. Has she changed her mind and what has made her change her mind?

Mr. Marcel Proulx: Mr. Speaker, I rise on a point of order. May I recommend that you suggest to the hon. member to be somewhat respectful.

The Acting Speaker (Mr. Barry Devolin): I am not sure that is a point of order. However, I would remind all hon. members that we ought not to reference colleagues who are or are not in the House and whether they are coming or going.

Hon. Marlene Jennings: Mr. Speaker, if the member actually read the transcripts of the justice committee, clause-by-clause voting, he would not see my name appear either in favour or opposed.

Therefore, when the member says that he has been told that I, the member for Notre-Dame-de-Grâce—Lachine voted against Bill C-36 at second reading, clause-by-clause, he has been misinformed.

I would beg the member, in future, not to repeat the same misinformation because I have seen members of the Conservative Party sitting in the House giving out misinformation, be corrected about it, and continue to repeat it as though they had never seen the actual facts shown to them and proven to them.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have a quick question. I shared with my colleague the concern when the minister came before the committee and the only argument he had, because it certainly was not based on any facts on how this section has worked, was that he wanted to be sure that victims' families would never go through this again. He seemed ignorant of the fact, based on the bill, that they would go through it not once but twice both at the time for the review, which could happen under this bill two or three times, and then again before the Parole Board.

I am wondering if the member has any concerns that we are going to see another attempt by the government either to reintroduce the death penalty, because the only way we can do away with reviews is to actually have the state execute convicted murderers, or the other possibility is, which the government may be considering, having a provision where there is no possibility of parole at all which poses some major constitutional problems under the charter.

I wonder if the member would comment on those two alternatives and where she might see the government going on either one of them.

● (1300)

Hon. Marlene Jennings: Mr. Speaker, the question that has been asked by my colleague from the NDP, who also sits on the Standing Committee on Justice and Human Rights, is quite serious. I will not speculate on what the government's future intentions might be.

As to the issue of the appropriate sentencing for first degree and second degree murderers who have been convicted of those charges, I can say that I have been in the House since 1997 and there were members of the previous Reform Party who did, in fact, express a wish for the return of the death penalty. I do not believe that they sit in the House at this time. I believe that some of them have been defeated, either at their nomination conventions or in an election, or have retired.

I am not going to speculate on what the government's medium- and long-term intentions on that should be, but I am dismayed when we have a minister, whom I actually respect and I cannot say that for many of the Conservative ministers, who comes before the committee and does not appear to be intimately aware of, understanding of, and knowledgeable about his own legislation that he is bringing forth.

The member is entirely right. The Minister of Justice, when he came before our committee with the arguments that he gave wanting to save victims' families from having to relive the pain, the anguish and, I can imagine, the terror over and over again, had to be informed by members of the opposition, myself included, that in fact his bill did not remove that reality because it was not retroactive.

That was the point at which I asked the minister about whether or not he had considered the possibility of making the repeal retroactive, period, finished, if he were that concerned about the victims' families.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The hon. member for Burlington on a point of order.

[*English*]

Mr. Mike Wallace: Mr. Speaker, the answer that I got indicated, based on the response, that my integrity was impugned and that I was not following the rules.

I am happy to put this on the record in the House here today. In the minutes of the proceedings of Monday, November 16, the question, "Shall the bill, as amended, carry?" has the yeas and the nays listed. The previous speaker's name is listed under the nays. I was doing exactly what I had done in terms of research on what was happening.

The member indicated that I did not know what I was talking about and impugned my integrity, saying I had not done my homework. I want to put on the record that this is not true and the member of Parliament who spoke owes me an apology.

The Acting Speaker (Mr. Barry Devolin): The hon. member for Notre-Dame-de-Grâce—Lachine is rising on the same point of order.

Hon. Marlene Jennings: Mr. Speaker, I did not say that the member had not done his homework. The member had stated that it was reported to him, so I informed him that the reports were incorrect.

If in fact the minutes of the November 16 meeting of the standing committee indicate what he has said, I will ensure that those minutes are corrected because every single member at that meeting knows very well that I did not vote on any of the questions that were put to the committee regarding Bill C-36, including whether or not the title should pass, whether the bill should pass, or whether 500 new copies should be printed. Therefore, I will see that those minutes are corrected to in fact reflect what took place in the committee.

I do not blame the member. He is quoting from what appears to be a perfectly valid transcript and based upon that, he made his statement in good faith, but I am informing the member that those transcripts are not correct. We have a meeting this afternoon. I will ask that they be corrected to reflect what actually took place, which is that the member for Notre-Dame-de-Grâce—Lachine did not vote on any of the votes on Bill C-36.

● (1305)

The Acting Speaker (Mr. Barry Devolin): This appears to be a discussion about the facts in this case. It is my understanding that the members are going to take some further action. If necessary, the Chair will return to this matter in the future.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am pleased to rise in this House to speak to Bill C-36.

I will begin by reading a very short quote from a piece by the journalist Manon Cornellier published in *Le Devoir*. For my colleagues opposite who do not understand French and who do not read it, *Le Devoir* is a French-language newspaper published in Montreal. Ms. Cornellier is a journalist on the Hill and was present for our debates and speeches as well as the introduction of Bill C-36. Here is the quote in question:

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

If Bill C-36 is passed, I believe it is very likely that the answer to this question will be yes, that it will. What does an individual do when he no longer has a chance and has nothing to hope for?

I am truly convinced that my colleagues opposite have never gone into a prison and know nothing about criminal law because they are spouting utter nonsense before the Standing Committee on Justice. When I hear what is being said and the questions asked by some Conservative colleagues in this committee, I even wonder if they really passed their bar exams.

I am revolted by this morning's comments in support of passing Bill C-36. We are keenly aware that victims must be protected. I will repeat it for my colleagues opposite because the translation is slow. The Bloc Québécois agrees that victims must be protected. I will repeat it for my Liberal friends who are preparing to support Bill C-36: victims must be protected. However, adopting this bill will not protect the parents of victims. Unfortunately the victims were murdered. Murder in the first degree is the most heinous crime that can be committed by an individual, and it deserves the harshest punishment.

In Canada, the death penalty for someone found guilty of murder was abolished in 1976. I know that some Conservatives would like to see it reinstated, but that is not what we are debating today. They must stop making false claims and providing misleading information. It is not true that someone found guilty of first degree murder is sentenced to 25 years. When an individual is found guilty of first degree murder, he is sentenced to life in prison, which means until he dies. That is what a life sentence means. The Conservatives need to stop their disinformation.

Since 1976, prisoners have been allowed to apply for parole after 25 years, but they were sentenced to life imprisonment; that means life in prison. The Conservatives need to stop making the public believe that everyone will get out after 25 years, because it is not true. The statistics we have in front of us prove that.

● (1310)

The statistics date from April 9, 2009, and there must have been a few people sentenced for murder in the past few months. Let us round it off. There were 4,000 prisoners serving life sentences in Canada as of April 9. So they are not all out, and they will not all be out of prison. So when the Conservatives go all delusional and claim that Clifford Olson could be released, or that Bernardo could be released, they are not thinking about the parents of the victims. They need to stop. It is not true that Olson and Bernardo will be released, and this is why. This is what the Conservatives need to understand, because they have a lot of trouble understanding it, and some Liberals still have trouble with this issue. I will explain it, and I hope that it will be clear.

An individual is convicted of first-degree murder and immediately sentenced to life. This means that he will spend the rest of his life in prison. However, as things stand, that individual can turn to the courts after being in prison for 15 years. This is important, and it is what the Liberals introduced in 1976 when they amended the Criminal Code and abolished the death penalty. They introduced the current system, which is working very well. The Liberals and the Conservatives cannot say that it is not working well, because they have never provided any numbers.

I will now explain how the current system works. The individual is convicted and sent to prison, where he must serve at least 25 years.

After 15 years, if his good behaviour has been proven and attested, he can apply to the court. The Conservatives led us to believe that an individual could lie for 15 years in prison. Come on. It is obvious that the Conservatives never go into the penitentiaries. Some of them should visit institutions at least a few times a year to see how things work. They would see that inmates cannot lie with impunity, especially in a maximum security penitentiary. Individuals sentenced to 25 years or life are placed in maximum security facilities.

After 15 years, the individual must appear before a superior court judge in the place where he was convicted. I am going to go slowly, because the Conservatives think that this can be done anywhere in Canada where the individual is being held. That is not true; it is set out in the legislation. The inmate must appear where he was convicted, before the chief justice of the superior court, not just any judge, not a judge appointed by the Conservatives, but a real judge.

The judge in question will examine the application, have the individual appear and ask him to convince the judge to empanel a jury to consider his application. This is not an application for release. The judge does not have the authority to release the inmate, but only to empanel a jury. I will come back to this in a few minutes.

The individual appears before the superior court judge and tries to convince the judge that he has proof that he has changed. He can call the prison guards to testify and can do everything in his power to convince the judge to empanel a jury.

That is the first step, and very few get past it. Whether the Conservatives like it or not, we asked for numbers, and of course, if any of them had been flawed, we would have known, but they were all fine. So, the person appears before the court and convinces the judge. Then the judge empanels a 12-member jury in the place where the first degree murder was committed 15 years before.

The Conservatives need to stop saying that such an individual can try two or three times, because that is not true. That is disinformation. So, the judge empanels a jury of 12 people from the place where the murder was committed 15 years before, and then there has to be proof beyond a reasonable doubt.

● (1315)

I will translate that for my Conservative colleagues. It means that there has to be enough proof that there can be absolutely no doubt that the person appearing before the jury has changed his ways. The jury cannot free the prisoner. The only thing that the jury can do is say unanimously that he can request parole in a year or two, or three, or five. The jury decides. The jury does not let the prisoner go. The Conservatives are wrong again. They must be delirious. Maybe they have delirium tremens because they would have us all believe that the jury would not study anything and would just let the prisoner go. That is not what subsection 745.6 of the Criminal Code says. The jury has to be convinced beyond a shadow of a doubt that the individual has so completely changed his ways that he deserves to apply to the parole board.

What proof must be provided? The individual in question must provide some evidence. Criminologists, psychologists, psychiatrists, victims, victims' parents—given that the victim, of course, cannot testify—cousins, and the entire family, must explain how that individual has changed. I hope my Conservative colleagues are listening carefully. This will come as a surprise to them. I know they are not listening to me, but that is all right; at least it will be in the blues. Since 1976, 4,000 prisoners have been sentenced to life sentences. As of April 9, 2009, of the 265 applications submitted, 140 applicants had obtained a reduction in their parole ineligibility period.

This means that the 140 people in question obtained a reduction in the waiting period before they can apply to the parole board.

This brings us to the second step. They have convinced a jury. They jury has decided that the individual can apply to the National Parole Board in one, two or three years. It is up to the jury.

Then the individual goes before the parole board. My Conservative and Liberal friends who plan to vote for this bill should listen carefully; this is important. These are not my figures or the Bloc Québécois' figures; these are the National Parole Board's figures and they do not lie. Of the 127 applicants who were granted parole, 13 returned to prison, 3 were deported, 11 have died, one was out on bail, one was in temporary detention, and 98 were meeting their parole conditions. I think this bears repeating. I will set the record straight right now. We heard from people from the National Parole Board and the Department of the Solicitor General. They appeared before the committee and we asked them if any of the 13 people who returned to prison had returned for another murder, another manslaughter or another second degree murder. The answer is no. They all committed crimes like theft or shoplifting. Perhaps they failed to meet their parole conditions. Many Conservative and some Liberal members seem to think that when someone is granted parole, they sit at home, relaxing, with their feet up. That is not how it works.

● (1320)

The committee heard one of those individuals. What did we hear? All is not over for the 98 individuals who are on parole. Just remember what I was saying before. When someone is sentenced for first degree murder, they are sentenced to life. They are therefore on parole for as long as they are alive. For the rest of their days, the individual has to report to the parole board and has to stay on the straight and narrow and respect the law. Parole can be revoked at any time for a whole host of reasons.

I have pleaded similar cases and I know what I am talking about. For example, if an individual has to report to his parole officer every Tuesday at 9 a.m., and arrives at 9:30 a.m., a complaint will be filed and he will have to explain himself to the parole board. If he has to take training and does not show up for his classes, his parole is automatically revoked and he is returned to prison.

When the public is misled, those who spread the disinformation will get caught. And that is what is happening right now. What the current government is trying to do, probably with deliberate help from the Liberals, who are concerned about their dip in the polls when it comes to being tough on crime, is to destroy any faint hope an individual has of being released.

Bill C-36 proposes to fully eliminate the right of all offenders convicted of first or second degree murder or high treason to apply for early parole on the day the amendment comes into force.

What that means is that inmates will become violent because they will no longer have any hope. What happens in penitentiaries when inmates have no hope? I hope that certain Conservatives, and especially certain Liberals who are about to vote in favour of this bill, will take a tour of a penitentiary to see what is going on. Individuals make themselves available to other individuals, often organized gangs inside the penitentiary, and become hired killers. It does not bother them because they know they will never get out. Parole officers have told us they are worried about increased violence in the penitentiaries if Bill C-36 is passed. Those are not just my words.

What else do they want? They want to protect the parents of victims and have them appear before the parole board as few times as possible. I do not agree with that position. I would say to the parents of victims that it is false to claim that they will be made to relive the same crime over and over, because only those individuals who have been rehabilitated can file an application.

Quite often, individuals who file an application—I have at least four examples—have already met with the victim's family in order to apologize, to speak to them or to find some way to heal the pain they have caused.

I will close by stating that Bill C-36 is a very bad bill. The consequences will not be felt today or tomorrow, but in five or ten years. At that point it will cause harm because we will have crushed an individual's hope. We will never support that.

● (1325)

[*English*]

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, for the hon. member's information, it was actually Clifford Olson not Barry Olson who was responsible for killing a number of children in British Columbia.

It is hard to listen to the member when in his previous question he said that we do not need to talk about the victims. He said that if a murderer is nice in jail, if the murderer says please and thank you, if the murderer opens the door for people and is a good boy in jail, then somehow the murderer should be allowed to approach the courts, approach the people of Canada for an early release after 15 years. He went on further to say that the murderer's family will testify that the murderer has changed his or her ways, that the murderer is actually a different person than when he or she was killing people.

Is the member truly serious in suggesting that the faint hope clause should stay and that we should tell murderers that if they are nice in jail we might let them out early? I may be an old fashioned type of guy raised by old fashioned parents but I believe the minimum standard expected in our prison system is good behaviour.

Why will the member not for one minute put the rights of victims ahead of criminals, just one time, especially on this bill?

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I will put myself in the shoes of the victims' parents for one minute. I will give the same answer that I have given to others. My colleague should look at the case of Mr. Dunn, a lawyer who, a number of years ago, killed his associate, Mr. McNicoll, in a presumed hunting accident in Las Saint-Jean. Mr. Dunn was sentenced to a minimum of 25 years imprisonment. He was found guilty of first-degree murder and was given a life sentence.

Today, Mr. Dunn is no longer in prison. He is a success story and is doing very well because he was concerned about the victim. He was concerned about the victim's family. I would like my dear colleague to know that no one will be released by the parole board unless they show concern for the victim's family. It is impossible. I have never seen it happen nor will I ever. In fact, one of the parole board's most important criteria is that, while in prison, the individual must show concern for the victims' fate. No one is released if they do not show concern for the victims. Never. I can assure him of that and my colleague can verify it. We asked the parole board and that is exactly what they told us.

In reply to my colleague's question, I would say that, on the contrary, we are thinking about the victims, and especially the victims' families, when someone is handed a life sentence.

● (1330)

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I could not help noticing in the debate here today how barren and devoid of any concept of justice, forgiveness and reconciliation the speeches are by the Conservative side. Those are all part of our justice system, I hope. I hope some of those will come through in the debate here today but I have not heard it yet from the Conservatives.

I want to sincerely thank the member for Abitibi—Témiscamingue for putting all of the facts on the record.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I thank my colleague.

I am very familiar with such cases, because I have worked them. I defended clients who have applied for parole, and whom I told that they were not ready and would never make it before the National Parole Board. Members must know that there are three important and essential steps. The prisoner must convince a judge. The judge must bring in a jury, and the prisoner must convince a jury beyond a reasonable doubt. The only thing a jury can do is to give an individual the opportunity to appear before the National Parole Board.

If this does not show concern for victims, I do not know what is. However, I will respectfully add that passing this bill is certainly not the way for the Conservatives to show their concern for victims.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, on that last point from the Conservative side, I wonder if my colleague from the Bloc could comment on the witness the Conservatives brought forward, who was the father of a victim of murder, who indicated to us, over the course of his testimony, that in the last week or two before coming to us he had been on a panel with one of the individuals who had been released on early parole. As a result of his discussion with that individual, he had changed his mind on this section of the code and felt that there were occasions when it was appropriate for people, who have rehabilitated themselves and convinced a judge and jury that they have rehabilitated themselves, to be released earlier.

I just wonder if my colleague could comment on the impression that particular witness left with our committee.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, my colleague is absolutely right. That is so true. It is so true that a person cannot truly be rehabilitated if he does not care about the victim's fate and what the victim's family members are going through.

That witness, whose name escapes me just now, appeared before us. We discussed parolees. We talked about why first degree murder happens and about life sentences. Any person who might be released on parole would be subject to parole supervision for the rest of his days. The convict has to care about the victim's fate because if he does not, he will never be eligible for parole and will never be able to apply for parole under the existing system.

With this bill, which I find completely ridiculous, we are not only closing the door but taking away the individual's last chance at rehabilitation. I hope that my colleagues will consider the conditions and the consequences five years from now.

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, I was impressed by my colleague's speech on this matter and moved by his comments in this House.

Several years ago, I heard a story on Radio-Canada in which some parents were sharing their thoughts on the parole system. I find it appalling that members on the other side of the House do not give more credit to the people responsible for the parole system.

Could my colleague tell us a little more about what we are hearing from people in the community, from other lawyers in the same field and from associations that support the Bloc's position?

● (1335)

Mr. Marc Lemay: Mr. Speaker, the main objective of the parole service is rehabilitation. What is rehabilitation? An individual may have received a very heavy sentence. Of course, I am talking about life in prison, because that person has committed the worst possible crime and killed someone in cold blood. There is nothing worse. The individual has taken a life; there is no doubt. Even as a criminal lawyer, I never had an easy time defending such a person.

Let us come back to the objective of parole. The individual has to be kept away from the population for many years, after which time officials will see whether he has begun a process of rehabilitation. An inmate will never be eligible for parole if he has not begun rehabilitation or a process that will lead him to recognize the seriousness of his crime.

What some people are talking about has never happened. That is why the parole service is so important in connection with the faint hope clause, and that is also why I am very much afraid that there will be more prison violence if this bill is passed.

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I seek the unanimous consent of the House to split my time with the member for St. John's East.

The Acting Speaker (Mr. Barry Devolin): Does the hon. member have the unanimous consent to split her time?

Some hon. members: Agreed.

Ms. Linda Duncan: Mr. Speaker, in rising in the House to speak to the bill, I want it to be known that I oppose the bill. In the same way that I treat all the bills before the House, whether they are government bills or private member's bills, I endeavour to look to the factual base in forming my opinion. It has been brought to my attention in the review of the bill by a number of persons and organizations, and what stood out for me was the submission to the justice committee by the Canadian Bar Association.

The brief was presented by the National Criminal Justice Section of the Canadian Bar Association, which represents more than 37,000 jurists, including lawyers, notaries, law teachers and law students across the country. It also includes not only defence lawyers, but prosecutors. That is very important. These are the professionals who work day in and day out, year by year in this area and are fully apprised of the facts of what is happening in the judicial system, including in the administration of the faint hope clause.

The Canadian Bar Association's testimony to the committee was very clear and it seems to be consistent with what the other members presented today in the House on the bill. The testimony was that the government's communications on Bill C-36 suggest there has been an increase in the number of offenders being released under the clause. However, that this is far from reality, which deeply concerns me. It is incumbent upon all members in the House that when we take a position on a bill, or if we draft a bill for presentation to the House for serious consideration, that it actually be based on fact. This is all the more critical when talking about a bill affecting criminal justice and affecting those who are subject to the system and people who have been victims of crime.

The brief by the Canadian Bar Association on Bill C-36 raised a number of concerns about the proposed reforms, in addition to the fact that it does not appear to be premised on a fact based appraisal, and that has been endorsed by all opposition parties. They have been extremely concerned that no proper factual information appears to have been tabled by the government in tabling the bill. That is a of great concern, particularly given the fact that the Department of Justice has undertaken a number of reviews and, presumably, those reviews should have been tabled for consideration by all members of that committee.

The Canadian Bar Association also testified that the government clearly had not assessed whether the proposed reforms would actually enhance the objective of sentencing in the criminal justice system. Obviously the very point of amending the Criminal Code, which is a critical law for peace and order in this country, makes it absolutely critical and incumbent upon the government to show that the change would improve the safety of citizens. The Conservatives do not appear to have done that. It seems it has been more from an emotional base.

It is my suggestion to the House that, given the importance of these bills, it is very critical that they be fact based because we are affecting people's rights, the rights of the people incarcerated, the rights of the people working in the prisons and the rights of people who may be victims of crime.

The Canadian Bar Association testified that Bill C-36 was unnecessary and would not improve community safety. This should be the first and foremost matter in the minds of members of the House when we consider an amendment to the Criminal Code of Canada. The very purpose of the bill is to provide for the safety of Canadians, to punish those who may break the law and to impose punishments appropriate to ensure that we do not have recidivism and to ensure deterrence.

It is also important for the House to consider that the jury system is a very important component of the Canadian judicial process. As the Canadian Bar Association pointed out in its brief, when we abolished the death penalty in 1976 and put in place the new system of first and second degree murder penalties, included within that provision was the system for sentencing, the inclusion of provisions for the consideration for parole and, most important, the provision that juries would first and foremost make that consideration before the application may go to the Parole Board. A very clear and thoughtful process was followed when this process was put in place.

However, it did not stop there. The process for the review of these offences has gone through careful scrutiny and review by the justice committee and various studies have been done. On a number of occasions they have been enhanced and made stricter.The decision to amend in 1997 also was based on the fact that of the 63 people who applied initially, 13 were rejected, 19 were allowed to go to the board and 6 of those denied by the board, but only one reoffended.

● (1340)

We must remember, as the Canadian Bar Association testified, that the 1997 amendment put in very strict procedures for considering the faint hope clause. It was precluded for multiple murderers. We should not be using those examples in considering this. It is not even possible under the faint hope clause.

The amendments introduced a screening process by the judge before it went to the jury and required unanimous jury recommendation. The House should note the importance of this provision. It is a jury of people of the community where the offence occurred that is considering the matter based on information on the offence, the character of the offender, how the offender has conducted himself or herself in prison, whether or not the offender is likely to reoffend, and information by the victim. It must be pointed out that that is optional. There is no requirement in law that any family member of the victim of a crime be required to testify. It is the family's option, but it is an important option, and a right and privilege to speak against the release of a particular prisoner. The jury must also unanimously recommend that the consideration may be made by the Parole Board.

The intent of the faint hope provision is to try to encourage the prisoner to show true remorse and to work hard at rehabilitation. That is an important part of our prison system. That is what sets us apart from a lot of regimes. Our regime is based on trying to rehabilitate every prisoner who goes into our system.

The hope is faint. There are many barriers to being able to obtain early release. We must remember that early release in many cases is very late in the game.

We also must remember that early parole is subject to a lifetime of supervision and that the parolee can be sent back for any transgression.

What is really troubling me is that the government seems intent on removing the parts of the judicial process where the jury is involved and where we actually work toward rehabilitation of prisoners. More important, the government has not seen fit to provide the resources to prevent crime. The most important thing we can do for victims of crime and future victims of crime is to prevent the occurrence of crime.

This past week I visited a youth emergency services program in my riding. It is an incredible program that is struggling to get appropriate resources. It takes in young people off the street, protects them from becoming victims of crime and tries to prevent them from becoming engaged in the criminal process. It is a commendable program where people dedicate themselves, and it is struggling to receive any federal funding.

