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OFFICIAL REPORT
(HANSARD)

Tuesday, November 24, 2009

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 24, 2009

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

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CHILD PROTECTION ACT (ONLINE SEXUAL EXPLOITATION)

Hon. Jay Hill (for the Minister of Justice and Attorney General of Canada) moved for leave to introduce Bill C-58, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

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

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INTERPARLIAMENTARY DELEGATIONS

Hon. Bryon Wilfert (Richmond Hill, Lib.): 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-Japan interparliamentary group, representing its participation in the annual visit by the co-chairs held in Tokyo, Japan, April 4-10.

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COMMITTEES OF THE HOUSE

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Transport, Infrastructure and Communities, in relation to the study of Bill C-310, the air passengers' bill of rights.

The committee recommends that the House do not further proceed with the bill.

HUMAN RESOURCES, SKILLS AND SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, there has been consultation among the parties and I believe if you seek it, you will find unanimous agreement for the following motion. I move:

> That, notwithstanding any Standing Order or usual practice of the House, under the Rubric "Motions" during Routine Proceedings today, the hon. Member for Sault Ste Marie may move a motion to concur in the Sixth Report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, presented on Friday, November 17, 2009, provided that no Member may speak in debate for more than 5 minutes and that, following a speech from a Member of each recognized party, the report shall be deemed concurred in.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried.

(Motion agreed to)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I move that the sixth report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be concurred in.

Today we mark the 20th anniversary of the unanimous resolution by Parliament in 1989 to eradicate child poverty by the year 2000. In the motion passed last week by the parliamentary committee I serve on, we honour that anniversary. We note the urgency of action to eliminate poverty.

I believe we honour the mover of that motion, Mr. Broadbent, as well as poverty activists who make a difference in our communities and the MPs who, back then, had the will to want to tackle that daunting challenge. In 1989 we had the collective will, the values and the conviction to do so. What we lacked, and it was our critical omission, was a concrete plan to make it happen.

Why is this so? Canada is ranked close to last in UNICEF and OECD reports on the welfare of children. We spend the least on early childhood education and care. We spend little for families and not much to make sure our children grow up healthy and smart.

We are the only industrialized nation without a national affordable housing strategy. Only one in five children have access to early childhood education and care. Our minimum wage has not gone up much and neither have child tax benefits or funding to support aboriginal children.

We need to collectively recommit to build a Canada that leaves no one behind. Regardless of our politics, I believe there is consensus to do just that. Indeed, for a wide range of social, economic and spiritual principles across the spectrum, there is motivation and reason to do so.

While the barriers are many, I meet members of Parliament in all parties who understand the common sense of giving everyone in their communities equal opportunities to be productive members. People want that. In these tough times in our ridings when a new employment opportunity arises, we also see the enormous lineups of people wanting to work.

Food Banks Canada's HungerCount 2009 notes that even when people find jobs, if those jobs do not pay enough, there is no escape from poverty. One in five food bank users had employment. The Campaign 2000 report notes that four of every ten poor children belong to families in which a parent works.

Let us remember the statistics being released today are drawn from 2007 numbers, that is, numbers from before our recession. With so few covered by EI, with welfare rolls increasing and with the recession recovery slow, it is reasonable to conclude that low-income poverty numbers are higher now and will grow even higher in the next year. We need national leadership.

There are seven provinces starting poverty plans, but they do not have the capacity to move recession victims out of poverty. We cannot fail this time. We know we can make an extraordinary difference in this country for all who are excluded from our communities because they live in poverty.

For two years now, the parliamentary Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities has undertaken a major study of the federal role in poverty reduction. In the committee's imminent travel west, we will hear from witnesses on the incumbent need for national leadership.

This is about justice, not charity. This is about human rights. We know internationally and in other countries freedom from poverty is a human right. It is not so in Canada.

We are coming to recognize as well the economic arguments, the true cost of poverty and of excluding so many from being productive members of society as well as the savings in the fields of health, education and criminal justice from eliminating poverty.

A report just released in Sault Ste. Marie by the Community Quality Institute assessed the external cost of poverty. It states:

> If poverty is reduced, education levels will rise, improving the community's workforce and supporting economic development. With lower poverty and higher education levels will come overall improved health of citizens.

The report notes that the impact of poverty is felt by the entire community.

For our children, for our families, for all, for a lasting legacy to our country, it is time to keep the promise to make Canada poverty-free.

● (1010)

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I know the member for Sault Ste. Marie has a keen interest in this area.

Of course he is speaking today about an unfortunate anniversary, one that should make us all pause and reflect that 20 years ago members of the House promised Canadians that they would end child poverty in 11 years, by the year 2000. Twenty years later we are still working toward that laudable goal.

Important steps have been taken and progress has been made. However, I am not suggesting we naively believe that we have solved the problem of child poverty. We know there is much more to be done.

Clearly, none of us should be content until the goal all parliamentarians pledged in 1989 to achieve has been achieved, the elimination of child poverty, but we should not ignore the undeniable progress being made in advancing this objective.

I encourage all parties to step up and do their respective parts to ensure that the vision of Parliament becomes a reality. Certainly it should be obvious to everyone that in order to eliminate child poverty, we must attack poverty in general and poverty within families in particular.

Lifting whole families out of poverty is what is necessary to ensure Canadian children are no longer living in poverty. While governments, federal, provincial, territorial and municipal alike, all have important roles to play, we can accomplish our goal only by working together in all aspects of our society. We cannot simply think that all solutions will come from government and that all good ideas will come from politicians. Not even the most important actions must come necessarily from governments but that is not to say that governments cannot do good work, as we are doing.

We have made progress toward the elimination of child poverty. A good deal of this progress can be traced to good economic performance and to rising incomes in good economic times, as well as to good jobs for more Canadians and hard work by Canadian parents and families.

We can also give credit to the many initiatives we have introduced over the past few years, many of them delivered collaboratively with provincial and territorial governments as well as business and community organizations. It is no coincidence that we have seen gradual but steady progress in reducing the overall low-income rate for children in Canada.

According to Statistics Canada and its low income cut-off measure, which is a relative measure, the incidence of low income among Canadian children has come down from 18.4% in 1996 to 9.5% in 2007. This is a fifty percent reduction in child low income in about a decade. Although there is still more work to do, and we are not where we want to be, we are a far cry from the days when almost one in five children lived in poverty.

We still have more hurdles to clear, to be sure, but our government is continuing to work at moving toward that goal. Our government has taken substantive action in a range of areas to support low-income Canadians and to provide vulnerable Canadian families with a hand up. These actions have produced concrete results by reducing the number of low-income Canadians. Fewer low income families means fewer low-income children.

In Canada's economic action plan we continue to make significant investments through a range of income support, tax relief and targeted support for Canadians. The working income tax benefit was introduced in 2007, commonly referred to as WITB, to make work more rewarding for low and modest income Canadians. The WITB helped over 900,000 low-income Canadians in the first year alone. In budget 2009 our government doubled its investment in the WITB resulting in increased benefits for low-income working Canadians. These improvements are in addition to the Canada employment credit to help working Canadians.

Just yesterday in the *National Post* Peter Shawn Taylor said:

> The Working Income Tax Benefit is arguably the country's most significant housing program because it boosts income for the working poor.

With housing a significant issue, and we are talking about low income, this is another significant way we are working toward our goal.

Our government has also lowered taxes so that low-income Canadians can keep more of their money. The Canadian economic action plan included an increase in the basic personal amount, as well an increase in the upper limits of the two lowest personal income tax brackets. This means that low-income Canadians can earn more money that is not subject to federal tax.

As a result of these measures combined with previous tax cuts, close to one million low-income Canadians will not have to pay federal income taxes anymore.

In addition, we have the universal child care benefit of $100 per month for every child under six years of age. That helps lift some 22,000 families with 57,000 children out of low incomes. We have also enhanced the national child benefit that has been very popular and well received. Together we spend over $13 billion in benefits to help families with children, and that is an impressive record.

● (1015)

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, I rise today to second the motion made by my colleague, calling for concurrence in the sixth report on poverty reduction in Canada.

Twenty years ago today, Parliament, led by a Conservative government, promised to eliminate child poverty in Canada by the year 2000.

[*English*]

Was it an empty pledge? Today one in 10 Canadian children live in poverty, often with many of them going to bed with hungry bellies. Their parents live in poverty and many of those parents are single working women.

● (1020)

[*Translation*]

The figures are even worse for first nations and Inuit families living on reserves or in the territories, where one child in four and his or her parents live in poverty.

According to our committee's research and hearings, every month, 770,000 people in Canada use food banks. That is nearly two-thirds of a million Canadians, and 40% of them are children. That is nearly half a million children in Canada.

In 2007, in a speech he gave in Toronto, the Conservative Prime Minister stated, no doubt with some measure of pride, that the poverty rate had decreased from 16% in 1996 to 11% in 2005.

[*English*]

Four years later the HungerCount survey released on November 17 showed that in March of this year almost 800,000 individuals used food banks across this country.

[*Translation*]

This is a 17.6% increase. The percentages speak volumes, but the real numbers are even more telling. We are talking about an additional 120,000 people using food banks.

[*English*]

Of the 794,738 people helped in March of this year, 72,321 or 9.1% of the total, stepped through the front door of a food bank for the first time according to the survey. In other words, more families need the food banks today than ever before. This is not good enough in a society of plenty such as Canada.

[*Translation*]

Witnesses who appeared before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities explained that Canada had succeeded in drastically reducing poverty among seniors.

The time has come for this government to use this model for reducing poverty among seniors and put in place an action-oriented strategic framework to reduce poverty, including monitoring and evaluation mechanisms.

[*English*]

Since 1989, Liberals have acted on several fronts to eradicate poverty while supporting Canada's commitment to the millennium development goals. The 2002 throne speech allocated long-term funding for increases to the national child benefit as well as investments in affordable housing. Continued actions of the Liberal government removed over one million low-income people from the tax rolls.

The Canada child tax benefit proposed significant investments to the tune of $13 billion per year. It provided $9 billion in income support to help more than three million low- and middle-income families. We also committed $5 billion to work with the provinces and territories to improve and expand early learning and child care across this country, including the 2003 multilateral framework on early learning and child care.

[*Translation*]

A number of these agreements have been cancelled by the current government.

Witnesses who testified before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities said that the $100 a month that the Conservative government allocates to families is not enough to achieve real poverty reduction goals.

[*English*]

Liberals have been clear in their commitment to reducing poverty. In 2007, the member for Saint-Laurent—Cartierville spoke for all members on this side of the House when he said that, "Housing and universal child care are critical foundations of opportunity for low-income Canadians".

Part of that commitment included honouring the promises of the Kelowna accord, a $5 billion program dismantled by the Conservative government.

[*Translation*]

The committee's sixth report, which marks the anniversary of the 1989 unanimous resolution to eradicate poverty by the year 2000—a goal that has not been achieved—calls on the government to develop an immediate plan to eliminate poverty in Canada.

Canadians need answers from the current government now. As legislators, we must put food back in Canadians' budgets. Civil society demands it.

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, I would first like to congratulate the hon. member from Sault Ste. Marie for his motion to concur in the committee's sixth report, which I had the honour to table last Friday, November 20.

I will not quote many statistics. My colleagues who spoke before me did a good job of showing how we have failed to achieve the objectives of the unanimous motion to combat poverty that this House passed on November 24, 1989, 20 years ago today.

As the hon. member mentioned earlier, we can be happy that we have made some advances in the fight against poverty, especially when it comes to seniors, but I think that in terms of families, and particularly children, we have failed. That is distressing. The motion specifically said that we should try to eliminate child poverty by the year 2000. We are in pretty much the same position as we were in 1989. In order to ensure that things improve, we cannot lie to ourselves. There are aggravating factors that lead to poverty. We must work under the assumption that where there are poor children, there are poor parents.

What is more, it should come as no surprise to us today that the government has not met its goals, because, in the two decades since the motion, it has made deep cuts to the measures that make up the social safety net.

One contributing factor is the shortage of adequate, decent housing. Between 1993 and 2001, the Canadian government withdrew its financial support for the provinces' efforts to build affordable housing. Funding was not restored until 2001, and then only at a fraction of what it had been. Then along came the deficit we have now. We inherited this policy, which is one of the worst there is.

Over the past few years, especially in the latest budget, the government has cut funding for programs that support gender equality in the workplace. Women are being denied legal recourse to fight for pay equity. The tragedy here is that anyone should be surprised that there has not been greater progress in the fight against poverty.

The same goes for literacy. Over the past five years, the literacy budget has been cut in half. Depriving people of knowledge, information and the ability to find out what they need to know and use their own knowledge to survive also contributes to poverty.

My colleague from Laval—Les Îles talked about how the government scrapped the Kelowna accord for aboriginal peoples. It is disconcerting. The federal government has a fiduciary responsibility toward aboriginal communities. There was supposed to be $5 billion made available to aboriginal communities.

In conclusion, I would like to touch on one last element. The government eliminated the program, and nobody should be surprised at the state of aboriginal communities. Yet the Canadian government has a fiduciary responsibility toward these communities. I also want to briefly mention the fact that the government made deep cuts to employment insurance benefits even though the money was there, and then used that money for other purposes.

All of these actions have prevented us from gaining ground in the fight against poverty.

I really hope that the House will unanimously pass the motion before us this morning.

● (1025)

The Acting Speaker (Mr. Barry Devolin): Pursuant to order made earlier today, the motion to concur in the sixth report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities is deemed adopted.

(Motion agreed to)

* * *

[*English*]

PETITIONS

LIBRARY BOOK RATE

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, Canadians love to read and they love to share. Today I am proud to present petitions from Ontario, Alberta, Saskatchewan and New Brunswick.

Canadians want equal access to information, regardless of their location, age or ability. Bill C-322, An Act to amend the Canada Post Corporation Act (library materials) would protect and support the library book rate and extend it to include audiovisual materials.

[*Translation*]

ROUGE WATERSHED

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I have the honour to present a petition asking the Government of Canada to create a new national park in the Toronto area.

[*English*]

Mr. Speaker, I am tabling a petition signed by Canadians calling on the Government of Canada to work with the Province of Ontario to establish a national park in the Rouge Watershed in the Toronto area to protect this nationally significant portion of Canada's eastern deciduous forest, also known as the Carolinian forest zone, an area that contains numerous flora and fauna on the endangered species list.

I note that the House adopted a motion in January 1990, moved by the hon. Pauline Browes, calling for the same thing, namely, the establishment of a new park by the Canadian government in the Rouge Watershed.

[*Translation*]

CANADA POST

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, I would like to present to the House two petitions on behalf of the citizens of Saint-Vianney in the Haute-Gaspésie—La Mitis—Matane—Matapédia riding and the citizens of Sainte-Flavie, who want the government to maintain the moratorium on rural post office closures.

I would remind the House that, despite the moratorium, some post offices in our ridings are closing down. Unfortunately, this is happening quite regularly. The citizens want rural post offices to remain open, because they are an important part of their communities.

● (1030)

[*English*]

CANADA–COLOMBIA FREE TRADE AGREEMENT

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, this petition calls for a stop to the Canada-Colombia free trade agreement.

Violence against workers by paramilitaries in Colombia has been ongoing, with more than 2,200 trade unionists murdered since 1991. Much violence has been committed against indigenous people, Afro-Colombians, human rights activists, workers, farmers and journalists.

The agreement is similar to NAFTA, which has mainly benefited large multinational corporations rather than providing real benefits to working families. Since NAFTA's implementation, Mexico has lost over a million agricultural jobs.

The murder of labour and human rights activists in Colombia increased in 2008 and continues unabated to this day.

All trade agreements must be built upon the principles of fair trade, which fundamentally respects social justice, human rights, labour rights and environmental stewardship as prerequisites for trade.

The petitioners call on Parliament to reject the Canada-Colombia free trade agreement until an independent human rights assessment is carried out and the resulting concerns are addressed. They also call for the agreement to be renegotiated in line with the principles of fair trade, taking fully into account environmental and social impacts while genuinely respecting and enhancing the labour rights of all affected parties.

EUTHANASIA AND ASSISTED SUICIDE

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, it is a pleasure to rise to present a petition today from a number of constituents throughout my riding, from places such as Cochrane, Bearspaw, Water Valley, Olds and Airdrie to a number of other Alberta communities, such as Calgary, Beaverlodge and Grand Prairie.

These petitioners share my concern about the bill currently before Parliament that seeks to legalize assisted suicide. They also have concerns about euthanasia. The petitioners are calling upon Parliament to retain section 241 of the Criminal Code without changes to ensure that Parliament does not sanction or allow the counselling, aiding or abetting of suicide.

NATIONAL HOUSING STRATEGY

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I have the honour of presenting a petition signed by petitioners in Nova Scotia and Newfoundland and Labrador. The petitioners are calling for a national housing strategy that will ensure secure, adequate, accessible and affordable housing for all Canadians. In particular, they are looking for an increased federal role through investments in not-for-profit housing, housing for the homeless, access to housing for those with different needs, and sustainable and environmentally sound design standards for new housing that go beyond the one-time stimulus investment contained in Budget 2009.

They are asking for Parliament to ensure swift passage of private member's Bill C-304.

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed from November 23 consideration of the motion that Bill C-36, An Act to amend the Criminal Code, be read the third time and passed.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, it is a pleasure to speak today to Bill C-36, An Act to amend the Criminal Code, which is called by some as the "serious time for the most serious crime act". The bill was given first reading in the House of Commons on June 5 and was referred to the House of Commons Standing Committee on Justice and Human Rights on June 18.

The bill would amend provisions of the Criminal Code regarding the right of persons convicted of murder or high treason to apply for early parole. This is done through the elimination of the so-called faint hope clause by which those given a life sentence for murder or high treason could apply for parole after having served 15 years of their sentence.

In terms of the current law, section 745.6 of the Criminal Code is known informally as the faint hope clause because it provides offenders serving a sentence for high treason or murder with the possibility of parole after having served 15 years where the sentence has been imprisonment for life without eligibility for parole for more than 15 years.

Offenders convicted of first degree murder receive life imprisonment as a minimum sentence with the earliest eligibility for parole set by law at 25 years. For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed with the judge setting parole eligibility at a point between 10 and 25 years.

Those serving a life sentence can be released from prison only if granted parole by the National Parole Board. Unlike most inmates who are serving a sentence of fixed length, for example, 10 or 20 years, lifers are not entitled to statutory release. If granted parole, they remain subject for the rest of their lives to the conditions of parole and the supervision of a Correctional Service of Canada parole officer. Parole may be revoked and offenders may be returned to prison at any time if they violate the conditions of parole and commit a new offence.

Not all lifers are granted parole. There has been a lot of debate about this over the years and there is an assumption on the part of many that somehow it is automatic. That in fact is not true at all. Some lifers are never released on parole because the risk of their reoffending is too great. One good example is Clifford Olson who was also mentioned yesterday by some of the speakers.

During the years following its initial introduction in 1976, the faint hope provision underwent a number of amendments. I believe there are five criteria for the possible release on parole of someone serving a life sentence. They are as follows:

First, the inmate must have served at least 15 years of a sentence.

Second, an inmate who has been convicted of more than one murder where at least one of the murders was committed after January 9, 1997, at a time when more amendments came into force, may not apply for a review of his or her parole ineligibility period.

Third, to seek a reduction in the number of years of imprisonment without eligibility for parole, the offender must apply to the chief justice of the province or territory in which his or her conviction took place. The chief justice or a superior court judge designated by the chief justice must first determine whether the applicant has shown there is a reasonable prospect that the application for review will succeed.

This assessment is based on the following criteria: the character of the applicant; the applicant's conduct while serving the sentence; the nature of the offence for which the applicant was convicted; any information provided by a victim at the time of the imposition of the sentence or at the time of the hearing under this section; and any other matters the judge considers relevant to the circumstances.

At a later point I will give the statistics as to how many people actually qualify for this. Members will find that it is a very small number indeed, which is probably the way it was intended.

If the application is dismissed for lack of reasonable prospect of success, the chief justice or the judge may set a time for another application not earlier than two years after the dismissal or he or she may declare that the inmate will not be entitled to make another application.

● (1035)

If the chief justice or judge determines that the application has a reasonable prospect of success, a judge will be assigned to hear the matter with a jury. In determining whether the period of parole ineligibility should be reduced, the jury should consider the five criteria outlined above. The jury determination to reduce the parole ineligibility period must be unanimous. The victims of the offender's crime may provide information orally or in writing, or in any other manner that the judge considers appropriate.