Instead of trying to further punish and take our criminal system back to medieval times, I would encourage the government to look at the incredible process that we have developed over time. I would encourage the government to start redressing the frailties by properly financing our crime prevention programs. I encourage the government to put resources into those programs to give those who might otherwise become involved in serious crimes a chance to decide not to. That is the best way to serve our community and prevent crime. It is the best way to help those who may become the victims of crime.

● (1345)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, in the course of the committee hearings, there was a good deal of evidence that came forward from a number of sources, and I think we can say it was uncontradicted, that the incarceration rate in Canada for first and second degree murders is the highest in the world, with the exception of the United States. Quite frankly, in some of the evidence that came out, the length of time—I want to be clear on that, the length of time—that people spend in custody in Canada is the longest, even over some of the United States.

I wonder if the member could comment on the continued demagoguery that we get from the Conservatives of Canadians being soft on crime, our courts being soft on crime, this legislature being soft on crime, when we have an incarceration rate that is the highest in the world, with the exception of one country.

Ms. Linda Duncan: Mr. Speaker, the hon. member for Windsor —Tecumseh has asked an excellent question.

Indeed it is of grave concern to me and members of the legal community with the increase in incarceration of people who are convicted in Canada. I have had the opportunity of working in the Yukon and participating in circle sentencing. It is incumbent upon the government to look at more innovative approaches to addressing crime, engaging the community and having appropriate responses.

I am also equally concerned about what we are hearing regarding the rising levels of solitary confinement of prisoners, in particular aboriginal prisoners. We already have far too high a percentage of prisoners and far too high a percentage of the aboriginal population incarcerated. It is time we started addressing these critical matters.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, Canadians need some assurances about our approach to criminal justice issues, the role of incarceration, the role of rehabilitation and the role of prevention.

At the end of her speech, the member mentioned the need for a better balance in terms of crime prevention. I do not know what the latest statistics are but maybe she could provide some with regard to the effectiveness and cost efficiency of prevention rather than remediation after we have the problem.

Ms. Linda Duncan: Mr. Speaker, I cannot give the statistics off the tip of my tongue. I would hope that those statistics would have come before the committee. Certainly, they should be before the House before we make these kinds of decisions.

From my over 35 years as a lawyer, I am certainly aware of the percentage of aboriginal members of our community who are incarcerated. I am deeply concerned that now the government wants to put even more people in our jails which are very overcrowded. In our jails, there is a propensity for a lot of violence which could include prisoners who are in jail but not for violent behaviour.

It is critical that we think carefully about what the purpose is for the offences we have put under the Criminal Code. We should mirror that with looking at whether we are putting enough resources toward preventing people becoming involved in violent acts to begin with and being imprisoned.

● (1350)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I am pleased to speak at third reading of Bill C-36, An Act to amend the Criminal Code, regarding the proposed amendments to what is known as the faint hope clause under the Criminal Code for those sentenced to life imprisonment with no possibility of parole for stated periods of time.

First, it has to be understood that what we are talking about is literally a faint hope, very faint, in fact. As of April 2008, there were 4,429 prisoners serving life sentences. We can compare that to the number of people who have actually obtained parole under the faint hope clause for the last 20 years, which is 131. We are not talking about opening the prison doors and letting everybody out. We are talking about the mere possibility of someone having an opportunity to seek parole.

There is a very stringent process in place that allows for this very faint hope. It involves at least three steps, probably more. I will outline the three most significant steps that have to take place.

For example, if someone is sentenced to life without any possibility of parole, the first criterion is that there must be at least 15 years of the sentence served. We are not talking about someone who committed a murder, has been in jail for a few years and is trying to get a free pass out. We are talking about someone who has served at least 15 years in jail, which is in fact longer than the average time spent in custody of anyone sentenced to life in New Zealand, Scotland, Sweden, Belgium and Australia, for example. We are talking about people who have already served at least 15 years.

The first thing that has to be done is to convince the chief justice of the province or territory in which the conviction took place that there is a reasonable prospect the application for review would succeed. If that test is not met, there is no opportunity to get parole. If the chief justice, or whoever has been designated, is satisfied there is a reasonable prospect, then it goes to the next step.

The justice first considers the character of the applicant, the conduct of the applicant while serving the 15 years plus that has already been served, and the nature of the offence. Those concerned about people who are guilty of serial murder will not be surprised if it would prevent someone from getting early parole. Also considered is any information provided by a victim at the time of the imposition of the sentence or at the time of a hearing under the section and any other matters that the justice considers relevant.

If an inmate meets those criteria and a provincial or territorial chief justice thinks there is a reasonable prospect the review might succeed, it then goes to a jury. Whatever opinions the Conservatives have about justices, I would hope they would have faith in our jury system. Our system depends on a person having a trial by jury of his or her peers. If an individual happens to get past the first hurdle, then there has to be a unanimous decision by 12 members of the jury that the person ought to have the period of parole ineligibility reduced.

For example, if the eligibility for parole is set at 25 years and 12 members of a jury unanimously agree, they can say they are satisfied that the period of eligibility for parole can be reduced, and not only that, they get to say by how much. They can say they agree that the person should have an opportunity to apply for earlier parole, but it can only be reduced by two years or three years or five years. It is the jury's decision in both of those cases. A unanimous decision is needed for the possibility of reducing the parole and a decision of two-thirds of the jury is needed in determining the number of years.

● (1355)

All that does, after those two hurdles, is give the individual a right to apply to the National Parole Board. There is no automatic parole. That just allows the Parole Board to even consider an application from an individual who has been given a long sentence.

A faint hope clause review is not a forum for a retrial of the original offence. Nor is it a parole hearing. A favourable decision by the judge and then later by a jury in a separate hearing simply advances the date on which the offender will be eligible to apply for parole.

When people talk about our system not being tough on criminals, we have to compare our situation with countries around the world. In Canada the average time a person is incarcerated is the highest in all countries surveyed, including the United States, where the average life sentence means someone serves 18.5 years. In Australia it is 14.8. In New Zealand it is 11. In Sweden it is 12. In Belgium it is 12.7. Canada, compared to the United States with 18.5, is 28.4 years. That is the average amount of time someone serves if he or she is given a life sentence in our country. That is for first degree murder. Therefore, we are talking about a very faint hope indeed.

The importance of the faint hope has been underlined by the John Howard Society, for example. It says that the availability of the faint hope clause may provide incentive for prisoners to rehabilitate themselves. It also adds that the repeal of the clause allowing faint hope could lead to increased violence in Canada's prisons. It says that if one takes away even a faint hope, there is a potential that the incentive to behave well will go with it.

I am particularly moved by the example described by my colleague from Windsor—Tecumseh about an individual who changed his mind when he heard the story of one individual who had left the prison system under the faint hope clause and turned himself into an advocate for integrating other inmates and prisoners back into society. He had dedicated his life, in fact, since his release to doing that. That is an example of what can happen.

I am obviously not saying that everybody who ever gets out under the faint hope clause is a paragon of virtue. Let us face it, these individuals may have rehabilitated themselves enough to convince the Parole Board, after convincing a justice and a jury, that they were not a threat to society. They will at least be able to lead their lives outside of prison. However, this is an example of an individual who not only rehabilitated himself, but has now dedicated his life to the rehabilitation of others and to assist those who end up in prison for any number of reasons, such as getting caught in committing a crime. He helps to integrate them back into society and thereby protects all of us, protects Canadians because we have one more individual who has gone down the wrong path and is now able to rehabilitate others and help them lead useful and productive lives, which makes for a safer country.

There are lots of reasons why the faint hope clause should be maintained.

I see my time is up and it looks like we will head into statements very soon. Maybe there will not be time for questions and comments before the break, but I will leave that to the wisdom of yourself, Mr. Speaker.

Those are my comments at second reading. We have very serious concerns about these proposed reforms. We need to keep the faint hope clause.

● (1400)

The Acting Speaker (Mr. Barry Devolin): The member for St. John's East is correct. We will return with questions and comments after question period.

Statements by members, the hon. member for Cariboo—Prince George.

STATEMENTS BY MEMBERS

[*English*]

WILLIAMS LAKE, B.C.

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, there is a big celebration happening in Williams Lake, B.C. this Wednesday. On November 25, a spanking brand new Walmart superstore will open its doors to a huge crowd of excited shoppers.

This will mean 300 full-time and part-time jobs to a region devastated by the mountain pine beetle. This will mean that local charities will see a huge boost in their fundraising because Walmart is one of the biggest corporate charity supporters in Canada. This will mean a huge boost to the tax base of the town of Williams Lake. This will also mean some great merchandise at some great prices.

Congratulations to Walmart, to the Pioneer Family Group, to Avion Developments, the Seibert family and to the people of Williams Lake. Good job, well done and it is going to be a great Wednesday.

* * *

[*Translation*]

20TH ANNIVERSARY OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I rise today to mark the 20th anniversary of the United Nations Convention on the Rights of the Child.

[*English*]

There are no rights more fundamental than those of the child, the most vulnerable of the vulnerable. It is a shame, therefore, that Canada has yet to implement this convention and to commit itself to the protection of children's rights both at home and abroad.

The best interests of the child should come first and include: promoting greater equity in Canada's national income support program for children, including reducing poverty so it is less than 5% by the 25th anniversary of the convention; ensuring that no child in Canada should ever become a ward of the state or go to prison to get help for special needs; affirming that the best interests of the child underpin all intergovernmental funding disputes; and advancing the right of young people to be heard in matters that affect them.

Finally, the government should make the convention a part of Canadian law, establish a commissioner for children's rights, provide regular public reporting on the status of children and a fair review process for complaints in Canada and at the UN.

Simply put, the test of a just society is how it treats its children.

* * *

[*Translation*]

RURAL POSTAL SERVICES

Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Mr. Speaker, Canada Post is currently evaluating mailboxes on rural routes as part of its rural mail safety review. A number of mailbox owners will have a choice to make: change their set-up as required, or use a community mailbox.

Not only could rural residents be deprived of their right to receive their mail at home, but a cut in mail delivery will necessarily result in job losses. I support the Canadian Union of Postal Workers which is wondering whether Canada Post's safety argument is not just an excuse to cut costs and reduce services offered to people in rural areas.

That is why I oppose any attempt by Canada Post to reduce services if citizens, their representatives and postal workers have not been duly consulted.

* * *

[*English*]

HARMONIZED SALES TAX

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, Laura Barr is getting married next summer, but the HST is putting a damper on a very special and happy occasion. Every item and service Laura and Jim purchase for their wedding will cost 8% more. They are being forced to add an HST line to their budget, but are getting absolutely nothing in return.

Allan Bowditch calls it a "stealth tax" that is setting back Canadian economic growth and creating incredible hardship among those who can least afford it, like pensioners and retired seniors.

People who live in condominiums will be especially hard hit with their condo fees going up. Every service from plumbing and electrical repairs to legal fees will be subject to the tax grab.

As a business owner, the HST will also cost Joseph Paget more. He sees it as an irresponsible and poor decision that will negatively impact the Canadian economy.

The people of Trinity—Spadina demand that the government stop this HST tax grab now.

* * *

● (1405)

SNOWMOBILES

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, the snow has already started falling in northern Alberta.

In Fort McMurray—Athabasca we are once again seeing the beautiful lakes and rivers of our region freeze over and the many trails across our landscape turn to snow and ice.

Canadians know how to make the most of this frozen season and for thousands of Albertans that means heading out with friends and family on snowmobiles.

Unfortunately each year we see injuries and fatalities related to snowmobiles, most of which could have been prevented. In fact, over 50% of snowmobile-related fatalities involve intoxicated operators. Other factors in these tragic accidents include excessive speed, unsafe operation, inattention and drowning.

Therefore, at the beginning of this winter season, I would like to encourage my constituents and all avid snowmobilers to enjoy safely. They should wear a helmet, watch their speed, stay alert and most of all arrive home safely and do not drink and ride.

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WOMEN MOVING FORWARD

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, in 2005, Women Moving Forward, a group in my riding, set out to create a strategy with a singular goal: to reduce the poverty rates of Canada's fastest growing impoverished group, that being young, single mothers. This groundbreaking effort was ambitious, but through a combination of life skills instruction and support, Women Moving Forward aimed to move participants off welfare and into post-secondary training in just one year.

The young mothers in Women Moving Forward are ambitious, strong women who, despite the adversity they face, are determined to move ahead with their lives for the sake of their children's future.

Despite its success so far, Women Moving Forward now faces its greatest challenge yet. As funding sources dry up, this essential community service is under threat. I call upon the government to take the steps necessary to ensure this vital lifeline remains.

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CANADIAN WHEAT BOARD

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, there is something particularly egregious when corporate management takes the money of shareholders and spends it in opposition to shareholder interests. It is a very sad day when management comes to believe that a company exists for the benefit of the managers and not for the benefit of the shareholders.

In the corporate world, shareholders can sell their shares when management abuses company finances. The same cannot be said for farmers who are forced, against their will, to subsidize expensive PR campaigns produced by the Canadian Wheat Board. If the Canadian Wheat Board were voluntary, this would be fine, but farmers must sell their grain to the CWB. They cannot opt out of the Wheat Board no matter how self-servingly Wheat Board bureaucrats act.

Proponents of a single desk Canadian Wheat Board bitterly complain when elected officials campaign for a dual market, but they are only too happy to forcibly take money from all farmers to run their propaganda campaigns.

The Wheat Board may not know how to market grain, but it is in a class by itself at marketing hypocrisy.

[*Translation*]

LAVAL UNIVERSITY'S ROUGE ET OR

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Mr. Speaker, today I would like to congratulate Laval University's football team, Rouge et Or, for an excellent season. Last week the team won the Dunsmore Cup by defeating the Université de Montréal Carabins. The Rouge et Or were defeated, 33-30, by the Queen's University Golden Gaels in the Mitchell Bowl.

Football fans in the Quebec City region are very fortunate as the Vanier cup, the Canadian university football championship, will be held at Université Laval's PEPS sport complex.

My Bloc Québécois colleagues and I congratulate the top-ranked Canadian football team this year, the Rouge et Or. We also wish the best of luck to the Vanier Cup finalists, Queen's Golden Gaels and Calgary's Dinos, as well as to the Montreal Alouettes who will be facing the Saskatchewan Roughriders in the Grey Cup next weekend.

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JUSTICE

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, everyone knows that, on justice issues, Liberal and Bloc members defend the rights of criminals. Fortunately, Canadians know that they can count on our Conservative government to defend the rights of victims.

Our government believes that murderers must serve tougher sentences for the most serious crimes.

Bill C-36 would eliminate the faint hope clause. Criminals who commit first or second degree murder would no longer be able to apply for early parole. We do not want families to have to go through the pain of attending repeated parole hearings and having to relive their losses over and over.

We hope that, for once, the Liberal and Bloc members will stand up for the victims in this country by supporting this bill.

Our government works in favour of those Quebeckers and Canadians who obey the law.

* * *

● (1410)

[*English*]

RESULTS CANADA

Mr. Glen Pearson (London North Centre, Lib.): Mr. Speaker, today dozens of grassroots volunteers from the citizens' advocacy group RESULTS Canada are in Ottawa to deliver a message about our collective capacity to put an end to global poverty and needless suffering.

Volunteers of RESULTS are everyday citizens from across our great country who take the time to get educated about development issues and then, with their own voice and their own hearts, take action to make change in the world. They are mothers and fathers who believe that no other parent's child should die because he or she lacks access to basic immunizations that cost pennies. They are neighbours who believe that no one across the street or across the globe should suffer from preventable disease for lack of simple and inexpensive drugs. They are everyday citizens who understand that their voice matters and with that voice they can raise awareness, inform governments and call for action.

They are my constituents and they are other members' constituents and we welcome them to the House and commend them on their important work.

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HALIFAX INTERNATIONAL SECURITY FORUM

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, this past weekend the Minister of National Defence brought the world to Nova Scotia. The German Marshall Fund, in cooperation with the Department of National Defence and ACOA, launched the first annual Halifax International Security Forum to address the top global security challenges facing the transatlantic community.

This major international conference was the first of its kind to be held in North America. Over two days, global leaders in politics, government, business, academia and media participated in an interactive, in-depth debate on pressing strategic issues like Afghanistan, the Arctic, pirates and nuclear proliferation. Serious high-profile conferences about regional and global security have traditionally taken place outside of North America until now.

Today's new dangers require new thinking and solutions, and the Halifax International Security Forum is the one venue to explore serious policy alternatives. Our government is committed to ensuring that Canada is a prominent player on the international stage. I congratulate the Minister of National Defence for bringing the international stage to Nova Scotia.

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STUDENT VOICES FOR ATTAWAPISKAT

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, on Wednesday, October 28, students from six Thames Valley District School Board secondary schools were honoured by the human rights, status of women and political action committees of district 11 of the Ontario Secondary School Teachers' Federation for their winning entries in the Student Voices for Attawapiskat creative arts contest.

The students of Thames Valley and OSSTF district 11 became involved in the human rights issue connected with the lack of a school in Attawapiskat in November of last year. London and district students became part of the largest student-led children's rights conference in Canadian history when they joined in the fight for a new school for the children of this remote first nations community on James Bay.

I am privileged to congratulate Kayla Stewart, Ryan Bol, Jamie Karn, Spencer van Leeuwen, Samantha Skinner and Terry Nham and introduce Jerrod Kolanski, Tom Grainger and teacher R. J. Wieczor. They are all champions of social justice.

* * *

CRIMINAL CODE

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, our government believes that murderers must serve serious time for the most serious crimes. Our government's Bill C-36 repeals the faint hope clause. This means that criminals who commit first or second degree murder would no longer be able to apply for early parole, and those currently serving a life sentence or awaiting sentencing would face tougher rules when they apply for early parole.

By ending faint hope reviews, we will spare families the pain of attending repeated parole eligibility hearings and having to relive their losses over and over again. This Conservative government is continuing to follow through on its tackling crime agenda. We are standing up for the victims of crime and we are putting the rights of law-abiding citizens ahead of the rights of criminals.

We hope that for once the Liberal leader will stand up for victims in this country by ensuring that this bill gets passed. Canadians can count on this government and the Prime Minister to stand up for the rights of victims and law-abiding Canadians.

* * *

[*Translation*]

ABITIBIBOWATER PENSIONERS

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, some time ago, I met with representatives of the AbitibiBowater pensioners' association, and I was able to see for myself just how worried these people were. After working their entire lives and paying into the company pension fund, their retirement plans are now seriously jeopardized.

I would like them to know that the Bloc Québécois shares their concerns and plans to do everything it can to ensure that the government assumes its responsibilities when companies go bankrupt. The Bloc Québécois has, in fact, proposed measures intended to provide greater protection of retirement pension funds.

However, first and foremost, the worrisome situation currently facing AbitibiBowater pensioners is directly linked to this government's ideological decision to deliberately abandon forestry workers and instead pay large subsidies to automotive workers. The workers of Saguenay—Lac-Saint-Jean will not forget this.

● (1415)

[*English*]

CONSERVATIVE PARTY FLYER

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, there has been widespread condemnation of the Conservatives' abuse of public funds to transform ten percenters into partisan propaganda pieces. Imagine my disgust when I received a flyer at home from the Conservatives, trying to brand the Liberals, my party, as anti-Semitic, pro-terrorist and anti-Israel.

This is a new low for Conservatives. To print and to force taxpayers to pick up the tab for this pernicious, malicious and defamatory attack flyer is a disgrace. It dishonours all who serve in this place. Having served the Jewish community and others for over two decades, I know with great assurance that honesty is a paramount Jewish value and a quality dreadfully lacking in this government.

Will the Conservative Party now apologize to the Jewish community and to all Canadians for associating them with this offensive and dishonest flyer?

* * *

TORONTO'S CHINATOWN

Mrs. Alice Wong (Richmond, CPC): Mr. Speaker, shoplifters, vandals and other criminals are terrorizing small businesses in Toronto's Chinatown. The victims of crime are often recent immigrants who own and operate their own small businesses.

Every dollar's worth of merchandise that is stolen is a dollar less a store owner can spend on food and shelter for his family, a dollar less for his children's university tuition, a dollar less for his family's retirement.

Shoplifting is costing Chinatown grocer David Chen, owner of the Lucky Moose Food Mart on Dundas Street West, as much as $50,000 a year. Chen employs ten people and has a family of four. David Chen is a victim of property crime. There are many more small business owners in Toronto's Chinatown just like him.

[*Member spoke in Mandarin and provided the following translation:*]

Our Conservative government has introduced legislation in support for victims of crime and we will continue this support. We believe that the primary purpose of a criminal justice system is not the welfare of the criminal; it is the protection of law-abiding citizens, their property and their families.

ORAL QUESTIONS

[*Translation*]

AFGHANISTAN

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the minister is trying to make us believe that there is no credible proof of torture in Afghanistan.

And yet, the highest official, General Natynczyk, has said that prisoner transfers were stopped on a number of occasions.

Why were these transfers stopped? Why did they resume?

Why does the government not try telling the truth about this matter?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as the Leader of the Opposition would know, and as he has indicated, decisions to stop transfers are operational decisions taken on a case-by-case basis in a theatre of operations by military personnel.

In this instance, and this information is now on the government website, there were three operational decisions taken that resulted in pauses of transfer. I want to indicate that most recently, the reason the transfers were stopped was that the Afghan officials were not living up to their expectations, not living up to the expectations set out in the transfer arrangements.

The decision to stop was based on the fact that they were not living up to those expectations.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, in other words, it is reasonable to assume that detainees were being abused.

Last week Richard Colvin testified that Afghan detainees were being tortured and the Conservative government knew about it. The government responded by attacking Mr. Colvin's reputation.

Now the defence minister says he knew that torture was a possibility from the moment the Conservatives took office. Why did the Conservatives take 15 months to act?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, it is important to note that we acted immediately.

As soon as credible allegations came to our attention, we immediately began to invest in Afghan prisons, invest in training, and make substantial investments to ensure that the justice system was improved.

With respect to the pause in operations for transfers made on the ground in Afghanistan, that took place because we could no longer have unfettered, unannounced visits to Afghan prisons. When Afghans are not living up to their expectations, we pause transfers. When they started to allow that access again, the transfers then began again.

● (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, this does not add up.

The minister is saying that he knew that torture was a possibility from the moment they took office in late January 2006. No action of any remedial kind was taken until April 2007.

Why, then, has the government been smearing the reputation of a public servant who tried to tell it what was happening in that period? None of this adds up.

When will the government set up a public inquiry to give Canadians the truth?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, what does not add up is taking leaps of faith without substantiating evidence. That would not be acceptable anywhere.

What we have said repeatedly is we have in fact improved the situation in Afghanistan. We started investing two and a half years ago. We are not out to smear anyone.

This is very much about the examination of serious allegations. It is about putting to the test allegations with respect to torture. These are not things that we can take holus-bolus without evidence. We have taken serious steps to improve the conditions in Afghan prisons, and we will continue to take those steps.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, there is substantial evidence. From China to the United Kingdom to the United States, media are reporting an un-Canadian story of a cover-up of torture in Afghanistan.

The longer the Conservatives deny the facts and stonewall, the worse the damage to Canada's reputation. We must be prepared to live by the standards of decency, transparency and respect for human rights that we ourselves embrace on the world stage.

Will the government call a public inquiry and restore Canada's reputation as a global leader in human rights?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, let us be clear. There has never been a single proven allegation of abuse involving a prisoner transferred by the Canadian Forces, not one.

As far as getting a full and open public hearing goes, let us remind ourselves that this matter has been heard not once but twice at the Federal Court level. It has been examined by the Supreme Court, which declined to hear the case. It has been the subject of a Canadian Forces National Investigation Service review. It has been the subject of an RCMP review. A board of inquiry investigation was conducted. The Military Police Complaints Commission has had public hearings which are currently suspended at the call of the chair. This issue is also before a parliamentary committee.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, it is the same Military Police Complaints Commission where the government is engaged in massive obstruction of justice. The actions of the Conservative government undermine our reputation abroad. They also undermine the work of our brave men and women in uniform. The cover-up of these allegations risks our credibility in Afghanistan where our troops have worked courageously to ensure the safety and security of the Afghan people.

Our troops deserve nothing less than the truth. Will the government do right by our troops and call a public inquiry now?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, let us come back to facts. Let us talk about the fact that there is a parliamentary inquiry ongoing and, in fact, that the Military Police Complaints Commission was shut down at the call of the chair.

With respect to how this impacts on Canadian Forces, let us be very clear. There has not been a single proven allegation involving a prisoner transferred from the Canadian Forces. They are doing exceptional work in a very difficult mission in Afghanistan. They continue to labour under those challenges. The last thing they want to do is be smeared by members of the opposition suggesting wrongdoing on their part.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a number of reliable sources have confirmed that detainees transferred from the Canadian army to Afghan authorities were tortured. In addition to Richard Colvin, both a senior NATO official and the Afghan Independent Human Rights Commission have confirmed this. Even an Afghan prison warden has confirmed it. Nevertheless, the government insists that these allegations are unfounded. According to the Geneva Convention, all transfers of detainees must be halted if there is a risk of torture.

Will the minister admit that he acted irresponsibly by ignoring the many people who have confirmed that torture took place?

● (1425)

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, there has not been a single, solitary, proven allegation of a prisoner being abused that was transferred from the Canadian Forces. In fact, what Afghan officials did to Taliban prisoners is what is blurring some of this issue. It is very clear that the Canadian Forces and all government departments take allegations seriously, and they act.

They have been absolutely in compliance with international conventions, including the Geneva Convention, and have made substantial improvements in the Afghan justice system. We continue to invest. In fact, $132 million has gone into addressing this issue and we will continue to act with their good work.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, instead of halting the transfer of Afghan detainees, the Prime Minister chose to ignore the facts. His office even sent propaganda lines to NATO officials to help them publicly deny allegations of torture.

Will the Prime Minister admit that, instead of fulfilling his responsibilities, he chose to cover up the whole thing and discredit witnesses like Mr. Colvin?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, let us be clear. The Government of Canada does not control the communication policy of 28 NATO member countries. In fact, to suggest so is absolutely ridiculous. But let us come back to the main issue though. The fact is we acted decisively two and a half years ago. We started investing in the training of prison officials, investing in the physical surroundings of those prisons. We have spent time, money and effort, and sent qualified people to those prisons to monitor conditions. We continue to do so because of an enhanced arrangement, when we inherited an inadequate arrangement left in place by the previous government. Unlike the previous government, we acted.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Prime Minister cynically declared that his government does not attempt to intimidate people who do not agree with it. One need only observe how whistleblower Richard Colvin was treated to conclude that the Prime Minister spoke in bad faith. Instead of acting responsibly, the Prime Minister condoned his goons' attacks on the diplomat who revealed that prisoners transferred by Canada were tortured.

Instead of attacking the messenger, why was the government not transparent about its involvement—yes, its involvement—in the matter of the torture of Afghan prisoners?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, it is a bogus allegation. We have suggested the testimony that was heard last week is not credible. It is not substantiated. In fact, references to all prisoners being tortured, to innocent people being rounded up by the Canadian Forces does exactly what members of the opposition do not want; that is, cast aspersions over the Canadian Forces and the work they are doing.

We are protecting people. We are investing to improve the capacity of how Afghans treat Taliban prisoners. We have invested heavily in that regard. We will continue to do so. To cast aspersions and blur the issue is to dishonour the services being provided—

The Speaker: The hon. member for Saint-Jean.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, on Friday, through the Minister of Transport, Infrastructure and Communities, the government continued to evade responsibility in connection with the torture issue by stating that "these stories are about Afghan allegations against other Afghans".

Since Canada was involved in the transfer of prisoners to the authorities that employed torture, and given that the Geneva Convention imposes obligations even when doubt exists, how can the government continue to deny its responsibilities?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we have taken responsibility. We have acted. We have invested. In fact, to date, Canadians have made over 180 visits to detention facilities. That came about as a result of the new transfer arrangement.

In fact, we have gone further. We have invested $132 million in improving the Afghan prison system. We have invested in its officials. We have spent time training officials. We will continue to do so.

In fact, to quote an individual involved in this effort, Gail Latouche of Correctional Service of Canada said, "Corrections Canada who do the same work have seen zero evidence of torture or other abuse".

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Afghan Independent Human Rights Commission has reported 400 cases of torture, but the Conservatives still refuse to face the facts. But the chief of defence staff has confirmed that the Canadian army stopped transferring prisoners a number of times.

Can the government answer some simple and factual questions? How many prisoners were transferred by the Canadians? How many times were these transfers stopped, when and why?

● (1430)

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the facts and figures that the hon. member has put forward do not apply to prisoners transferred from the Canadian Forces. Those are broad-sweeping numbers that speak to the conditions in the prison. They do not apply to the numbers that were transferred by Canadian Forces.

With respect to what we did, we stopped transferring when the agreement was not working; an agreement that we improved upon; an agreement that enabled unannounced, unfettered access to prisoners that we transferred.

Let us talk about where the responsibility begins and ends. We took responsibility. We acted. We improved the situation and continue to do so.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I assume now then we will get all the evidence about the visits that took place in those particular cases so we can see exactly what happened. Will the minister table them in this House as quickly as possible?

We have to deal with the fact that the Afghan Independent Human Rights Commission reported on 400 cases of torture. How can the minister be so sure that absolutely none of them are relevant to the Canadian situation?

Colonel Abdullah Bawar, chief warden of the Sarposa prison in Afghanistan, confirms, "Yes, there was torture and people were certainly beaten. Hands and legs would be tied and they would be beaten with cables".

How—

The Speaker: Order. The hon. Minister of National Defence.

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, that is exactly the point. The hon. member wants to just accept that some of this or all of this applies to prisoners transferred by Canadians, and that in fact is not the case. That is the crux of the issue. We are asking for these allegations to be proven. There have been no proven allegations that we can refer to.

What is important is to listen to somebody who is there on the ground. Gail Latouche of Correctional Service of Canada reports that, in fact, unequivocally, she and three of her colleagues working in Afghanistan have said there is zero evidence of torture and abuse, based on the visits taken place by Canadian officials.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, when it comes to this whole question of torture, unlike other party leaders, we are not going to stand for denying of the evidence. We are not going to cover up the truth. We are not going to write books justifying torture in any way, shape or form. Nothing can justify torture and nothing can justify the full-scale denial mode that we see from the Conservatives right now.

Why will the government not do the right thing and launch a public inquiry, as we have called for, so that we will have all the facts on the table?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the hon. member demonstrates very little faith in the parliamentary committee and in the independent arm's-length organizations that are currently looking at the issue. In fact, he shows very little faith at all in having evidence substantiated or actually proven. That is what is important.

It is also important to note, again, that not a single, solitary, proven allegation involving a transfer of a Taliban prisoner from the Canadian Forces has been proven. The operational details on the ground are available. We will be hearing from more witnesses this week and I suspect more in the future. Let us hear what those people have to say.

[*Translation*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, our international and national legal obligations are clear. These laws expressly prohibit the transfer of prisoners who may face torture.

Direct proof is not needed. If there is any reasonable suspicion of torture, we must stop the transfers.

Why are the Conservatives avoiding this critical responsibility under international and Canadian law?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Let us be clear, Mr. Speaker, Canadian officials in Afghanistan absolutely abide by international obligations. They absolutely abide by the Geneva Convention and they are further enabled to carry out those responsibilities because of a new enhanced transfer arrangement.

Let the hon. member explain to the House and Canadians why it was that his government, when leaving office, only put in place an inadequate transfer arrangement that we had to improve upon months after taking office.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, we are supposed to be teaching Afghans about transparency, human rights and the rule of law, but the Conservatives are avoiding these responsibilities here at home. This is not about the Canadian Forces. It is about the failure of the Conservative government here at home.

When will the Conservatives stop acting against our interests abroad and here at home, and when will they call an independent public inquiry?

● (1435)

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Let us let due process, Mr. Speaker, determine what the facts are here. Let us actually let the parliamentary committee hear from individuals on the ground who were doing their important work.

I do appreciate the fact that he has pointed out that not a single Canadian, whether Canadian Forces or otherwise, is implicated in any wrongdoing. That is important for Canadians to understand.

It is also important to remember that the enhanced agreement was put in place by this government because of the failings of the previous administration to do its important work to protect Canadians in the field working to improve the situation in Afghanistan. That is something those members will have to explain over time.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, honest democratic governments have nothing to worry about when it comes to accountability and transparency. They know that those are the only ways to guarantee they are legitimate.

This government should encourage everyone who knows the truth to come forward.

Instead, the Conservative government treats whistleblowers like Mr. Colvin with contempt, and try to create a diversion.

Why is this Conservative government so afraid of the truth?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Let us examine that, Mr. Speaker. The reality is we are truth seeking in this exercise. We want to hear from individuals and we want to put the truth on the record, the truth being, obviously, that we have invested heavily in the improvement of the situation in Afghanistan.

It is clearly undeniable that we improved the transfer arrangement we inherited, the failed arrangement put in place by the previous government. We do want to hear from individuals who can bring forward credible, proven allegations, not just recitations of what was heard, what was passed on, what was read in reports, or what was disclosed by Taliban prisoners themselves. That is what the evidence is so far. We have not seen a single scintilla of proof.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, here is what one authority said about protecting whistleblowers:

> —we want to ensure that those public servants who wish to report unethical or illegal behaviour they witness in government can do so without suffering retribution.

Who said that? It was the Conservative Prime Minister in 2006.

Why has he broken his promise of protecting whistleblowers and why did he fail to treat these allegations of torture seriously when first informed about them?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Here is a quote for the hon. member, who is always so reasoned and pointed, Mr. Speaker. This is from a colleague of the individual who gave evidence last week. Paul Chapin, a former diplomat, said, "I think that what set me back is how serious the allegations are and how flimsy the evidence [is]." He went on to say, "It would have been rather more reassuring had he been able to provide some of the detail that would give credibility to these serious allegations".

These are not partisan comments. These are from an individual who worked in the professional public service of Canada. These are serious allegations. It requires serious evidence to back it up, not just taking someone's word for it.

* * *

[*Translation*]

THE ENVIRONMENT

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the number of supporters who want to ensure success in Copenhagen is growing. In addition to China, the United States and Russia, which are reviewing their strategies, now Gordon Brown, Nicolas Sarkozy and Angela Merkel want to enter into an ambitious agreement in December to address climate change. As calls for leadership are increasing, Ottawa remains silent.

Is the Minister of the Environment not beginning to feel a little lonely, given that the oil companies are his only allies in Copenhagen?

[*English*]

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, the Government of Canada aspires to see an agreement in Copenhagen, which is why I was in Copenhagen last week as one of 20 ministers drawn together by the chair of the Copenhagen process to try to lend form and substance to what will happen at the convention. This morning I met with representatives from the European Union, the Government of Spain and the Government of Sweden.

We will continue to be a constructive player at the table. We will, however, search out something that is superior to Kyoto and that suits our industrial needs, our climate and our geography as Canadians.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, Canada cannot go to Copenhagen empty-handed. Équiterre and the Pembina Institute are calling on parliamentarians to support the Bloc Québécois motion demanding that Canada take a constructive approach. Quebeckers want strict reduction targets that will help prevent irreversible global warming.

Whose interests will the Minister of the Environment be defending in Copenhagen, those of big oil or those of Quebec?

● (1440)

[*English*]

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, the essential challenge at Copenhagen is to arrive at an international treaty that will put an international framework in place. The issue at Copenhagen is not Canada's domestic plan. It is how we will replace Kyoto with a new agreement at Copenhagen, an international agreement to which the United States, China, India, Brazil and the other major emerging economies are prepared to agree. That is the challenge at hand and that is why we have been meeting over the course of the last year.

We have tough negotiators at the table. These are tough negotiations, among the most difficult our country has ever been involved in. We will search out a solution that is in Canada's best interests, unlike the previous government.

* * *

[*Translation*]

FORESTRY INDUSTRY

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the Minister of Finance cut off hope for everyone who was left out of his last budget by saying that he did not intend to release additional funds to cope with the economic crisis. After spending $10 billion on the automobile industry in Ontario, the Conservative government is telling Quebec forestry workers to fend for themselves because there is no more money.

How does the Minister of Finance explain his refusal to give Quebec's forestry workers what he gave Ontario's automobile workers?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, I must remind my colleague that the softwood lumber agreement was introduced to protect the Canadian forestry industry and, of course, Quebec's industry. The U.S. domestic market absorbs the entire U.S. softwood lumber production. We will continue to work to support the Canadian and Quebec forestry industry in order to allow them to continue to export the softwood lumber produced in the regions of Quebec and the rest of the country.

The automobile industry does not have such an agreement. It is a free market. We will continue to support Quebec's forestry industry.

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EMPLOYMENT INSURANCE

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the employment insurance measures proposed by the Conservative government, like the assistance for industrial sectors in crisis, are designed to meet Ontario's needs. In Quebec, the unions and unemployed groups are clear. The proposed measures do not do the job.

Rather than speeding up the looting of the employment insurance fund, as proposed in the last economic update, will the Minister of Finance propose a comprehensive reform of employment insurance in order to improve the system and increase accessibility?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we have done a great deal to help workers throughout Canada and that includes Quebec workers. We have the targeted initiative for older workers, but the Bloc did not support it. We extended the benefit period by five to twenty weeks, particularly for those who have worked for a number of years. We are trying to help these people in need but the Bloc is opposed.

* * *

[*English*]

AFGHANISTAN

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, last year, on March 13, Parliament passed a critical resolution on Afghanistan that committed the Conservatives to "a policy of greater transparency" with respect to taking and transferring detainees. The events of last week clearly demonstrate that the Conservatives have a policy of cover-up. We call on them to conduct an independent public inquiry into this serious issue.

What are the Conservatives waiting for?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we have been completely transparent. We have had quarterly reports. We have answered questions in the House. Ministers have appeared before committees. We continue to cooperate with ongoing investigations. We provide information daily in question period.

What the hon. member is forgetting is that, unlike his government, we have made substantial efforts to improve the situation in Afghanistan. We have empowered officials to go into prisons. We have given our armed forces the necessary equipment it needs to do its job.

I will put our record up against his failed record any day.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, it has come to light that dozens more detainees have been transferred, contrary to the Conservatives' previous assertions. We also know about the numerous reports sent up the chain of command about the treatment of detainees. All this was kept from Canadians until the last five days. It only became public thanks to the courage of a senior respected public servant.

Instead of choosing character assassination, why will the Conservative government not come clean and tell Canadians the truth?

● (1445)

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we have provided the truth but unfortunately the hon. member does not want to accept the truth. We have had quarterly reports. We have responded to the House. We have responded to parliamentary committees. We have responded to ongoing investigations and we will continue to do so.

What is important though is to suggest that having an individual make remarks that are not credible and unsubstantiated does not somehow require further examination. That is what we have done. We know that other individuals, including Mr. Mulroney and other professional public servants, will appear before committees to give evidence. In fact, I think they are anxious to do so.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, let the record show that the only Canadian serving in Afghanistan who has been smeared by a member of Parliament is Richard Colvin, and the member of Parliament who smeared him is the Minister of National Defence. That is the sad fact that we are having to cope with.

Would the minister please table before the House all of the briefing notes that he received as a minister and the briefing notes that the Prime Minister of Canada received with respect to the treatment of Afghan citizens by Afghan correctional services?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we know the hon. member is not an expert by any means on what happens in Afghan prisons but he can teach lessons on how to smear.

The hon. member will know that Canada has made substantial investments in improving the human rights situation in Afghanistan. I mentioned $132 million of investments and that included $7 million over four years to support the work of the Afghan Independent Human Rights Commission; $5.5 million to improve conditions in Afghan detention centres and human rights training in prisons; and $99 million for training, mentoring and equipping the Afghan national army and police.

That is action. His—

The Speaker: The hon. member for Toronto Centre.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the period in question is between January 2006 and the fall of 2007. I asked the minister a simple question.

Is he now prepared, in the interest of transparency, to give the House of Commons all the information provided to him as Minister of Foreign Affairs and Minister of National Defence, as well as that held by the Prime Minister of Canada with regard to this very important question? I do not wish to cause any offence.

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, here is what we will do. I will do him one better. We will look at all the documents that will be placed before the parliamentary committee, going back beyond the time that we took office. We will see what his government's record was and how it stacks up against the efforts that we have made to improve the conditions in Afghan prisons.

We will look at all of that evidence and then we will see where conditions were improved, when actual investments were made and when the real work was done to improve the situation in Afghanistan, not the Liberals' lame effort.

JUSTICE

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, Canadians expect that when a serious crime is committed in this country, the individual responsible for the crime faces an appropriate sentence. However, for far too long in this country, individuals convicted of murder have been eligible to apply for early parole.

What message does this send to the families of murder victims when the rights of criminals are being placed ahead of the rights of law-abiding citizens?

Could the Minister of Public Safety please remind members of this House why this government's faint hope legislation would help the victims of crime in this country?

Hon. Peter Van Loan (Minister of Public Safety, CPC): Mr. Speaker, our government believes that those who commit murder must face serious consequences when they do so, which is why our government introduced legislation in this House, Bill C-36, which is being debated today in the House of Commons. This legislation would put an end to the loophole for lifers. Under this legislation, criminals who commit first or second degree murder would no longer be able to apply for early parole.

We are supporting families who do not want to be victimized all over again at Parole Board hearings, and we stand by the victims.

The Liberals and the NDP have not made clear where they stand on this legislation. Canadians support it. We call on them to support it too.

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THE ENVIRONMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, with the Copenhagen climate change conference starting in just two weeks, Canadians are left either confused or disturbed by the government's position.

Last week, concerned high school students from Mississauga organized a phone-in to the Prime Minister's Office to seek answers. The PMO's response: “Leave us alone. Stop calling”.

Hanging up on our youth is not the way to go. Will the government apologize to these students and have the decency to respond? After all, it is Canada's youth who will bear the cost of the government's inaction on climate change.

● (1450)

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, the Prime Minister's Office contacted the school in question on November 12 to find out more about this issue but has not heard anything back. The call in question is therefore not confirmed.

The Prime Minister always enjoys hearing from students. In fact, he just visited St. Joe's high school in my constituency where he worked with students on strategies to keep young people off tobacco. I would like the entire House to give a rousing applause to the students of St. Joe's for fighting tobacco use.

Oral Questions

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the government feels safe ignoring young Canadians who cannot vote but why is it ignoring the majority who do? A poll released today indicates that more than three-quarters of Canadians are embarrassed by Canada's lack of climate change leadership; from 86% in Quebec to 65% in Alberta.

Canadians are looking for leadership and action on climate change but so far they have only experienced obstruction and delay.

When will the Prime Minister stop fiddling while the Arctic melts, ignoring Canadians, and take real action on climate change?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, I cannot say if the hon. member is disturbed but she certainly is confused. I would remind her that in excess of 83% of the Canadian electorate does not want to see her party running the Government of Canada.

We will continue to do what we are doing at the international level. We will, in a constructive way, continue to pursue an international treaty. We will continue to pursue continental policies with our major trading partners on the continent. We will continue as well to develop domestic policies that are integrated with both an international and a domestic framework.

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[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, on his return from Saudi Arabia, the Minister of Foreign Affairs stated that the case of Nathalie Morin, the young woman from Quebec who is being held overseas with her children by an abusive husband, is a “family dispute” that should be settled in accordance with Saudi law.

Yet experts invited to testify before the Standing Committee on Foreign Affairs and International Trade said that the Charter of Rights and Freedoms requires that the Government of Canada protect Canadians abroad.

Will the Minister of Foreign Affairs finally decide to plead the case of Nathalie Morin and her children to the Saudi authorities?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, this government works very hard to protect Canadians overseas. We are working with our consul officials, with the Saudi officials and with everyone to resolve this case, and we will continue to do so.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, Nathalie Morin's abusive husband has demanded $300,000 U.S. to divorce Nathalie and let her return to Canada with her children.

Foreign Affairs says that this is a legitimate request under Saudi law, but this ransom demand is a violation of human rights.

When will this government focus on its main responsibility, which is to help Nathalie Morin and her children escape her abusive husband's clutches?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the Minister of Foreign Affairs has said on many occasions that he would like to resolve this question. However, our priority is to ensure the well-being of the children while Nathalie and her husband resolve their dispute.

I would remind the House that Canada has twice facilitated Nathalie's return to Canada and both times she voluntarily returned to Saudi Arabia against our best advice. However, we will continue to offer our assistance.

* * *

ISRAEL

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, until now, no Canadian Prime Minister has ever sought to turn the broad support of Israel into an issue of partisan politics.

Shamefully, the minister is singling out Canadian Jews for a special message that is based on distortion, innuendo, half-truths and fiction.

Real leadership is about bringing people together. As was asked in the McCarthy hearing 55 years ago, does the Conservative Prime Minister have no sense of decency?

● (1455)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, when the Leader of the Opposition was accusing the Jewish democratic State of Israel of war crimes, our Prime Minister had the decency to defend that state's right of self-protection.

The Prime Minister had the decency to defund the Palestinian Authority upon the election of Hamas. That was opposed by that party.

The Prime Minister had the decency to ensure that Canada was the first country in the world to withdraw from the hateful Durban process which, initially, was opposed by members of Parliament on that side.

Yes, the Prime Minister has represented this country's fundamental decency on the world stage.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, those people over there just do not get it.

The Conservative government's use of ten percenters has come into question repeatedly over the last four years. It has waged personal attacks and has spread outrageous partisan propaganda. Now it has gone too far by falsely accusing Liberal members, including me, of anti-Semitism.

The abuse of this privilege must stop. Will the government support the Leader of the Opposition's proposal to limit ten percenters to a member's own riding?

The Speaker: Order. I do not think that question is in order because it deals with a matter that is not a ministerial responsibility, but rather one of the Board of Internal Economy. We will move on to the next question.

* * *

TAX HARMONIZATION

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, in the debate in the Ontario legislature, Conservative members walked out after the Liberal government refused to hold public hearings on the HST.

Their gesture was a little hollow since it is their federal cousins who are forcing this tax onto families struggling with the recession. Tens of thousands of Canadians, including some of the government's own party members, are making it clear that this tax is just wrong.

Will the government hold the public hearings that its Ontario cousins and, indeed, the finance minister's wife, are calling for?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, once again I will repeat for probably the 12th time that it is well within the jurisdiction of both the Province of Ontario and the Province of British Columbia, which have chosen to harmonize their sales tax, as was done back in the 1990s. They are following the same lead those provinces have taken.

I would suggest that the member take that up with her provincial colleagues.

[*Translation*]

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, the Minister of Finance may not have noticed, but Canada is a northern country, and winter is fast approaching. Heating bills are going to rise quickly, especially with the Conservatives' proposed harmonized sales tax.

The federal government is reaping what it sowed. Northern Ontarians are realizing that the $4.3 billion the federal government has put on the table will not give them anything.

Why are the Conservatives turning their backs on northern Ontario?

[*English*]

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, it is interesting that the member's party keeps bringing up tax cuts, talking about taxes as if that party actually cared about what Canadians pay in taxes.

We have been in the House and watched members of the NDP sit throughout debates and argue against tax cuts for Canadians and, in the end, vote against them. In fact, they have voted against almost every one of the tax cuts we have put forward to provide Canadians with more money to make their own decisions.

* * *

GOVERNMENT ACCOUNTABILITY

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, Canadians were reminded of the Liberal Party's legacy last week when another person associated with the sponsorship scandal was sentenced to prison.

During the Liberals' time in government, taxpayer money was lost to dishonest people while political masters watched.

Would the Minister of Public Works and Government Services please remind the House of our values in government compared with the previous Liberal government?

[*Translation*]

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, with the Liberal sponsorship scandal, we unfortunately saw white collar criminals steal from Canadian taxpayers. Our Conservative government was elected to change how things are done in Ottawa, and we are delivering the goods. One of the individuals involved in the scandal, Mr. Gosselin, received a two-year prison sentence, but the Liberal opposition is delaying our crime legislation. This means that Mr. Gosselin will be eligible for release after serving one-sixth of his sentence. While the opposition is dragging its feet and talking out of both sides of its mouth, we are delivering the goods and taking care of Canadian taxpayers.