I merely went through all of those stages in an effort to explain to people who may be viewing today that this is not a slam dunk. The Conservative government tries to pretend that it is and perhaps some media stories might suggest this but there is a very rigorous process followed here before anything is done.

If the application is dismissed, the jury may, by a two-thirds majority, either set a time not earlier than two years after the determination when the inmate may make another application, or it may decide that the inmate may not be entitled to make any further applications. In fact, if the jury determines the number of years of imprisonment without eligibility for parole ought to be reduced, a two-thirds majority of that jury may substitute a lesser number of years of imprisonment without eligibility for parole than the number then applicable. The number of years without eligibility for parole that the jury may assign could range from 15 to 24 years.

Once permission to apply for early parole has been granted, the inmate must apply to the National Parole Board to obtain parole. Whether or when the inmate is released is decided solely by the board based on a risk assessment, with the protection of the public as the foremost consideration. Board members must also be satisfied that the offender will follow specific conditions which may include restriction of movement, participation in treatment programs and prohibitions on associating with certain people, such as victims' children and convicted criminals.

The faint hope clause review then is not a forum for a retrial of the original offence, which is, of course, the way the government speakers want to make it sound and continue to suggest that is the case. I want to repeat that 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 the jury simply advances the date upon which the offender will be eligible to apply for parole.

In terms of the judicial consideration of the faint hope clause, the Supreme Court of Canada has stated that the purpose of this review is to re-examine a judicial decision in light of changes that have occurred in the applicant's situation since the time of sentencing that might justify lessening the parole ineligibility period.

Section 745.6 of the Criminal Code gives the jury broad discretionary power to consider any matter concerning the offender's situation. The Supreme Court has provided guidelines for the exercise of this discretionary power, namely, that the jury must consider only the applicant's case and must not try the cases of other inmates who may have committed offences after being released on parole. The court has also stated that it is not the jury's role to determine if the existing system of parole is effective.

In terms of the history of the faint hope clause, in July 1976, Parliament voted to abolish capital punishment for Criminal Code offences as opposed to the death penalty for military offences which was not abolished until 1999. The Criminal Code was amended and the categories for murder were changed from capital and non-capital to first and second degree murder.

Mandatory minimum sentences for murderers were introduced. The compromise arrived at between the supporters and opponents of the death penalty was its replacement with long-term imprisonment without parole. The faint hope clause was adopted in 1976 in connection with the abolition of the death penalty.

Speaking in favour of the abolition of the death penalty and the addition of the faint hope clause in the Criminal Code was the solicitor general of the day, who we all remember, Warren Allmand, who said:

> I disagree with those who argue that a life sentence with no parole eligibility for 25 years is worse than death. A period of incarceration, with hope of parole, and with the built-in additional incentive for the inmate, and protection for the guards, of a review of that parole eligibility after 15 years is necessarily better than a sentence of death because it removes the possibility of an irreversible error of execution.

● (1040)

I recall the governor of Michigan who was very strong on the death penalty. This was only in the last 10 years. He did an about-face when it was discovered that a huge number of inmates serving sentences in the Michigan jails were falsely convicted. Of course, that was one of the major reasons that the death penalty was overturned back in 1976.

Thus, the faint hope clause was added to the Criminal Code in the hope that it would provide an incentive for long-term offenders to rehabilitate themselves and, therefore, afford more protection to prison guards. The provision is also said to represent Parliament's awareness of how long other countries imprison persons convicted of murder before allowing them to apply for parole.

I have some very interesting information on that, which I will get to very soon. For example, Australia, Belgium, Denmark, England, New Zealand, Scotland and Switzerland keep persons convicted of murder in prison for, on average, 15 years before they may be paroled.

Concerns were raised about the faint hope clause in the course of the debate over the abolition of capital punishment. One member of Parliament said that, before going any further with parole provisions, a total reform of the Criminal Code to include rehabilitation, help for crime victims and greater rights for police officers would need to be considered. The same member, Mr. Gauthier, said:

> —[a]s long as we persist in shutting up our criminals in the schools of crime that our prisons now are... they will come out even more rebellious, and I would even say even more refined in their future actions.

The first judicial review hearing under the faint hope clause was held in 1987. As of April 13, 2009, 991 offenders were deemed eligible to apply for a judicial review. Court decisions were rendered in 174 of those cases and 144 inmates were declared eligible to apply for earlier parole. Of those, 131 were granted parole, representing over 13% of those who had been deemed eligible to apply for a review of their parole date. That is not a huge number by any stretch. However, if we were to listen to the Conservatives, we would think that the streets were teeming with people in this category.

The most recent published Correctional Service of Canada statistics concerning the fate of prisoners released on parole under the faint hope clause for April 2008 show that of the 125 offenders who had been released by that date, 95 were being actively supervised in the community, 15 had been returned to custody, 11 were deceased, 1 was unlawfully at large and 3 had been deported. These statistics also show that of a total of 22,831 offenders under Correctional Service of Canada jurisdiction at the time, 4,429 or 19.4% were serving life sentences and almost all of them for murder.

In terms of the history of imprisonment for murder in Canada, while the Criminal Code has a single definition of murder and one specification of the punishment that applies throughout Canada, the legislation pertaining to sentencing for murder has changed considerably in the course of the past 50 years.

In November 2002, Correctional Service of Canada published a study on the average time offenders sentenced for murder spent in prison. This study took into account three periods defined by the murder-related legislation that was in force. Pre-1961, persons convicted of murder were automatically sentenced to death. Between 1961 and 1976, capital and non-capital murder designations were in effect and, from 1976 to 2002, first and second-degree murder designations were in effect. So, there have been three different regimes that we have experienced over our lifetime as a country.

● (1045)

Before September 1, 1961, any person convicted of murder in Canada was automatically sentenced to death and the sentence carried out unless the Governor General, acting on the advice of cabinet, those of us who are old enough to remember those days remember the drama involved in each and every one of those cases, commuted the sentence to life imprisonment. That is, in fact, what used to happen in the latter years. This was called the royal prerogative of mercy. Historical evidence indicates that the royal prerogative was frequently exercised and operated flexibly.

Between Confederation and 1962, the year of the last execution in Canada, the federal cabinet commuted just under half of all death sentences to life imprisonment. Decisions to execute or spare were made on a case-by-case basis, not according to formal rules of evaluation. The Governor General was not obliged to justify his or her decisions and the deliberations in cabinet were not recorded. In fact, it has been said that clemency decisions were basically a balancing act in which personal prejudices and political expediency often tipped the scales.

Meanwhile, from 1899 to 1959, the Ticket of Leave Act operated on the principle that release was an important part of the rehabilitative process. Under the terms of this act, the Governor General would grant a conditional release to any prisoner serving a term of life imprisonment. Although not applied to death sentences, conditional release later became possible for those sentences commuted to life imprisonment. On February 15, 1959, the proclamation of the Parole Act resulted in the abolition of the Ticket of Leave Act and the new act enshrined the principle of rehabilitation and created the National Parole Board.

That is the beginning of the National Parole Board with which we are all familiar.

Parole was defined as the authority granted to inmates to be at-large during their terms of imprisonment. The legislation set out the new criteria for parole. The Parole Board could release an inmate when he or she had derived the maximum benefit from imprisonment, and when the reform and rehabilitation of the inmate would be aided by parole and when release would not be an undue risk to society.

Under the Parole Act the Parole Board would, at particular times prescribed by the regulations in place, review the case of each inmate serving a sentence of imprisonment of two years or more, whether or not an application had been made or on behalf of the inmate. The inmates sentenced for murder were still eligible for release only under mechanisms such as reduced sentences, pardons and the royal prerogative of mercy.

Amendments made to the Criminal Code in 1961 formally differentiated between death and life sentences. These changes resulted in murder being divided into capital and non-capital murder. With these amendments, capital murder was defined as murder that is planned and deliberate, murder committed in the course of certain crimes of violence by the direct intervention or upon the counselling of the accused, and the murder of a police officer or a prison warden acting in the course of duty resulting in such direct intervention or counselling.

Such murder was still punishable by mandatory hanging except if the accused was under 18 years of age. All other murder referred to as non-capital was punished by life imprisonment. In addition to this amendment, in 1961 an automatic review of all capital convictions by the provincial Court of Appeal was established as well as a full right of appeal in the Supreme Court of Canada. This was a review of fact or law alone since the sentence was mandatory and could be reduced only by cabinet.

As outlined above, in July 1976 Parliament voted to abolish capital punishment for Criminal Code offences. The Criminal Code was amended and the previous categories of capital and non-capital murder were replaced with first and second degree murder. Mandatory minimum sentences for murder were introduced with lengthy periods of parole ineligibility.

I am going to have to move ahead because I am not going to finish all my points, but I am sure members are going to be asking me questions so I can get some of this through.

I did promise I would deal with the issue of other countries. In 1999 an international comparison of the average time served in custody by an offender given a life sentence for first degree murder showed the average time served in Canada of 28.4 years was actually greater than in all countries surveyed including the United States. The countries we looked at were New Zealand, Scotland, Sweden, Belgium, Australia, and Canada had a higher rate than they did.

● (1050)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I would like to thank the member opposite for his history lesson with regard to punishment for those convicted of murder in this country. I listened to him very carefully and the one group he omitted to mention in his chronology was victims and, more appropriately, the families of victims.

My specific question for the member opposite is this. What does he say to the families of victims who come before the justice committee in support of this bill to abolish the faint hope clause, when they maintain that every time the perpetrator of the death of their loved one makes a faint hope clause application and they are re-victimized for a second and third time? What does he say to the families of those victims?

Mr. Jim Maloway: Mr. Speaker, for some reason the Conservatives think they have a monopoly on compassion for victims. I have said on many occasions that, in fact, it was the Manitoba government under the NDP that made big improvements to victims' rights in Manitoba and to this day are making improvements to victims' rights.

I can say what Conservatives do. They look at crime in terms of how much good publicity and advertising they can get and what it will do for their polling numbers. Basically, every day to them in the House is just another opportunity to gather information for their television ads for the next election campaign, so they can turn around and misrepresent the positions of opposition members.

We saw what they did on the gun bill. They sent ten percenters into members' ridings that were actually on their side and misrepresented their voting record. We take no lessons from members opposite about sympathy for victims of these crimes.

● (1055)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I will get to my question, but first I would like to say a few words.

Personally, I do not think the Conservatives are in a position to say that Bill C-36 takes care of victims at this time. The existing faint hope clause takes care of victims a lot better than Bill C-36 seems to. Indeed, very few people have had access to the faint hope clause or will have access to it. The Conservatives are in no position to say that we do not care about victims. I will probably have the opportunity to come back to this later today.

In the Standing Committee on Justice and Human Rights, we have not received all relevant information regarding the abolition of the death penality in several countries. I would very much like my hon. colleague to finish his speech—albeit quickly—concerning Canada's position on the death penalty with respect to other countries.

[*English*]

Mr. Jim Maloway: Mr. Speaker, I heard the Bloc member's speech yesterday. It was very well thought out and well presented.

Certainly, the government has a history of holding back information, which I am sure it has done in this case, as well.

Just two weeks ago, during the gun registry debate, the government sat on a report which basically gave a very positive view of the gun legislation. It sat on that report for probably two months.

I voted with the member for Portage—Lisgar regarding that bill and the information in that report probably would not have changed my mind even though it was, on balance, sympathetic to the gun registry. However, the fact of the matter is that the government sat on that report for two months. I believe our justice critic had told me yesterday that it was about two months that the government sat on this report, knowing there was a vote coming in the House. It sat on this report until practically the day after the vote was over. That is suppressing information that rightly belongs to the members of this House. That report should have been given out two months in advance.

By the way, it would not have changed my vote. I would have still voted for the member for Portage—Lisgar's motion at the end anyway. However, the government sat on that report when it should not have.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, the last time in this House that we had a discussion that was similar to this was on a motion that came from the Liberals, asking the government not to return to the death penalty. I made an intervention that day that led me to a circumstance where I was at a gathering in Toronto for the wrongfully convicted and got to shake Steven Truscott's hand and meet five other individuals who were wrongfully convicted in Canada.

We in this party, as well as I believe every member in this House, certainly have grave concerns for the well-being of the families involved when a murder or a serious crime is committed against them. On the other side, we have what happens to the people who are, unfortunately, put into the position of being imprisoned when they are innocent.

In my previous life before coming here, I was involved in the labour movement and spoke to many Ontario OPSEU guards who told me that the faint hope clause keeps them alive.

What are the member for Elmwood—Transcona's views about what the prison guards themselves have to say regarding the faint hope clause?

● (1100)

Mr. Jim Maloway: Mr. Speaker, I know that there is support there. Certainly, there is in all the studies and so on that have been on the faint hope clause. There are other countries in Europe, for example Belgium, that have a similar type of legislation. There is some argument to be made that if there is that very slight chance that a person might get out because of good behaviour after a long period of years, it gives that little glimmer of light at the end of the tunnel for prisoners to behave.

If we take all hope and give no hope for people to be released, then we potentially have a very unstable situation in our midst. We have all seen what has happened in the United States when there have been prison riots. People get killed and huge amounts of damage occur. It is not a pretty sight.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, as a matter of clarification, the member for Elmwood—Transcona should know that if Bill C-36 were to pass, those incarcerated would not be locked up without any possibility of parole. They would just be precluded from applying for early parole, like in the 16th year, but would need to wait for 25 years before they apply. However, the member said that he would not take any lessons from us with respect to victims' rights, so I will give him another opportunity. If the Manitoba government was so keen on victims' rights when he was a part of it, what will he say to the families of victims when he votes no to Bill C-36?

Mr. Jim Maloway: Mr. Speaker, 20 years ago in Manitoba under the Conservatives there were no victims' rights. People's houses would be broken into and they would try to find out the disposition of the case, but they could get no information as to who did it, when the person was going to jail or what the disposition was.

It was the NDP that stepped in and changed those rules over the years so that the victims would have information as to the disposition of their cases, plus counselling. Counselling was set up for the victims, which was very important. That never existed under the grand old Tory years of the past. This is something that the NDP did.

The Conservatives should be paying more attention to the NDP in certain provinces. They should do what works, not just what is good for their coverage on the six o'clock news.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I am going to follow two routes in my speech. One is the bill itself and the other one is the procedures that have been followed in getting the bill before the House.

This is not a trivial issue. We are talking about murderers, people who have been convicted of first degree premeditated murder. There is no one in the House who does not understand that.

We also know that this has been an ongoing debate. In the speech by our colleague from Manitoba we heard some of the history that has led us to the process that is followed in our courts today. It involves the debate around the death penalty and the debate about dealing more appropriately with the families of murder victims than we have done historically and how we best protect our society from future murders, from future violence by removing individuals from society.

That debate inevitably, and I say inevitably because it is true in every democracy that I have looked at, leads us to what is the appropriate period of incarceration in order to achieve the goals of public safety, protection of the public, protection of victims' rights. How do we best achieve that? That is what this debate is about. It is what Bill C-36 and its predecessors is all about.

We often hear government members in the House and in public raise fears in the families of victims, which I think is to their eternal shame in many respects, as opposed to dealing with the facts. We then get to the process that we went through in getting the bill back to the House for third reading.

I want to make this point. There were two types of evidence that came before the justice committee. One was anecdotal, based on perceptions and emotion in many cases. That was the preponderance of what came before committee, anecdotal evidence. There was a little bit of factual evidence. I cannot help but conclude that this process with this bill in particular is faulty. It is faulty more so than with any other crime bill that has come before the House by the current administration since 2006.

The minister appeared before the committee. He was asked a number of questions about how the system works and he was not able to give us factual information. Those are his own words. I am not reading anything into it.

We were told by the minister and his officials from the justice department that the information we were seeking of how the system really works resided with the Department of Public Safety, and specifically within the corrections division of that department.

I had checked to see if Statistics Canada's *Juristat* had the factual information as to how these sections of the Criminal Code dealing with the faint hope clause worked. It did not gather that information. It also advised me and other members of the committee that it all resided in corrections.

● (1105)

We needed a number of pieces of information. One of the more pertinent pieces of information that the government should have had, given the Conservative Party's long-standing claim of being the champion of victims rights, was how many family members of victims actually used the process. I can say unequivocally today that that information never came before the committee.

With all the research that I have done, with all the enquires that I and other members of committee have made, I can say that information does not exist. We received anecdotal analysis, but in terms of public policy, there was no factual evidence.

We do not know exactly how many applications are made. We do not know factually how many applications are made on the first opportunity, that is, at the 15 year mark of incarceration. We do not know how many applications are made at the 17 year mark, the 19 year mark, or the 20 year mark. We do not know, for instance, at what age people are released under this process. I could go down the list.

We do not have all sorts of information on recidivism, the small number of people who are released and commit another crime and are incarcerated again. And they may not have committed another crime, but they may have breached the terms of parole, which are very stringent.

We do not have any specific answers to that list of items.

In spite of that, the government is going ahead with this bill based entirely on anecdotal evidence at best and almost exclusively on the, and I hate using the word “demagoguery“, but it is accurate, of their speeches as the Conservative Party, as the Alliance Party and as the Reform Party. None of this is based on fact.

A report in 1999 gave us some of the factual answers to the list of items I just enumerated. That information is now 10 years out of date. We know from some of the evidence that things have changed. There have been other amendments. There has been some tightening up of the process by the judiciary and by the Parole Board. We know it has changed somewhat but we do not know how much it has changed in this 10 year period. No additional work has been done. No additional work was done by the prior Liberal administration up to 2006, and the Conservative government has not brought that information up to date.

I will come back later in my speech to how flawed the process was in getting us here. I want to make one other point on something that I find really offensive with this legislation.

When we look behind the government's agenda, we find that this is really about an ongoing attack on our judiciary. In this case, it is also an attack on the jury system. It undermines the credibility of both of these institutions that have stood us in good stead in this country and in the Westminster style of democracy for hundreds of years. Is it perfect? I will be the first one to say that from my years of experience in the courts that it is not perfect, but it is a very solid system. It is a system that is deserving of the respect of the legislators of this chamber. This bill seriously undermines our system.

Under the present system an incarcerated individual convicted of first degree murder has to wait 15 years before he or she can apply to be considered whether he or she can apply for parole. The individual is not applying for parole but is just applying for permission to apply for parole. A judge in the area where the murder was committed has to screen whether or not that individual has a reasonable possibility of convincing a jury that he or she should be allowed to apply for parole.

● (1110)

With this bill, we would be undermining that and taking it away. First of all, we would be making it harder because the test for the screening process will be tougher and, of course, ultimately it will do away with the screening process completely because it will do away with the faint hope clause.

That is bad enough, but we also go right at the jury system and say to the jury in the bill, "We do not trust you, the jury," the 12 men and women picked from the area or community where the murder was committed. We do not trust the jury to look at the facts and the individual who is applying and to make a determination based on all of the facts whether the person has rehabilitated himself or herself, although it is almost always himself, to the point where we believe that person should be allowed to apply for parole. We do not trust the jury to make that decision any more. We are taking it away from the jury.

That is what the bill would do. It is a serious undermining of the jury system to which every legislator in this House should be paying very clear and solid respect. It would strip both the judge and the jury of that responsibility. It is shameful that we would pass a bill like this.

Following my own and the Bloc's representations on the justice committee, we had arranged for the head of the Correctional Service of Canada to appear before the committee, because we were told by *Juristat* and the office of the Minister of Justice that correctional service staff were the only ones who could answer factually some of the questions we had raised.

We arranged for Mr. Don Head to appear before the committee. He came before the committee without anything prepared and took questions, including a series of questions from me and the member from the Bloc. In the course of that questioning, it became clear that the information was not compiled in any way. For instance, he could not tell us how many victims' families had asked to make a victim's statement and he could not tell us the specifics of the recidivism rate. He only had generalities that he could talk a bit about to us. He could not tell us at what ages most people were convicted and most individuals got out of prison.

We could go down the list. There were at least a half dozen very specific points that he confirmed the Correctional Service of Canada could give us answers on. He said to me and the member from the Bloc and the chair of the committee that the information could and would be available by the time we got to clause by clause consideration of the bill, scheduled for November 16. Mr. Head appeared before the committee on November 4. It was very clear that he could do it in that period of time.

The week of November 9 was a break week for the House to commemorate Remembrance Day in our ridings, but we were back on November 16. I asked where the information from the Correctional Service of Canada was so that we could do clause by clause in a meaningful way. I was told it had been sent to our offices.

I have subsequently learned that other members of the committee, both from the Bloc and the Liberal Party, with similar questions about where it was were told the same thing. We all jumped to the conclusion that somehow we had missed that information in our offices, and so we went ahead with clause by clause. The bill went through committee stage and, of course, it is now back in the House for report stage and third reading.

● (1115)

After November 16, I again told the clerk that I did not have the information in my office and asked if it could be sent to my office again. Yesterday morning when I arrived at my office, it was not there. We called again at that point and were advised that in fact it had never been sent either to my office or to anyone on the committee, because it had been sent to the office of the Minister of Public Safety and that it had at least been there by November 16.

That information was never provided to the committee. The committee went ahead with clause by clause without all of that factual information, which was our only source of such information.

Yesterday, I was advised by the Conservative deputy House leader that in fact the minister had that information on his desk and had not seen or approved it. I have to say as a sidebar that he has no right to approve it; this is not a situation where he gets to vet that information. If committees are going to work in the House, they must have access to information without it being censored, deleted or affected in any other way by the decisions of the political masters in our legislature.

I still do not have the information. I had wanted it yesterday, as I had expected to speak on this bill then and to use some of data to try to convince the House to vote against this bill. I still do not have it. I was advised by the Conservative deputy House leader yesterday that I might get it in another week.

We know that if that happens, this bill is going to come to a vote before we ever get the information, and I am certainly not going to be able to use it today in my arguments for why we should defeat this bill. The minister should not have done that.

I want to be very clear after having gone through the blues extensively. When Mr. Head was before the committee, he committed to the member for the Bloc and to me that he would have that information for us by the time we got to clause by clause on November 16.

I pushed him about it again just as he was leaving his seat at committee and the Conservative chair of the committee received a commitment from him that it would be back to the committee, not to the minister. There was no discussion of any of this going to the minister, nor should there be. He said it would be back to the committee by November 16. The blues show that.

Something has to happen, as we cannot allow this to continue. Therefore, I move that:

Bill C-36, An Act to amend the Criminal Code, be not now read a third time but be referred back to the Standing Committee on Justice and Human Rights for the purpose of reconsidering Clauses 2, 3, 4, 5 and 6 with a view to making any amendments which may be called for as a result of information undertaken to be placed before the Committee by departmental officials on November 4th, but which the office of the Minister of Public Safety failed to provide before the Committee considered the Bill at clause-by-clause.

Just to conclude, we cannot—

● (1120)

The Acting Speaker (Mr. Barry Devolin): Order. The hon. member has moved an amendment. That concludes his speaking time. The amendment is in order.

Questions and comments. The hon. member for Abbotsford.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I want to thank the member for his comments on Bill C-36, which is eliminating the faint hope clause.

He referred to this legislation as shameful, but I would suggest that what is shameful is this member and his party's opposition to a bill that will eliminate something that has caused great grief to victims across this country.

The faint hope clause provides convicted first and second degree murderers an opportunity to apply to be released well before their statutory parole dates come due. Victims have been asking that we eliminate this, because it revictimizes them as frequently as every two years after the 15th year of incarceration.

● (1125)

Mr. Pat Martin: Mr. Speaker, on a point of order, I would ask for your direction. I understood that we were debating the motion to refer the bill back to the committee, not the merits of Bill C-36.

The motion to refer the bill is really a procedural motion, based on the NDP alleging that the minister failed to provide information pertinent to the committee doing its work. It has nothing to do with the merits of the faint hope clause.

The Acting Speaker (Mr. Barry Devolin): The member for Winnipeg Centre is technically correct. We are now discussing the amendment.

Nonetheless, this is time for questions and comments and the hon. member for Abbotsford has latitude in what he would like to say during his time, of which there are about 10 seconds left.

Mr. Ed Fast: Mr. Speaker, I repeat that what is shameful is the NDP's unwillingness to support legislation that would eliminate the revictimization of victims of crime in this country.

Why does his party not listen to victims but instead focuses all of its efforts on listening to the incarcerated? It is time for a rebalancing of interests here and that we start to listen to the pleas and cries of victims in this country.

Mr. Joe Comartin: Mr. Speaker, that is so typical of his party's position.

Number one, the Conservatives have no idea how many victims actually go through this process. They do not.

There is another thing that they always ignore when it comes to victims. In fact, we had a really interesting process at committee. There were two family members of murder victims before the committee. Both of the witnesses, by the way, were arranged by the Conservatives, and one was very strong in support of this legislation. The second man who came forward had lost his daughter to a murder, and just a week or two before appearing at committee, he had been on a panel with one of the individuals who had been released under the faint hope clause. He came to us and was honest. He said that after his experience on the panel with that individual, he was now of the opinion that there are times when the faint hope clause should be in place.

That was one of the families of the victims and there are a lot more like them, because the Conservatives ignore the reality of the dynamics of murder in this country and the world. Eighty per cent of the murders in this country are committed by people who know each other; the murderer knows the victim. It also means that in a lot of these cases, the family members of the murder victim know the perpetrator.

There are a number of cases that we know of—and again, it is anecdotal how many there are—where the families in fact want the individual to be released after 15 years because the latter has rehabilitated himself or herself.

That is where the victims are in this country. They are not simply the stereotype the Conservatives want to portray to the country and to use in photo ops—

The Acting Speaker (Mr. Barry Devolin): Questions and comments, the hon. member for Mississauga South.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has moved a motion that basically recommits the bill back to committee for the latter's consideration of corrections or amendments to specific clauses.

I was astounded by the reasons the member gave for moving this motion. The story is absolutely extraordinary. It is unacceptable and almost contemptuous of Parliament and committees.

I would ask the member if he would simply recap the specific information he was looking for before clause by clause was undertaken, and why it was important for those matters to come forward before the committee made its determination on amendments.

Mr. Joe Comartin: Mr. Speaker, I will have to do that from the vantage point of both what I saw and what my colleague from the Bloc saw. We were trying to answers on how often and how many times it was used on the very first occasion. The anecdotal evidence said that it was not very often at all.

How often was it granted on the first application? According to our best information, which is again very sorely lacking, it was rarely ever granted, but we did not have a factual answer to that. We wanted to know at what age people would get out and at what age they went in. That information was to be available.

In particular, we wanted to have information about recidivism. Of those individuals who did get out, how many applied and how many got out? We knew they were very large numbers, and I feel like I am in a court, but the best estimate was it was less than 25% of whoever applied for the first 25 years. The average person who committed murder in our country stayed in custody for 28.5 years. We were able to get that information, but it was probably out of date because it was from the 1999 study. Therefore, we wanted that statistic brought up to date.

However, on recidivism, we wanted to know how many were re-incarcerated and what happened to them. There were very little specifics, but our best determination was only one potentially violent crime was committed. We did not have that kind of detail, but we wanted it. The corrections division had it, but we never received it.

● (1130)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I want to thank my colleague, who does extraordinary work at the committee and who raised this point. We need this information. Obviously, the Bloc will support this amendment.

I dare not say that those who have the information forgot to send it to us, I would say something else, but I will refrain because it might not seem very parliamentary.

How could that information, which someone may have deliberately forgotten to forward to us, change the support certain political parties or members of certain political parties might have for this bill?

Mr. Joe Comartin: Mr. Speaker, as my colleague for Abitibi—Témiscamingue knows, it is really the Liberals' opinion of this bill that we are trying to change. What is more, in the information we believe we will receive, there is almost nothing about those who were authorized by the judge and jury to apply for parole in order to be released from prison before 25 years.

This is directed to the Liberals. I think they have enough integrity to review this information, to change their minds and perhaps support our position and vote against this bill.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am not a lawyer by profession, but I am a member of Parliament and most members of Parliament are not lawyers. They rely very heavily on the training and back ground of those who are legally trained to inform us, to advise us of the facts and to give us a foundation in which we can make an informed decision as to how we may address certain matters of a legal nature.

We are debating a bill, the subject matter of which has come up a number of times in private members' bills, particularly since I have been here. Since 1993, I think it has been raised at least four times. It is a matter that has always raised an argument that borders on emotional response rather than substantive response based on fact.

There is no doubt in my mind that unless one has been there, one does not know what it is like to lose a loved one in a violent crime. There is probably very little that can be done to change the memory, the pain and the suffering of the families and close friends of victims of violent crime, of murder.

While I was not totally aware of the amendment that was moved but I understand better now why it was, but one of the things I did to prepare myself for today was to look back at some of the old debate and some of the history as well as what others had said, particularly at committee, at whom we would tend to maybe look.

I saw, for instance, the Elizabeth Fry Society. One of the questions I had asked it, and I raised the question before, was the fact that all cases were not the same. I know the example of Clifford Olson has been raised many times in this place on this argument. I believe Clifford Olson actually is eligible to apply for parole, and I believe he has applied. I do not know the details in terms of whether he was declared a dangerous offender, but I think it was overturned.

It does not matter. In terms of debate in this place and trying to influence the public's impressions about what is going on here, Clifford Olson is probably a very good example to use if we are in favour of getting rid of the faint hope clause so no one like him ever gets out of jail, period, or any same or similar serial killer.

I do not think serial killers can apply under the faint hope clause, but there is some judgment. I will yield to whomever raised it in debate yesterday. Is it possible that It may very well have been misinformation? That is why I have raised it because there is no possibility that Clifford Olson will get out under the faint hope clause.

I asked people what they thought about it. I asked some of my constituents about this as well. The matter was dealt with last June at second reading and then it went to committee. On November 16, it finished at committee and was reported to the House on November 18, and here we are immediately. This is another switch the channel week where we go to justice bills. Here we are on C-36.

When I asked some of the constituents, they were not very familiar with the faint hope clause. In fact, they were not very familiar with a life sentence. I have the feeling that the majority of Canadians do not understand sentencing, parole, faint hope, conditional sentencing and house arrest. Many terms are floated around and people have busy lives.

However, when we get around to things like capital punishment or in this case, the faint hope clause, everyone has an opinion, but that opinion is based on whatever knowledge they happen to have and whatever interpretation they happen to be given.

● (1135)

When people commit serious crimes and are sentenced to life, that is a life sentence for the rest of their lives. However, there is a proviso that after 25 years, they can apply for parole. As the previous speaker said, for those persons who are convicted of murder, the average sentence served is 28.5 years, I believe. Ostensibly it means a lot of people are in there a lot longer than 25 years. Some people in fact do get out at 25 years, so there must be quite a range depending on who it is.

After 25 years, offenders are automatically eligible to apply for parole. In Bill C-36 we are talking about faint hope clause, which says that after 15 years there is a process that they can go through in which they can apply for early parole, but it will be a very stringent process.

Yesterday in debate I thought the member for Halifax had a very tight description, and I want to share it with the House, about the process of the faint hope clause, which is important to understand. She is a lawyer and says that the amendment to the Criminal Code, as recommended by Bill C-36, is for the most serious crimes. It would amend provisions with regard to the rights of persons convicted of murder or high treason to be eligible to apply for early parole, She identified it colloquially as the faint hope clause.

She said that it provided offenders with the possibility of obtaining parole after 15 years of a sentence for murder where the sentence was life without eligibility for parole for more than 15 years. She went on to say that offenders convicted of first degree murder served life as a minimum sentence, with the first parole eligibility set at 25 years, which is what I indicated. For offenders convicted of second degree murder or a mandatory sentence of life is also imposed, but the judge can set parole eligibility at any point between 10 and 25 years. That may involve murder. Those who are serving a life sentence can be released from prison if the parole is granted by the Parole Board.

Inmates that are granted parole will, for the rest of their lives, remain subject to the conditions of a parole and supervision of a Correctional Service parole officer, et cetera. There are conditions of being on parole. Break parole and they can be right back in jail and then they have to serve their time.

There was no disagreement with the description of the process that someone had to go through under the faint hope clause to get parole and to be considered after 15 years. The process is so rigorous that very few people apply at 15 years. There is clearly an assessment of whether they have been rehabilitated, or have been model prisoners, or there were victim impact issues, or there were other exasperating circumstances. There are many considerations. It is a complicated, very rigorous process that goes on with regard to giving consideration.

● (1140)

Therefore, it surprised me to hear the debate. One could see that the proponents of Bill C-36 wanted to eliminate this opportunity for early consideration of parole at 15 years from the automatic 25 years because of the victims. They want to deal with victims and forget about who did the crime. We have heard this a lot. If one does the crime, one does the time.

Everybody in Canada should know that, based on the statistics, someone who commits murder in our country is eventually going to be back on the streets. That is the reason why we have a system that provides for rehabilitation and early release under parole programs of inmates if things have gone well, if they understand, if they have been repentant of their crime, and if all of those goods things that everybody would expect make this a problem that should not and probably would not recur.

As the previous speaker said, 80% of these severe and most serious of crimes such as murder are committed by persons who know the person they kill. As a matter of fact, a large proportion of those are family members killing other family members and close friends killing close friends. These are people that they know. These are not drug pushers who are out there with guns, shooting people, stealing and robbing banks and things like that. Of these criminals, 80% are people who knew their victim.

I do not think that most Canadians would suggest that these 80% would be the kinds of persons that would go and commit a second murder. It is possible, but is it probable? There is an argument about some cases where people are going to prison for life and they are going to be there for at least 25 years before they get the first chance to even consider getting out. It may even be longer than that and that is the way it is going to be. All the faint hope clause does is say that there are some circumstances in which having the eligibility for parole after 15 years may be reasonable, may not be a risk to society, and may be in the public interest.

What about the victims? The victims have a say in the process. The courts and judges have a say. It has to be unanimous. I will not go through the process because, quite frankly, I do not know it in all the glorious detail. However, it is an extremely onerous process to go through to be able to convince the judges that a person would merit consideration for early parole. It is not Clifford Olson. It is not going to happen.

I got here and heard the motion of recommital to committee of Bill C-36 and to reconsider or amend clauses 2, 3, 4, 5 and 6. The member who made the motion to recommit has advised the House that information was requested with regard to statistics and other related information about how often the faint hope clause was used, how many people applied for early parole on their first opportunity at 15 years, how many were granted parole on their first attempt, the age at which they got out, and on recidivism rates, which is a very significant issue to handle when dealing with matters of parole. While debating other bills, we heard that people under conditional sentencing or house arrest were less likely to reoffend than people who had to serve the entire sentence in jail and crime school.

● (1145)

We have that evidence, so it does not surprise me that this particular member asked for that information and the other parties concurred that this is information we should have. Tell us what is happening. How often has it happened? How successful has it been? Have there been problems? What has the victim reaction been?

I read one of the cases the Elizabeth Fry Society provided when it appeared before the committee. A severely abused woman killed her husband and refused to apply for the faint hope clause because it was her children who would have to attend the process and she did not want her children to be exposed to it. She would rather stay in jail and serve all of her time because she loved and cared for her children.

There are a number of cases. There was another one I will refer to. The last figures obtained, and no, I will not go there because it is a little too long. However, suffice it to say, I will refer members to the testimony of the Elizabeth Fry Society, which has been following this since it became a periodic matter before the House.

We second, as the full chamber, to our committees the mandate under the Standing Orders to do this work. The Standing Committee on Justice and Human Rights has been bombarded with a series of bills, which should not have been the case if the government had used the omnibus bill approach to many of these bills, so that the committee would not be tied up so long and the same witnesses would not have to return.

The government has used this as a tactic. It has used it as a tactic to basically clog up the committee so bills would not go through very quickly, which means it could continue to talk about the same things over and over again. It could do a prorogation, go into a new session of Parliament, reintroduce the bills in a slightly different form and not take advantage of the work that has been done.

This particular case almost requires an investigation, I would say, simply from the standpoint that the committee asked for information which, on its face, is very relevant to the consideration of the bill before us.

Now the committee has reported this bill back with some amendments. However, how many amendments may have taken place at the committee stage or how many report stage motions would have been put forward based on the new information the committee could have received, and how is it possible that communications could be so fouled up that members who asked for information, and were told was accessible did not get the information they asked for?

Members of Parliament have rights. Those rights have been violated. That is fundamentally the reason why the member had to move the amendment. He and the committee could not do the job in the best fashion they wanted to because the information asked for was being denied to the member, directly or indirectly.

That is worse than most things that happen in this place. It is a breach of the member's rights, the committee's rights, and all of us collectively because we seconded, through the Standing Orders, the responsibility to the Standing Committee on Justice and Human Rights to look at these justice bills. Why does it take a member having to rise in this place and say he has no choice but to revert this bill back to committee?

I am not even sure that is going to resolve the breach of the member's rights. I am also not sure whether there should be a motion that there be a full investigation by the Standing Committee on Procedure and House Affairs or some other ad hoc committee to find out what happened in this case. It is outrageous and I congratulate the member for raising it with all hon. members.

● (1150)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, the hon. member for Mississauga South has been in the chamber considerably longer than I have and I know he chairs a committee. Does he not believe that the more proper course of conduct for the member for Windsor—Tecumseh would have been to raise it at clause-by-clause study? If the member for Windsor—Tecumseh somehow felt prejudiced by the lack of information he alleges he was promised, should he not have raised it at clause-by-clause and ask that it be adjourned until that information was available rather than raising it today at third reading?

Mr. Paul Szabo: Mr. Speaker, I think the member has spoken for himself on this matter. The information was requested. The member was assured it was being transmitted and he took the word of those who were transmitting it to him. But it also appears that there is an allegation here with which he probably was not aware of, and that is that a minister of the Crown had the information and did not pass it on to the members. That is new information and that makes it even more critical that the matter be dealt with. Those are the issues.

Could he have mitigated it? The other committee members knew they were dealing with Bill C-36, a bill to amend the Criminal Code to eliminate the faint hope clause, not an inconsequential bill. Maybe the member should ask, why did the committee as a whole not say it would not move forward with clause-by-clause or complete its consideration until it received basic information that clearly was essential to the consideration of Bill C-36?

● (1155)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened closely to my colleague and I appreciate what he said, but I have a question for him.

The hon. member for Windsor West and I made a request, but we have not received a response. That is why we are voting in favour of the amendment.

Let us assume that the responses will say something like this: that there was very little recidivism; and criminals who were released under very strict conditions in accordance with the faint hope clause did not reoffend, or not very often. I will probably have a chance to come back to that in the next few minutes.

How is it that the Liberal Party, which supported the faint hope clause, is about to vote in favour of a bill that will eliminate an inmate's faint hope of rehabilitating himself?

[*English*]

Mr. Paul Szabo: Mr. Speaker, the member is a bit premature. The matter here is not about what people would obviously conclude if asked how many people actually get through this process. We know it is a rigorous process and very few people get through it. If anybody read the specific cases involving those who do get out, they would clearly understand why there was a propriety for someone to get early parole under the faint hope clause.

There is one issue that has come out and it is an issue that the member will have to acknowledge. The bill has come back from committee and members were giving speeches at third reading before the motion was made. One side is saying that this is all about victims and about Clifford Olson. The other side is at least providing more focused information.

If those statistics had been available, the quality of questions would have changed. Maybe the quality of the commentary coming from certain members in favour of Bill C-36 would have changed. That information was not on the record specifically and from an authoritative source.

That is missing. That is why the motion to revert to committee is appropriate. That is why maybe a breach of members' rights has been committed.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I appreciate the member's comments and his support for my colleague's motion.

The issue is whether or not this attempt to get this information may in fact at the end of the day cause the Liberals to reconsider their position on this bill. Yesterday, the Liberal critic rose in her seat and addressed the bill. Someone indicated yesterday that she had voted against the bill at committee, but that the Liberal Party would in fact be supporting the bill.

I am just wondering whether, in the member's opinion, this new information may be enough to cause Liberal members to change their minds on this particular bill.

Mr. Paul Szabo: Mr. Speaker, the member wants to speculate about what might happen. We have a situation here where the information requested by members was not provided to the committee.

I do not know how this has influenced people's impression but I do know that sometimes simple slogans, simple phrases can sway people. I have been a member of Parliament since 1993 and I believe we have addressed this. I also know that every time it has come up I have voted in favour of retaining the faint hope clause. I have no reason to believe that I should not continue to support the faint hope clause in those rare circumstances where the judges and other stakeholders believe it is appropriate.

That does not seem to have been given the scrutiny during second reading debate or third reading debate. It probably had a better debate at committee, but something happened where someone decided that fundamental information could be withheld or deferred, maybe deliberately. Why? We need to know the answer to these questions: Who is responsible? Why? Would it affect members' impressions and decisions on whether or not they will support Bill C-36?