* * *

● (1500)

GOVERNMENT CONTRACTS

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, according to the former leader of the ADQ, Senator Housakos had some questionable financing methods. Senator Housakos has even gone as far as to sue journalists to deny that he was responsible for the May 20, 2009, event that was attended by board members of Jacques Cartier and Champlain Bridges Incorporated.

And yet, the Prime Minister himself congratulated Mr. Housakos for his organizational work on that event. Will he ask Elections Canada to investigate this event?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the member for Hull—Aylmer is once again raising a question with no facts on the table. If he has any facts he would like to present before the House or, even more so, outside the House, we would certainly welcome him doing so.

* * *

[*Translation*]

LOANS AND GRANTS

Mr. Nicolas Dufour (Repentigny, BQ): Mr. Speaker, the federal government refuses to transfer the money from its new loans and grants program to the Government of Quebec. But in June 2008, the current political lieutenant for Quebec confirmed that Quebec could withdraw from the new program that will replace the millennium scholarships. He said that the government respects Quebec's areas of jurisdiction.

Why is the government getting in the way of the Quebec government, which has chosen to target its least fortunate students?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we are working to help all students right across the country get better access to post-secondary education without increasing their debt load once they graduate.

That is why we introduced the grants program that allows between $150 a month for middle-income students and $250 a month for low-income students. This is money that does not have to be paid back. It is available to those in Quebec as well.

[*Translation*]

The Speaker: That concludes question period for today. The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord wishes to rise on a point of order. He may do so now.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I wish to raise a point of order. During question period my colleague, the member for La Pointe-de-l'Île, raised a very important and legitimate question about Nathalie Morin, the Quebec woman who is being held, along with her three children, by a violent spouse in Saudi Arabia.

While the member was asking the question, the member for Peterborough was practically doubled over laughing. He was not only impolite, but also excessively noisy while my colleague was asking her question. The member for Peterborough, who got upset when the member for Scarborough made fun of him on Twitter, should apologize for his behaviour toward my colleague from La Pointe-de-l'Île earlier when she was talking about this very important issue.

[*English*]

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I am not exactly sure what the hon. member is talking about at the moment.

I certainly never laughed, whatsoever, at the question to which he is referring. In the House, from time to time, as we all know, it takes some time for translation to come through the headpiece. I may have been talking to my colleague when the question began.

I certainly was not laughing at that question. I have no idea what the hon. member is talking about, but I do apologize if the member's colleague found that disruptive.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am rising on a point of order. I am seeking an apology from the Minister of the Environment.

It is my opinion that in his response to my question, which was asked very respectfully, he replied with insults and was extremely disrespectful. That is a violation both of the rules of order on the use of unparliamentary language, page 618 of *House of Commons Procedure and Practice*, and Standing Order 18.

I would like to thank the member for Mississauga South for lending his books to me.

Speaker's Ruling

● (1505)

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, the hon. member knows that I hold her in the highest regard. In fact, she and I have spent a great deal of time together on airplanes flying to international conferences. The hon. member knows that I have often sought out her opinion on matters related to the environment, so I do not think it could be said that I do not hold her in complete respect.

In the question the hon. member asked immediately preceding mine, the member began by saying—and one would have to check the record—either that she was disturbed or confused, or that Canadians were disturbed and confused.

I simply responded with the observation that I could not comment on whether or not the member was disturbed, but that she was confused with respect to the policy basis of the question. I was simply referring to the comments the member used.

I note that most of the clamour in the House really came from the Liberals, who seem to have a different interpretation of the word "disturbed". That perhaps reflects some of their history, which I regard as disturbing as well.

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PRIVILEGE

COMMENTS REGARDING MEMBER'S POSITION ON FIREARMS REGISTRY

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I rise to respond once again to the matter of the ten percenter that was sent into the riding of the member for Sackville—Eastern Shore regarding his position on the long gun registry.

When I responded to the member's complaint on November 3, 2009, I corrected the record with respect to his position on the long gun registry, but I did not explicitly apologize at that time. I would like to sincerely do so today to the hon. member. I do that without reservation.

Furthermore, I have received an undertaking from our Conservative Resource Group that in the future, they will proofread more carefully and nuance more appropriately any ten percenter mail pieces sent out under my name.

With that, I again express my sincere regret to the hon. member opposite and to all of his constituents, and in particular to those constituents who drew this to his attention, who reported to his office the misimpression they had received from that earlier mail piece. In fact, I think we would mutually thank those individuals who brought it to our attention.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I suggest the House is reaching another point of difficulty. I have a great deal of respect for the member for Saint-Jean. He is on the special committee for Afghanistan. When he was asking his question in French, I received the English translation that he was referring to the fact that the Prime Minister had his "goons", which is a slur on birds, attacking Mr. Colvin.

I also heard the member for Ottawa South not once, but at least twice, when the defence minister was giving his answer to his questions, hollering out at the top of his lungs, obviously kitty-corner in the House so I could hear him, "weasel words".

Both the expression of the word "goons" in English and "weasel words" from the other member are not at all helpful. This is a very heated debate about which we all have very passionate feelings. All members would do well to kind of tone down the words and the rhetoric that we use.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I would like my colleague to know that I am not responsible for translation.

It is possible that "goons" is much more pejorative than *hommes de main* or henchmen, but as I said in the question and will say again, people sent to do the dirty work against an individual, a respected diplomat in this case, are henchmen. If the translation was inaccurate, we will have to ask the interpreters to use another term. However, I maintain that henchman were sent to deal with Richard Colvin.

● (1510)

ORAL QUESTIONS—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised by the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration on November 3, 2009, regarding the language used by the hon. member for Laurier—Sainte-Marie during oral questions that day. I want to thank the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration for having brought this matter to my attention, as well as the hon. member for Lévis—Bellechasse and the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord, for sharing their views.

[*English*]

In his submission the parliamentary secretary alleged that the member for Laurier—Sainte-Marie repeatedly accused the Minister of Citizenship, Immigration and Multiculturalism of being a liar and asked the member for Laurier—Sainte-Marie to withdraw the remarks.

[*Translation*]

For his part, the member for Laurier—Sainte-Marie denied calling the minister a liar but admitted that he used the word "lies", arguing that this was in fact acceptable as per past practice.

[*English*]

As I committed to do, I have reviewed *Hansard* and the video tapes of the exchange in question. Unable to discern what term was actually used in reference to the minister, I must take the member for Laurier—Sainte-Marie at his word as is the long-standing practice.

That being said, I would be remiss in my duties as your Speaker if I left hon. members with the impression that words can be uttered in strict isolation without taking into account their effect on decorum in the chamber. As stated in the *House of Commons Procedure and Practice*, second edition, at page 619:

[*Translation*]

> In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the member speaking; the person to whom the words at issue were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber. Thus, language deemed unparliamentary one day may not necessarily be deemed unparliamentary the following day.

[*English*]

In another ruling concerning unparliamentary language delivered on May 26, 2009, at pages 3702 and 3703 of the *Debates*, I stated:

[*Translation*]

> … that certain words, while not always aimed specifically at individuals and therefore arguably technically not out of order, can still cause disruption, can still be felt by those on the receiving end as offensive and therefore can and do lead to disorder in the House.
>
> It is that kind of language that I as Speaker am bound by our rules not only to discourage but to disallow.

[*English*]

These words ring as true today as they did then and are equally instructive in determining the acceptability of language used by hon. members.

As I have done in the past, I appeal to all hon. members on all sides of the House to choose their words with greater care. A reasonable degree of self-discipline is not a luxury. It is indispensable to civilized discourse and to the dignity of this institution. That point has been made in several of the points of order raised earlier this day.

[*Translation*]

Accordingly, in the matter before us today, I must find that the remarks made by the member for Laurier—Sainte-Marie did create such disorder that the dignity of this House was compromised, and as such were unparliamentary. I would therefore ask him to withdraw his words.

[*English*]

I thank hon. members for their attention.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I think you are bringing a new interpretation and shedding new light on the rules governing this House, but you are the master of the rules of this House. I therefore respect your ruling. Accordingly, I withdraw my words and I will be very careful in the future to ensure that the same rules apply equally to everyone. Is that understood?

The Speaker: I thank the hon. member for that. I also appreciate his cooperation in that regard, since we must encourage everyone to do the same.

ROUTINE PROCEEDINGS

[*English*]

CANADIAN WHEAT BOARD

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I am tabling today, in both official languages, a letter I sent earlier in the day to the Privacy Commissioner of Canada.

I wrote to the Privacy Commissioner after an internal audit of the Canadian Wheat Board, released through the Access to Information Act, showed that the Canadian Wheat Board was sharing the personal information of farmers with grain companies. This is yet another example of the Canadian Wheat Board failing western Canadian farmers.

It was this Conservative government that brought in landmark changes to the access to information regime, which made sure farmers learned about this abuse. The Canadian Wheat Board must be accountable to western Canadian farmers, so I wrote to the Privacy Commissioner this morning asking her to look into this serious breach of personal privacy.

I also reiterate my call for the Wheat Board to allow the Auditor General of Canada to review its books and the substantial loss—

● (1515)

The Speaker: Order, please. It is tabling of documents that we are on at the moment, not statements by ministers. I am sure the minister is tabling a document, but I do not think he needs to be making a statement at the same time. That is the usual practice, in any event, in respect of these matters. I presume he is tabling this letter.

Hon. Gerry Ritz: I would be happy to repeat it in statements by ministers, if you like, Mr. Speaker.

The Speaker: That is fine. I do not decide who makes statements by ministers, but it would be at that point and moment.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation to the fourth part of the 2009 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, September 28 to October 2.

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COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I move that the eighth report of the Standing Committee on Fisheries and Oceans presented on Wednesday, November 18 be concurred in.

I will be splitting my time this afternoon with the hon. member for Bonavista—Gander—Grand Falls—Windsor.

I wish to raise on the floor of the House of Commons the serious issue of the revised NAFO convention and the effect on Canadian sovereignty on the capacity of Canada to manage fish stocks not only domestically, but on the nose and the tail of the Grand Banks as well as the Flemish Cap. These are very serious issues that are conjured by the revised NAFO convention. Quite frankly, we have had quite a discussion outside of the House on this issue.

The government tabled the revised NAFO convention on June 12 as a sessional paper, invoking its new procedure for parliamentary consideration of international treaties and conventions. On several occasions, post that tabling, my opposition House leader attempted to bring forward debate in the House on this important treaty, however, was met with no success, even with actual interference from the government itself.

However, we were able to circumvent the government's intent not to allow debate on this issue to occur by bringing the matter to the Standing Committee on Fisheries and Oceans to have the matter debated. There we heard expert witness testimony from people such as former deputy ministers and assistant deputy ministers from the Department of Fisheries and Oceans and former director generals of international policy, all of whom told our committee that this revised NAFO convention was not in the Canadian interest. It is a direct affront to Canadian sovereignty and will provide significant negative impact on the capacity to properly manage fish stocks with the point of view of conservation in mind.

Canadians call on their government to ensure that Canadian sovereignty is protected and secured. They call on Canada to use all legal instruments, those that were provided such as in the United Nations Convention on the Law of the Sea, to take advantage of any and all new opportunities for increasing Canadian sovereignty over our current coastal limits.

A point in case is this. One such expectation that is top of mind with Canadians is the issue of Canadian Arctic sovereignty in the Northwest Passage. We expect the extension of Canadian jurisdiction to beyond our current recognized international limits to include a huge area of sea and subsurface area of the Arctic stretching toward the North Pole.

We also expect our government to entrench exclusive Canadian sovereignty over the area of the fabled Northwest Passage, the body of water inside the Canadian 200 mile exclusive economic zone that meanders through an Arctic Archipelago of islands, all claimed by Canada.

Let me put in perspective what the revised NAFO convention will do. It is the equivalent of our Conservative Canadian government standing in the House and saying to the people of Canada that it is no longer asserting a greater jurisdictional control over the waters extending toward the North Pole beyond our 200 miles, that Canada is now abandoning our policy of Arctic sovereignty.

Regarding the Northwest Passage, it is also the equivalent of Canada saying that it no longer views this as an exclusive Canadian jurisdiction, that it is actually now providing a right for the circumpolar Arctic council to come forward with a proposal that we will jointly manage the Canadian Northwest Passage. That resonates with Canadians as being wrong. It should resonate with the government as being wrong.

The problem is that exact same model is being applied to the waters of eastern Canada from Baffin Island right to the southern tips of Nova Scotia, our entire exclusive economic zone on the east coast, an area of equivalent size.

The particular offensive passages within the revised NAFO convention include the following. The inclusion in the rights of NAFO, an international management body, a legal tool for NAFO to enter and manage inside Canada's exclusive economic zone, our 200 mile limit. That right does not currently exist under the NAFO convention. If NAFO tried to do such a measure at this point in time under current circumstances, it would be barred from doing so under the NAFO convention itself. Under the revised convention, article VI, paragraph 10, that legal opportunity, that tool, would actually exist at the request of the Conservatives.

● (1520)

The measures of the revised NAFO convention also include a continuation of the objection procedure that would allow contracting parties to fish unilaterally set quotas throughout the entire fishing season. Fishing industry stakeholders understand extremely well the consequences of the current objection procedure.

After NAFO makes a decision, any contracting party, any member of the 13 members of NAFO can simply say that it does not accept the decision and that it is filing an objection. That party can begin immediately to fish unilaterally at its own set quotas, well above the conservation limits.

In this revised NAFO convention, the objection procedure is not done away with. In fact, it is legalized and institutionalized. The objection procedure still exists. The contracting parties can still file an objection and still continue to fish unilaterally at their own pre-set quotas. The only difference is that three years down the road, after the fishing season is over and the consequence of the decision is already exhausted and expired and the fish are now gone, a legally binding tribunal under the International Court of Justice or some similar international legal mechanism can present a binding ruling.

The problem with that is very clear and obvious. The consequences of the decision take less than 12 months to extract. However, the process of resolving the objection proceedings, under this guiding set of rules under NAFO, takes three and a half years to complete. That is what makes the objection procedure a non-answer to the current problems of the NAFO convention. They tout it as being the answer or solution. It is definitely not.

There is also a change in voting structure within NAFO from a simple majority to a two-thirds majority requirement. That has a huge impact on conservation. Some stakeholders have pointed out that, in their opinion, it does provide increased protection to Canadian shares as shares increase in stocks that are rebuilding, that Canada gets to assert its traditional share structure by moving to the two-thirds majority.

The problem is obvious to anyone and everyone who understands the past track record of NAFO. The problem arises when stocks begin to decrease through overfishing. The problem is that certain NAFO members, distant water fishing nations that have no true coastal state incentive adjacent to the waters themselves to actually embark on and enact conservation measures, are the very ones that simply say that they will not subscribe to any reduction in quotas.

That is the past track record of NAFO. It will be entrenched as the rule of thumb of NAFO, the guiding principle of NAFO under a two-thirds majority rule. It will be tougher for NAFO contracting parties, our supposed partners in conservation, to arrive at a binding consensus to lower quotas when they are needed most.

In fact, recently the government has touted a new revised and strengthened NAFO and a new understanding and culture within NAFO. Just a few short days ago, the government brought forward to NAFO a request to suspend fishing of shrimp on the Flemish Cap. The NAFO Scientific Council itself recommended such a measure. What did NAFO do? The European Union and all of the other contracting parties said, "No, thanks. We are more interested in taking fish until the last fish is gone".

That is not good enough in this current environment. An ethos of environment and conservation has to persevere.

The government has wasted a tremendous opportunity. Canada could have re-bolstered itself, reinvigorated its capacity as the coastal state to protect our fish stocks and those offshore. It failed to do so.

Imagine Canadians' contempt for a decision of the government to say that it is no longer acting to extend Canadian sovereignty in the Arctic, that it is no longer acting to enforce exclusive jurisdiction over the Northwest Passage, that it is going to allow foreigners to totally control the Arctic and that it is going to allow joint management of the Northwest Passage. That would meet with outrage from Canadians. That is what Canadians have to know. That is exactly what it has done on the east coast of Canada for an area just as great and just as significant.

● (1525)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I thank my colleague for his intervention, as inflamed as it was. Much of it is rhetoric, but let me comment on one or two things.

He referred to the decision of shrimp on the Flemish Cap. If he looked carefully at what happened in the intersessional meeting, he would see there were actually two votes before NAFO. One was the Canadian position that we should not fish it at all. The other one was from other parties that said there should be a 50% reduction in the fishing.

Both of those went to a vote. As he said, the Canadian vote was defeated. There were actually 10 voting. They were voting with the existing convention voting rules of 50% plus one. We have 10 voters. The Canadian vote was defeated. Then they voted on the second one which is to go to a 50% reduction.

If we had the new voting rules with 10 voting members, and it was actually six versus four in favour of that position, if we had the two-thirds, it would have required seven to pass. We would have been stalemated. It would have required the NAFO commission to figure out how to resolve this difficulty and the debate would have continued.

I think members can see that it really depends on which way the question is asked. What we do know for sure, and industry told us throughout the testimony—and I am surprised that the member is not standing up for the interests of Newfoundland and Labrador—that it does protect the interest of Canada when we come to potentially opening the quota key.

I wonder if the member sees that as well.

Hon. Gerry Byrne: Mr. Speaker, what Conservatives fail to understand is that 50% of nothing is still nothing. That is the problem.

They talk about stock rebuilding and making sure that Canada enjoys every pound of fish that it can get and that Canada harvests every pound of fish it can get without any concern or relationship to other NAFO members that are conducting foreign overfishing in the offshore area.

What is very clear is that some of the very same stakeholders that the parliamentary secretary alludes to were the very same stakeholders who said in 1989, "Let me take the last fish. Let me keep fishing. The consequences will be too grave". They said again in 1990, "Let me take the last fish".

There has been a strong conservation ethic that has been pronounced by the Government of Newfoundland and Labrador by stakeholders, industry specialists and those who would prosper in the short term by an increased capacity to take that last fish. They are the very ones who came to our committee. They are the very ones who spoke very passionately and vocally in the public domain saying, "Let's not do this. Let's preserve the fish stocks so that we can enjoy them for generations to come. Let's not make the same Conservative mistake of 1980 and 1990".

● (1530)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, with respect to the history of NAFO activity, I will use the example of turbot. In 2003 there was a multi-year rebuilding plan set out by NAFO. The stock in 2005 was at the lowest level since 1975. Yet during the period 2004 to 2008 the total allowable catch set by NAFO was exceeded by an average of 30%.

Given the circumstances with NAFO and the new amendments, I wonder if the member for Humber—St. Barbe—Baie Verte could tell us whether the new regime under NAFO that he is proposing should be rejected with which I agree, does that provide for any greater enforcement by Canada? Could we bring those ships into our ports if they violate the rules?

Hon. Gerry Byrne: Mr. Speaker, there was a recent decision in NAFO to allow the harvesting of Greenland turbot well above and beyond the scientifically recommended conservation limit.

I want to point out something that the member highlighted. Under the revised convention, not only is there no capacity for Canada to act on other contracting parties in this regard, under our provisions that were allowed to us under our ratification of the Law of the Sea, NAFO circumvents or overrides the Law of the Sea. We actually have our sovereign rights under the Law of the Sea provisions diminished. NAFO takes pre-eminence over the United Nations Law of the Sea.

That is the testimony we heard at committee and that is one of the most problematic things. We could have achieved greater things if we had just stopped at the Law of the Sea. The revised NAFO commitments mean that we actually have fewer rules than other international players can enjoy.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, it is indeed an honour for me to rise today to talk about this particular issue. As my hon. colleague has pointed out, this issue has been going on for quite some time, for the past two years, since the agreement took place in 2007.

I would like to start by congratulating the individuals who first brought this to our attention, the four retired individuals who my colleague from Humber—St. Barbe—Baie Verte mentioned earlier, people such as Bob Applebaum, Scott Parsons and of course, Gus Etchegary, in Newfoundland and Labrador, and their committee.

Over the past two years this has become a simmering debate that has now come to a head right in this House, which is where it should be. I think the House will cast its judgment on this. I hope the government will realize in this particular situation that it should seriously consider the amendments that are put forward in this House.

Certain countries have already looked favourably toward it. One has ratified it, in the form of Norway. Other countries are currently going through this process. For us, it is a situation where we have our country straddling some very precious fishing grounds, spawning grounds, the nose and tail of the Grand Banks, in particular. What we have here is a situation where it goes beyond our allotted 200-mile limit which was established for us in the late 1970s.

I think of two individuals in particular I would love to hear from in this debate. Unfortunately, they have departed and may God rest their souls. The two individuals I speak of would be the late Hon. Don Jamieson and the late Right Hon. Roméo LeBlanc. They fought so hard and so well for an issue that meant so much for the east coast of this country, and certainly for my province when they established that 200-mile zone off the coast. It is certainly to their honour that we speak of this issue today, whether one is for or against this subject.

Now we talk about NAFO, founded in 1979, on the tail of what was the International Commission of the Northwest Atlantic Fisheries, more commonly known as ICNAF. The NAFO website states, and this is very interesting:

> NAFO's overall objective is to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area.

When I say “convention area”, I mean the northwest Atlantic.

To say that we have had our problems with this particular convention is perhaps a mild understatement.

Just a few days ago, we heard testimony from former federal fisheries minister Loyola Hearn. I can safely say that he was one of NAFO's most vociferous opponents. Whenever this House would talk about NAFO reform in earnest, the former fisheries minister and, by extension, the Conservative Party at the time, spoke so badly against NAFO that we were led to believe it is the worst thing that happened to the industry on the east coast of this country.

Is that part of the debate today? No, it is not. However, let us keep in mind that all of a sudden, this particular government is now pushing the virtues of what is NAFO. It is doing it by saddling up to an agreement that, in essence, I feel, gets it off the hook, as it were. Here is what I mean by that.

In 2006, that particular party, now the government, decided it wanted to extend the 200 miles. In its literature, the Conservative Party told the people of this country, and it certainly told the people of the province of Newfoundland and Labrador, that it was about to extend 200 nautical miles, therefore becoming a complete, exclusive Canadian jurisdiction. In return, what we got was a deal whereby it figured that it had achieved, through some kind of nuance, just that. But now, all of a sudden, we find ourselves in a situation where, after two years of compiling evidence, many of us realize that it has done just the opposite. By trying to extend a management zone beyond the 200 nautical miles, what it has done is relinquished its own sovereignty within that particular 200 nautical miles. In other words, it wanted to push the door open but, unfortunately, the door came back in.

For a government that prides itself, as my hon. colleague pointed out, on exclusive rights, sovereignty over the north and the Northwest Passage, this is a hard pill for it to swallow in this particular situation.

● (1535)

That is why we rise here in the House today. That is why we express the concerns we have in this debate here in the House, and now go forward with a vote so that the will of the people can be heard and certainly the will of the people of Newfoundland and Labrador.

The government states that it cannot see any situation in which it would invite NAFO to come inside the 200-mile EEZ, or the exclusive economic zone. If that is the case, why have Canada's negotiators agreed to this clause in the NAFO amendments? They defend this particular measure in the new amendments by saying that it can happen only by invitation, which begs the question why it is there.

I have a theory. I think it goes back to several years ago when the European Union decided that because of the situation in the North Sea and other parts of northeastern Europe, in which several states are bordering each other and things get confusing when the 200 nautical-mile rule is used, they have come up with a common management regime. The European Union has taken this common management regime and applied it to us, and the mistake we made was saying yes to that. That was the mistake. It is not the same situation. We are bordering the high seas here.

This is a situation in which boats from member states of the European Union, such as Spain and Portugal, are over here in the Northwest Atlantic. We are talking about Canada and the high seas. This is not the same management regime. They are trying to force that upon us, and the government has accepted it. The government wanted to say to this country that it did what it said it would do. Promise made, promise kept was its slogan, and in essence, it has given up far more than what it could have imagined itself.

> The...Minister called this “improved decision-making” and stated that this will provide some protection for Canada's current allocation percentages.

In the short term, it is questionable.