I think it is possible that this series of events may cause some reconsideration. I would ask the member to let us see how this plays out but I very much believe that members of this place have not been well served by not getting the kind of information that we really need.

● (1200)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, it is a pleasure to speak against the motion that was proposed by the hon. member for Windsor—Tecumseh.

As I indicated in my last question for the member for Mississauga South, I believe it is important, if not fundamental, to note that the member for Windsor—Tecumseh is really raising a question of privilege, which is what he tried to raise in committee yesterday. Members will, undoubtedly, be aware that there is a principle of parliamentary law that when issues of privilege are raised they ought to and need to be raised at the first available opportunity. I would suggest that that window has lapsed.

If the member for Windsor—Tecumseh were concerned about this lack of information that he had requested and, allegedly, and I use that word deliberately, had been promised in a timely manner, that ought to have been raised at committee and it ought to have been raised when the bill was under clause by clause consideration.

I am a member of the justice committee and I want to state emphatically on the record that the member for Windsor—Tecumseh made no such objection when this bill was before committee for clause by clause consideration. He made no objection or attempt to adjourn the proceedings or adjourn the clause by clause consideration until this information from the Commissioner of Correctional Service was available. I would suggest that his motion is not meritorious.

Moreover, I have listened to a number of members from the party of the member for Windsor—Tecumseh indicating philosophically their opposition to Bill C-36. I am not even remotely convinced that any member of his caucus or, for that matter, any member from the Bloc Québécois, would be inclined to alter his or her vote one way or another with respect to that information. Those members have stated that they are against Bill C-36 and in favour of the faint hope clause and therefore nothing turns on this information that was allegedly promised before clause by clause.

Canadians want this legislation. My constituents who have written, emailed or called me are all in favour of Bill C-36, the serious time for more serious crime bill, which would repeal the so-called faint hope clause for those who commit murder after the date of proclamation of this act.

However, it would do more than that. It would also toughen the procedural requirements to make a faint hope application for the approximately 1,000 already convicted murderers now serving life sentences in Canadian prisons who presently have the right to apply for faint hope or will have the right to do so after serving 15 years.

I am pleased to note that after hearing from several of the witnesses at the standing committee, the committee reported Bill C-36 back to this House with a few highly technical amendments that would make the harmonization of the English and French versions of the bill more synchronized.

I want to recap some of the substantive Criminal Code amendments contained in Bill C-36 for the benefit of all hon. members so that they understand the need to have this legislation passed in a timely manner.

As most members will be 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 parole eligibility 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 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 a 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 deliberately so, for murder and high treason are two of the most, and I would suggest the most, serious crimes in Canada's criminal law. Nonetheless, the faint hope clause regime provides a mechanism for offenders to have their parole ineligibility period reduced so they serve less time in prison before applying to the National Parole Board for parole, if their faint hope clause is successful in the first instance.

The current faint hope clause process is set out in section 745.6 and related provisions of the Criminal Code, and has three stages.

● (1205)

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 there is not much of a hurdle and so almost all applicants are able to go on to the next stage.

Second, and importantly, if the judge is convinced, the applicant can bring an 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 an unanimous one.

Third, if the applicant is successful with the jury, he or she may then apply directly to the National Parole Board. At that point, the applicant will need 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 and was concurrent to the abolition of capital punishment. 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 per year. Of the 256 applications 140 obtained reductions in their parole eligibility 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 and 24 years obtained reductions of 1 to 5 years.

Ultimately, the National Parole Board granted early parole to 127 applicants. In short, nearly half of the 265 faint hope applicants were ultimately granted parole before the expiry of their otherwise parole ineligibility periods imposed upon them by the court and by the judge at the time of their sentencing.

The existence of the faint hope regime and the high success rate of applicants has led to a great deal of public concern. It is for this reason that I am speaking against the amendment so that this matter can come to a vote and Parliament can express its will. This concern is especially strong among victims' advocacy groups. This has, in turn, led to a series of amendments to restrict access to faint hope and to make better arrangements for the needs of the families and the loved ones of murdered victims.

Thus, the government introduced amendments to the faint hope clause regime in 1995, which came into force in 1997, and it did toughen the application procedure.

In 1999 the Criminal Code was amended again in response to the concerns set out in the report of the House of Commons Standing Committee on Justice and Human Rights entitled “Victims' Rights - A Voice, Not a Veto”. As a result. under section 745.01 of the Crime Code, a judge sentencing someone convicted of first or second degree murder or high treason must state for the record and for the benefit of the surviving victims or their representatives the existence and the 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. A court and a judge has sentenced a person to life imprisonment with no eligibility of parole for 25 years but this clause undermines that. As the short title of the bill indicates, truth in sentencing means that those who commit the most serious of crimes must do the most serious time.

Bill C-36 proposes 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 fulfils the long-standing commitment of this government to repeal the faint hope clause for future offenders and to tighten up the current application procedure in the interests of the families and the loved ones of previously murdered victims.

If Bill C-36 is allowed to proceed to a vote and if the amendment is rejected by the House, it will, when it comes into force, bar those who commit murder or high treason from applying for faint hope. In effect, the faint hope regime will be repealed for all those commit murder in the future. It will also toughen the application process for already sentenced lifers with the right to apply for faint hope by setting a higher judicial screening test. From now on a judge must be satisfied that there is a substantial likelihood that a jury will unanimously agree to reduce an applicant's parole ineligibility period.

Moving from "reasonable prospect" to "a substantial likelihood of success" will slightly screen out the most undeserving applications and therefore sparing the families of the individuals who those applicants have been convicted of murdering.

● (1210)

There are longer waiting periods for re-application in the event of an unsuccessful initial faint hope application. There is a minimum of five years instead of the current two year waiting period for re-application.

Finally, Bill C-36 will impose a new three month time limit for the offender to reapply under the faint hope regime.

The three month time limit will 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 years or more who have not yet applied. Those offenders will have to make the application within three months of the coming into force of this legislation or wait another five years.

It will 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 the bill passes. After the 15 year point exactly in their sentences all of those murderers will have to bring an application within the window of three months. There is also a 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 new three month time limit.

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

In closing, Bill C-36 will eliminate the faint hope regime for all future murderers and will ensure that all murderers now in prison have a much tougher time accessing this regime. None of the substantive aspects of Bill C-36 have been amended in any way by the committee. I see no point in the bill going back to committee. We have heard cogent evidence from witness groups, from witness advocates. We have also heard from adversaries of Bill C-36, including the Elizabeth Fry and John Howard societies, and other groups that have appeared before the committee.

The reforms of the faint hope clause regime will accomplish worthwhile goals, allowing Canadians to feel more protected in their homes and sparing the victims the trauma of the murderers of their loved ones applying for faint hope.

I encourage all members of the House to vote against the motion to send the bill back to committee for further deliberation. Canadians want the bill passed. They want the faint hope abolished and they want it done now.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam President, I listened carefully to my colleague. We both sit on the Standing Committee on Justice and Human Rights and I obviously do not share his beliefs in the least. As a criminal lawyer who has argued a number of murder cases and also argued before the parole board, I am extremely surprised to note that the Conservatives are attacking the faint hope clause. I will come back to that when I give my speech.

I have only one question and I am still waiting for the answer. My colleague has some statistics that we do not have because, unfortunately, we were unable to obtain them. It is the reason why we will vote in favour of the amending motion before this House. This is my question: given that the Conservatives have statistics that we do not, I would like to know if an individual, a single individual, who has used the faint hope clause was found guilty of another murder while on parole as a result of the process outlined in section 745.6 of the Criminal Code.

● (1215)

[*English*]

Mr. Brent Rathgeber: Madam Speaker, the member opposite sits on the justice committee and he knows the statistics as well as I do. I outlined the number of applications and the number of successful applications.

I do not know if there is a conclusive study regarding the recidivism of applicants, but we know the number of individuals who have breached the terms of their parole. Those numbers were made available to the committee and he knows them as well as I do.

He may get a second chance to ask a question and he may be back on his feet, so I have a question for him. If this so-called missing information is available to the committee and if the bill is referred back to committee, what relevance is it going to have? He has already made up his mind that he will be voting against Bill C-36.

[*Translation*]

Mr. Marc Lemay: Madam Speaker, what I find deplorable is that I have the answer. A good criminal lawyer knows the answer to the question he asks. The answer is no. There has never been one. We asked questions of all the witnesses who appeared before us, even the police. Not even the minister was able to tell us—and I will come back to that—what crimes were committed by the 13 individuals who returned to jail. Do not worry, I will come back to that in a few moments.

Yes, we will be voting against this bill. I see a problem and I am asking him a question. What is wrong with the faint hope clause? What do the Conservatives and some Liberals have against the faint hope clause which, since 1999, has protected not only society but also victims? I will come back to that in a moment.

I want to know what is wrong with this clause. What do they not like about it?

[*English*]

Mr. Brent Rathgeber: Madam Speaker, that is a very easy question. What do we have against the faint hope clause? It is focused only on the offender. It is focused only on a person who has been convicted of first degree murder or high treason. It does not address anything to do with the victims. The member said he would come to the victims in a moment and then he sat down. It does not address the rights of victims. It only addresses the rights and the needs of those who have been convicted of first degree murder. That is what we have against it.

The member sat in committee. He listened to the victims' families. He knows the pain that victims are forced to relive when they go before juries at faint hope applications. He is quite right. Most faint hope applications are unsuccessful, which only means that the person is entitled to reapply in two years. Every two years families have to go through this process again when the individual applies for faint hope. It is not just me, but my constituents also do not believe that 15, 16 or 17 years in prison is an appropriate punishment for taking the life of an innocent victim.

The problem with the member's approach is he only looks at one side of the equation. He only looks at the offender. Is the faint hope clause a good deal for offenders? Absolutely; on that we can all agree. However, there are other parties to be considered, and I would suggest that the most important parties to be considered are the victims.

● (1220)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I am pleased to speak today to the proposed amendment to this bill. I already spoke about Bill C-36. But it looks as though I will need to come back to it, because the Conservatives did not understand. Since they did not understand, I will start over. I will talk about an amendment that is extremely important, and that we will support.

I agree with my colleague from Windsor—Tecumseh, who moved this amendment. There are some basic things that the committee members should have been supplied with, such as figures, but were not. In this vast country of ours, we have the National Parole Board and the Correctional Service of Canada. The committee should have received information from certain people who work in a penitentiary —they had said that they would provide some—before it started its clause by clause study.

But that was just it. The Conservatives made sure that we had to rush through clause by clause, so that we could not get the figures, and, just like with the firearms registry, we got these figures after the bill was sent back to the House for third reading. That is unacceptable, and that is why we will vote in favour of this amendment to refer the bill back to the Standing Committee on Justice and Human Rights, where members can resume their debate with the figures that the government "forgot" to provide before the clause by clause study of the bill.

The Conservatives and some Liberals are completely wrong if they think that the faint hope clause, which was added to the Criminal Code in 1976 after the abolition of the death penalty, does not consider the victims or the relatives of victims. We must speak the truth, and the Conservatives need to understand. We will start over slowly this time, and give them an introductory course.

Let us take, for example, the case of an individual who commits the worst crime of all, first degree murder. First degree murder is premeditated. I will not discuss high treason, because that would not lead to much of a debate. In Canada, the last trial for high treason was the case of Louis Riel. We know what the Conservatives did to Louis Riel. We will not go there again.

Let us talk about first degree murder. People found guilty of such a murder are sentenced to life in prison. That is a fact. Individuals sentenced to life in prison will be under the justice system's supervision for the rest of their days.

The Conservatives say that such individuals can apply for parole after 15 years, that their applications are approved and that they can get out easily. That is not true. Justice Canada provided numbers dated April 9, 2009. Individuals sentenced to life in prison will be in prison for the rest of their lives.

Before 1976, we had a death penalty, but it was abolished. Individuals serving life sentences are told that they have to prove they can be rehabilitated. If they can, there is a process in place to help them reintegrate and become contributing members of society. Even if they do re-enter society, they will be under legal supervision for the rest of their lives.

Let us examine the existing process under the faint hope clause. I hope that my Liberal friends will stand up for this provision. Although we have already tried to persuade them to vote against Bill C-36, I will try once again. In 1976, the Liberals abolished the death penalty and set up this process.

● (1225)

I repeat: an individual is sentenced to life. After 15 years, he can apply to the chief justice of the superior court in the province in which the murder was committed.

Let us take the example of a murder committed in Ottawa. The individual must apply to a judge in the city where the murder was committed. The Conservatives think that the individual can apply anywhere, but that is not true. The application must be made where the murder was committed. The individual must then convince the chief justice or his designated representative to empanel a jury.

Let us move on to the first step. Many inmates do not even go beyond the first step, because it is ridiculous. The members opposite gave ridiculous examples and mentioned the Paul Bernardo and Clifford Olson cases. These two people will never be entitled to appear before a judge before the end of their minimum 25-year sentence, which is life. They will definitely not have that right, because for the time being, they certainly cannot be rehabilitated.

An individual appears before a judge and tries to convince him to empanel a jury. Let us say that he convinces the judge. The inmate explains that 15 years earlier, he committed a horrible murder and deliberately killed someone, but that since then, he has taken steps to rehabilitate himself. The judge is convinced and decides to empanel a jury.

The Conservatives are going to have to stop saying that the jury decides to release the individual, because that is not true. The individual must convince a jury of 12 people, beyond a reasonable doubt, in the place where the murder was committed at least 15 years earlier, that he can apply to appear before the parole board to ask for parole. That makes a lot of steps to go through.

We are told that we are not considering the victims. The opposite is true: it is the faint hope clause that best protects victims' families. That is the primary concern. I will say it in English, because I think that my Conservative friends do not understand: it is the first preoccupation of the parole board and the jury to determine whether the individual has been rehabilitated.

The best example is that no offender will ever be released if he has not shown some understanding of the impact on the victim's family. In the case of a first degree murder, an offender who does not regret his actions will never, ever be released. All National Parole Board data say so. Never. That is the first step an offender must take. He must show that he has been rehabilitated.

The best way is to meet the victim's family. In the 15 years that the offender has been incarcerated, he will have made some progress. He will have given some thought to the abject crime he has committed, namely, first degree murder. The individual has been given a life sentence. He took the first step and appeared before a judge. The judge empanelled a jury. What does the jury do? It hears witnesses. The murderer—let us call him that—must convince the jury beyond a reasonable doubt that he has been rehabilitated and is ready to reintegrate into society.

How does he do that? Having argued such cases, I can assure the House that it is not easy. He must convince a jury. How does he do that? There is testimony from a criminologist, a psychologist, a psychiatrist, the victim's family. The Conservatives believe that victims' families will have to relive the crime. Not one family has ever gone before the National Parole Board without having been properly prepared. The families receive explanations and information. They are told how the process works and, most importantly, not whether the individual in question deserves to be released or not, because that is not what the jury must determine. The jury must determine if it will be possible for the individual to apply to the parole board, within a timeframe set out by the jury. The offender is not released by the jury. That is what the Conservatives do not understand.

Under the faint hope clause, the individual in question has to convince the jury that he can ask the National Parole Board to be eligible to apply for parole. That is what happens. That is why we want the minister to provide us with the figures that someone has neglected to give us. The individual has to convince the jury that he could, after a certain number of years, apply for parole. For example, the jury can say that it agrees that the individual is eligible and recommends that he apply to the National Parole Board in his 17th, 18th or 20th year of detention. It is not automatic. That is what the Conservatives do not understand. This is not done automatically. Parole is earned, especially in this case. We are talking about the worst criminals; those who have committed murder.

On April 9, 2009—listen to this because the Conservatives do not understand and we are going to explain it—there were 4,000 individuals serving life sentences in Canada's prisons. On April 9, 2009, 265 applications were filed and 140 applicants were granted parole—one hundred and forty. I think the Conservatives will understand that.

● (1230)

Not just anyone gets parole. Less than a tenth of inmates do. Not just that; there is more to come. One hundred and forty inmates were granted a reduction in their parole ineligibility period. Instead of waiting 25 years, some waited 17 years, others 18, 19 or 20 years to apply. Out of 127 applicants who were released, 13 were returned to prison—I will come back to that—3 were deported, 11 were dead, one was out on bail, one was in temporary custody, and 98 were meeting their parole conditions.

Thirteen individuals subsequently returned to prison. I am certain that the Conservatives, or their minister, forgot to give us the figures and this is what we want to know. What type of crime did these 13 people who subsequently returned to prison commit? We do not know. Nonetheless, as sure as I stand here, if one of those 13 individuals had committed another murder, we would know it. I can assure hon. members of that. I am certain they did not commit another murder. What did they do? They probably failed to meet their parole conditions.

There is something the Conservatives do not understand. Perhaps I should invite them to visit a penitentiary one day, or see the parole service or even attend a parole board hearing. They would understand that 98 out of the 140 respected their parole conditions. The conditions are very strict but the Conservatives and some Liberals have forgotten that.

Someone who commits first degree murder is supervised by the parole board until they die. They are supervised by the court system until they die. Inmates are not as free as the birds when they are released. They cannot just leave and go home and relax. No, they are subject to parole conditions and, there is no need to worry, the release conditions for someone convicted of first degree murder are extremely stringent. That is what I told the Conservatives. However, I do not understand why, but sometimes they do not listen to me.

An offender is not simply released. First, there must be proof that he has been rehabilitated and he must provide that proof. The onus is on the individual to provide that proof. He must demonstrate that he is ready to be returned to society, that he has a job, a family and, above all, that he has been rehabilitated. The overriding concern is to prove that he has shown concern for the victims and the victims' families.

Someone who commits first degree murder and who does not show concern for his victim, who just does not care, will never be released. Never. I agree with my colleagues that—and this is the only concession I will make to the Conservatives in this matter—we must prevent the victims from having to relive the crime that was committed two or three times. A single case was brought to our attention where that did happen. We have to avoid that; we have to prepare the victims' families who attend the hearing. I am not aware of any individual who has been released who did not and does not show concern for the victim's family.

I will give an example. A number of years ago, a lawyer in Saguenay—Lac-Saint-Jean committed a murder. Mr. Dunn, a lawyer, killed his law partner, Mr. McNicoll. Mr. Dunn always denied deliberately killing his colleague, but he was kept in custody. He took responsibility for his actions, and he is now one of the 98 prisoners who has been paroled, and not only has he not re-offended, but he has also become a respectable member of society. However, he must abide by conditions for the rest of his life.

● (1235)

I will say just one last thing: if Bill C-36 passes, we will take away the offender's last hope for rehabilitation.

Will this increase the risk of violence in prisons? The answer is yes, and that is what the committee heard from the Correctional Service of Canada. What does someone do when he has nothing left to lose, when he is in prison and has lost all hope? He starts doing the dirty work for others, as we see all too often in our penitentiaries.

In conclusion, I hope that the Liberals will rethink their position, that this bill will be re-examined in committee, and, above all, that the Conservatives will understand that the faint hope clause, or section 745.6 of the Criminal Code, must be maintained.

● (1240)

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I would like to thank the hon. member for his interesting and somewhat animated contribution to this debate.

Bearing in mind that this is a motion to send the bill back to committee, I wanted to know why he is supporting this motion when it is quite clear that he does not support Bill C-36. His mind is already made up.

Is it not his real agenda to delay the work of the committee? He knows how busy the committee is. We have legislation before us dealing with white collar crime, modernizing criminal procedure and ending discounts for multiple murderers.

Is that not his real agenda, to delay the work of the committee and to prevent Parliament from doing its job?

[*Translation*]

Mr. Marc Lemay: Madam Speaker, we hold in our hands the fate of offenders whom we are trying to rehabilitate, and he has the nerve to tell me how busy the committee is. I know that it is busy, but that is the Conservatives' fault. This morning, they introduced nine justice bills. The only thing they care about is being what they call "tough on crime".

I fully agree that we need to take care of victims, but the Conservatives need to understand that we have to do these things one at a time, and properly. That means that if we do not conduct a thorough review of Bill C-36, it will not pass. In fact, it should not pass because it will put many people's lives at risk. I will calm down, but I think it is immoral for anyone to tell us to rush bills through the process.

We have to look at the potential impact of a bad bill. I would like to point out to the member that bad laws make good lawyers rich. The Conservatives need to realize where they stand with respect to the Federal Court, and they need to understand that they are not right about everything and that we have to take the time to do things properly.

If the committee is still studying the bill after Christmas, so be it. It is not that big a deal. The faint hope clause is at stake here. People have the right to it, and I hope that we will have enough time to study it properly.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I would like to ask the member a question, but first I would like to point out to him, and I am sure he knows, that the government is very good at hiding information.

In fact it is even worse than that. On the air passenger bill of rights, we found that the government was actually involving itself, the minister was involving himself, with the airline lobby to develop a campaign against the bill. On the gun bill, which we saw here a couple of weeks ago, we saw the government sitting for almost two months on a report that would have been favourable to the gun registry.

We are seeing a pattern develop with the government, so it should be no surprise to anyone here that the government would be sitting on information, hiding information that would be relevant to the discussions dealing with this particular bill. That just adds to the merits of our member's resolution before the House right now.

I would like to ask the member whether he thinks there may be more incidents like this of the government hiding information from members of this Parliament.

[*Translation*]

Mr. Marc Lemay: Madam Speaker, in my career as a criminal lawyer, my most important client was always the one in front of me, whom I had to defend before the court. It is worth repeating: justice issues are very important. I do not mean to denigrate the work of other members, because I respect what they do, but this work is very important because it gives people their freedom. We must give this the attention it deserves.

As a parliamentarian and a lawyer, when someone forgets—I was going to use another word, but I will avoid it so as to avoid a point of order—deliberately or not, to hand over documents or to give us the information we need to make decisions, I take exception to that. In fact, I think I should take exception more often.

Bills C-52, C-42, C-36, C-31 and C-32 need to be studied immediately. Should they be studied quickly? No, we will take our time and give them the careful consideration they deserve, as we should and as we are expected to do. Then we will see.

For now, the issue that concerns me is Bill C-36. In my opinion, we must take time to give it the consideration it deserves. The Conservatives must stop forgetting to give us the documents needed to study this bill.

● (1245)

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, if the hon. member is so upset and feels so prejudiced by the fact that this information from Mr. Head, the chief of Correctional Service of Canada, was so pivotal, why did he not raise this at committee? He is a member of the justice committee. He was there the day we did clause by clause. If this information is so pivotal to the examination of this bill, as he is suggesting today, why was this matter not raised at the first opportunity?

The member supports the motion from the hon. member for Windsor—Tecumseh to send this bill back to committee, which I suggest is only to delay passage of not only this bill but other bills. If he felt so prejudiced by the lack of this information, why was that not raised? Why did he allow clause by clause to proceed without objection if he thought that information was so pivotal?

[*Translation*]

Mr. Marc Lemay: Madam Speaker, I will reply very honestly to the question.

Give me another five years, and then we will see if they can still pull fast ones like this on me.

We did not know. My hon. colleague from Windsor—Tecumseh informed us after the clause by clause study. We thought we would obtain the information before that study. They tricked me once, but I am warning my colleagues now that I am a fast learner and I will not be fooled again.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, the reality in response to that last question is that a number of us on committee were told that the material from Mr. Head had been sent to our offices. That was false information. That was a mistake.

On November 16, all parties committed to deal with this bill on a clause by clause basis, and we were under the belief that the information was in the hands of other members of committee. It was not until yesterday morning that we found out that was not the truth.

If ministers are going to be allowed to withhold information, whether intentionally or unintentionally in disregard of the role of the committee process in this legislature, why are we here not only as members of opposition parties but as government members as well? Why not just turn it all over to cabinet and let cabinet run the whole government?

If the committee system is going to work, do we not need to have a guarantee that we are going to get information in a timely fashion? Does my colleague share my frustration?

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): The hon. member for Abitibi—Témiscamingue has approximately one minute to respond.

Mr. Marc Lemay: Madam Speaker, I will try to be quick. My answer is yes. I completely agree with my colleague.

The perfect example of this is all the information the government did not want to provide about the firearms registry. I am talking about the RCMP report that was tabled after the vote on the private member's bill introduced by a member whose riding I cannot remember. I believe it was Bill C-391. I will say one thing: it is not worth trying to hide things, because this only serves to slow down the work of Parliament. Work here moves along at a much slower pace. The proof of this is that if we had been given the figures, we would not be re-examining the position taken by the committee right now. The government must stop hiding things, and must respect the committees and the work that is being done by parliamentarians in committee. They must give us all the information, and that way, we will not have to come back to Parliament to ask that a bill be referred back to committee for reconsideration, when it should have been studied properly in the first place.

● (1250)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am pleased to join the debate on the amendment to Bill C-36, put forward by my colleague from Windsor—Tecumseh, not so much to debate the relative merits of the bill as it pertains to section 745, the faint hope clause, but to debate the actual amendment. This is a procedural amendment, put forward out of frustration and, I would argue, put forward out of a genuine commitment and love for parliamentary procedure by my colleague from Windsor. It is to that I would like to address my remarks today.

More and more Canadians are reminding members of Parliament that the one hour a day of question period is not acceptable to them. The squalor that is question period is not truly representative, we know, of the work that goes on in the House of Commons, but this is what the public sees. Therefore, we remind school teachers and people who bring groups of young people to witness Parliament that the real co-operative, collaborative work of parliamentarians goes on well behind the scenes at the parliamentary committees. It is in committee that we do the nation's real work. It is at committee that we paddle our canoes together in the same direction so we can achieve something good for Canadians.

Most of us believe and most of us find some comfort that genuine work goes on in Ottawa, on Parliament Hill, on behalf of Canadians. It was in that vein that some of us started to protest when parliamentary secretaries came on to committees and started to be elected as chairs. A lot of us intervened. We said no, if we allowed a parliamentary secretary to be the chair of the committee, the PS was really an agent of the government. The parliamentary secretaries have a loyalty to the government. Their first interest is to the agenda of the government, not necessarily to the collaborative effort of the committee. We quite rightly protested this, and it is no longer the case. We do not see parliamentary secretaries chairing committees.

Some of us would go further and even argue that parliamentary secretaries should not even be part of committees because they are unable to leave their political baggage at the door like the rest of us should do.

I lament that in recent years the fabric that held the parliamentary committees together, the common bond that we had, the impartiality that many committees enjoyed, has been tested, has been strained, has even been torn and fractured to the point, I despair, the last sanctuary of true parliamentary democracy has been eroded by political interference, by manipulation. It in fact has been abused to some degree in a number of very worrisome examples.

This has led my colleague from Windsor today to draw a line in the sand. In this case, the justice committee is being manipulated by, we argue, political interference through the minister's office in withholding information. Some of my colleagues have been very generous in how they phrase this. They have said that the minister forgot to send over very pertinent and relevant information on Bill C-36 to the committee so it could deal with the information during the clause-by-clause analysis and possibly amend the bill.

I am using the term “withheld”, because I am starting to see a motif, a very worrisome pattern that this is not a problem in isolation at the justice committee. We now have a number of examples where there have been cover ups regarding information that should flow freely to committees so members of Parliament can do their job, can study bills with the due diligence their responsibility dictates. However, they are being denied that.

At the very least, my colleague from Windsor is alleging that there is a breach of the collective privilege of the members of the committee and that they have every right to have access to all the pertinent information they call for so they can do their due diligence with regard to the bill, with a degree of confidence that they have all the facts.

● (1255)

In this instance, other members have laid out the problems surrounding access to information for the committee. I went to the trouble of reading the blues of the justice committee hearing on November 4. Witnesses made very firm undertakings that they would produce the relevant information regarding the number of appeals made under the faint hope clause, the rate of success of those appeals, the information surrounding victims' statements on that appeal process, all of which would have been very useful to the committee.

The witnesses undertook that they would ensure they would get the information to the committee prior to the clause-by-clause analysis, so if the information warranted it, committee members could in fact put forward amendments, or not. Either way they would be comfortable that they had the most pertinent and relevant information about the actual empirical evidence, the experience of the use of section 745, the faint hope clause.

This is the very information that has been denied to them. They waited and they waited. The time came and went. They still had not seen the information the witnesses promised to give them. We are talking about senior bureaucrats who should be able to provide that information, such as the Commissioner of Correctional Service Canada.

The reason the frustration is breaking out today is committee members have now learned that the witnesses did comply with the timeframes to which they stipulated themselves. They did go home, did that research, pulled that data from their information files and brought it to the Government of Canada. However, where did it wind up? Not with the clerk of the justice committee and not on the desks of the members of the justice committee. The information went to the Minister of Public Safety and sat there and sat there until such time as the opportunity was lost. The committee stage for amending the bill was lost.

We all know a bill is relatively easy to amend at committee. At second reading, a bill is passed in principle, but substantive amendments are still possible at committee. At third reading, there is very little we can amend of a substantive nature.

Therefore, the window of opportunity had been lost to the members, and I argue taken away from them. The information was withheld from the members by the minister. The minister did not pass it along to the committee. It shows a disrespect for the committee. Tampering with that kind of evidence should be an offence of a higher nature. I have heard it said before that Parliament is the highest court in the land. A parliamentary committee, acting under the purview of Parliament, has rights, privileges and powers. To deliberately manipulate or withhold evidence from that parliamentary committee is an offence. It is an affront to Parliament. Whether it is an offence in any further way remains to be seen.

That gave rise to the frustration of my colleague, the member for Windsor—Tecumseh. He has come forward and has said that information was important to the members so they could do their job. They had asked for it, the witnesses delivered it, but it never came to their desk. Now at this point in time we want to refer this matter back to the committee. We have the information in our hands and we want to refer that matter back so we can revisit especially clauses 2, 3, 4, 5 and 6 of Bill C-36. The information the Commissioner of Correctional Service Canada brings forward may change what the committee members intend to do in their final treatment of the bill before it comes back to the House for third reading.

I believe it is a matter of fairness, transparency, accountability and it is in keeping with the commitment the Prime Minister made not that long ago, that he would empower committees to do more meaningful work as one of the ways to enhance democracy through the parliamentary process. If anything, there has been a worrisome pattern developing that actually diminishes the power and the authority of committees.

● (1300)

Let me explain my point because I do not say this lightly. Last fall, almost a year ago today, we saw a very worrisome pattern. Committees were being filibustered by Conservative government members and committee chairs were denying due process at committees. Whenever things were not going their way, they would disrupt committees. They had a manual for that. I called it the anarchist handbook. That was worrisome enough but other examples have come forward since then.

Recently we held a very contentious vote in the House of Commons on the gun registry. As it turns out, the latest state of the moment snapshot report of the efficacy and the use of the gun registry, the actual experience of the gun registry's use, had been published and was ready to be released, but the government of the day sat on that information until such time as it could get its bill through. I presume it felt its case was better made without the facts rather than with the facts. It was available the very next day, after the vote, and it was too late to do anything about it.

Members can see the picture I am trying to paint.

Another worrisome example was brought forward by my colleague from Elmwood—Transcona. In the process of trying to develop and move forward a legitimate private member's bill on airline passenger bill of rights, something of great interest to many Canadians, collusion was going on behind the scenes with the government and the lobby group trying to defeat the bill, trying to undermine democracy.

It is fair game if people want to make a case for or against a bill in the House of Commons. A bill should stand on its merits. It should be able to survive legitimate debate and all the facts from both sides put forward and let the chips fall where they may. However, to undermine that process by going behind the scenes, through the back door, to sabotage democracy is again in keeping with a worrisome trend we are seeing. It is becoming the hallmark of the government. It is becoming a motif that we see time and time again.

Another example, and the last one I will make regarding this worrisome pattern as it pertains to committees, is a committee that I sat on, the Standing Committee on Access to Information, Privacy and Ethics. The Afghan detainee issue came before the committee. At that time, and it has only been borne out in recent days, which is why I use it as a relevant example, a journalist and a university professor filed access to information requests, asking for any and all correspondence, emails, communications or internal documents regarding the transfer of Afghan detainees by Canadian soldiers to the Afghan military. Time and again these petitioners would be told by the government that no such documents of that nature existed. No emails, correspondence, reports or data had ever been provided on this subject, so nothing could be released.

We did not believe it, so we brought in the *Globe and Mail* journalist and the professor from the University of Ottawa as witnesses before our committee. We also brought in the ATIP coordinator for the Department of Foreign Affairs and for the Department of National Defence. Everyone swore on a stack of bibles that no such information existed. They were not denying information, there was none. Now we learn from a senior Washington diplomat that he filed regular and frequent correspondence to everyone he could think of who blew the whistle or alerted the Canadian government that the transfer of Afghan detainees left them vulnerable to probable torture. The correspondence did exist. We were lied to by the government.

This goes beyond a breach of privilege for committee members. This goes beyond the public's right to know. This enters into illegal. In fact, the ruling party might consider whether it wants to do away with the faint hope clause because the violation for denying the existence of documents under the Access to Information Act is in fact a high—

● (1305)

Mr. Brent Rathgeber: Madam Speaker, I rise on a point of order. This is supposed to be a debate on Bill C-36. In fact, it is specific to an amendment to take Bill C-36 out of third reading and send it back to committee. With all due respect to the member for Winnipeg Centre, I do not have a clue what Afghan detainees have to do with the bill under consideration or the amendment of the hon. member for Windsor—Tecumseh.

The Acting Speaker (Ms. Denise Savoie): The hon. member is making some arguments. I will ask him to come to the point that he is making with respect to the amendment.

Mr. Pat Martin: Absolutely, Madam Speaker. I believe I can demonstrate that my comments are in fact germane and pertinent to the motion to refer.

I was speaking of the rights of committees to access information they need to do their job properly, which is exactly the point my colleague from Windsor—Tecumseh is making. I ask for the support of other members of Parliament not on the merits of Bill C-36 but on the merits that committee members need the facts in order to make determinations and carry out due diligence to the work that is put in front of them. I was giving an example of where we in committee were denied that systematically.

My point was that members had better think twice before they try to do away with section 745 of the Criminal Code, the faint hope clause, because the punishment for deliberately destroying documents or deliberately denying the existence of them under the Access to Information Act is right up there in the Criminal Code with high crimes and misdemeanours, including treason. It is on par with treason because it sabotages and undermines democracy, and takes away from the very spirit of the public's right to know. We cannot do our jobs without that freedom of information as committee members.

That is the worrisome pattern that I am trying to illustrate. The deliberate withholding of information that was directly relevant to the determination of Bill C-36 undermined the rights of my colleagues on the justice committee in their ability to do their job properly.

Some committee members who spoke I believe were generous in their portrayal of what happened, saying that the minister simply forgot to pass the information that was requested on to committee member. I do not think that was any accident.

I think perhaps the minister is on fairly weak ground, that his arguments do not have a great deal of substance for the need to change the faint hope clause. I believe the actual experience, the empirical evidence that was asked for and that he withheld, would have done great damage to the arguments of members on the government side as to why they thought they needed to make these changes in the criminal justice system at this point in time.

Again, I do not speak to the merits of Bill C-36. That is not why I asked for an opportunity to speak today. I am speaking, as a vice-chair of a parliamentary committee, on behalf of the rights of committee members to function. When committee members ask for certain information and that information is made available to them by witnesses, the minister does not have any right to intercept that information and have it sit for days, weeks or months on his desk while the committee members struggle with only half of the information.

I am not a lawyer, but if we were in a court situation, that is one of the fundamental underpinnings of our legal system: full disclosure of the facts. The prayer we say every day when Parliament opens is that we have the ability to make good law. We cannot make good law without access to the facts.

If one side is withholding pertinent information for political purposes, that sabotages and undermines the democratic process. It is an affront to democracy and to Parliament. The collective privileges of the members of Parliament in that committee have surely been breached at the very least.

Madam Speaker, how much time do I have left? None.

● (1310)

The Acting Speaker (Ms. Denise Savoie): Order. Perhaps the hon. member can continue during questions and comments.

The hon. member for Renfrew—Nipissing—Pembroke.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Madam Speaker, I wish only to comment on the remarks of the member from the separatist-socialist-Liberal coalition and his exaggerated indignation.

Since we have had two consecutive minority governments, we are in a situation where the total number of members on a committee for the opposition outnumbers the number of government MPs. That is why we are seeing one kangaroo court or blown-up inquiry after another. Opposition members have been hijacking the very serious business of committees, even blocking the testimony of witnesses or the witnesses themselves from coming to committee, whose points of view differ from that of the separatist-socialist-Liberal coalition.

Mr. Pat Martin: Madam Speaker, I was not really listening to my colleague from Renfrew—Nipissing—Pembroke. She started with an insult and I did not think it was worth listening to whatever else she had to say. My colleague from Windsor—Tecumseh said that the member for Renfrew—Nipissing—Pembroke used to belong to the Conservative Reform Alliance party. It had to change the name because it said CRAP.

I do not want to use my time to insult her. I do not think that she should use her time to insult me.

We are talking about a very serious issue here, which is the right of committee members to do their job without interference and without being sabotaged by the ruling party and the advantage it enjoys in rationing out tidbits of information that we all have a right to.

Hon. Wayne Easter (Malpeque, Lib.): Madam Speaker, I agree with the member. We are dealing with an extremely serious issue here. It really goes to the core of the denial of proper information for committees and members of the House of Commons, so that they can make good decisions. I congratulate the member on his remarks because I think he outlined a number of areas where the government is in fact denying information to committee members.

I know the member did not hear the question from the member from the governing party, but her question related to the fact that opposition members are the majority on committees now. She tried to imply that, as a result of that, committees have become kangaroo courts and that therefore the committee members were denying witnesses who wanted to come before committee. I believe it is the defence committee that she was talking about.

The reality is, and I will ask the member to confirm or deny, that Canadians decided what the makeup of the House of Commons would be. They decided that they would not grant the party opposite a majority. We are doing our job as opposition members as a result.

A member of the government has suggested that we are denying a witness. We are not denying a witness. We are saying that if we are going to make proper decisions as a committee, the government should provide the documentation, the emails and the briefing notes to ministers. The committee needs to have access to the information, so that we can question that witness properly. Otherwise, how are we to know that the government has not told the individual to come to committee to give a misleading story or some such thing?

We need the evidence first. I would like the member to comment on that because I think it goes to the heart of what the government is all about: messaging, implying certain things, fear and intimidation. The ten percenters it sends into my riding and across this country are nothing short of hate mail. That is why they are. They are not providing information. I would like the member to comment on that.

Mr. Pat Martin: Madam Speaker, from all of the very valid comments my colleague from Prince Edward Island makes, the operative word and the thread throughout his comments is access to information and freedom of information. We have a right to know these things. In fact, as committee members, we have a duty and obligation to have all the facts before we make a determination.

However, there has been a systematic withholding of information. I am glad that my colleague from Renfrew—Nipissing—Pembroke raised this. The latest example of this was at the defence committee, where we would all like to hear from the former ambassador, Mr. Mulroney, but not without the prerequisite information before the committee first. It is up to the committee to determine what facts it needs and when, and who it would like to hear from and when.

I am sure that it would like to hear from Mr. Mulroney, but it would like to have the pertinent documents first. It has requested them and once again, there is a rationing out of facts and information by the government instead of a full disclosure and a full, voluntary freedom of information, which is what was supposed to be the cornerstone of the government's administration. Instead, it is obsessed with secrecy and cover-up.

● (1315)

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I appreciate the member for Winnipeg Centre's discussion on this. It is an important component, not just about the issue but about the procedure that is taking place here.

I am fortunate to sit on the industry committee where there seems to be more of a working order in place. It is actually chaired well and is respected by members, for the most part. We have our differences, but it functions very well.

I have had the chance as well, though, to sit in substitution for the member for Windsor—Tecumseh at the justice committee in the last session during the government's filibustering of its own committee and basically declaring an end to the committee meeting.

What I would like the member to talk a bit about is the importance of the committees with regard to bringing in witnesses in order to hear the testimony that is necessary to make decisions and the cost of that. It costs thousands of dollars to bring in people from all over the country to get this testimony, which is very important, because committees cannot often travel across the country and it is even more far more expensive to do that. However, it is critical to get a pan-Canada opinion on matters.

When we see this type of undermining by the minister, it really takes away from all the evidence that is presented, because many of the groups that come before committee do so in succession. They look and they listen to the other submissions from people across the different spectrums, whether they are in favour or against a particular issue at committee.

I would like the member to talk about that because there is an incredible cost that taxpayers have to pay. Shenanigans like this from the Conservative Party waste taxpayers' dollars because they require the re-working of things and also they affect, almost like a chain down the order, the other witnesses who are there with a sincere interest to actually promote different issues.

Mr. Pat Martin: Madam Speaker, the point is that a bill or a piece of legislation should be able to succeed or fail on its own merits. If the government was proud of or confident in the merits of its bill, it should be able to survive robust debate and debate that is guided by all the facts and all the information on both sides. That is how we test the mettle of a piece of legislation. If it can survive robust debate from both sides, if it can survive the consultation process and the due diligence of a functional working committee, then it has been tested well and it deserves to come back to the House, and be reported to the House for third reading.