> The cost to conservation is, apparently, an acceptable casualty to improve our chances of maintaining our allocation percentages. Canada could have demanded both, a 2/3 system to protect the existing quota shares, and a simple majority system to promote conservation, but this did not happen.

At a time when Canada is trying to protect, as I mentioned earlier, the sovereignty of the north, we must consider that the sovereignty of the Atlantic coast is something that is paramount here and something that we feel is being threatened. Hopefully this House will pass judgment on that.

● (1540)

[*Translation*]

This is very important for us and for Newfoundland and Labrador, as well as for the east coast of Quebec. It is very important for the whole country.

[*English*]

For Canada and for ourselves, we must say to the entire region, to the entire international community, not just the people associated with NAFO but the entire community, that there is a move afoot around the world to go toward more international management regimes. We are seeing it in many jurisdictions around the world, through the Pacific, the Atlantic and the Indian Oceans. Bear in mind, however, that the issue of sovereignty has to be maintained for that one individual state, and this is what we are trying to do today.

They have made the straight giveaway of management within this jurisdiction that was so sacrosanct and that fought so hard for the past 30 or 40 years. We find ourselves in this situation today, and I hope that following this debate, changes will be made, certainly that an attempt will be made.

Just recently, last week, I attended the Bonavista fisheries symposium, and we talked about how there are certain things that just do not add up in this particular situation off the east coast. Only so much shrimp is being landed and brought to shore in the east coast of this province, and yet only a fraction of that is being processed. People are asking why. A lot of people have questions.

A lot of people need the answers. Today I hope that we are going to provide enlightenment in this debate and provide people with the opportunity to see what is happening with these NAFO amendments, why we should debate them and why we should cast our opinion to vote this down.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I would like to give my hon. colleague from Bonavista—Gander—Grand Falls—Windsor an opportunity to elaborate on what happened to those constituencies and small outports in his riding when the cod collapse happened. Why is it so important that we have a NAFO agreement that actually meets the needs of Canada and not necessarily the needs of other countries? We are the coastal state. We have argued that many, many times. I would like to give my hon. colleague a chance to further delve into a little history, to find out exactly what happened to people in his riding when the fisheries collapsed.

Mr. Scott Simms: Mr. Speaker, as my hon. colleague knows all too well, despite being in Nova Scotia but having spent the last 12 years on the fisheries committee, and I hope I have that number correct—

● (1545)

Mr. Peter Stoffer: It's twelve and a half.

Mr. Scott Simms: It has been twelve and a half years. My apologies. Mr. Speaker, he has spent twelve and a half years on the fisheries committee and has seen the east coast of the province in my riding several times over.

In 1992, the cod moratorium was announced. Upwards of 700 to 800 people employed in the local fish plant in Bonavista as well as several hundred people just down the highway, 1,200 to 1,300 individuals in the town of Port Union, which is now Trinity Bay North, were affected. These stories are a tapestry of how the people relied so much on it, and not just the people but the community. It was so sacrosanct to the people of Newfoundland and Labrador. It is about the community that thrives and makes that province what it is today.

Therefore, this situation of the collapse of a resource such as it is gives us an idea of how devastating it can be. Now we find ourselves in a situation where we want to take control of our own destiny. One way to do that is to control the resource from which we feed, and that is off the east coast of our province up to 200 miles out. That is the reason issues such as these amendments have to be turned aside.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I would like to ask my colleague from Bonavista—Gander—Grand Falls—Windsor what the perception is of the statement that has been made by the Government of Canada, by the Conservatives, that Canada now exerts Canadian custodial management over the nose and tail of the Grand Banks and the Flemish Cap.

I am not aware of any changes that have yet been ratified at the Northwest Atlantic Fisheries Organization, NAFO. I am not aware of any changes to international law between now and 2008 when this statement appeared as a matter of public policy in the Conservative Party of Canada's platform for the election campaign. What exactly has changed that allows the Government of Canada, after years of criticizing the NAFO regime when they sat in opposition, after years of criticizing the lack of action, to now find out that custodial management has been with Canada since 1977, since the formation of NAFO?

How does the member for Bonavista—Gander—Grand Falls—Windsor react to that kind of myth?

Mr. Scott Simms: Mr. Speaker, the quintessential point of that question, and a good question it was, is that about two years the Conservatives signed this deal and realized that they had not achieved what they had set out to do. They analyzed everything to try to pinpoint some way they could needle through the words and come up with a way of saying they had declared custodial management without even ratifying the thing.

They found themselves in a situation where they were going to unilaterally, and again that is the point, extend that boundary beyond the 200 nautical miles. It is quite clear. It was said. It was written. They have created this little co-management arrangement by saying that they are in charge, but they are not in charge. They did not even formulate the original wording of how this is going to be done. It was the idea of the EU, the European Union. It was its pen that did this. So it was utter deception on the part of the Conservative Party.

Here is the situation. The Conservatives once said that there is no greater fraud than a promise not kept. Well there is a greater fraud. It is not keeping their promise and trying to pretend they did.

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I appreciate the opportunity to enter into this debate. As my colleagues on the committee know, this has been before us for a while now. The notion that somehow our government is restricting debate on it is really difficult to understand. We have certainly done our best to allow debate in committee and to allow it to be brought before the House.

Let me start off by saying that we on this side of the House understand the importance of fisheries for our coastal communities. We know the income that they generate from the high seas for the processing sector as well as supporting industries, equipment suppliers, retailers and others. In fact, they mean billions of dollars in economic input for our coastal communities each year, and in these difficult economic times, this income is all the more crucial.

For these fisheries to continue to thrive we must, among other things, continuously strive to curb overfishing and to ensure the sustainability of the fish stocks and the long-term health of the ecosystems in which they live. As one of my colleagues has said, fish do not respect boundaries of any kind, so these concerns are global, international concerns. Areas beyond national jurisdictions require solutions that are achieved cooperatively with other fishing nations.

On the east coast of Canada, we have a vested interest in the successes and failings of NAFO, the Northwest Atlantic Fisheries Organization. Its regulatory area abuts our national waters. Canada has been a full member of NAFO since its first convention was adopted in 1978, which came from the amended version of its predecessor, ICNAF, but a lot has changed since 1978. The face of the fisheries has changed, along with the expectations of those who manage them. These things have evolved.

Let me first talk about how we have gotten to where we are today. The 1978 NAFO convention predates the United Nations fish stocks agreement of 1995 and most other modern fisheries instruments as well. Fisheries management has changed radically since then also. We now have ENGOs, or environmental non-governmental organizations, at the table that report on the deliberations of NAFO. We have the marketplace insisting it will allow to come in only those products that can be demonstrated to be fished sustainably and caught sustainably through traceability programs, certification programs and other things. As of January 1, 2010, and we are not far from there, the European Union will require fish products entering its market to be certified as having been harvested sustainably. In short, the world of fisheries has evolved significantly, and our world-class fishing industry needs our support.

My Liberals colleagues would have us believe that this amended convention is some nefarious scheme, a document imposed on us against Canada's will. They discount the collective wisdom of the learned and experienced industry and legal members of our negotiating delegation. Canadians should know that in 2005 at the conclusion of the St. John's conference, which was called "Governance of the High Seas Fisheries and the UN Fish Agreement: Moving from Words to Action", the member for Halifax West, then fisheries minister, felt very differently about things. He signed a declaration calling for reform of organizations. He proudly stated:

> The Government of Canada considers the Conference as a positive step toward stronger international fisheries governance.... We will continue to press for further progress to modernize fisheries management on the high seas.

Members should notice that last phrase, "to modernize fisheries management on the high seas". In fact, that is what we are talking about today, our attempt to achieve in NAFO the modernization of fisheries management. As they have done on many issues, the Liberals talked a good game, but they did not deliver. They did not get to the action part of that announcement.

Our government pressed for action when Canadians voiced their desire for change in 2006, and NAFO members agreed that it was time to modernize the organization in order to bring it in line with the 1995 United Nations Fish Agreement, or UNFA, as it is usually called.

● (1550)

We know we have to be forward-looking and we need to give ourselves the modern decision making tools required to deal with the modern problems we face. I think my colleagues would agree with that.

First came the enforcement reforms in 2006. These reforms did not require an amendment to the NAFO convention, as such, and have been in force since 2007.

Let me say on the record that Canadians, especially those in Newfoundland and Labrador, owe a real debt of gratitude to the former fisheries minister, Loyola Hearn. This was his primary focus for many months. I worked with him on this and other issues, and he was committed to doing better in NAFO.

I am surprised at some of the comments I have heard so far. We need to admit that the NAFO that we inherited in 2006 was not working and for 13 years it is not clear to me what efforts the previous government made to improve it.

We now have deterrents in place in the NAFO regulatory area and foreign overfishing has dramatically declined. That really matters. After years of talk, Canada is finally seeing tangible results of increased co-operation. We have seen better adherence to scientific advice and enforcement vigilance.

Important stocks are now showing some signs of recovery and that is because we have done some work. We have air patrols, 2,000 to 3,000 air surveillance hours annually. Our ships are out there again. Approximately 800 Canadian Coast Guard patrol vessel days are dedicated to the NAFO regulatory areas.

In the last few years, we have seen fewer violations. There has been a dramatic reduction in the number of violations. In 2004, for example, I believe there were 13, perhaps more, serious violations. In 2008, I do not think there were any. This year, there have been three or four so far, but there is a dramatic reduction from the way it used to be.

Enforcement and science are only part of the solution. NAFO needed a modern governance framework according to which decisions are made and for which they could be held legally accountable. With a strict mandate from the previous minister, Canada took a leadership role and NAFO members negotiated and adopted amendments to the 1978 convention in 2007. The Government of Canada supports these amendments because we know they are the right way forward.

Let me say this clearly. All members of the Canadian delegation were onside throughout the whole multi-year negotiation process and were consulted extensively. That includes the representatives from the Government of Newfoundland and Labrador.

I must confess that our government was taken by surprise by the sudden about-face of the province of Newfoundland and Labrador in late summer 2009. It gave us its support to NAFO reform over the last three or four years, even in writing. For it to now say otherwise at the eleventh hour is very surprising and disappointing.

On the other hand, we have heard strong support from senior representatives of the Canadian fishing industry at the Standing Committee on Fisheries and Oceans. Patrick McGuinness, for example, the president of the Fisheries Council of Canada, stated,

> We do see specific improvements with respect to the current NAFO regime...Our recommendation to Parliament will be to ratify the document as presented.

Bruce Chapman, president of the Groundfish Enterprise Allocation Council and the Canadian Association for Prawn Producers, stated, "In our view, this is in our interest to ratify this new convention".

For the member for Bonavista—Gander—Grand Falls—Windsor to indicate that he is standing up for all residents of Newfoundland and Labrador is just not the case.

We have also heard equally compelling testimony at the standing committee from renowned Canadian legal experts. For example, Ted McDorman from the University of Victoria, originally a maritimer, which I am sure he would want me to say, and Phillip Saunders, the Dean of Dalhousie Law School, have both provided a balanced perspective on the NAFO amendments. Mr. McDorman noted:

> By the standards of other organizations, there's actually been some significant progress made here with the NAFO amendments.

● (1555)

As I said earlier, NAFO faces some very different issues and much higher public and market expectations for our fisheries today than is supported by the existing convention, and despite promises by the previous government to implement the stronger UNFA provisions into NAFO, it simply did not do it, not in any way other than to promise NAFO reforms at the 2005 St. John's conference, the same NAFO reform that it is rejecting today. It kind of boggles the mind.

Canada needs NAFO to work. The opposition has not given us any solutions that I have heard so far. Our industry needs it. Ecosystems that cross the boundary from our 200-mile limit need it.

I will just briefly address some of the concerns raised by my colleagues in large measure through the material provided by expert witnesses at committee. Canadians deserve to hear in this Chamber that changes for the amended NAFO convention are widely supported by those who have read it and are directly affected by it.

First, and we should not miss this, under the current convention, fish stocks have increasingly collapsed. They are managed as a single species and decision makers are not bound to adhere to scientific advice. Everyone here I think would agree that this approach is ineffective, but the amended convention requires ecosystem-based and precautionary approaches to decision making. This is explicitly in the language of the convention, according to the amendments.

Given the proximity and overlaps with Canadian waters, it is high time that NAFO protected fish stocks and the ecosystems that support them. It is forward-looking and overdue.

For example, significant international pressure, including a 2006 United Nations General Assembly resolution, requires those fishing on the high seas to protect vulnerable marine ecosystems or risk broad bans of gear types used extensively by Canadian industry. NAFO members have led the way.

For example, certain seamount areas have been closed to commercial fishing until scientific research shows that it is safe. A coral protection zone has been established which is closed to bottom-contact fishing. At the 2009 annual meeting, NAFO closed 11 areas which were identified by scientific studies as containing high concentrations of corals and sponges in the NAFO regulatory area. This is precisely the approach taken in waters in the Canadian zone and is fully in Canada's interest. No political spin or speculation will make that less true.

Let me mention one other issue, the objection procedure with which my colleague from the Liberal Party began this debate.

Objection procedures allow sovereign countries not to apply international provisions in conflict with their national interests. Unfortunately, the current NAFO convention does not fetter the use of objections and, as has been pointed out and we agree, the abuses leading to foreign overfishing are legendary in NAFO. NAFO parties can disagree with a particular catch or quota decision and fish as much as they want. The current convention also lacks a dispute settlement process, leading to longstanding disagreements, some of them still unresolved even to this day.

Under the amended convention, we will have a controlled and timely system to address objections. The grounds under which an objection can be made have been narrowed and a contracting party that objects will be required to set out alternative measures that it intends to take for conservation and management of the fishery, consistent with the objective of the convention. The objection can then be referred to an ad hoc panel which will examine the issue and make a timely recommendation to NAFO.

Should this process not resolve the issue, parties can use a binding dispute resolution mechanism that will ensure that the issue is resolved and does not linger for years, as is the case under the current convention.

We need to bear in mind that it is not about language. It is about protecting the fisheries resources. It is about compliance. It is about NAFO parties being willing to comply, realizing that it is in their best interests. This kind of objection procedure, the sort of name and shame approach that will be required of them, to state for the record why they are objecting, the grounds for that objection and how they think it meets the conservation objectives of the NAFO convention, is a whole new approach, and I think it will be successful.

● (1600)

Let me also just refer briefly to whether Canada is effectively protecting its sovereign rights under this amended convention. This has been brought up a number of times and will probably be brought up again. Let me be very clear. The amended convention explicitly and fully protects Canadian sovereignty over the 200-mile exclusive economic zone.

The previous Liberal government signed treaties that bound Canada to obligations such as ensuring compatibility between NAFO measures and Canadian measures that apply to fish stocks that straddle our 200-mile limit. This government ensured that, in the amended NAFO convention, it is clear that Canada will control the process of establishing such compatible measures in its own waters.

More specifically, measures will not apply in Canadian waters unless two conditions are met: first, the Canadian government requests the measure; and second, Canada's NAFO delegation votes to adopt it. In his testimony, Dean Saunders said:

> I've tried to work through the scenarios in which it would become a real problem, and I find they mostly require an awful lot of steps to take place before something really bad could happen. Because the Canadian government holds complete control.

My colleagues will speak more on this matter, but any speculation by the opposition that our sovereignty is at risk is wrong-headed and irresponsible. In response to questions about the possible negative use of article VI.10 in the amended convention by another NAFO contracting party, Mr. McGuinness replied, “It is extremely far-fetched”, and we agree with him.

Fundamentally, these changes provide for a more modern governance process and a decision making process based on modern fisheries management principles that reflect today's challenges faced by NAFO. Canadian industry wants this. The provincial government was onside with us on this. It integrates the most up-to-date decision making and management practices while effectively protecting the interests of Canadians.

Where do we go from here? We essentially have two options. We can adopt the NAFO amendments as were recommended by Canadian industry representatives or reject them as proposed by the opposition. This may well lead to a restart of the negotiations. However, it is extremely unclear where this would take us or whether it is even remotely possible to expect a significantly different outcome.

Another possibility is to kill or withdraw NAFO as proposed by a small, more radical group. This is not a realistic option, as Canada would forfeit its fishing opportunities in the NAFO regulatory area as well as its voice at the table, where decisions are taken. Certainly, we do not want to go to a place where it is a free-for-all on the high seas. Only Canada loses at that point. Canada's interests and responsibilities in NAFO are clear to our stakeholders and they should be to the opposition members as well.

We will continue to advocate for change through multilateral discussions and through our important bilateral relations with likeminded fishing countries. We look forward to the next NAFO annual meeting, where we will have another opportunity to help the organization move forward on its commitments. Hard-working Canadians expect us to defend their interests.

Finally, let me take this opportunity to move the following motion. I move:

> That the debate be now adjourned.

● (1605)

The Acting Speaker (Mr. Barry Devolin): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

● (1650)

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

(Division No. 132)

YEAS

Members

Abbott	Aglukkaq
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Ashfield
Benoit	Blaney
Block	Boucher
Boughen	Braid
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Carrie
Casson	Chong
Clement	Davidson
Day	Dechert
Del Mastro	Dykstra
Fast	Finley
Fletcher	Galipeau
Gallant	Goldring

Gourde
Grewal
Guergis
Harris (Cariboo—Prince George)
Hawn
Hiebert
Hill
Hoback
Holder
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kent
Kerr
Komarnicki
Kramp (Prince Edward—Hastings)
Lake
Lauzon
Lebel
Lemieux
Lobb
Lukiwski
Lunn
Lunney
MacKay (Central Nova)
Mayes
McLeod
Menzies
Merrifield
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
O'Connor
O'Neill-Gordon
Obhrai
Oda
Paradis
Petit
Poilievre
Prentice
Preston
Raitt
Rajotte
Rathgeber
Reid
Richards
Richardson
Ritz
Scheer
Schellenberger
Shea
Shipley
Shory
Smith
Sorenson
Storseth
Strahl
Sweet
Thompson
Tilson
Trost
Tweed
Uppal
Van Kesteren
Van Loan
Vellacott
Verner
Wallace
Warawa
Warkentin
Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wong
Woodworth
Yelich
Young– — 113

NAYS

Members

Allen (Welland)
André
Andrews
Angus
Ashton
Asselin
Bachand
Bains
Bennett
Bevington
Bouchard
Brison
Brunelle
Byrne
Cannis
Charlton
Chow
Christopherson
Coady
Coderre
Comartin
Crombie
Cullen
Cuzner
D'Amours
Davies (Vancouver East)
Deschamps
Dewar
Dhaliwal
Dion
Dorion
Dosanjh
Dryden
Duceppe
Dufour
Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)
Easter
Faille
Folco
Freeman
Gagnon
Garneau
Godin
Goodale
Gravelle
Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)
Hall Findlay
Harris (St. John's East)
Jennings
Kennedy
Laforest
Laframboise
Lalonde
Lavallée
Layton
LeBlanc
Lee
Lemay
Leslie
Lessard
Malo
Maloway
Marston
Martin (Sault Ste. Marie)
Masse
Mathyssen
McCallum
McGuinty
McKay (Scarborough—Guildwood)
Mendes
Minna
Mulcair
Murphy (Charlottetown)
Murray
Neville
Oliphant
Paillé (Louis-Hébert)
Pearson
Plamondon
Proulx
Rae
Ratansi
Regan
Rodriguez
Rota
Savoie
Scarpaleggia
Sgro
Siksay
Silva
Simms
Stoffer
Szabo
Thi Lac
Thibeault
Tonks
Valeriote
Vincent
Volpe
Wasylycia-Leis
Wilfert
Wrzesnewskyj
Zarac– — 106

PAIRED

Nil

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

The House will now resume the remaining business under routine proceedings.

* * *

[*Translation*]

PETITIONS

CANADA POST

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I would like to present a petition from the people of Saint-Pierre-les-Becquets, Deschaillons, Parisville and Sainte-Françoise-de-Lotbinière. These people are calling on the government to maintain the moratorium on closing rural post offices. Even though the minister has made a statement, they are still worried about the current government's positions.

The purpose of this petition, which has many signatures, is to keep our rural post offices open.

[*English*]

FOREIGN AFFAIRS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my petition calls for the release of Ms. Birtukan Mideksa from arbitrary imprisonment. Ms. Mideksa is president of the Unity for Democracy and Justice Party of Ethiopia and has been held by the government since December 2008 without charge for a politically motivated life sentence.

According to Amnesty International, she is a prisoner of conscience. She was pardoned of all charges against her before being arrested, again for no reason. She has had no formal hearings and has not been given access to her lawyer. Human rights organizations have been denied access to her. Also, her family contact has been limited. She has been held in solitary confinement in life-threatening conditions.

The petitioners call upon the House of Commons to pass private member's Motion No. 334, which requests that the government exert maximum pressure on Ethiopia to release Ms. Mideksa and allow her to fulfill her functions as a leader of a political party.

PENSION FUNDS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36(1) and as certified by the Clerk of Petitions, I am pleased to present this petition with regard to the Nortel retirees and former employees protection committee.

This particular petition responds to a response from the Prime Minister's Office of October 28, in which his correspondence secretary said, "Be assured your comments have been carefully considered", and that was it.

The petitioners call upon Parliament to amend the Company Creditors Arrangement Act and the Bankruptcy and Insolvency Act to protect the rights of all Canadian employees and to ensure that employees who are receiving a pension or long-term disability benefits and are laid off by a company during bankruptcy proceedings obtain preferred creditor status over other secured creditors.

They are also asking that the Bankruptcy and Insolvency Act be amended to ensure that employee-related claims are paid from the proceeds of Canada asset sales before the funds are permitted to leave the country.

This is an important petition and I hope the Prime Minister will heed the words of the Nortel retirees.

THE ENVIRONMENT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, it is my pleasure to present a petition from a large number of people in my riding of Trinity—Spadina calling on the Government of Canada to support the NDP's Bill C-311, the Climate Change Accountability Act.

It also calls upon the Government of Canada to invoke a moratorium on the further expansion of tar sands development until carbon emissions are capped significantly, environmental and health impacts are addressed and protected areas are set aside.

The petitioners are concerned that the federal government is failing to enforce law that protects water and public health and regulates toxic pollution leakage. My constituents are concerned that over 4,800 square kilometres of wetlands and forests will be lost because of the expansion of the tar sands.

● (1655)

FIREARMS REGISTRY

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I have three petitions to present.

The first petition is with regard to the fact that the long gun registry was originally budgeted to cost Canadians $2 million but the price tag spiralled out of control to an estimated $2 billion a decade later. The petitioners state that the registry has not saved one life since it was introduced.

The petitioners, therefore, call upon the House of Commons to support legislation that would cancel the long gun registry and streamline the Firearms Act.

PROTECTION OF HUMAN LIFE

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, the next petition is from a number of constituents with regard to life.

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

HEALTH

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, the last petition is again from constituents and it is with regard to medical benefits.

The petitioners state that a number of severe and potentially life-threatening conditions do not qualify for disability programs because they are not necessarily permanent. They are calling upon the House of Commons to enact legislation that would provide additional medical EI benefits to at least equal maternity EI benefits.

[*Translation*]

ANIMAL WELFARE

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, it is an honour for me to present a petition calling on the government to support a universal declaration on animal welfare. The petition states that scientists and the public know that animals can feel pain and suffering and that we should do everything we can to avoid cruelty to animals and reduce their suffering.

The petition also states that more than one billion people around the world need animals for their livelihood and that many people have pets. Finally, it says that animals can suffer a great deal in the event of a natural disaster, yet they are not taken into consideration in emergency response planning, despite their importance to humans.

Many people across Canada and especially in the riding of Outremont support this universal declaration on animal welfare.

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Questions Nos. 457 and 460 could be made orders for return, these returns would be tabled immediately.

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 457—**Mr. Nathan Cullen**:

With regard to the AquaNor 2009 conference in Trondheim, Norway, in August 2009: (*a*) what was the size of the Canadian delegation, including the Minister, departmental staff, personal and political assistants and all other staff paid by the government; (*b*) what was the duration of stay for each member of the delegation including the Minister, departmental staff, personal and political assistants and all other staff paid by the government; (*c*) what was the total cost to the government for participation in the conference, including but not limited to delegate fees, accommodation, travel, hospitality and per diems of the Minister, departmental staff, personal and political assistants and all other staff paid by the government; (*d*) what was the amount spent on hospitality to non-Canadian delegates at the conference; and (*e*) what was the total cost incurred by the government relating to this conference?