However, to undermine and to deny committee members their ability to do their job in a systematic way speaks to an insecurity of the government. I think the government knows full well that a lot of what it is putting forward is just fluff. It is pure political pablum, to buy votes not to in any way move forward the political life of Canada.

I began my speech, I believe, in a fairly generous tone, by saying that parliamentary committees are the backbone of our democracy and it is a pleasure when they are working well. I am glad that my colleague on the industry committee can say that he is satisfied that his committee functions the way it is meant to.

We used to be able to tell school teachers who brought their classes to Parliament, and were embarrassed by question period, that at least at the committees was where the real work of the people was done. I can no longer say that with any confidence because the committee process has been undermined, diminished and sabotaged by political interference. We are seeing another example of it today.

That is why we should support the amendment of my colleague from Windsor—Tecumseh to refer Bill C-36 back to the justice committee, so that the committee can review the information that the minister has withheld from it, as the committee may want to amend Bill C-36 to make it better.

● (1320)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I wish to split my time with the member for Halifax.

The amendment moved by the member for Windsor—Tecumseh is a very important one, particularly since the information was available and was obtained. In fact, the member for Windsor—Tecumseh was told that the information was actually mailed to his office and the offices of the other critics just in the last couple of days, but that proved not to be correct.

In terms of the length of the murder sentences in other countries, a 1999 international comparison of average time served in custody by an offender given a life sentence for first degree murder showed the average time served in Canada was 28.4 years. That is greater than all the countries that were surveyed, including the United States.

In fact, in New Zealand, the first country on the list, the time served was 11 years. In Scotland it was 11.2 years. In Sweden it was 12 years. In Belgium it was 12.7 years. In Australia it was 14.8 years. In the United States, life sentence with parole was 18.5 years. We see that Canada already has a higher figure at 28.4 years. The countries with the shortest and longest incarceration periods for people serving murder sentences provide points of comparison with Canada.

In New Zealand, prisoners become eligible for release after seven years if sentenced prior to August 1, 1987, or after ten years of sentence after that date, unless the minimum term was imposed by the court. The most recent published statistics covering the period from July 1, 2002 to June 30, 2003 shows that the average number of years served in custody by this class of inmates was 12.1 years.

In the United States, while every state provides for life sentences, there is a broad range of severity and implementation in the statutes. I mentioned earlier today that in the state of Michigan, the governor, who was in favour of the death penalty, changed his mind after numerous cases of wrongful convictions were found. Time goes fast but I think that was in the last seven or eight years.

In the six states of Illinois, Iowa, Louisiana, Maine, Pennsylvania and South Dakota, and in the federal system, all life sentences are imposed without the possibility of parole. Only Alaska provides the possibility of parole for all life sentences. The remaining 43 states have laws that permit sentencing most defendants to life with or without parole.

In the case of life sentences with the possibility of parole, the time that must be served prior to eligibility for release varies greatly from under 10 years in Utah and California to 40 to 50 years in Colorado and Kansas. The median length of time served prior to parole eligibility nationally is in the range of 25 years. However, eligibility does not mean release and we have dealt with that before.

Bill C-36 consists of seven clauses. This section contains discussion of the most important of the clauses that I am dealing with right now. Clause 2 is an addition of subsection 745.01 to the Criminal Code. We are dealing with the different clauses in the bill which we have dealt with in committee.

The amendment basically asks that the bill go back to committee because there was information that was available and which should have been available before the members made their votes on the different amendments known at the committee. They did not have the benefit of the available information at that time. The amendment is in order. It is time to go back and take a look at some of the information.

● (1325)

There were different pieces of information that the member for Windsor—Tecumseh wanted that would have in some way affected his assessment of the bill. He wanted to know the reoffending rate and no specifics were given on that. He wanted information on the ages of the offenders. He wanted information on how often the faint hope clause was used and how often it was granted on the first application. He wanted to know at what age the offenders went into prison and at what age they got out of prison.

The member for Windsor—Tecumseh wanted several other pieces of information that we subsequently found out were available but were not available when members made the decision on the case.

A number of other pieces of information can be dealt with regarding this bill. The bill will not be retroactive. The faint hope regime will continue to apply to those who are currently serving or awaiting sentencing for murder, but it will not be available to those who commit offences once the bill is in force.

For those who are able to make an application for a judicial review, clause 3 imposes a number of additional restrictions. New applications must be made within 90 days of the day on which the offender has served 15 years of his or her sentence or within 90 days of the coming into force of the bill. Repeat applications must be made within 90 days of the fifth anniversary of the last application or the date set by the judge or jury. If no such application is made, or if an applicant is unsuccessful, five years must pass before a fresh application can be made, an increased length of time from the current two year period. The government's intention is to make it more difficult for the faint hope clause to occur for people who would currently qualify for it. The offender will have to apply within 90 days of that date.

Under the new regime, unsuccessful applicants for judicial review will be able to apply twice, once when they become eligible after serving 15 years of his or her sentence and once more at the 20 year mark. Under the current regime, unsuccessful applicants may apply a total of five times, when they have been incarcerated for 15, 17, 19, 21 and 23 years, as long as the further applications are permitted by a judge or a jury.

Clauses 4 and 5 deal with the words “substantial likelihood” to the judge's decision and changes to time periods.

Section 745.61 of the Criminal Code sets out the procedure to be followed by a chief justice or a designated judge of the superior court in determining whether an applicant for judicial review of his or her sentence has shown, on the balance of probabilities, that there is a reasonable prospect that the application will succeed.

Clause 4 of Bill C-36 changes the words “reasonable prospect of success” to “substantial likelihood of success”. Once again, this is a tightening up of the application and the wording. This change in language sets a more stringent requirement for proving the possible success of the application. The words “reasonable prospect” are replaced with “substantial likelihood” in at least four subsections.

Clause 4 changes the amount of time applicants for judicial review must wait before making a second application should they not succeed the first time around. Currently, if the judge determines there is not a reasonable prospect that the application will succeed, he or she may set a time not earlier than two years at or after which another application may be made, or decide that no other such application may be made. This will be amended to extend the period to five years before which another application may be made. Current subsection 745.61(4) states that if the judge sets no time, the applicant may make another application no earlier than two years after the date of the denied application. This default period will also be extended to five years by the provisions of Bill C-36.

● (1330)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, I serve on the justice committee and I think the flavour of the testimony that will not come out in the chamber here as we debate this motion is the testimony of the victims' families who talked to us about the prospect of repetitive requirements, if not legal, then moral requirements to attend, to present and relive the tragic events of their loss.

One aspect of the bill changes the timeframe from every two years to every five years. My friend even said in his remarks that in the 15th year, the 17th year, the 19th year, the 21st year, the 23rd year perhaps, until forever, these victims could relive the horror. Let us face it. Through this process if a person is denied the faint hope at the 15th year, the 17th year, the 19th year and the 21st year, it is very unlikely that person will achieve something in the 23rd year.

Does the member not at least agree, as we did at the committee, that we should take into account the horror for victims in reliving this every two years and that the five year rule is not out of line?

Mr. Jim Maloway: Madam Speaker, the treatment of victims is extremely important for all of us to consider. I have mentioned many, many times that in my home province of Manitoba, 20 years ago in the case of a break-in to a property, the victim could not get much information from the police, could not get much information about the trial date for the accused, could not find out the disposition of the case. The victim was basically left hung out to dry with no counselling services.

Over the years through successive governments, Manitoba brought in a system of victims' rights so that the victim will now know what is the disposition of the case, where the criminal is, whether the criminal is in prison or out of prison. The victim will get counselling to overcome the psychological damage that was caused by the break-in, the hold-up or whatever the criminal act happened to be.

We are very aware that whatever system we develop, whatever mechanism we have for dealing with the justice system, we have to bend over backwards to be sensitive to the victims and their families. We have to make certain that we take all precautions possible to deal with that issue and make sure that people are not dealt with in a negative manner. Certainly, that has been the case in the past and we want to take steps to improve that in the future.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I have heard the member speak twice today about Bill C-36. Clearly he is against the bill and is in favour of the faint hope clause. I am curious as to the relevance of this so-called statistical information that successive members of the NDP have alleged has breached the privilege of one of its members. What relevance does that information have, since it is abundantly clear that all members of the NDP caucus will be voting against Bill C-36 because they like the faint hope clause?

Mr. Jim Maloway: Madam Speaker, the reason the member for Windsor—Tecumseh moved the amendment is very straightforward. Today he gave the chronology of events. He explained that Mr. Head appeared before the committee on November 4 and was not prepared. He was asked a series of questions. I have outlined what the questions were, but I can give them again if the member would like.

This information should have been available to the members of the committee from the very beginning. The fact that the information was supposed to be obtained and given at a later date and was given after the fact is definitely an affront to the committee system, an affront to Parliament and an affront to democracy itself.

● (1335)

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, I thank my colleague from Elmwood—Transcona for the opportunity to share this time during debate.

I wholeheartedly support the motion to send Bill C-36 back to the Standing Committee on Justice and Human Rights, and I hope my colleagues will see fit to support the motion as well.

When the bill was before the justice and human rights committee, Mr. Head of Correctional Service Canada appeared before the committee. He was asked by my colleague, the hon. member for Windsor—Tecumseh, for statistics on who was subject to the faint hope clause on the 25 year eligibility but he was not able to provide that information but agreed to provide the information to the committee at a later date.

My colleague from Windsor—Tecumseh also asked for data on how many people were actually successful on their first application and data on how many people applied a second or third time or more. He also asked Mr. Head for information on victims presenting statements and their attendance at hearings.

Later, my colleague from Abitibi—Témiscamingue asked the commissioner for information on recidivism rates and asked if he could get the information to the committee quickly, within a week. Mr. Head stated that it was possible and that he would undertake to do this. He did hold up his end of the bargain.

However, now we have Bill C-36 before the House at third reading and the committee still has not seen this information from Mr. Head.

We are expected, as elected members of the House of Commons who hold the trust and the faith of our electorate, of our constituents, to vote on Bill C-36 when we do not have this information before us, and when the minister has been withholding this information submitted by Mr. Head, and when the minister has withheld this information from the committee.

I am a new MP in the House and I am just learning the rules and the finer points of procedure of this noble House. However, despite my inexperience with the rules of committee procedure, I know that the fact the committee has been kept in the dark and that information the committee has requested is being withheld from them by the minister's office is just not on.

It is incredible to me that we even need to bring forward this motion. I think Canadians would actually be grateful to my colleague from Windsor—Tecumseh for catching it, for raising it here in the House of Commons and for bringing this motion forward.

It is incredible to hear that the minister received this report on November 16. It is also incredible that a standing committee of this Parliament is having its duty and obligation to carefully review legislation, to make amendments, to explore the strengths and weaknesses of a piece of legislation and to call in expert witnesses and witnesses from the community, interfered with by essentially the minister's office.

Despite my inexperience with parliamentary procedure, I certainly have experience with truth, fairness and justice. I would say that this attempt to keep information from a parliamentary committee is not about truth, justice or fairness. It is an affront to democracy. It is an affront to democracy whether there is a rule in the handbook or not. It is an affront to democracy that the government would meddle in the business of the committee.

Committee work is key to our parliamentary democracy because it is an opportunity for members to sit as a group, as a committee no less, and look at a piece of legislation with a critical eye and to hear from witnesses who have expertise and knowledge on the issue.

I have certainly had my mind changed on certain issues and have come to understand issues better with more nuance, thanks to the incredible testimony of witnesses who can bring a different eye to the legislation.

The committee is a chance for MPs to work together. Believe it or not, sometimes they do work together to better a piece of legislation, to make amendments or sometimes to chuck it right out the window. Sometimes all parties actually agree that a certain piece of legislation cannot go forward and that it needs to be tossed out. This all happens in committee.

● (1340)

When the Canadian Bar Association appeared before the committee, it stated that this bill should not be amended, that it could not be improved and that it should not pass because it was not a good bill, which, in my opinion, was a remarkable thing for the CBA to say.

In an attempt to thoroughly consider this bill, my colleagues from Windsor—Tecumseh and Abitibi—Témiscamingue tried to get the information they needed for this bill from the head of Correctional Service Canada and he complied. The minister, however, will not release the information to the committee, which is an affront to democracy. We really should expect such treatment of democracy by the government.

This summer I, along with the member for Papineau and the member for Saint Boniface, were interviewed by the media for a piece on decorum in the House during question period. We were asked as rookie MPs about our first impressions of Parliament in question period. Although the member for Papineau and I tried to offer constructive criticism, the member for Saint Boniface stated that question period should be cancelled altogether.

Question period is 45 minutes of pure accountability. It is the only time members have to ask the government questions and demand answers about what it is doing. This is what democracy is all about and yet a government member says that question period should be cancelled altogether.

I would note that later on in the article the same member stated that more committee work should happen behind closed doors and in the absence of media. Would that not be great? There would be no media, no record and no opportunity to ask questions.

Hon. Joseph Volpe: Who is the member on the government side who said that?

Ms. Megan Leslie: It was the member for Saint Boniface in answer to a question.

I believe that attitude is an affront to democracy but it is very much in keeping with what the minister's office is doing today, which is denying the committee access to information that is critical for committee members to make reasoned decisions, good decisions and decisions that are actually based on evidence and not just on scaremongering and fear tactics.

I will quote my colleague from Winnipeg Centre when he said that parliamentary committees were the backbone of our democracy. It is imperative that they be allowed to function with all the information they need to make good decisions.

I strongly support the motion by the member for Windsor—Tecumseh to refer Bill C-36 to the Standing Committee on Justice and Human Rights for the purpose of reviewing certain clauses but also possible other amendments that could be made in light of the fact that the office of the Minister of Public Safety has failed to provide the committee with information that it is entitled to receive.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I would have commended the member's speech at third reading to members before we got to this motion.

Before becoming a member of Parliament, I was involved for many years in a shelter for battered women. I noted in committee that the Elizabeth Fry Society gave examples of 10 cases, 6 of which were women who murdered their abusive husbands, and, of those 6, 2 were found to be ineligible for early parole under the faint hope provision. Therefore, four out of the six were eligible based on the circumstances.

I wonder if the member would care to comment on that example or any other example of the kind of case where early parole under section 745 has been granted to indicate that we are not just talking about Clifford Olson.

● (1345)

Ms. Megan Leslie: Madam Speaker, I thank the member for sharing with us some information about what happened at committee and his experience working with women's shelters.

The crux of the issue is that we do not know what is happening and we do not know the numbers. We do not know how many victims may or may not be participating in these hearings. We do not know how many of these are granted on first or second attempt. We do not know what the average actual length of the sentence is. How are we supposed to make a sound decision without knowing all of those things? How are we supposed to make a good solid legislative decision based on the idea that there is something wrong so let us make a decision? It would not be a reasoned decision nor a decision based on evidence.

On the question of victims writing or presenting statements, or actually attending the hearings, my colleague from Windsor—Tecumseh asked in committee whether any data was kept on that. The answer from Mr. Head was, “at the courts, no”. My colleague then asked, “Do you know anybody who keeps data on that”? Mr. Head replied, “I assume they would show up as a victim impact statement at the time of the hearings, so it would be with the courts”. However, we do not have this information. Why would we change legislation when we do not know if the change would actually impact anyone?

With reference to the Olson case, serial killing does not even fall under this. Serial killing is specifically excluded. Therefore, this whole trumpeting of Olson is not even what we are talking about here. It does not even fit within the purview of what Bill C-36 is about.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, a couple of Conservative members, one in particular, have referenced the motives of the member for Windsor—Tecumseh suggesting that this is a delay tactic. The House has twice acknowledged the work of the member for Windsor—Tecumseh as being thorough and also being someone who is very professional and very much a person working with other parties as well.

I would like to ask my colleague about that in the context of this. Is it perhaps that the Conservatives are afraid of this new evidence actually coming to committee and getting full scrutiny by not only committee members, but also the witnesses who could expose some of the weaknesses in their bill?

Ms. Megan Leslie: Madam Speaker, I absolutely agree with my colleague. My colleague from Windsor—Tecumseh knew that this could be an issue. I want to read from the transcript again because this is exactly what he was talking about before we even understood that the minister's office had this information. My colleague asked Mr. Head from Correctional Service Canada, "I'm assuming you're not going to be able to answer this next one, but I'm going to pose it anyway because I think before we vote on this we should have this information". He then goes on to ask the question.

My colleague knew that this was information that we needed to have, whether it was our party, the Bloc, the Liberals or even the Conservatives who needed to have it. The public needs to have this information. It needs to be on the record and the government needs to be accountable to what is actually in that report.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Madam Speaker, like so many other Canadians, I have been following this debate, not only in the House over the course of the last several hours, but over the course of the last several months. All of us are interested in establishing and maintaining the reputation of the country as one that respects the rule of law and has mechanisms in place in order to enforce it and maintain that observance.

We think that the observance of the rule of law as it emanates from legislative bodies like this one is really a hallmark of our civil society. It is one that renders us a truly compassionate and humanitarian society, because it means that we care for each other's well-being and that we take the measures necessary to ensure that that well-being is respected and nurtured by all citizens.

The second thing that has attracted me to this debate is of course the claims that the government is putting forward regarding this particular bill. As a partisan individual but also as a sincere Canadian, I have been looking at the argument that we need to have a tough on crime agenda. There is not anybody I know who does not want to be tough on crime. What everybody wants, though, is an expression of the mechanisms that are in place to ensure that we monitor behaviour, observe the law and observe the mechanisms in order to capture those individuals who fall outside those basic human requirements of observance.

One individual on the street today told me to say the following. We have legislation because we want to keep in check the fact that less than 1% of the population that does not agree with the conventions that we think make us civil with each other. I add that we need to be able to have the rules in place so that we can identify what it is that differentiates that less than 1% from the rest. I take that particular issue here. I realize that those figures were used *grosso modo* in order to project a view.

The government members have a tendency to use this expression very loosely and largely. Every time there is a difficulty in the House with legislation and the parliamentary agenda, out comes the rabbit called the crime and justice agenda. They do not move on it very quickly. These kinds of agenda items and proposals could easily be moved through the House if they were sincere about moving the agenda along and having an intelligent debate.

Through the questions of all opposition members, and I regret to say but not government members, I see a desire to get information so that we can make the appropriate decisions on behalf of Canadians who have entrusted us with being scrupulous about the kinds of conventions that we establish as Canadian law, the kinds of conventions that we indicate are reflective of Canadian values and society and the kinds of conventions that we put down for law enforcement and maintenance, not only in terms of punishment, but in terms of modifying behaviour.

Over the course of this last hour, I have been taken aback that government members have said that we shall not have the information we think we need in order to make the appropriate decision. They have told us to trust them. This is an open society and an open Parliament. Some would say that it is an adversarial environment, but the antagonism inherent in our parliamentary system is designed to ferret out the truth. If the government decides that it will keep the truth away from the prying eyes of the official opposition and other opposition parties, then it is diminishing the value of Parliament and its trust in democracy.

The hon. member for Halifax, who is a new member in the House, said that she thinks she is entitled to have information in order to make an intelligent decision. It is almost shameful that she would have to say it, but I applaud her for doing it. What did she ask for? I noted her questions. She kept saying "we have" or "we need". I was not sure whether she was using the royal we on behalf of the government or the opposition.

● (1350)

Of course the royal we, the government, already has all the information that the member for Halifax wants shared with all committee members, that she wants shared by all parliamentarians. The royal we has that information and unfortunately, the royal we, the government, is withholding that information from the prying eyes of opposition members. What is it afraid of?

I noted that with great eloquence, my colleague from Mississauga South said, "Look, just answer the following questions". They have been asked in committee as well. For example, how often has this faint hope clause been utilized in the last 10 years? Surely the government has that information. Surely the information gives the basis, the premise upon which the government is basing Bill C-36, and they may well be right, but at least share them with us.

We are thinking men and women and we can make an analysis on behalf of Canadians, the way all parliamentarians are expected to do so. We need to know how many times and how many people apply at the very first opportunity to have section 745 applied to them. How many times has that happened? Surely that is not offensive information. Surely that should not compromise national security. Surely that will not compromise the value of fairness that all Canadians expect to be shared among Canadians.

We need them to tell us how many times this first request has been granted. Surely the information is available. We are not flying by the seat of our pants, collectively. The government might be, but surely members of Parliament are not in the habit of doing that. At least it has not been my practice. From what I have seen in the last 21 years in this place, members of Parliament want to know the facts. They want to apply the facts and they want to have those facts tested against the scrutiny of other people's criticisms. That is why we get elected to this place. We do it not for ourselves. We do it for all those Canadians who are either in the seats or in front of the television, or reading and watching the criticisms as they develop in the debate.

I sometimes wonder whether the government is actually interested in debate. Certainly it does not appear to have an interest in sharing facts that it has already collected, so when colleagues here wonder why we are not privy to the same information that the government says is absolutely crucial in order to understand the impact of these bills, such as Bill C-36, I think that is an offence against parliamentarians. It is an offence against Parliament and it denigrates the concept of democracy.

Why? It is because all those who believe in democracy are not afraid of sharing the facts, because the facts give us an opportunity to rally around what we will define as truth, and that truth is that which encapsulates all of those Canadian values that are held up as a standard around the world. We do not give ourselves an opportunity to do that and we allow the government, in its own rather retrograde way, to say, “We make the decisions. To heck with the rest of you”.

That is not right. It is not parliamentary. It is not democratic.

Why will it not give us some of the basic facts that it already has? For example, it wants to paint everybody with the same brush. Why not give us the gender and the ages of all of those people who might be eligible for application of section 745?

We are not talking about those who are going to be given the faint hope. The process is very elaborate. It is very rarely applied. Why scare everybody into thinking that the process itself is wrong and therefore everybody who is in jail already is absolutely condemned to be there forever?

We believe in punishment. We do not believe that any crime should go unpunished. None of us in the opposition, from what I can tell, would suggest that the laws should be scoffed at. No, what we need to do is have an understanding of the balance between retribution and reform, between final punishment and an opportunity to change behaviour, but we want to make an intelligent decision. We need to know, for example, what the recidivism rate is of those who apply under this section.

● (1355)

The government has that information. Why will it not share it? Why is it so privileged that it cannot justify its own legislation with the facts? The government is afraid that people will actually think that it might be wrong, and that can only happen if there is a proper debate. I do not think the government should shut it down.

The Acting Speaker (Ms. Denise Savoie): Order, please.

The hon. member will have a period of five minutes for questions and comments.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

UKRAINIAN FAMINE

Mr. Mark Warawa (Langley, CPC): Madam Speaker, this week marks the solemn anniversary of the Ukrainian famine of the 1930s, also known as Holodomor.

Approximately 10 million Ukrainians died from starvation and disease between 1932 and 1933, due to the genocidal policies of Joseph Stalin and the former Soviet Union. At the peak of the famine, 25,000 people were dying from hunger each day, with children making up to one-third of those who perished.

The unimaginable suffering of millions of Ukrainians was one of the worst atrocities of the 20th century.

Since 2003 Canada has joined with the country of Ukraine to remember the genocide.

I invite all members in the House to join me and the Ukrainian ambassador tonight at 6 p.m. in room 200 of the West Block to pay our respects to those who died during Holodomor.

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EID AL-ADHA

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Madam Speaker, this Friday Canadians will be celebrating Eid al-Adha. In Newton—North Delta there will be a food collection in the spirit of giving and sacrifice so central to the real meaning of this day.

The prayers that will take place at the Surrey Jamia Masjid, the Grand Taj Banquet Hall, and the Crystal Banquet Hall and other locations on Friday represent more than just a gathering of those who share faith. It is also a celebration of true community spirit.

I commend the efforts of all of my constituents who give so much of themselves to make the celebrations of this day such a success this year and every year.

I urge all members of the House here today to join me in wishing all Canadians a very happy Eid al-Adha.

[*Translation*]

LE CARREFOUR DE GATINEAU COMPOSITE SCHOOL

Mr. Richard Nadeau (Gatineau, BQ): Madam Speaker, Le Carrefour de Gatineau, a composite school, is celebrating its 35th anniversary. As part of the celebrations, students will see the results of a project to green the yard in front of their school. The people behind this ambitious project, Lise Lorrain-Janvier, a social work technician, and Maxime Bruchési, a student at the school, have spent nearly two years working on it, with the help of volunteers and friends.

Le Carrefour is a dynamic school where every teacher and every member of the administration is committed to equipping young people for adulthood. It is a school where innovative projects and initiatives are encouraged and supported by the whole school community.

The Bloc Québécois joins me in congratulating the members of the administration, the teachers, the volunteers and the students and wishing them a happy 35th anniversary.

* * *

[*English*]

KAPYONG BARRACKS

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, Kapyong Barracks is a former military base in Winnipeg that has sat idle and empty since 2004.

In spite of the base being prime real estate and in spite of a terrible shortage of affordable housing, 350 permanent married quarters there have been maintained and heated for five long winters and are sitting empty, likely the largest waste of urban landscape in the country.

Under treaty land entitlement provisions, first nations have a legal first option to purchase properties that are declared surplus by the federal government. At the very least, the government must consult with first nations before surplus property is sold.

Private developers are salivating over this prime property, but I call upon the Government of Canada to uphold the honour of the Crown and to stop the delaying tactics and legal appeals designed to deny Treaty No. 1 first nations their legal right to access this important economic development opportunity. This land should be developed by the first nations that are signatory to Treaty No. 1, and it should happen without delay, foot-dragging and stalling by the federal government.

* * *

FIRE CHIEF OF THE YEAR

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, I rise in the House today to congratulate, on behalf of all members of the House, an honoured servant of the people of Prince Albert.

On September 23 of this year, Prince Albert Fire Chief Les Karpluk was chosen Fire Chief of the Year by the Canadian Association of Fire Chiefs.

Les, a firefighter for the past 27 years, has served as Prince Albert's fire chief since 2006.

Local civic and union leaders have credited Les' leadership in founding the fire mentorship program, a program in which underprivileged youth are partnered with firefighters to teach them the values of teamwork, trust, safety and family. This is just one example of Les' passionate commitment to improving the lives of the people of Prince Albert.

In receiving this award, Les commented that he feels like the Stanley Cup champion of fire chiefs.

On behalf of my constituents, I congratulate Les on bringing home his Stanley Cup.

* * *

● (1405)

GLADYS WINIFRED FOWLER

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, as members of Parliament, we often battle and occasionally agree. As individuals, we often give great speeches and sometimes act with human kindness, but rarely do we act in a selfless fashion.

Rare then was it for a member to reach back over 90 years to a graveyard in England, requesting repatriation of Canadian to a Conservative riding far away from his Toronto constituency. However, that is what the member for York South—Weston did.

The member lobbied hard and got cooperation from all sources so that on November 8, he and I, and the members for Saint John and Fundy Royal, witnessed the reburial of Gladys Winifred Fowler in Hammondvale, New Brunswick.

The daughter of a deceased New Brunswick MP, George Fowler, she died in London in 1917 of a heart ailment. Her father was then serving Canada in the World War I. Her coffin lay unnoticed in a catacomb in London for 92 years until it was discovered by undertaker Barry Smith.

Efforts to repatriate Fowler's remains sparked interest all over Canada and the world. The member for York South—Weston was at the forefront of those efforts.

Bravo to that member, a great comrade, a great parliamentarian and a great Canadian.

* * *

SKATE CANADA INTERNATIONAL COMPETITION

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, today I have great news. Scott Moir and Tessa Virtue, a dynamic young skating couple who made their beginning in Ilderton in my riding of Lambton—Kent—Middlesex, have done it again. These two amazing young people just captured another gold medal at Skate Canada's recent international competition.

Scott and Tessa continue to amaze the skating world with their speed, their precision and their splendid choreography. Scott and Tessa are creative innovators who incorporate their very own and intricate free dance elements, not the least of which is a cranked up version of a straight lift called “the goose”.

This incredible young duo are on their way to the Vancouver Olympics, as well as on their way to winning the gold.

I know that all members of this House and the people in my riding of Lambton—Kent—Middlesex wish Scott and Tessa every success in their quest for gold at the Olympics in Vancouver in February 2010.

* * *

[*Translation*]

WOMEN AND POLITICS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, for 10 years, Élaine Hémond, a former journalist, resident of the Quebec City area and founder of the Groupe Femmes, Politique et Démocratie, has been calling on women to become more involved in politics and public life. She is known in her community as a determined and passionate woman, a visionary who brings people together. It was because of the efforts of her group that a school to inform and help women who want to get into politics was founded.

We have seen clear gains in terms of the representation of women in the most recent municipal elections. Of all these victories by women, the Bloc Québécois would particularly like to mention that of one of its former fellow members, Caroline Saint-Hilaire, whose determination, passion and integrity helped her to win the office of mayor of Longueuil, the fifth largest city in Quebec.

A number of challenges await her in her mandate and my colleagues in the Bloc Québécois join me in wishing her good luck.

Congratulations also to Élaine Hémond, who in her own way has helped to ensure that more and more women run for office.

* * *

[*English*]

CHILD PORNOGRAPHY

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, our government remains committed to protecting Canadians, particularly our children, from crimes being committed in today's technological environment.

Child pornography is an appalling crime and should not be tolerated under any circumstances.

Today, the Minister of Justice announced legislation to make it mandatory for Internet service providers to report any tips they receive regarding incidents of Internet child pornography.

While we recognize the efforts of major Internet service providers at voluntarily reporting, this legislation will strengthen our ability to protect children from sexual exploitation.

Canadians can count on the government and the Prime Minister to stand up for the rights of victims and law-abiding citizens.

* * *

CONSERVATIVE PARTY OF CANADA

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, the Conservatives continue to negatively stereotype Atlantic Canadians and to attack the unemployed.

The Prime Minister said Atlantic Canadians have a "can't-do attitude" and "a culture of defeat".

Then the human resources minister said she did not want to "make it lucrative for"—the unemployed—"to stay at home and get paid for it".

Now the member for South Shore—St. Margaret's refers to "all those no-good bastards sitting on the sidewalk in Halifax that can't get work".

● (1410)

The Speaker: Order, please.

I do not care if it is a quote or not, but members cannot do directly what they cannot do indirectly. We can find many quotes that contain all kinds of unparliamentary expressions that cannot be used in the House. I caution the hon. member to refrain from the use of unparliamentary language.

Hon. Scott Brison: I agree, Mr. Speaker, it is a despicable word to use anywhere to describe Atlantic Canadians who are suffering.

There is an unemployment rate of 9.3% in Atlantic Canada. Not only is the member attacking the unemployed, but when he says "sitting on the street", he is attacking the homeless, many of whom suffer from mental health issues, including addiction.

The ill and destitute need our compassion and our help, but this government cut literacy funding and has done nothing to help the homeless.

When will the Conservatives stop attacking the people who need help the most? When will they stop kicking people when they are down?

* * *

THE ECONOMY

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Mr. Speaker, our government is focused on helping with what matters to Canadians: helping them and their families weather the global economic downturn.

Our economic action plan is working. The extra five weeks of EI is providing much needed support to over 395,000 Canadians to date. The enhanced work-sharing program is currently protecting the jobs of over 165,000 Canadians. Unprecedented investments in training are helping Canadians receive the skills they need to enter a new career.

We recently passed legislation to provide long-tenured workers five to twenty additional weeks of EI. Cheques have already started to be delivered. We also recently introduced legislation to provide access to special benefits for self-employed Canadians for the first time in history.

While the opposition talks, Canadian families can count on our Conservative government to take action.

Statements by Members

POST-SECONDARY EDUCATION

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, at a time when young people are facing some of the most difficult economic times, we need action to support them. We need national leadership when it comes to post-secondary education.

Instead of leadership, past Liberal governments and the current Conservative government have helped place a heavier burden on students.

What can be done? We need to start by listening. Student leaders from my home province of Manitoba, Jonny Sopotiuk and Stephen Montague with the Canadian Federation of Students and leaders from across the country have made it clear: We need action.

We need a post-secondary act directing transfer payments to our provinces with the goal of making education more accessible and strengthening the work at our institutions. The NDP is continuing to call for this. Why not show leadership in our post-secondary system the way we show it in health? We need to invest in making our education more affordable and more accessible.

Canada's youth face impossible situations: war, climate change, a difficult economy. They are counting on this government for action. Let us not let them down.

* * *

JUSTICE

Ms. Dona Cadman (Surrey North, CPC): Mr. Speaker, after 13 years of Liberal inaction, Canadians finally have a government that is standing up for victims and law-abiding citizens. This government has made victims of crime a priority, and we have committed to making our streets and communities safer.

We are tackling organized crime with our drug bill. We are cracking down on identity theft and auto theft. We are ending credit for time served. We are eliminating the faint hope clause. We are ending house arrest for serious crimes. We are cracking down on white collar criminals. We are ending sentence discounts for multiple murderers. We are helping to protect children from Internet sexual predators.

We are standing up for victims of crime and putting the rights of law-abiding citizens ahead of those of criminals. I only hope the Liberal leader will, for once, stand up for victims in this country by ensuring these bills get passed.

Canadians can count on the Prime Minister to stand up for the rights of victims and law-abiding citizens.

* * *

[*Translation*]

MALALAI JOYA

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, the arrival in Montreal this week of Malalai Joya, the former Afghan parliamentarian who was expelled from Afghanistan's parliament, reveals the rampant corruption that undermines the country's entire political system.

Ms. Joya, who is only 31 years old and was elected to the Afghan parliament in 2005, was expelled from the legislative assembly with misogynous insults and threats because she dared to denounce the collusion among elected officials, war criminals and drug traffickers, some of whom are ensconced in the most senior levels of government. Since then she has constantly had to change residences and be accompanied by body guards.

The facts documented and raised by Ms. Joya are very disturbing and worrisome for all western governments and NGOs in Afghanistan. For that reason, we should pay special attention to them and they should never be simply dismissed.

Ms. Joya is a symbol of integrity and courage for all of us.

* * *

● (1415)

[*English*]

POVERTY

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, today marks the anniversary of the 1989 parliamentary motion to eliminate child poverty by 2000. That goal was not reached, so where do we go from here?

Thanks to Campaign 2000 and its partners, the House adopted a new resolution today. It is missing specific targets, but it is a start. The human resources committee continues its study on a poverty reduction strategy, but the federal government has refused a recommendation from the UN Human Rights Council that Canada needs a national strategy to eliminate poverty. The government said no to that. That is not acceptable.

Other countries have successfully reduced poverty, six provinces have poverty reduction plans, and we have vehicles like the child tax benefit and GIS that are proven to reduce poverty. We just need to make them more robust.

Canada is a fortunate land, but that good fortune is far from equally shared. Poverty is not inevitable and it can be eliminated. What it requires is political will. On this day we need to recognize where we fell short, commit to a new goal, and develop a strategy to reach it.

* * *

[*Translation*]

CHILD PORNOGRAPHY

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, in a world where technology is evolving every day, our government is taking action to protect Canadians, and more specifically, our children, against computer crimes.

Child pornography is a crime that should not be tolerated under any circumstances.

Today, our Minister of Justice announced a bill that would require suppliers of Internet services to report any information they receive concerning Internet child pornography cases. This bill will help us better protect our children from sexual exploitation.

Everyone knows that, on justice issues, Liberal and Bloc members too often defend the rights of criminals over the rights of victims. What will they do about the child pornography bill?

Fortunately, Quebeckers know that they can count on our Prime Minister, our government and the Conservative members from Quebec to defend the rights of victims and honest citizens.

ROUTINE PROCEEDINGS

[*Translation*]

NEW MEMBER

The Speaker: I have the honour to inform the House that the Clerk of the House has received from the Chief Electoral Officer a certificate of the election and return of Mr. Daniel Paillé, member for the electoral district of Hochelaga.

* * *

NEW MEMBER INTRODUCED

Mr. Daniel Paillé, member for the electoral district of Hochelaga, introduced by Mr. Gilles Duceppe and Mr. Michel Guimond.

ORAL QUESTIONS

[*English*]

AFGHANISTAN

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, between January 2006 and May 2007 there was a cascade of reports about torture in Afghan jails, especially from reputable Canadian officials like Richard Colvin. It defies belief that this information never reached the Prime Minister. How can anyone believe that the Prime Minister did not himself know about torture in Afghan jails and the risk that detainees transferred there would be tortured, and if that is so, how can he possibly justify his failure to act for those crucial 18 months?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, everybody knows that there are widespread allegations. The Taliban make allegations in every case. We know that. The fact of the matter is that whenever Canadian diplomats or Canadian military officials have concrete evidence, have substantial evidence of any kind of abuse, they take appropriate action. That is what they have done in these cases.

● (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the credible allegations were made and no action was taken.

The question is whether the government will now make available to the parliamentary inquiry the documents that it needs in order to get to the bottom of this affair. Why is it, if the government is so sure that no detainee transferred by Canada was ever abused in an Afghan jail, it will not supply the documentary evidence to prove its case before a parliamentary committee?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the hon. leader alleges there was abuse and then says he does not have the documentation to prove it. The fact of the matter is

the government has and will continue to make all legally available information available. The parliamentary committee has a request of a number of people to give testimony. I hope the committee, if it is serious, will hear testimony from all who want to testify.

[*Translation*]

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, we cannot have relevant testimony without documents. The government documents on torture constitute extremely important evidence. Yesterday the Minister of National Defence promised to hand them over. Today he is retreating into secrecy.

Why is the government refusing to let the parliamentary committee get to the bottom of this affair? Why is the government so afraid of what will be found in those crucial documents?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government will make available all the documents it can. If the parliamentary committee is serious and this is not just a political game, it should hear testimony from all those who want to testify before the committee.

[*English*]

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, if the Conservatives are willing to table all key documents relating to allegations of torture as far back as May 2006 and 2007, we are ready to hear at committee any witnesses who wish to come forward. They are withholding key documentary evidence. Without this evidence, the committee cannot do its job and properly question witnesses.

In keeping with the promise he made yesterday, will the Minister of National Defence table all documentary evidence in this matter in the House? After all, some of it has already been provided to third parties in redacted form.

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as the Prime Minister has just said, all documents that are legally required will be disclosed. We have been doing that. We continue to do that.

I want to point out that the Leader of the Opposition has just said that without those documents the committee cannot hear from witnesses. We have heard from exactly two sets of witnesses and three days of testimony. There was absolutely no qualifications on that testimony previously. I am hopeful that we will see all witnesses who want to come forward have the ability to testify, and we will not see this partisan attempt to block testimony.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the Conservatives are not just withholding documentary evidence, they also sent a letter from the justice department telling 28 public officials to keep quiet or face possible consequences. The only official to defy the threats in that letter was Richard Colvin and he has been publicly smeared by the Conservatives for speaking out.

Will the Minister of Justice table this letter and any other letters sent by his department relating to this issue? Will all of his cabinet colleagues do the same? Will they now produce all their documentary evidence in the House?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, again, all documents legally required by the government to be disclosed will be disclosed. That is what we have done and that is what we will continue to do.

I want to draw attention to the fact that it is curious the opposition members are refusing to hear from a senior member of the public service who has actually been named by another witness. They appear reluctant to have this individual give his testimony. This seems to run completely contrary to the argument that they want to get to the bottom of the matter.

This individual has gone to great lengths to be here and to make himself available. I hope those members will not block testimony from an impartial individual who has knowledge about this issue.

● (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of National Defence made a clear promise yesterday in the House to table all the documents, memoranda and reports concerning the allegations of torture of Afghan detainees. Tomorrow, the Special Committee on the Mission in Afghanistan plans to hear important witnesses. To do their job properly, the committee members must have the documents the Minister of National Defence promised to provide.

Instead of continuing to ignore the allegations that Afghan detainees were tortured, will the Prime Minister show transparency and table all the relevant documents now, including the 18 memoranda written by Mr. Colvin?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has already answered that question. There are people who want to testify before the parliamentary committee. If the committee is serious, then it has a responsibility to hear these people who want to testify.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the committee will hear witnesses when it has uncensored documents. The members do not want censored documents that start with "Mr. Minister" and end with "thank you", with nothing in between. They want to know what happened.

Moreover, in 2006, a meeting took place at the Privy Council Office concerning the governor of Kandahar's involvement in the issue of tortured Afghan detainees. Will the Prime Minister confirm that such a meeting did take place? If so, will he admit that he was personally informed of the allegations of torture as early as December 2006?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, if I understood the question correctly, my answer is that I never had any discussion with the governor of Kandahar about this issue.