(Return tabled)

Question No. 460—**Mr. Todd Russell**:

With regard to Canada's First Defence Strategy: (*a*) which of the following are a part of the strategy, (i) acquisition of three strategic air transport aircraft, and stationing them at CFB Trenton, (ii) doubling the size of the Disaster Assistance Response Team (DART), (iii) acquisition of three armed naval heavy icebreakers, and stationing them in the area of Iqaluit, (iv) building a new civilian-military deepwater docking facility to accommodate the three armed naval heavy icebreakers, (v) establishing a new underwater sensor system, (vi) building a new army training centre in the area of Cambridge Bay, (vii) stationing new long-range unmanned aerial vehicle squadrons at each of CFB Goose Bay and CFB Comox, (viiii) stationing new fixed-wing search and rescue aircraft in Yellowknife, (ix) increasing the size of the Canadian Rangers by 500, (x) establishing of a 650-member battalion at each of CFB Comox, CFB Goose Bay, CFB Trenton, and CFB Bagotville, (xi) adding 1000 regular force and 750 reserve force personnel to the army in Quebec, (xii) establishing a territorial defence unit in Vancouver, Calgary, Regina, Winnipeg, Ottawa, Toronto, Montreal, Quebec City, Saint John, St. John's, Halifax and the Niagara-Windsor corridor; (*b*) what is the rationale for the inclusion or exclusion of each item from the Canada First Defence Strategy; and (*c*) for each item that is not a part of the strategy, has the government taken any steps to carry out or implement the item, and if the government has not taken any such steps, does it intend to do so and, if so, when?

(Return tabled)

[*English*]

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

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): 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 St. John's South—Mount Pearl, Fisheries and Oceans; the hon. member for Notre-Dame-de-Grâce—Lachine, Conservative Government; and the hon. member for Saint-Bruno—Saint-Hubert, Telefilm Canada.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

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

The Acting Speaker (Mr. Barry Devolin): When we left this matter earlier today, the member for St. John's East had completed his speech, but there remain five minutes for questions and comments.

The hon. member for Mississauga South.

● (1700)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, my question for the member has to do with information that would come out in discussions we have had on the bill, the faint hope clause, for some time. It has to do with the statistical occurrence of these serious crimes by family members against family members and friends against friends. Most Canadians would agree these would not be characterized as severe criminals, but rather some other characterization where they would not be a dangerous offender, for instance.

Does the member have any information on the latest statistics with regard to the incidence of crimes of people who know each other very well.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I do not know the actual statistics. I do not have them before me, but I know that the vast majority of murders are committed by someone who knows the person who is the victim of the crime. I suppose that begs the question as to whether the intention on the other side, in removing the faint hope clause, is to extract a supreme punishment so the average penalty for someone who is given a life sentence raises beyond 28.4 years imprisonment than it does now, or whether the government is really worried about the protection of society.

I believe it is commonly known by criminologists and others that the type of crimes that the hon. member speaks of are not normally crimes which may be repeated and that the opportunity for rehabilitation is probably greater. The protection of society can be achieved with a faint hope clause where it can be demonstrated and a jury unanimously agrees that the person can apply for parole. Then the Parole Board can determine whether it believes the person is a threat to society and make the decision.

I believe the information the hon. member speaks of is actually helpful to the idea of retaining the faint hope clause.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I rise today to speak to Bill C-36, An Act to amend the Criminal Code, serious time for the most serious crime act. This amends provisions with regard to the rights of persons convicted of murder or high treason to be eligible to apply for early parole.

This is done by the elimination of the so-called faint hope clause. It is a clause by which those who are given a life sentence for murder or high treason can apply for parole after having served 15 years of their sentences.

This section of the Criminal Code is known colloquially as the faint hope clause because it provides offenders with the possibility of obtaining parole after serving 15 years of a sentence for murder where the sentence was life without eligibility for parole after more than 15 years.

Offenders convicted of first degree murder serve life as a minimum sentence, with their first parole eligibility set by law at 25 years. For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed, but the judge can set the parole eligibility point anywhere between 10 and 25 years. Those who are serving a life sentence can be released from prison if parole is granted by the National Parole Board.

If inmates are granted parole, they will, for the rest of their lives, remain subject to the conditions of parole and the supervision of a Correctional Service Canada parole officer. Parole can be revoked and offenders returned to prison at any time. This does not allow them to get out of jail free forever. They can be returned to prison at any time if they violate any of the conditions of parole or if they commit a new offence. Not all "lifers", people who are in jail for life, will be granted parole. Some may actually never be released on parole because they continue to pose a risk of reoffending.

I rise today because I am against getting rid of the faint hope clause. I am against it because it really is faint hope. Not very many prisoners actually access this clause. Further, it is very much an incentive for inmates to behave, to ensure corrections workers are safe and to promote good behaviour in the prison system because there is the faint hope of release.

The Association Québecoise des Avocats et Avocates de la Défense appeared in committee and put forward an excellent submission about the actual impacts and implications of abolishing the faint hope clause. It asked a great question in committee. Why get rid of a measure that is likely to encourage individuals who have committed a serious crime to be rehabilitated? Why would we get rid of something that would encourage them to be rehabilitated and become active members of society?

Further, with respect to the average time spent in custody by an offender given a life sentence for first degree murder, the average time served in Canada is greater than in all the other countries that the association surveyed, including the United States. The average time spent in custody is 12 years in Sweden and 14.4 years in England. Guess what it is in Canada? It is 28.4 years in Canada. Canada's offenders are serving sentences beyond the 25 year mark.

In 1976 a bill was introduced to allow for a review of the period of ineligibility after 15 years. This was in the submission of this group, which quoted Jim Fleming, who was the parliamentary secretary to the minister of communications at the time. He was quoted as saying the provision was "a very important glimmer of hope if some incentive is to be left when such a terrible penalty is imposed on the most serious of all criminals". It still resonates today.

In 1998 there was the Ontario Supreme Court decision in Vaillancourt in which Associate Chief Justice Callaghan held that the review process needed to strike a balance between considerations of leniency for the well behaved convict in service of his sentence and it may serve to assist in his rehabilitation and the community interest in repudiation and deterrence of the conduct that led to his incarceration.

● (1705)

The numbers of people who are accessing the faint hope clause are not what the government would have us believe. We do not have murderers lining up at the door and suddenly accessing this provision and getting out of jail without serving time. It is just not the case, although the government would have us believe it is the case. What it is trying to do is scare us into passing these crime and punishment laws that actually do not impact and affect very many people, numbers wise, but they can have a tremendous impact on those people.

In the first faint hope group of hearings in 1987 to 2000, only 21% of eligible offenders even applied for a hearing. Over those 13 years, 84 cases were successful in having some reduction in parole ineligibility, an average of 6 a year. Therefore we are looking at very small numbers.

In the same 13 year period, the parole of only 4 offenders was revoked for an alleged new offence. They were armed robbery, drug offences and two less serious drug offences, but parole can be revoked for any reoffence.

The four amendments in 1997 significantly curtailed the availability of section 745.6. The Canadian Bar Association noted how few people this impacted and said that of the 63 completed applications prior to 1995, 13 were rejected, 19 were allowed to go to apply, 27 were allowed to go to the board only after 16 to 20 years in prison and only 3 could go on to the board after 21 to 23 years were served. Six prisoners whose applications to the jury were successful were ultimately denied release by the Parole Board.

Therefore, it is important to remember that we have people who are not even self-selecting, not even saying they will make that application. Even those who are allowed to make the application and those who then go on and are granted early release, and the numbers are getting smaller and smaller, are subject to a lifetime of supervision and may be re-institutionalized for any transgression. It is also notable that of those who have been allowed early release to date, only one has reoffended by committing an armed robbery.

The numbers are so low, but the results are staggering because this means the possibility of rehabilitation. I would note that this has possible implications for taxpayers. After serving over 15 years in prison, it has the possibility to save taxpayers tens of thousands of dollars in taxes each year if the board is satisfied that this person is rehabilitated.

I noted earlier that the Canadian Bar Association appeared before committee. That association is a national association and it represents over 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. Its primary objectives include improvement in the law and the administration of justice. It takes prosecutors, defence lawyers and legal academics from every province and territory. It is seeking to improve the law and improve the administration of justice.

The association has come out quite unequivocally against getting rid of the faint hope clause. I will read from the submission of the CBA. It was talking about what the government was doing. It is saying that the government communication on Bill C-36 suggests an increase in the number of offenders who are being released under this clause. The CBA says that this is far from the reality and it has the numbers to back it up.

● (1710)

It says that the government seems to imply that even one person having access to the National Parole Board before serving his or her full 25 years is too many. The CBA clearly states that it disagrees with that statement, and I disagree with it as well.

If we are going to consider any review or amendment of the Criminal Code, we must recognize that all reform needs to be fact based. It needs to include an appraisal of the present situation and a careful assessment of whether reforms will actually enhance the objectives of sentencing in the criminal justice system, not just what the polling numbers say.

Important questions need to be answered, such as what are we trying to accomplish. Are these reforms actually going to make our communities safer, and do we need this legislative change?

Let us consider some of these things.

I go back to the point of the faint hope clause. It operates fairly, effectively and efficiently. It really needs to be retained and should not be amended. It gives hope to people who are serving lengthy terms of imprisonment, which encourages rehabilitation. This results in safer conditions within prisons, and in the outside world as well, once a person has been rehabilitated.

Each time the National Parole Board decides that a prisoner can be safely and gradually released, again under supervision, after serving 15 years in prison, it saves taxpayers tens of thousands of dollars. This also provides a unique opportunity for community input into an integral and essential part of the sentencing process.

I mentioned doing things based on polling numbers. A lot of people do believe that the faint hope clause simply allows convicted murderers to be released after serving only 15 years of their sentences, but that is not the case, and it is time for us to set the record straight on that.

The Canadian Bar Association quoted Professor Allan Manson, who has noted that:

> [those who] claim that parole eligibility review does not have public support seem to ignore the fact that a prisoner's application is determined by a jury who are usually members of the community where the offence was committed. Accordingly, the prisoner obtains relief only if the jury decides in his or her favour.

It is actually the community that is making the decisions about whether or not somebody is released. I cannot think of more broad-based public support than having a jury made up of one's peers in the community actually making these decisions.

The jury's verdict absolutely must be seen as a measure of public support for this process, particularly because the jury actually has to have a unanimous decision. It is not just a matter of a couple of folks saying, “Let us give this guy a break”, but the unanimous decision of a jury.

My colleagues from Mississauga South and St. John's East had an earlier conversation in the House about people who have been convicted of murders and who actually know their victims. That is very much the case. I do not have the statistic in front of me, but the overwhelming majority of convicted murderers know their victims. So when there is an opportunity for victims to give input to the jury, there are people there who know each other. Families are involved.

We have to think about what kind of input they would be giving to a jury and that sometimes there may be opportunities for a family or community to say, “We want you back. It is time for you. You have served and been rehabilitated, and we have an interest in your coming back to the community. We have a stake in your coming back to the community”. That is a very powerful consideration.

To recap, the faint hope clause serves a very important purpose in that it does provide faint hope. If someone who is convicted of murder or high treason works very hard at rehabilitation and is truly remorseful, he or she might be released on parole after serving 15 years, but before the full 25 years of incarceration are up.

● (1715)

It is a faint hope, because they actually need to satisfy their case management team, their psychologists, their psychiatrists, a judge, and a jury, that the application is even worth being considered by the National Parole Board.

Look at all of those steps. Ultimately, it is the National Parole Board that remains responsible for determining if the offender is worthy of early parole, but look at all of those people who need to be convinced first. It is an onerous process, as it should be, and it is not something to be taken lightly.

The faint hope clause does provide an incentive. We can say this over and over again, because it is incredibly important that there be an incentive for those serving a life sentence to behave well while in custody and to seek out rehabilitative programming.

I ask members, what would they do in that position? If they were in prison and knew there was absolutely no chance of being released, would they engage in rehabilitative programming? I do not know if I would.

This is a reason for them to work on their behaviour. This is a reason to get engaged with rehabilitative programming.

Moreover, let us not forget our brothers and sisters working in these prisons. The faint hope clause contributes to safer working conditions for prison guards and employees of the Correctional Service of Canada. Anything that we can do to make a safer environment for them, I think is something we should all get behind.

A purely punitive model is inconsistent with years of research and statistics that have founded our sentencing philosophy in Canada. We have not just come up with this and made it up; this is based on years of research to show what actually works when we are looking at sentencing philosophy and principles. We need sentencing principles that show that a safer society is achieved by emphasizing rehabilitative initiatives and adherence to human rights principles within penal institutions.

The Canadian Bar Association section recommends that Bill C-36 not be enacted. I actually will read directly from the bar's submission because the last paragraph of its submission completely sums up what we should all know about this clause. The association writes:

> The "faint hope" clause does not jeopardize public safety, as shown by experience to date. The current limits on the availability of "faint hope" hearings provide ample impediments to undeserved or frivolous applications. There are few "faint hope" hearings. The number of murderers who offend at all, let alone violently, while on parole is extremely low. On the other hand, the "faint hope" clause serves important functions, in terms of fairness and rehabilitation for deserving offenders who have made significant changes over 15 or more years of incarceration.

I think the bar association's conclusion sums it up perfectly. We need to offer faint hope for all the reasons listed above. For safety in prisons, for behaviour, and if we want to throw in the taxpayer money angle of it, we need to support the faint hope clause and stand in opposition to this bill.

● (1720)

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I listened intently to the presentation by the NDP member. I noted she was talking about the fact that the system, as it currently exists, works fairly effectively and efficiently.

She also quoted extensively from the Canadian Bar Association, which has its own perspective on this bill.

I would like to give her an opportunity here on public television and in *Hansard* to speak directly to the victims, not the victims who have paid the ultimate sacrifice, unfortunately, but the parents, the friends, the family and neighbourhoods of those victims who are once again faced with the reality of what they were feeling 15, 20, or 25 years ago, and the immense loss they and their communities have suffered, when the faint hope hearing comes up. They again face the same tearing, the same shredding, of their emotions from the heinous crime that was perpetrated against a loved one in their family. I would like the member to relate her perspective to them on why this bill should not be repealed and why these people should not have an opportunity to avoid the kind of tearing that happens at these faint hope clause hearings.

Ms. Megan Leslie: Mr. Speaker, we certainly do not take lightly what happens to victims of serious crime. It is a tragedy. I wish the government would put more energy and effort into preventing crime rather that just cleaning up after the fact, waving flags and having press conferences.

I have experienced this within my own family. We have suffered violence at the hands of one family member against another. The first family member went to prison, as he should have. He served his time, and when he was released, we were the victimized family who said, "Now is the time". We welcomed him back into our family and community with open arms. I would also point out that this was very serious, because he was the sole breadwinner for the family.

There are other considerations at play. The violence should not have happened, and nobody in my family thinks it should, but there are other considerations at play. For example, this person is a valued member of our community who has been rehabilitated, and he does need to move on and continue to give back to, and be a part of, the community.

Once again, I will bring up the process that we are looking at here. The victims of an offender's crime may provide information either orally or in writing to the jury. So we have the victims' input. Often, the victims are saying, "This is the time". Moreover, the jury has to reach a unanimous decision.

● (1725)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, it is a very serious matter when the government proposes to make any changes to the Criminal Code. It is a very important law for the protection of citizens.

One thing I have noticed is that some members have mentioned heinous criminals, such by the Clifford Olsons of the world. It is very important for the record to clarify that the faint hope clause is not available to multiple murderers. Maybe the member could respond to this. We need to be clear about the existing constraints on this provision.

In her reply to the question from the hon. member across the floor, she also mentioned the need for more attention to be paid to the prevention of crime. I think it is also important to look at the contexts of these crimes. In many cases, they are crimes of passion within families and communities and involve, in many cases, people who have been abandoned, who are homeless, who are destitute and drug-ridden.

I wonder if she could speak to the issue of whether or not we are putting enough money into crystal meth treatment for youth, for example, so they do not get involved in serious crime and, ultimately, in murder and in going to prison.

Ms. Megan Leslie: Mr. Speaker, it is really about prevention. It really is about these bigger issues.

Look at who is in prison. It is first nations individuals and aboriginal Canadians. In my home province of Nova Scotia, African Nova Scotians are in prison, as are people with disabilities and mental health issues.

Does this mean that African Nova Scotians are bad people and all of them deserve to go to jail? No, of course not. What is the root cause here? We have to look at things like racism, poverty and treatment. My office is in the north end of Halifax, where there are lot of social problems. Two weeks ago during our break week, one of my constituents came in from the street. We know each other quite well. He was just out of jail for serious drug offences. He came in to say hi and to talk about it.

He is not a bad guy. He has an addiction issue, he committed a crime and he wants to be rehabilitated, but he cannot get into a treatment program. He cannot find a treatment program to help him deal with his issues.

I thank the member for her question. I think she is bang on.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I listened to the arguments of the opposition to this bill and it all seems to be about the offender. Every last bit of it is about the poor offender who committed these terrible crimes like murder, and yet we are talking about releasing them early.

Not enough time is being spent in this debate on the victims. There are all kinds of people who have said something about the victims. There have been some comments made here in the House. One was made by Teresa McQuaig, whose grandson, Sylvain Leduc, was murdered on October 28, 2009.

I was at the parole hearing for Clifford Olson. For 25 years, he was applying for parole. Two years went by so quickly and it was time to go back again. I remember saying to Sharon Rosenfeldt, "My God, is it two years already? You are going to go through this hell all over again tomorrow".

It is so hard on victims, it is not fair. Five years, I think, would be reasonable.

Is my colleague going to give any consideration at all to the families of the victims, not to the offender?

Ms. Megan Leslie: Mr. Speaker, this is ultimately about the victims. It is about the victims because it is about the individuals, it is about the families, and it is about the communities that will be safer when somebody has actually engaged in rehabilitation programs.

Imagine a world where someone who was released had no remorse, had not engaged in rehabilitation programs, and had not made any effort to reintegrate into society. Imagine people being released where society was still at risk. This is such a process. A jury needs to make a unanimous decision before an applicant goes to the Parole Board.

This is exactly about the victims. This is about keeping our communities safe. This is about helping people, giving them reason to actually engage in rehabilitation programs. This is about engaging with them and not just about signing on a dotted line. This is about our communities. This is about keeping people safe, whether it is the victim, the victim's family, or the community that the victim comes from.

● (1730)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, countries in Europe, for example, Belgium and England, have a similar type of legislation with a faint hope clause. Could the member give us any examples of successes that have emanated out of those jurisdictions or any other jurisdictions around the world?

Ms. Megan Leslie: Madam Speaker, I actually do not have at my fingertips examples of other jurisdictions where this has worked. As the member very rightly points out, the faint hope clause is working in other jurisdictions.

I come back to the submission of the Canadian Bar Association which said that any time we are going to look at the Criminal Code, any time we are going to make amendments or reform the Criminal Code, we need to base it on solid evidence. We need to base it on research. We need to base it on what we know to be true when it comes to sentencing and dealing with crime, and not base it on emotion. That was a great line in the CBAs submission at committee. We should not be basing this on emotion. We should be basing it on what we know works.

Mr. Thomas Mulcair (Outremont, NDP): Madam Speaker, it is worth noting that Bill C-36 has only one title in French and in English. Loi modifiant le Code criminel is in French and it is An Act to amend the Criminal Code in English, but it is also worth noting, as we go through the different documents and papers that were prepared in previous months by different associations and attorneys, the Canadian Bar Association is a good example, to see the title of Bill C-36 appearing and re-appearing as the serious time for the most serious crime act.

The question might arise, who cares? This is a description perhaps of the way the Conservatives wanted this sold, but actually it is an extremely important distinction, one on which it is worth spending a little time today if we want to know how we can best decode what the Conservatives are up to here.

This has rigorously nothing to do with the supposed the protection of victims. This is about people who have committed a crime, are now in jail, and whether or not we should be spending some time and effort to rehabilitate. We should be making life less dangerous for people who are working as prison guards, by making sure that people do have, and that is what it is called, some faint hope that if they behave properly, they might be able to go before a judge and ask that their case be reviewed by someone else.

However, when we see this type of gamesmanship on the part of the Conservatives, giving things different names. In fact, this bogus name even re-appears on some fairly serious documents. I have the legislative summary prepared by someone whose title is legal in the legislative affairs division of the Library of Parliament, and another document with regard to questions and considerations on that bill. They use in both cases "An Act to amend the Criminal Code" and then they go on and use the subtitle, which does not exist, the subtitle of serious time for the most serious crime act. It simply begs the question: If that is not the title of the act, what is it? If that is not part of the legislative process, what is it doing here in the Canadian Parliament? How does it make it through, and what are they really about?

Here is the answer to the question why the Conservatives are playing games like this is because that is what this is all about. This has rigorously nothing to do with the serious subject of the Criminal Code. This has nothing to do with better protection of victims. It has everything to do with positioning, posturing, and the type of pandering that the Conservatives have been doing to their Reform base for years.

Just prior to this debate starting again we had one of the Conservatives stand up and talk about the gun registry. He gave the figure that it had cost so much and that became an argument to knock it down. Quite the contrary, the very existence of the gun registry and the fact that it is something that was put in place at great cost is a further argument for maintaining it, especially in light of the fact that every police force in Canada is asking Parliament not to do away with the long-gun registry.

I was in Montreal last Thursday for the annual policemen's awards. The Royal Canadian Mounted Police, the Sûreté du Québec, Montreal and area police forces, and police officers from across the province were there, where we saw brave women and men receive recognition by their peers for their extraordinary work.

The one political message delivered time after time by police officers themselves throughout that day, because there were a lot of people there from Parliament, both from the Senate, from this House and from other levels of government, was "Whatever you do, do not take away something that protects our lives". They explained to us that the gun registry is consulted tens of thousands of times per day across Canada. It is an instrument for public protection and it is an instrument for police protection.

As a father of a police officer, I am always extremely concerned about that, because I understand what it means to have a police officer in an area where there is a long history of that and going to a place where there has been a signaling of some domestic dispute. He or she at least has that much more information going to the door knowing that there might be firearms in that house. That simply is one more measure of protecting police officers.

This is the ultimate irony. The members who stand up day after day and give bogus titles to bills, thereby tipping their hand that this is everything about optics and nothing about the substance of crime protection, nothing about more resources for the RCMP and nothing about more resources for local law enforcement, but everything about positioning themselves with regard to their political Reform Party base.

● (1735)

When we realize that police officers are asking us to keep the gun registry, when we realize that people who work in the prisons are saying we have to maintain some hope that people can get out eventually because if we do not it is going to make their lives a lot worse. Imagine if the Conservatives had their wish, that we went to the American style system with 125 year sentences, when people have no hope of getting out, what does that do for the risks involved for the people who work in prisons? It makes it a lot worse. Why do we think the Canadian Bar Association is imploring Parliament not to play these petty political games?

Do the Conservatives care? Absolutely not. Are they concerned about law and order? Baloney. They could not care less about law and order and if they thought about it for one second, they would be doing anything but dismantling the gun registry as they would purport to do because they would ensure it remained an important tool in the hands of police officers across Canada.

All this is about, as is the case with so many of their other bills, is trying to make people believe, going to the extent of changing the title of the bill to make it an advertisement for their right-wing policies as opposed to something substantive, is that the Conservatives are doing something on law and order when they have done nothing.

In fact, they cut the salaries of the RCMP once they had voted for them. That is the reality of what the Conservatives have done. They talk out of one side of their mouth to say that they are there for law and order, they scrap the gun registry and they lower the salaries of the Royal Canadian Mounted Police. They are not there for law and order; they are there for themselves. But they know that they have a political base that cares about this, so they come up with this type of bill where they actually stick in a title that is a sop to their Reform Party base saying they are finally doing the stuff they promised they would do.

Last year the Conservatives had a bill that had a title dealing with trafficking in humans. Actually most people on this side supported it. I voted for it because I thought it sent the right signal, but in an important parliamentary debate some colleagues in the House thought there were too many problems with the bill in terms of the law, the charter of rights and other substantive issues. There were concerns and doing what they were sent here to do, they voted against that bill.

[*Translation*]

What was particularly galling was having a debate on a bill whose grandiose title was yet another attempt to change reality by referring to trafficking in humans. The debates were interesting, but many experts said there might be a problem.

I voted in favour of the bill because I thought it sent the right signal, but other colleagues decided to vote against it. What happened? The Conservatives used taxpayers' money to send out flyers. These are the same flyers that made the headlines recently in terms of the right to send out ten percenters at great expense to the taxpayer. I saw it. It was quite extraordinary grandstanding.

I have been in politics for a long time and I do not believe I have ever seen anything like it. On the cover page we see an empty swing. It is not a regular swing with a flat board, but a baby swing for a child that is too small to walk. It was an empty swing and the back of an adult walking away with a child.

They individually attacked, one by one, the hon. members who voted against this bill. I did not share their point of view, as I just said, but I voted in favour of this bill. It was an informed decision. I am a lawyer. I looked at this bill and I thought it sent an important signal even though, substantively, I was not convinced that it would produce the effect suggested in their ad. However, when I saw these meanspirited attacks I realized that this had everything to do with maligning public perception of the opponent and nothing to do with the matter at hand.

They like to teach lessons. They say that public money must be spent carefully. All this work is being carried out with public money. They are spending $100 million in public money on infrastructure signs, which are often printed in the United States. Unbelievable. It is bad enough that we have to live with the U.S. Buy American Act, which shuts out Canadian companies. But they are dumb enough to have our work done in the United States. The Conservatives are having the signs for Canada's infrastructure program made in the United States. It is in the same vein as what we are talking about today.

Most experts who are familiar with the prison system and have compared sentences in Canada with those in other countries, categorically disagree with the Conservatives that Bill C-36 has anything to do with tougher sentences and with families. Every time they rehash one of the few cases in Canadian history of an individual, a serial killer, who was a recidivist. But the fact remains that it no longer even applied to someone in this category.

That does not prevent them from rising, time after time, with a tremor in their voices, to ask questions such as the one we just heard and demand: "Why are you against the victims? Why do you want them to suffer a second time."

The only people suffering from this rhetoric is a public tired of a government that, four years later, has not yet understood that it is no longer in opposition.

I would like to tell my colleagues about the time I was a member of a party that had been in opposition for nine long years in Quebec. When we finally came to power, some smart alecks decided to take some elements of our platform and begin to put together a law with a title that had these kinds of suggestions. It is not just a bill to amend the Criminal Code, it is a bill to amend the Criminal Code in order to send a message that there will be more serious time for the most serious crimes, and so forth.

Luckily there were some adults in the room who said that it was tempting, that it sounded good, but, as the Interpretation Act states, the title is part of the legislation, somewhat like the preamble is part of the laws that still have one and, on occasion, is used by the courts to interpret the legislation.

The very fact that they are playing this game shows what little respect they have for the institution. Coming up with a bogus name that would never appear anywhere, but simply serves as an ad for their own purposes leaves us in no doubt about where they are coming from.

● (1740)

They are showing their true colours. It is a pure and simple attempt to win the votes of a certain segment of the population that is very susceptible to these kinds of comments. I will say this to those who might be tempted to fall for the Conservatives' siren songs. How is it that the same Conservatives, who are trying to convince them that they are for law and order, are going against the clear wishes of Canadian police forces regarding maintaining the firearms registry? This registry protects police officers and is an important tool to fight crime. The Conservatives say they want to fight crime, but why do they say one thing and do another?

Why, when it comes to determining whether we will make changes to take away any hope from a prisoner, are the Conservatives playing with public safety instead of taking action? This hope could mean that a prisoner behaves better in prison, and unlike what they have claimed, it does not negatively affect families. Society would not take away any possible chance of rehabilitation.

Let us spend a few moments considering the men and women who work in prisons. This will make their lives more dangerous. Let us spend a few moments considering the police officers who have to deal with certain individuals.

The Conservatives recently revealed another item on their wish list: consecutive sentencing, like in the United States. We will end up with crazy American-style sentences for 125 years in jail, which is longer than anyone has ever lived, but they do not think it is a problem. They want to copy the American model and convince themselves and the public that their goal is to provide better protection. There will always be some people who are willing to accept such arguments.

When one is in Parliament dealing with that kind of demagoguery, one is tempted to say that the last thing we should do is talk about it because that would allow them to achieve their goal. No doubt some of them are happy to hear people speak the title they wanted to give this bill.

Personally, I have more faith in the intelligence of voters. I would far prefer to draw attention to this flaw and eliminate this kind of playing with people's emotions on issues like protecting the public and fighting crime. We must denounce this flaw, which involves using our parliamentary institutions for blatantly partisan purposes that have nothing to do with protecting the public. We need to say what this is all about, so people can make an informed decision during the next election.

I am pleased to rise here this evening and to say loud and clear that I am not impressed by the Conservatives. The Conservatives will not have the opportunity to intimidate or frighten the people of my riding, people whom I trust.

This bill will make life more dangerous for the men and women who work in prisons. The Canadian Bar Association, which represents all lawyers and notaries in Canada, has publicly announced its firm opposition to this kind of demagoguery. It did an excellent job of revealing the real intentions behind this.

This bill is part of a series of measures the Conservatives are trying to sell as action to ensure law and order, when in reality, it is nothing more than political marketing. They are not taking any concrete action to enhance public protection. They are simply acting in a very partisan way, for their own interests and with one specific goal in mind: pandering to their partisan political base.

In our opinion, if Bill C-36 were to pass, it would be a definite step backwards in terms of law and order, especially for people who work in law enforcement.

● (1745)

[*English*]

Far from being intimidated by this type of attempt to play with people's sentiments and to sell something as being in favour of law and order, it is our intention today to say that when the Canadian Bar Association comes out against this type of effort saying that it has nothing to do with law and order and everything to do with the political posturing of the Conservatives, when we see the people who work in carceral milieu, in the penitentiaries for example, saying that it would make their lives more dangerous if we were to remove the faint hope for people who are there, and when we hear the speeches about the victims and the questions about why we are opposed to the victims, we realize that it is all the same register. It all has to do with political posturing and salesmanship and nothing to do with the substance of the file.

The temptation, of course, when one realizes that this is the constant game being played by the Conservatives, is to tell oneself that it gets quite nasty. One need only look at the types of ten percenters and the types of personal attacks they send out. If this is billed as being serious time for the most serious crime, the next attack from the Conservatives will be to tell Canadians that their MP is opposed to having serious time for the most serious crime. They will turn it into another political attack.

I say that we should let them go ahead. They are seriously underestimating the intelligence of Canadians. Removing even the faintest hope for people who are in prison on long terms, which Canada does indeed impose, is the best way to make less secure the lives of the women and the men working in our penitentiaries for example. It is the best way to ensure, with the types of more than life sentences that the Conservatives are seeking to impose with other legislation, like the American system, that life inside will be far more dangerous for everyone.

We have a system in Canada that is balanced, that has always been balanced and that is built on a structured, intelligent analysis of the real needs of our society. What we have here is none of the above. What we have is pure demagoguery, a sop to the Reform Party base and that is why we will proudly stand and vote against it.

● (1750)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, the member opposite talked about victims and queried rhetorically how Bill C-36 would help victims.

Members will undoubtedly know that individuals who apply under the faint hope clause have been convicted of a crime that carries a sentence of life imprisonment. Typically, we are talking about people who have been convicted of murder and, therefore, their victims, sadly, cannot speak for themselves, but their families can.

I sit on the justice committee and we heard from many families of victims who were all in favour of this legislation because they believe they were revictimized.

There is a principle in criminal law that an accused cannot face double jeopardy but the families tell us that they face double and sometimes triple jeopardy when they are faced with serial applications for faint hope when the families must go back and relive the horror of the loved one who was taken from them.

My question for the member has to do with his comment regarding the long gun registry. He seemed to suggest that this government was not serious when we said that we would be tough on crime because we voted in principle at second reading to repeal the long gun registry. He seems to have some concern with that.

Does the member really believe that long guns, shotguns and .22s are used in the commission of crimes?

Mr. Thomas Mulcair: Mr. Speaker, I find it astonishing that anyone who has lived long enough to get themselves elected to the House would be able to formulate a question such as that one, to ask whether or not long guns are actually used in the commission of crime.

Of course they are. We can look at the statistics. That is the demagoguery. That is what we are dealing with here. The police across Canada consult the registry 40,000 times a day. They need it to do their jobs safely.

Those same high priests of law and order are not listening to the very women and men who are out there actually applying the law and maintaining order across Canada. That is the hypocrisy.

With regard to the faint hope clause, the member should remember what the Canadian Bar Association said. This is not some lobby group. This is not one of the parties against the other. Too many people believe that the faint hope clause simply allows those convicted of murder to be released after serving only 15 years of their sentence. The CBA section urges the government to set the record straight rather than enacting legislation based upon misinformation. That is a straight shot at the Conservatives by none other than the Canadian Bar Association. It is well deserved. It is a campaign based on misinformation and demagoguery.

● (1755)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, this subject is one that seems to come up in every Parliament. The numbers do not much change because it is very rare that anyone gets out under the faint hope clause. However, there are certainly circumstances. I know from the work I have done on fetal alcohol syndrome and other alcohol-related birth defects, many people in the jails of Canada have committed very serious crimes and families of victims are very distraught and will never be the same again.

However, in our system, people who have mental incapacities have been put in jail. Being in jail will not help them. There is no rehabilitation for mental illness. There is no money to do it. In some cases such as fetal alcohol syndrome, it is not even a situation that can be rehabilitated.

Could the member comment on this? I believe Manitoba, Alberta and Saskatchewan did a survey of their own of the provincial institutions and found that about 40% of the inmates in those prisons suffered from some mental illness. The minister of justice of the day, Anne McLellan, said that it was similar in federal institutions.

Mr. Thomas Mulcair: Madam Speaker, I would prefer to stay within the subject matter before us today, although the subject of fetal alcohol syndrome is such an important one. I sincerely hope that the work being done, for example by people such as Brian McInnis in Toronto, to ensure that alcohol bottles contain proper warnings with regard to the possible effects of alcohol continues. However, it is another debate for another time with regard to what we are doing today.

Today we are dealing with something called the faint hope clause, where the Conservatives purport to be changing the bill to provide tougher sentences for the worst crimes. The people who have taken the trouble to look at the bill have concluded that it does nothing with regard to what it purports to do. That is why the Canadian Bar Association has told the government that what it is doing is based on misinformation. Those are tough words coming from the Canadian Bar Association and the government should listen to it, but of course it will not. This has everything to do with playing to its Reform Party base and nothing to do with public protection.

With regard to the long gun registry, it is the same thing. Police across Canada have been saying, "Please maintain the registry". The very people who are in charge of law and order are asking the government to keep the registry. The government that claims to be in favour of law and order wants to scrap it, saying it costs too much. That is a ridiculous argument. Now that it has cost probably far too much, because of the incompetent Liberals who put it in place, the last thing we should do is scrap it because that is adding insult to injury to the taxpayers who paid for it in the first place and to the police who are using it every day.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, first, I thank the member for Outremont for his very coherent and strong words about this bill. I would agree with him entirely that when we read the title, the serious time for serious crime act, immediately it tells us what the bill is all about.

What I find most ironic is that when we look into the history of the faint hope clause and when it was brought in, which was in 1976, one of the reasons it was added to the Criminal Code, and it was done at a time in connection with the abolition of the death penality, was in the hopes that it would provide an incentive for long-term offenders to rehabilitate themselves.

I have not heard the Conservatives use that word. They are all in favour of victims' rights and that is very important, but this is about our justice system overall. This issue of rehabilitation and the fact that we are providing protection for prison guards was one of the reasons this clause was put into the Criminal Code in 1976.

Would the member comment on that?

Mr. Thomas Mulcair: Madam Speaker, my colleague is quite right and it makes a lot of sense.

We can understand that if people have been incarcerated for, let us say, a 25 year term, behaving properly and not behaving violently becomes one of the things that can give them, and this is the reason why it is called the faint hope clause, a faint hope that perhaps by making life easier on people around them, by making the carceral milieu one that would be safer, they have the possibility not to drag the victims back before the courts as they would suggest on the other side, but to go before a judge, to go before a jury of 12 people. They have to be unanimous that he or she can even make the application.

The fact is, contrary to what the Conservatives would have it be, this is about providing a way to have an influence on people's behaviour once they are in prison. There are very few cases where this has been applied successfully. They are extremely rare, but at the very least, we should listen to the men and women who work in the penitentiaries and do everything we can to make their lives safer. Removing the faint hope clause makes their lives more dangerous.

A lot of this is based on misinformation. It is not just us who are saying it. It is also the Canadian Bar Association.

● (1800)

Mr. Blaine Calkins (Wetaskiwin, CPC): Madam Speaker, I want a point of clarification. Actually, my comments are for the member for Edmonton—Strathcona with regard to a question she had from one of her colleagues. I think she would want to set the record straight on this.

She mused that the law had been changed and that multiple murderers were not eligible for the faint hope clause. That law changed I believe in 1996 or 1997, predating Clifford Olson, who she associated with her comments. In fact, Clifford Olson as recently as 2006 applied for the faint hope clause.

I am sure she would want to set the record straight at a future date in this debate in respect the victims of Clifford—

The Acting Speaker (Ms. Denise Savoie): I do not know if the hon. member for Outremont wants to respond the question.

Mr. Thomas Mulcair: Madam Speaker, the question was addressed to someone else, who has not made her speech yet. My colleague will be more than able to answer it because she was right in what she said.

Speaking of my colleague from Edmonton—Strathcona, having witnessed the sexist remarks by the Minister of the Environment today, I can only say that if these big, strong defenders of rights were only interested in defending charter rights, including the equality of men and women, perhaps we would hear less sexist remarks like the one—

The Acting Speaker (Ms. Denise Savoie): Resuming debate, the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Madam Speaker, I am pleased to speak on behalf—

Some hon. members: Oh, oh!

The Acting Speaker (Ms. Denise Savoie): Order, please.

The hon. member has the floor.

Mr. Michel Guimond: Madam Speaker, I am pleased to speak to Bill C-36 on behalf of my Bloc Québécois colleagues.

I would like to begin by saying that the Bloc Québécois will not vote in favour of this bill at third reading, even though we supported the bill in principle at second reading in order to send it to committee so that witnesses could be heard and could enlighten the government about the bill's scope and merits. It appears that, as my NDP colleague, the member for Outremont, mentioned in his speech, clearly major witnesses such as the Association des avocats de la défense and the Canadian Bar Association vigorously opposed this bill. Having heard the witnesses and thoroughly reviewed the bill in committee, the Bloc Québécois has decided to vote against this bill at third reading.

Quite simply, we also feel that this bill is not warranted. Once again, the Conservative government is using smoke and mirrors to try to make people believe that it is getting tough on crime and that is it in favour of maintaining order and strict public morals. It is introducing a whole raft of bills whose application is really quite doubtful. Bill C-36 is a case in point.

We know that the bill addresses the most serious crimes, such as premeditated murder, that have the biggest impact on victims and affect the population as a whole. We recognize that. Individuals sentenced to life in prison can apply for parole after a certain length of time, depending on whether they have been convicted of first-degree or second-degree murder. We recognize that in the hierarchy of crimes, these are very serious crimes. That is why these major crimes carry the stiffest penalties and, as I said earlier, are punished by life in prison.

Sometimes sentences are too lenient and parole is too lax, for instance, parole after one sixth of the sentence has been served, which we have right now and which could benefit white collar criminals because this government decided to take its responsibilities. In Quebec, we have the Norbourg affair and the Vincent Lacroix affair. The latter will be released after serving one sixth of his sentence with exorbitant amounts of money that is probably being kept in some tax haven somewhere such as Barbados, the Bahamas, Turks and Caicos or Trinidad and Tobago. He is going to live the sweet life after serving a few months in prison and depriving honest people of their income. That might have been the only amount of money they were able to set aside; a little nest egg they managed to build up over years of hard work. It was not necessarily multi-millionaires that Vincent Lacroix bilked. In most of the 9,200 cases, it was ordinary people who had worked their entire lives. There was even the case of two young people who had inherited money from their parents after they died in an automobile accident. That money and the insurance settlement they received went up in smoke because of Vincent Lacroix's malicious acts.

We agree that parole should not be too lax because that undermines the credibility of the justice system and fuels the impression that criminals are treated better than victims. I want to reiterate that the Bloc Québécois sides with the victims and not with the criminals, as the demagogues opposite accuse us whenever we oppose a law and order bill on this government's agenda.

● (1805)

That is what happened with the Afghanistan issue: we have been accused of being on the Taliban's side. That is no joke. That is how the Conservatives work. That is demagoguery, and that is why this government is so dangerous. This government tries to manipulate public opinion. Fortunately, those listening can tell the difference between true and false.

This bill would repeal a provision that gives an offender sentenced to 20 or 25 years the opportunity for a hearing after 15 years. I am talking about a criminal who is sentenced to life in prison with a chance to apply for parole after 15 years.

The current Criminal Code contains the faint hope clause, which gives offenders a chance to apply for parole after 15 years. Parole officers are not the ones who decide. The offender has to apply to a judge and a 12-member jury, a jury of 12 ordinary citizens who must decide, based on time served, evidence of character, and statements from psychiatrists, social workers, experts and so on, whether the individual might be eligible for early parole.

That is what the faint hope clause is about. The Conservatives want to pursue their law and order agenda by repealing this subsection, which is actually working pretty well. That is what defence lawyers told us in committee. The Canadian Bar Association told us that the system works. The association told the Conservatives that the only reason they are trying to pass this kind of bill is that they are trying to set the agenda for the next election.

Some cases are successful. Here is an example. If Bill C-36 is passed, people will not have a chance to apply for parole. This particular case involves a man I know, a lawyer named Michel Dunn from Chicoutimi, with whom I studied at the Chicoutimi seminary and with whom I worked in housekeeping at the Chicoutimi hospital, to pay my way through university. He studied law at Laval University. He got into some shady financial trouble and killed his law partner, Serge McNicoll, when the two were shooting clay pigeons on a Lac-Saint-Jean beach at Saint-Henri-de-Taillon or Sainte-Monique-de-Honfleur, I do not remember exactly.

He was convicted of murder. He was sentenced to life in prison with the possibility of parole after 25 years. After 15 years, he used the faint hope clause to get a hearing, and was paroled. Now, Michel Dunn is an in-reach worker and helps criminals return to society. His is a success story. During his years of incarceration, his behaviour was impeccable. He was surrounded by hardened criminals. He was in a very difficult place, and he helped his fellow inmates during their incarceration.

● (1810)

Indirectly, he also helped our corrections officers who are dedicated to ensuring that inmates can, in some cases, prepare to return to society. That is part of the role of a corrections officer. Two of my colleagues have penitentiaries in their ridings: the Port-Cartier penitentiary, in the riding of the member for Manicouagan, and the La Macaza penitentiary, in the riding of the member for Laurentides—Labelle.

We do not acknowledge our corrections officers often enough. I have read documents from corrections officers who felt as though they were in prison themselves. These are difficult working conditions. There is constant stress. They have to watch over people who have nothing left to lose, people who were convicted of multiple murders. All they have left is to make the lives of everyone inside those walls miserable. I would like to take this opportunity to salute our corrections officers, those who work in both in federal and Quebec prisons.

I would like to share what the Association québécoise des avocats de la défense told us. As the members know, I am a lawyer. I practised for only a year and a half, and I do not consider myself a leading expert in law. One of my friends, Jean Asselin, from Quebec City, is a member of the Association québécoise des avocats de la défense. The legal community is quite discouraged about the attitude of this Conservative government, which is missing the mark and aiming in the wrong direction. The Association québécoise des avocats de la défense said it believes that this bill is merely part of an election strategy and that it promises greater public safety under false pretenses.

On the other hand, although we understand the reactions of certain victims' families who agree with the bill, the fact remains that our decision as to whether or not this bill should pass must be analyzed in an impartial context that is not swayed by emotions.

The Canadian Bar Association opposes Bill C-36 because it believes that the faint hope clause is important in the overall sentencing process, especially for sentencing in murder cases.

I would say that with their separate bills the Conservatives have adopted a cafeteria approach. It is like saying I will have soup today, I will have salad tomorrow. I will have dessert today, I will have fruit salad tomorrow. It is a piecemeal approach that is missing the mark, as I was saying earlier. We have to look at the penal system and the Criminal Code as a whole.

At present the Conservatives' only goal is to find bills that address certain events or circumstances, mostly the ones that have been in the media, and then to take action aimed at being elected.

I will repeat: when you do not agree with them, when you have a different opinion, you are immediately identified as someone who supports criminals, just the way they said we supported the Taliban. Unbelievable.

In closing, because I see that my time is running out and I wish to have some left to answer questions, we believe that the Bloc Québécois is on the right track and, in that sense, we agree with the NDP position. I hope that our Liberal colleagues will listen to reason and not be influenced by the siren songs and the advocates of those opposite, on the Conservative side. I believe that the Liberal party has a progressive and forward-thinking tradition, as its name implies.

● (1815)

I am asking my Liberal colleagues to vote with the Bloc Québécois and the NDP to prevent this pointless bill from succeeding at third reading.

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, the member opposite was clear and unequivocal that he and his party would be voting against Bill C-36 at third reading. He indicated support for that position from lawyers, primarily criminal defence lawyers, bar associations and correctional officers. He said that he respects correctional officers, as do I. There are many who live in my riding.

He talked about offenders, specifically one who was a successful applicant under the faint hope clause. However, he did not talk about two other groups that need to be talked about in this debate. One group is the victims, or mostly the families of victims, because unfortunately, the actual victims are deceased, and the other group is the public.

When the member stands and votes no to Bill C-36, what will he be saying to the families whose loved ones were the victims of premeditated murder? What will he be saying to the public who does not believe that serving 15 or 16 years in jail is appropriate for premeditated first degree murder?

[*Translation*]

Mr. Michel Guimond: Madam Speaker, let us be clear: we are talking about crimes and murders punishable by life in prison. As my colleague rightly said, often the murder victim is dead and it is the family that continues to suffer.

When a judge declares a person guilty of murder and sentences him to life in prison with no chance of parole for 25 years, justice has been served to the victim. However, in 15 years of detention, an inmate may display exemplary behaviour. I gave the example of Michel Dunn. In prison, his behaviour was exemplary. He served 15 years in prison. The judge delivered the sentence and punished him for the crime. We do not want to minimize the impact of the crime and say that it was just a murder and nothing serious. We are sensitive to that and that is the reason for life sentences.

The faint hope clause allows an inmate to be released after 15 years of good behaviour. The best evidence that the public is not being punished as well, is that the murderer's lawyer pleads before a judge, who upholds the law, and before a jury of 12 people. This does not happen before an administrative tribunal like the parole board or before a judge alone. The Criminal Code provides that 12 citizens will decide on the release of an individual after 15 years.

In a trial by jury structure, everyday people—just regular folks—are randomly selected from the voters list to make the decision about parole after 15 years. These 12 people are part of the general public.

The two groups my colleague is concerned about are very well served. The inmates serve 15 years instead of 20 or 25 years. While we are at it, perhaps we should add some corporal punishment. A few lashes would not hurt. Let us be serious; they have gone too far.

● (1820)

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, before I ask the question of the hon. member, I would like to thank him for his obviously very heartfelt and cogent comments. I would also like to thank the hon. member for Wetaskiwin for giving me the chance to clarify. I want to make it clear of course that he is correct. Clifford Olson was convicted before 1997 and so he is not exempted from the ability to apply. I clearly meant a Clifford Olson-type accused. Since 1997 a multiple murderer cannot apply under the faint hope clause, and so that should be. I am in agreement with that.

I campaigned for this office on a law and order campaign, and law and order for the environment. I find it incredulous that the party across the way would criticize my party and other parties for not believing in law and order. I sat in this House and watched while we passed important amendments to major Canadian federal environmental statutes to increase the penalties and yet, this government put forward a law so that lesser penalties would be applied to environmental infractions on Indian reserves. So, I think perhaps the other side is not very consistent in its law and order agenda either.

I would like to ask the hon. member if he could reply to this. It has occurred to me that under the faint hope clause it actually gives the opportunity for those who may have been victims of a crime to have the opportunity to come forward and speak again about whether or not they have second thoughts, whether or not they would like to welcome the accused back into their family, or the community impacted.

If we take away the faint hope clause, we take away the entire opportunity for forgiveness within the system and some kind of opportunity for the accused to actually come to the family of the victim or the community of the victim and at least speak to that matter.

I also wonder if the member could speak to the possibility that there may well be occasions where this faint hope clause actually gives the opportunity to at least be revisited, even if the decision remains the same and the prisoner remains in prison. We have to remember that it is a life sentence, but it is 25 years. There is nothing magical in the 25-year number, and it should be open for review by the community, by the jury, and by the court.

[*Translation*]

Mr. Michel Guimond: Madam Speaker, I will respond more to the second part of the question. It seemed as though my colleague had not finished a debate with her Conservative neighbour opposite. I did not think that what she was saying had much to do with me. In fact, I even thought of leaving.

As for the second part of her question, I would say that, given that the system is adversarial, both sides can make their case. People have the opportunity to express their views, and the victims can be heard.

I would like to repeat what I said, which is that this second chance helps promote the reintegration of inmates. It also helps make them much more cooperative during their incarceration.

● (1825)

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Speaker, I want to congratulate my colleague from Montmorency—Charlevoix—Haute-Côte-Nord on his very pertinent remarks, which, I feel, clearly explain why the Bloc Québécois will vote against this bill.

In addition, my colleague pointed out that the Conservative Party's positions are very disconcerting. Perhaps he could speak to the issue of the Conservative Party's behaviour regarding the motion introduced in this House by the Bloc Québécois to proceed quickly with the vote on eliminating the possibility of parole after one-sixth of a sentence has been served. The opposition was berated again today in this House for not wanting to eliminate the possibility of parole after one-sixth of a sentence.

I would like my colleague to speak to this issue to show the people who are watching just how disingenuous the Conservatives' position is.

The Acting Speaker (Ms. Denise Savoie): The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord has one minute to respond.

Mr. Michel Guimond: Madam Speaker, the Conservatives have become experts at the "outside the Church there is no salvation" approach. As I said earlier, if we do not agree with them, it means that we are the bad guys.

Once again, the Conservatives could have agreed to the quick passage of the bill regarding white collar criminals. When it comes to parliamentary rules, as long as it is not against public order and good morals, we can quickly pass any amendment by unanimous consent. That is what the Conservatives did not want to do for the bill regarding parole after one sixth of a sentence has been served, as in the Vincent Lacroix case.

[*English*]

The Acting Speaker (Ms. Denise Savoie): Resuming debate. The hon. member for Vancouver East has two or three minutes to make some comments on this bill.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I am pleased to rise in the House today to speak to third reading of Bill C-36.

I spoke in the House at second reading and during that debate I expressed my very serious concerns about the principles of this bill and what it would do to our justice system. When the bill went back to committee, I know the NDP justice critic, the member for Windsor—Tecumseh, put forward some amendments to the bill that would improve the support and involvement of victims and family members. Unfortunately, those amendments were not allowed. Now the bill is back before the House at third reading. I must say the concerns that I and others have expressed here today not only remain but may be stronger than ever.

After listening to the debate today in the House, what really troubles me is that the response from the Conservative government on any problem or serious issue it sees in our society is that there always has to be a tougher sentence. Everything is answered in its mind and world as a tougher sentence.

What we are dealing with here is the justice system as a whole. I heard one of the Conservative members say that it seems to be all about the offender. No, it is not about the offender. It is about our justice system, whether we have balance in it and whether we are doing things that actually help rehabilitate people.

When people have committed crimes, are convicted and sent to prison, they are serving time for that crime, but it is also about rehabilitation. I really have not heard that word today on the Conservative side.

We are hearing in the debate today that there are many members who are very concerned about this bill because it is fundamentally going to change the kinds of balances we have in our justice system, and for that reason we are—

● (1830)

The Acting Speaker (Ms. Denise Savoie): Order. I am afraid I must interrupt the hon. member.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

FISHERIES AND OCEANS

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Madam Speaker, as a Newfoundlander and Labradorian and as a Canadian, I am outraged at the antics of the Conservative government on the very important issue of the proposed amendments to NAFO.

The government says it wants to vet international agreements in the House, yet it has pulled every trick in the book to ensure that debate on the changes to NAFO do not get debated, discussed, questioned or reviewed. What kind of democracy do the Conservatives think we have? What is the government trying to hide?

On 14 separate occasions, the Liberals have demanded an open discussion in the House and the Conservatives have said no. In committee, the Liberals moved to defeat the proposed amendments only to have the NDP and the Conservatives in agreement to call more witnesses instead. Obviously, the NDP members have yet to make up their minds on all of this.

A distinguished group of former DFO senior executives with extensive experience took the unusual action of speaking out and calling the proposed Northwest Atlantic Fisheries Organization amendments tabled in the House by the Conservative government "a sell-out of Canadian interests".

The government has a string of broken promises. Since forming government, the Prime Minister has broken promises to Canadians in several ways. No province is more aware of this than the province of

Newfoundland and Labrador. The government has demonstrated time and time again that it does not keep its promises to Canadians, whether it is not to raise taxes, not to run a deficit, on equalization, on 5 Wing Goose Bay, or to protect Canadian fisheries.

The proposed amendments to the Northwest Atlantic Fisheries Organization are yet another example of the government's broken promises. It promised custodial management and strong action to protect the fish stocks off our coast, but instead it has tabled in the House a series of changes that, if ratified, would leave our country in a considerably weakened position. Yet again, with this broken promise, we see the good people of Newfoundland and Labrador being the victims of the government's inability to keep its commitments and to fulfill its promises.

Claims are being made by the Conservatives that the new NAFO convention rules will be beneficial. They have been contradicted time and time again by expert witnesses appearing in front of the House of Commons Standing Committee on Fisheries and Oceans.

I cannot imagine the rationale for the Government of Canada committing to an agreement that gives foreign interests control of our own fish stocks, thereby undermining our sovereign rights by giving other nations the right to impose their management rules inside Canada's 200-mile limit.

These proposed amendments, if ratified, could be detrimental to the ability of Canada to protect and conserve its fishery resources and NAFO's ability to provide for conversion of the fish stocks of the Northwest Atlantic.

It is unimaginable that we would leave any of Canada's resources vulnerable to foreign interests. If Canada loses its ability to control what goes on in its own waters, we are indeed opening ourselves up for the "largest handover of Canadian sovereignty in history", as one critic said in reviewing the situation.

Newfoundland and Labrador has been clear in its objections to the NAFO amendments. The municipalities of Newfoundland and Labrador unanimously passed a resolution in opposition to the proposed NAFO amendments at its recent conference.

I ask the parliamentary secretary, if the government has any understanding of the seriousness of this issue, why did it cut off debate today and at every opportunity raised by Liberal members in the House? The government and minister have refused to a full and open debate, and I ask him why? What is he hiding?

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Madam Speaker, I appreciate the opportunity to respond to the hon. member. I really think she has her facts wrong on this, and I appreciate the opportunity to correct some of them.

The previous government, the party which she represents, had no policy at all about bringing any kind of international agreements, like the one we are discussing today, before Parliament. It was our government that put in place the requirement to table before Parliament, for a minimum of 21 sitting days, these international agreements, and we did that. We did this back in June and allowed 21 sitting days for her party to do whatever it wanted during that time.

The committee decided it needed to hear more witnesses on this and the government added an additional 21 days. During that time, the Liberals did not use a single opportunity of an opposition day to discuss this. It was their opportunity to do that if they really felt strong about it and they did not take it.

We are talking about NAFO reform. The amendments to this convention are part of the reform, but it is bigger than that and it has gone on for a number of years, since 2006. We understand the importance of the fisheries, especially for people on the east coast. It is worth billions to our economy, and it is particularly significant for Newfoundland and Labrador.

NAFO has been around since 1978, but it has changed a lot since then as have the fisheries, so there is a requirement to do some work on this convention. After 30-some years, NAFO members agreed that it was time to modernize the organization. We know we have to be forward-looking and to give ourselves the modern, decision-making tools required to deal with the contemporary problems we face.

Probably one of the most important things we did, and it is outside of these amendments, and we were able to do without changing the convention was make improvements to our monitoring, control and enforcement. The reform finally gave NAFO the teeth it had always lacked.

Vessels that committed serious infringements, such as misreporting of catch or fishing for moratorium species, would now be ordered to return to port immediately for a full inspection. An early return to port is a harsh penalty in and of itself, given the exorbitant costs associated with outfitting a vessel for a lengthy fishing trip and the lost fishing possibilities. The vessel would also be subject to penalties imposed by its own country for the infringements it had committed. This has borne fruit. The number of serious violations has dropped significantly in recent years from 13 in 2005, 7 in 2006, 1 in 2007 and zero in 2008.

We have also heard questions, and my colleague has raised this, about whether Canada is effectively protecting its sovereign rights under this amended convention. Let me be very clear. The amended convention protects Canadian sovereignty over the 200 mile exclusive economic zone. Under the amended convention, it is clear that Canada will control the process of establishing measures in its own waters. NAFO measures will not apply in Canadian waters unless two conditions are met: first, the Canadian government requests the measure; and second, Canada's NAFO delegation votes to adopt it.

Our sovereignty over the 200 mile limit is also guaranteed in the United Nations Convention of the Law of the Sea and in customary international law.

We look forward to the next NAFO annual meeting, where we will have the opportunity to help the organization move forward on its commitments. In the meantime, we think the amendments to the convention are a good thing. They benefit Canada's interests and they should be ratified.

● (1835)

Ms. Siobhan Coady: Madam Speaker, the outrage being felt in the province of Newfoundland and Labrador right now is palpable. Yes, the agreement was tabled before Parliament and was given 21 sitting days. Yet at every turn, every opportunity and over the 14 times the Liberal Party tried to get this debated, discussed, reviewed and questioned in the House of Commons, we were unable to do so. The Conservative stopped every opportunity.

Yes, we did bring witnesses before committee and the witnesses agreed that this was very serious. We have had senior executives of the Department of Fisheries and Oceans. We have had those who have retired, those who are experts in NAFO, say, "This is a sell-out of Canadian interests". Then we have others saying that it is the largest handover of Canadian sovereignty.

How can the government pretend that this is a good thing for Canada when it is not?

Mr. Randy Kamp: Madam Speaker, I encourage my colleague to actually read the testimony from the committee and she will find that she is misinformed. In fact if she looks at the data, she will find out that the Province of Newfoundland and Labrador was part of the delegation that was looking at the amended convention and that right up until this last summer, it was onside with this. We do not know what changed its mind. Perhaps it has something to do with some political issues. In any case, she might also want to talk to industry representatives in her province. She will find they are pretty unanimous in their opinion that this is good for their industry, good for the stocks, good for Newfoundland and Labrador. In fact, we agree with them.

She might also want to talk to the legal experts who told us that as far as they can tell, there is certainly nothing to be concerned about with this, that it is actually good for Canada and it is an advancement and probably going to be the best—

● (1840)

The Acting Speaker (Ms. Denise Savoie): Order, order. Resuming debate, the hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

CONSERVATIVE GOVERNMENT

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Madam Speaker, on September 14, 2009, I asked a supplementary question in this House directed at the Prime Minister, regarding a closed-door speech he had made and that had been recorded.

[*English*]

In the speech that the Prime Minister gave, he said that "judges are left-wing ideologues"; he also referred to women fighting for equality as "left-wing fringe groups".

During question period, I said that women are not marginal left-wing groups, and that the judiciary and judicial discretion are very important.

The Prime Minister in that closed-door speech also made this point speaking about the Conservative Party, "If we do not win a majority this country will have a Liberal government propped up by the socialists and the separatists".

This is another quote: "This country cannot afford a government like that. If they force us to the polls, if they get together and force us to the polls, we have to teach them a lesson".

This is another quote: "Imagine how many left-wing idealogues they would be putting in the courts, federal institutions, agencies, the Senate. I should say, how many more, they would be putting in."

This is another quote: "Instead of...subsidizing lawyers to bring forth court challenges by left-wing fringe groups, we have been bringing in laws..." and then he goes on to laud himself and his party.

These so-called fringe groups and left-wing idealogues are people who brought court challenges based on equality rights and language rights that are guaranteed under the Canadian Constitution. One has only to look at the issue of the Montfort Hospital.

[*Translation*]

Because of the court challenges program, which was abolished by the Conservative Prime Minister as one of his first actions after coming into power, the Montfort Hospital, here in Ontario, is still open.

[*English*]

If we look at the issue of women's equality rights, it is because there was a court challenges program that an ordinary female worker who is not unionized but who is suffering gender discrimination has been able to bring a pressing case before the courts and has been able to win on that. It is the same thing for the issue of gay and lesbian rights.

We see a government that closed 12 of the 16 Status of Women offices on April 1, 2006. There are only four regional offices now, rather than sixteen. We see a government that has abolished the court challenges program. Under pressure from ordinary Canadians, the Conservatives brought in some milquetoast program that is a faint shadow of the court challenges program.

I would challenge the Prime Minister and the Conservative government to cease and desist with their ideology, which they use to attack those who do not agree with them.

● (1845)

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, in the initial question there was not a lot of substantive content and some of it was not in the appropriate context. In trying to make something out of nothing and taking a position without regard to the big picture in what we have done as a government there was a lot of bluster there. However, I would like to clarify some things.

Our Conservative government was elected after Canadians were fed up with 13 years of arrogance, a culture of entitlement, the Liberal government in it for itself, not listening to the Canadian people, nor addressing those needs that they wanted.

The Liberals had a remarkable disdain for Canadian sensibilities with their sponsorship scandal. I would point out that some of the moneys taken from Canadians who paid their taxes and used for purposes that Canadians would not approve of, have not yet been recovered

The Liberals were soft on crime and corruption, soft on ethics and respect for Canadians, but hard on law-abiding citizens and those Canadian men and women in the armed forces who needed more support, better equipment and more funding.

Canadians elected a Conservative government because they wanted to. They are happy and pleased with the actions we have taken. We have taken actions with respect to the economy with our economic action plan. Canadians support our actions to help unemployed workers. They support our efforts to help self-employed Canadians.

The Liberal members of her party walked away and turned their backs on unemployed Canadians and when we finally put forward legislation to help long tenured workers by extending benefits from five to twenty weeks, the Liberal members voted against that provision in order to force an election that no Canadian wanted. It is an election that no one wants. They wanted it for themselves and for their own benefit.

I wonder what they might say to the 190,000 Canadians. They voted against specific benefits in a narrow bill to help long tenured workers. I do not understand how they would do that.

Canadians support our stronger, more principled foreign policies. They support our efforts to properly fund and equip our men and women in uniform. They support our efforts to get tough on crime and criminals. They appreciate our respect for hard-working, law-abiding taxpayers.

The actions of the Liberal Party have fallen flat with Canadians. Canadians are aware that the Liberals want an election only because of their self-interest and not because of those regular Canadians who look forward to legislation being passed.

Canadians wanted the Liberal Party to work with our government to come up with solutions for the unemployed over the summer but that did not happen. Thankfully, we were able to get other members of the opposition to support that legislation so we could get it through.

We are putting forward legislation for the self-employed. I cannot imagine the Liberal Party voting for that as well. They are simply out of touch with Canadians and with what Canadians need.

Our Prime Minister and our Conservative government did not need to impose any sort of agenda on Canadians. Canadians support our Prime Minister and they support the direction we are taking. They support the goods things we are doing.

On this side of the House, we intend to continue to give Canadians good government that they can support. The evidence is there. They see that we are in favour of getting things done for everyday ordinary Canadians, the hard-working Canadians who pay their taxes and who expect their government to take their interest into account and not the government's own interest.

Hon. Marlene Jennings: Madam Speaker, I wonder what the member has to say about his government attempting to cover up the allegations that Canadian soldiers handed over Afghan detainees to torture at the hands of the Afghan authorities.

We had testimony from a reputable diplomat who was promoted following his experience in Afghanistan. What we have had to listen to in the House for this past week and a half is the Minister of National Defence and his lackeys, and that is what I will call them, trying to smear that diplomat's credibility, reputation and intelligence. This is from a government that said that it would protect whistleblowers.

It now has a whistleblower on its hands and what is it doing? It is attacking that whistleblower. It is trying to smear his reputation and, in so doing, it is trying to intimidate other potential witnesses.

Mr. Ed Komarnicki: Madam Speaker, that member certainly goes wherever she might want to. She strayed quite far from her original question, so it is difficult to respond. However, I will say this. We will stand behind the men and women of our Canadian armed forces whose job it is to protect us and our society as we know it.

Everyone knows that we are doing the right thing. We are doing what Canadians think is important. Canadians believe that our government is on the right track. They support our Prime Minister, our Conservative government and the direction we are taking. They do not support the Liberal agenda.

We are interested in an agenda that puts Canadians first, not the Liberal Party or Liberal members, but Canadians. Our agenda is responsible, principled, respectful of the hard work of Canadians and mindful of the proper place of government in their lives. We are working on things that matter to Canadians, such as getting tough on crime, a principled foreign policy—

● (1850)

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): The hon. member for Saint-Bruno—Saint-Hubert.

TELEFILM CANADA

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, the Department of Canadian Heritage investigated Telefilm Canada in 2007. No action was taken following the investigation's report, and absolutely nothing was done about its findings, which have never been made public.

I asked the Minister of Canadian Heritage if the government could release the findings of the investigation into Telefilm Canada. The minister replied that Telefilm Canada has since changed how it operates. I believe him. Indeed, I think Telefilm has seen some major changes. That is why I am talking about Telefilm at that time. The minister told me that the report I was referring to was in the government's hands and that they were taking the necessary steps to look after taxpayers' needs.

I have no problem with that. I understand the minister plans to table the report's findings. I would like to know when. When will the minister table the findings of that report?

However, new facts were brought to light recently. For example, we recently learned that in 2002 the President of Telefilm, Charles Bélanger, decided on his own initiative to pay thousands of dollars in grants to Cinar, which was accused and recently found guilty of infringing Claude Robinson's copyright. We realize that the matter is currently being appealed. Nevertheless, the company was found guilty.

In 2002, Charles Bélanger, president of Telefilm Canada, decided on his own initiative to pay thousands of dollars in grants to Cinar, which was in hot water at the time. Cinar was accused of fraud and of using fictitious authors to obtain government grants, which it then used improperly.

What is troubling in this affair is that, at that time, Charles Bélanger's spouse co-owned Teletoon with Cinar.

Given the new information revealed since Cinar's recent admissions—and accusations—why is the government not reopening the Cinar inquiry? Why is it refusing to shed light on the matter? Why is it not making the information behind all of these inquiries public? Why has it not launched an inquiry into the inquiry? Why was this inquiry halted halfway? Who shut down this inquiry so that nobody would find out the truth, so the facts would never come out? Who did that, and why?

This is quite disturbing. This matter has always been disturbing. It tainted the previous government, the Liberal government, which was in power when the inquiry was halted. Now the Conservative government is trying to cover something up, or seems to be covering for someone or something or some situation that does not look good.

That was the question we had at the time. Who is the government trying to cover for? And in addition to finding out who the government was trying to cover for, we want to know why the government is not being transparent and why it is not giving us all the facts about the inquiry. Why is it not making the results of the inquiry public, and why is it not holding an inquiry into the inquiry to find out why the Liberal government at the time halted it?

● (1855)

[*English*]

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Madam Speaker, I appreciate the opportunity to respond to the member on this question.

As the member made it abundantly clear, the allegations that she and other Bloc members are making around this issue occurred under the previous Liberal government. The issue around CINAR and the RCMP investigation that occurred at Telefilm occurred under the previous Liberal government's watch. There were findings made at that time and recommendations subsequently have been made to the minister.

The member well knows that this Conservative government has no interest whatsoever in covering up any Liberal misappropriations of government funds. In fact, we would like to get to the bottom of it.

The first action we undertook when we became government was to introduce the Federal Accountability Act to clean up those types of issues. The sponsorship scandal, for example, was a flagrant misuse and abuse of taxpayers' money. In committee I have used the word "crime", because I believe that the money taken from Canadians did reflect criminality, but unfortunately, there has been no finding of crime by members of the previous government. That is unfortunate.

I did bring a motion to the ethics committee last week. The Bloc members did not support that motion. I wanted to know where the missing funds are, more than $43 million of the more than $360 million in sponsorship scandal money, or adscam money, that was taken. I want to know and I want to know who is responsible. I want to know who in the prime minister's office decided to write the cheques. Justice Gomery talked about that. He called it an elaborate kickback scheme that ran from the Liberal prime minister's office of the day. I would like to know who made those decisions.

I would like to know which Liberal riding associations in Quebec ultimately benefited from that, and by extension, the members that those riding associations represented, but the Bloc did not support me on that last week. I wish the Bloc would have supported me because I would like to get to the truth on that. I am not done. I will keep working to try to shine the light on that issue because I do think Canadians need to know.

I do want to talk a little about Telefilm, because CINAR was funded through Telefilm, which is an arm's-length body. Since the member has afforded me that opportunity, I want to talk about the value of Telefilm because it is important.

Telefilm was created in 1967, more than 40 years ago. The company's mission is to foster and encourage the development of the audio-visual industry in Canada. As a cultural investor, the company contributes financially to the health of a community by sharing the risks and revenues of production selected by a rigorous process. The revenue generated by its investments in the production are then reinvested into new productions.

Telefilm supports Canadian businesses and creators, ensuring Canadian voices are heard and accessed. The company is not only a cultural investor in leading Canadian film, television and new media, but it is also a promoter which promotes the growth of a Canadian audio-visual industry of international significance.

Through the Canadian feature film fund administered by Telefilm Canada, the Government of Canada provided approximately $90 million in 2008-09. This fund supports the development, production, distribution and marketing of Canadian feature films. We have seen many successes on this front recently, from *Passchendaele*, De père en flic, *Bon Cop, Bad Cop*, *Cruising Bar 2*, *Trailer Park Boys*, *Les 3 p'tit cochons*, *Nitro* and *Away From Her*, to co-productions such as *Eastern Promises*, *Silent Hill* and *L'Âge des ténèbres*.

Last year alone, more than 40 feature films were created thanks to this fund, and it triggered financing from other public and private sector sources.

[*Translation*]

Mrs. Carole Lavallée: Madam Speaker, I am certainly not denying the usefulness of funding for Telefilm Canada. That has nothing to do with it. I recognize that Telefilm Canada does excellent work and that it needs even more money, especially to pursue co-productions and to resume leadership in the field with respect to other countries. I will take advantage of the parliamentary secretary's presence here to get that message across.

The parliamentary secretary says he wants to know who made the decision in the sponsorship scandal. My question is about the matter before us. Who made the decision to stop the investigation into Cinar and what are the findings of that investigation?

In answering my last question, the minister admitted that a report was about to be released. When will that be?

Everything the parliamentary secretary is saying about the Standing Committee on Access to Information, Privacy and Ethics is very interesting, but he really should answer the question.

● (1900)

[*English*]

Mr. Dean Del Mastro: Madam Speaker, I am glad the member finds it interesting. I hope that when I bring the same motion to another committee, the member will encourage her colleagues to support me so that we can shine a light on finding out exactly who was responsible for cutting the ad scam cheques and which Liberal riding associations in Quebec received taxpayers' money illegitimately. I believe that was a substantial crime.

The minister has indicated that there was a report made to the minister's predecessor in the department. Those recommendations have been implemented and we will be happy to table in the House and provide to the member the changes we have made to ensure the good stewardship of funds.

The Acting Speaker (Ms. Denise Savoie): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:01 p.m.)

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