Once again, if the Bloc and the opposition parties are serious about this issue and if it is more than a political game to them, they should hear testimony from the people who have information and want to tell their stories.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Minister of National Defence confirmed that the transfer of detainees to Afghan authorities has been halted three times since the agreement was signed. We know that detainees were transferred between 2002 and 2007 under an agreement that the Conservative government has called inadequate.

Will the government acknowledge that although there are still concerns about the safety of prisoners transferred under the current agreement, the situation was even more worrisome before and that, therefore, the government failed to fulfill its international obligations?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as has been stated numerous times in the House, two and half years ago we did improve upon a transfer arrangement that allowed for operational pauses. The Afghan officials were not living up to the expectations and were not complying in this instance. One of those occurred when we were not given the unfettered access.

We have improved upon that system. We now have rigorous checks and balances that allow Canadian officials to go into prisons and to track Taliban prisoners who have been transferred by Canadian Forces. We have improved upon that. When we are satisfied with the provisions being met, then the transfers will of course begin again.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the government has halted the transfer of detainees three times this year because there was a risk of torture. The problem is that hundreds of other detainees were already in the Afghan authorities' hands when the transfers were halted.

How does halting transfers protect detainees who have already been transferred by the Canadian Forces to Afghan authorities?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, I have a few points of correction. These are operational decisions taken on the ground by commanders, as was indicated by Chief of Defence Staff Walt Natynczyk. We know the transfer arrangement works much better now because we have more access. We have more ability to have eyes on inside the Afghan prisons. Numerous officials from the Department of Foreign Affairs to Public Safety now have that ability.

It is an improved transfer arrangement. We know it works. We know it is in place to protect human rights, and we are proud of that arrangement.

POVERTY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, 20 years ago today in this chamber, NDP leader Ed Broadbent moved a motion to eradicate child poverty and it was passed unanimously by the House of Commons.

Here we are in 2009 and yet we have one in ten children in Canada living in poverty, one out of four aboriginal children. Many provinces are taking action to bring forward poverty eradication plans. Just earlier today in this chamber even the Conservatives voted in favour of our motion to eradicate child poverty.

Was the vote meaningful? Will the Prime Minister tell us if he is committed to eradicating child poverty?

● (1430)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, no one is for child poverty. Under this government, we are spending three times more than our predecessors on early childhood learning, child care and education.

When I look at the number of initiatives we have taken, what is interesting is in almost every case the NDP has voted against these things. I hope the NDP will go back to the days of Ed Broadbent and actually stand with us on some of these matters.

* * *

AFGHANISTAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the torture issue is turning into a complete fiasco for the Conservatives. While the Prime Minister is busy holding photo opportunities that could easily have been scheduled at other times, he is abandoning any pretense of caring about this issue or that Canada may have been in the past and may still be violating Geneva Convention rules.

The NDP's call for an inquiry into this matter has many supporters now, including Amnesty International today. Why will the Prime Minister not agree to our call for a public inquiry to get to the bottom of this whole matter?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, appropriate action has been taken on all these matters, and in some cases taken years ago.

Once again, if the NDP and the other opposition parties are at all serious about getting to the truth, they will actually hear from those who want to testify before the parliamentary committee. There are a number; let them be heard. What is the opposition afraid of, other than the truth?

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the problem is that the Conservatives refuse to be transparent on this. The Conservatives want so badly to keep everything secret that they do not inform the Red Cross when detainees are transferred. Just because the Liberals did the same thing in 2002, that does not mean the Conservatives should repeat those mistakes.

Can the Prime Minister at least admit that there is torture in Afghan prisons? It is a simple question.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government took steps to improve the transfer of information to the Red Cross in 2006.

[*English*]

In 2006 we made that change. In 2007 officials of the Department of Foreign Affairs negotiated an entire new transfer arrangement with the government of Afghanistan, two and a half years ago.

In every instance, Canadian diplomats and Canadian soldiers, whenever they are aware of abuse, take the action they are required to take under international law because that is how our country acts. We are proud of those people.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, Richard Colvin is one of those diplomats of whom we are proud.

What did Allan Cutler, former whistleblower and Conservative candidate, have to say yesterday when asked about Richard Colvin? "His career is dead. He doesn't have a career. He's never going to recover from this, never".

The government's smear campaign against Colvin is a blatant attempt to intimidate other witnesses from coming forward and corroborating Colvin's testimony. Why is the Conservative government so relentless in its cover-up?

Hon. Vic Toews (President of the Treasury Board, CPC): Mr. Speaker, perhaps Mr. Cutler was speaking in respect of his experience with the former Liberal government.

Our government is committed to ensuring that employees feel safe to raise concerns honestly and openly about wrongdoing. That is why we strengthened protection for whistleblowers under the Federal Accountability Act and brought into force the Public Servants Disclosure Protection Act.

This witness has the protection of that act. This government is proud that we brought in this protection, which that government refused to bring in.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, Allan Cutler also said yesterday that the Conservative Party, the party for which he was a candidate, "never listens to the message. They attack the messenger. Nothing has changed".

Why should Canadians trust that Conservative Prime Minister and his government when they continue to hide the truth, cover up and put the muzzle on anyone else who wishes to come forward and corroborate Colvin's testimony?

● (1435)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the diplomat in question, as everyone knows, has a right to his opinion and has given his opinion. We also know that a large number of his colleagues do not agree with those opinions. They have asked for their right to speak, so I encourage the opposition not to muzzle them.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, let us be clear. No witness will ever be blocked by the Liberal Party or the Liberal caucus with respect to documents. That is not the issue.

At the same time, we need the minutes of the cabinet committee leading up to the change in 2007. We need the memos of Richard Colvin. We need the memos of those in response to Richard Colvin. We need the human rights reports of the Department of Foreign Affairs with respect to Afghanistan.

Could he not commit today to doing what his colleague, the Minister of National Defence, said yesterday and commit to releasing those documents to the committee?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as has been stated many times, we will release all documents legally obliged to do so.

What is interesting is these qualifications that are now being put in place by members opposite. These aspersions that are being now cast upon individuals who want to come forward and testify, somehow suggesting that they are partisan.

Here is what Mr. Paul Chapin, an individual who is non-partisan and someone who is a respected public servant, had to say:

> Colvin's charge is not that there was general torture going on. His charge is that we, Canada, knowingly turned over people to be tortured. And that's irresponsible because he has no hard evidence for that.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, it is the government that is in charge of all the documents. It is the government that has the documents and reports that go to committee or cabinet. It is the government that controls all the information, and so far, it is the government that is refusing to share information and clearly say that, as a government, it is committed to disclosing the whole truth on the situation. It is the government's responsibility to do so.

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, it is the responsibility of the opposition and, in fact, the responsibility of the committee to hear from witnesses who have relevant information to place before the committee, particularly when they have been invited to come and testify, when they have indicated their willingness to come and testify and when their names have been impugned. For members of the opposition to cast aspersions on that person and suggest that somehow the person is partisan is hypocritical.

The words, the hot breath of the member opposite is dripping with hypocrisy in suggesting they will not let the member testify.

* * *

[*Translation*]

CLIMATE CHANGE

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the federal government's goal of a 3% reduction in greenhouse gas emissions is totally irresponsible, especially since it is not backed by a credible and rigorous plan. By voting for the Bloc Québécois motion, a majority of parliamentarians will be asking that the Conservative government stop undermining the Copenhagen negotiations and will be demanding an ambitious plan. Even the United States is saying that it is prepared to propose greenhouse gas reduction targets.

Will the government respect democracy and comply with the House's vote?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we have a strategy. For example, our government is a major player in Quebec. We provided $350 million for Quebec's green plan. As Premier Charest said in February 2007, the federal contribution will allow Quebec to attain its objectives.

We have always played our part and the Bloc should support our efforts.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the minister should have listened to Quebec's premier. He gave the federal government a lesson yesterday. That is the reality.

By choosing 2006 as the reference year, the government is refusing to recognize the efforts made by Quebec between 1990 and 2006. Aluminum producers reduced greenhouse gas emissions by 15% and manufacturing industries by 24%. And yet the federal government refuses to give Quebec credits for past efforts.

Is that not further proof that the government is defending the oil companies instead of Quebec's manufacturing industry?

● (1440)

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, that is not the case. I salute Quebec's efforts. The Bloc should congratulate us for having supported Quebec's efforts. For example the $350 million was more than Quebec and even the Bloc had asked for. It was not the Bloc that helped Quebec; it was our government.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, the federal government is undermining work in Copenhagen, and this could have some serious consequences for Quebec. While President Sarkozy regularly mentions the possibility of creating a carbon tax, and the WTO says that it would be legal under certain conditions, Quebec could end up being the victim of the federal government's inaction.

Does the government realize that by thinking only of the interests of Alberta oil companies, it is sacrificing the economic and environmental interests of Quebec?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we will defend the interests of Canada. Emerging countries, primarily China and India, will be responsible for 97% of future increases in emissions. That is why developed countries are asking for the next agreement to include all emitters.

Our government is sending the best team of negotiators to the table in Copenhagen to ensure that the next treaty truly reduces greenhouse gas emissions, and that Canada's interests are protected.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, the federal government will defend the economic interests of Alberta oil companies in Copenhagen. These interests go against the interests of Quebec, which is prepared to do its part in the fight against climate change. Because of federal dogma, Canada will have only one voice in Copenhagen.

Will the government acknowledge that when Canada speaks with a single voice, this voice excludes Quebec?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, Canada will speak with a single voice. Canada is so respected at the Copenhagen negotiation table that it was invited to the last meeting in Copenhagen with the other international ministers. The Government of Canada and its negotiators are well known for their constructive work. Their goal is to sign an agreement that is in the best interests of Canadians.

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ELECTION EXPENSES

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, yesterday, in the Federal Court, the Conservative Government stated that Elections Canada does not have the power to demand additional documentation when the information provided raises doubts. That is exactly what raised suspicion about the in and out scandal, the Conservatives' strategy for getting around election expense limits.

Will the Minister of Justice tell us how many millions of taxpayers' dollars the Conservatives are wasting to intimidate Elections Canada?

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Two elections ago, Mr. Speaker, Conservative candidates spent Conservative funds on Conservative advertising. The national campaign transferred funds to local candidates. How did Elections Canada find out about it? We told them, and why would we not? After all, it is legal and all the parties do it.

They singled us out and we took them to court, but the Canadian people knew all of these facts when they went into the last election and they gave us more votes and more seats.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the court case the Conservatives launched is nothing more than a political ploy to delay the election commissioner's investigation and it has cost taxpayers well over $1 million. The justice minister knows that electoral fraud is illegal. Conspiracy to commit fraud is criminal, and exceeding election spending limits is also illegal.

Are obstructing investigations and weakening Elections Canada part of the Prime Minister's commitment to electoral reform, or does accountability only apply to non-Conservatives?

● (1445)

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, two elections ago Conservative candidates spent Conservative funds on Conservative advertising. The national campaign transferred funds to local candidates. How did Elections Canada find out about it? We told Elections Canada, and why would we not? After all, it is perfectly legal and all parties do it. However, Elections Canada singled us out so we took it to court.

Canadians knew all of these facts in the last election when they re-elected us with more votes and more seats.

[*Translation*]

POLITICAL PARTY FINANCING

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, Senator Housakos organized the Conservative Party fundraiser held on May 20, during which decision makers and service providers rubbed shoulders. Among those in attendance were representatives of Senator Housakos' employer, BPR.

The fact that these parties signed a contract shortly after the event strongly suggests conflict of interest.

What steps have the Conservatives taken to ensure that the senator was not in conflict of interest with any federal department or agency?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, our government is tremendously concerned about political financing. That is why the very first piece of legislation we brought before this House was a bill to ban all corporate donations to political parties. We also banned all unions from donating to political parties. We reduced the maximum amount from $5,000. The Liberal Party loved its $5,000 cocktail parties. We reduced that to $1,000.

We have brought in more political finance reform than any government in history. We have cleaned up the mess. We have cleaned out the barn that we discovered from the previous Liberal government.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the minister did not answer my question.

Have the Conservatives taken steps to prevent Senator Housakos from being in conflict of interest again, yes or no? If they have not, is that because they prefer to turn a blind eye?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, again the member for Hull—Aylmer comes forward with a question that I can only call fact-free.

If the member has any serious allegations or any allegations whatsoever based on any facts, he should put them before the House. More so, he should have the courage of his convictions to go outside this place and repeat them.

* * *

ROYAL CANADIAN MINT

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, during these tough economic times Canadians are focused on ensuring they are careful with every penny. Canadians expect the same from their crown corporations, which is why there has been concern over reports of theft from the Royal Canadian Mint.

Could the Minister of State for Transport please give the House an update as to the ongoing investigation of missing gold from the mint?

Hon. Rob Merrifield (Minister of State (Transport), CPC): Mr. Speaker, the government takes very seriously the matter of the mint not being able to account for some of its gold. That is why we brought in the RCMP to do a thorough investigation to see if there was any possibility of theft. I can announce to the House at this time that the RCMP has concluded its investigation and there was no theft from the mint.

An external review that has gone on provides an explanation regarding the gold that is unaccounted for. That review is currently in the hands of the Auditor General for her validation.

* * *

EMPLOYMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, it was reported today that the member for South Shore—St. Margaret's referred to the hardest hit in my riding as "those no-good bastards sitting on the sidewalk in Halifax".

The member's comments are inexcusable—

The Speaker: Order. I have interrupted one hon. member on this point today already and said that the use of this word is not proper. I would urge the member for Halifax to avoid doing something she could not do otherwise by using the word in a quote. I have done this once already today. I hope it will not be necessary a third time.

The hon. member for Halifax.

Ms. Megan Leslie: It is unparliamentary, Mr. Speaker, and I am glad that you agree.

The government has offered only the most grudging support to the unemployed. It just cannot stop its true colours from shining through.

My question is for the Prime Minister. What is he going to do to convince the people of Halifax that he does not endorse the member's remarks?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as you pointed out, things happened earlier today. The member for South Shore—St. Margaret's made a sincere and complete apology for his remarks.

Let us move on. Let us look at what we are doing to help those who have been unfortunate enough to lose their jobs in this global recession. We are offering unprecedented training to them. We are offering unprecedented economic supports while they look for new work.

We have provided numerous things to help those unfortunate enough to be unemployed. Unfortunately, opposition members in the NDP have not supported those moves.

● (1450)

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, an empty apology just will not cut it, because the member's comments are more reflective of the government's opinion than is his apology. After all, the Minister of Human Resources and Skills Development once said:

> We do not want to make EI lucrative for [the unemployed] to stay home and get paid for it.

During this recession alone, tens of thousands of Canadians have been thrown out of work, and families from coast to coast to coast are being forced out of their homes. Where are hard-hit Canadians supposed to turn when their own government clearly thinks so little of them?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, this government is the one that brought in an additional five weeks of EI benefits for everyone across the country. We enhanced the work-sharing program, extending it and making it easier to get into. It is now protecting some 165,000 Canadian jobs. They voted against that one too.

We are supporting our long-tenured workers. We are providing an extra five to twenty weeks of benefits, giving them a hand up while they go looking for a new job so that they can care for their families the way they want to.

* * *

[*Translation*]

ELECTRIC VEHICLES

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, there is consensus in Quebec that we must reduce our oil dependency, particularly by developing electric vehicles. Since nearly 40% of all greenhouse gases come from the transportation sector, electric vehicles represent an important tool in the fight against climate change.

What is the government waiting for to actively support research and development, as well as the infrastructure needed to encourage the use of electric vehicles?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, this government has taken a very expansive approach to all issues having to do with reducing energy consumption and increasing energy efficiency, dealing with homes and also dealing with transportation, from curbing tailpipe emissions to taking part in the road map towards bringing electric cars to fruition.

We have been a partner in that with industry, and we are very happy with our record of accomplishment on that.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the minister is trying once again to avoid the question. Specifically what we are talking about here are measures to encourage the development of electric vehicles in Quebec, not programs to provide billions of dollars in subsidies to the traditional automotive industry.

Why does the government refuse to introduce strong incentives to encourage consumers to buy rechargeable electric vehicles or hybrids?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, of course we support the research and development of new electric vehicles.

[*English*]

I can tell the hon. member that we have the automotive innovation fund, which her party voted against. It is specifically designed to make sure that Canada is front and centre when it comes to the new vehicles that could be using new batteries, electricity or whatever would work to reduce our carbon footprint. We are supportive of that and we have the automotive innovation fund to prove that point.

* * *

HEALTH

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the isotope shortage is having a profound effect on Canadian patients and their health care providers. The nuclear medicine community is worried. They have seen a 10% to 25% drop in patient referrals for nuclear, cardiac and cancer tests. Disease will be detected too late.

The government was given four specific recommendations by the Canadian Association of Nuclear Medicine. Will the government commit today to implement all four recommendations and do the right thing for worried Canadians?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, first, I want to thank all those doctors who have done so much to mitigate this issue. I share the concerns of Canadians regarding the shortage and that is why I have taken swift actions to deal with that.

Our focus is ensuring that Canadians have a predictable and reliable supply of medical isotopes and we continue to take every step necessary to protect the health and safety of Canadians. Our government has also taken action to identify alternatives to medical isotopes such as thallium and sodium fluoride and the options that are available to those Canadians who require the testing. This means that more medical isotopes are available for those individuals that need them.

● (1455)

[*Translation*]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the uncertainty about the future of a Canadian nuclear reactor to produce isotopes is having impacts in a number of areas. There are concerns now that our colleges will see a drop in enrolment of nuclear medicine technicians, who are responsible for diagnostic procedures.

What is this government doing to ensure that Canadians with certain cancers or heart problems will have access not only to isotopes, but also to the technicians who administer the required procedures?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Again, Mr. Speaker, we have been working with the provinces and the territories and have created a guidance document to mitigate the issue.

Our government has invested in alternative medical isotopes based on the recommendations of the experts that we appointed to deal with the situation with us. This means that more isotope alternatives will be identified through the research that we are doing.

We have also appointed Dr. McEwan as a special adviser. He is a renowned expert in this field. We will continue to work with him as well as the medical experts on this file and the provinces and the territories in the future.

* * *

[*Translation*]

TAX HARMONIZATION

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, the federal Conservatives want to impose a new tax. The provincial Conservatives do not. The provincial Liberals want to impose a new tax. The federal Liberals are not sure they do. One thing is certain: the NDP does not want a new tax that would drive up heating costs, any more than the Canadian Association of Retired Persons does. In two months, opposition by retirees to the Conservatives' proposed harmonized tax has risen from 73% to 85%.

Why is the Minister of Finance turning his back on retirees?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I think the question was about harmonization of the provincial sales tax and the GST, which is proposed by two provinces now. They are going ahead with their legislative options in that regard. It is up to the provinces that are not harmonized to make that decision. Two of them have done so, in line with the provinces that did so in the 1990s.

* * *

PORT OF SAINT JOHN

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, for the past two years, the International Longshoremen's Association has been trying to stop Irving Oil from taking over part of the port of Saint John.

No one in New Brunswick has the courage to ask Irving Oil to respect the law. That is why I sent a letter to the Minister of Transport asking him to deal with this situation. His answer was that the transaction has to be approved by his department. However, Irving has taken over the Long Wharf Terminal and is now building on it without proper authorization.

Why is the minister letting Irving Oil break the law?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, our government strongly supports and is committed to supporting initiatives in Atlantic Canada, in New Brunswick, that will improve port operations and help stimulate economic growth.

I understand that his colleagues in the longshoremen's union have taken the issue to court. As it is before the court, it would be inappropriate for me to comment any further.

* * *

JUSTICE

Mr. Peter Braid (Kitchener—Waterloo, CPC): Mr. Speaker, our government remains committed to protecting Canadians, particularly our children, from crimes being committed in today's technological environment.

Child pornography is an appalling crime. It should not be tolerated under any circumstances.

Would the Minister of Justice please update this House on our latest piece of legislation that stands up for victims of crime?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I am proud to say that today our government introduced legislation for the first time that would require Internet service providers to report child pornography to the appropriate authorities.

There can be no higher goal in our society than to provide greater protection for our children. I am proud to be part of a government that recognizes this.

Canadians want this bill to have the support of all members of Parliament, including members of the Senate.

* * *

POVERTY

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, today we mark the 20th anniversary of a parliamentary motion calling for the elimination of child poverty.

We have much work to do to, even to change people's attitudes, including members of the Conservative government.

The minister for employment insurance suggested that she did not want to make EI too lucrative. Today we read the comments from the Conservative member for South Shore—St. Margaret's who referred to the unemployed as "all those no-good [blanks] sitting on the sidewalk in Halifax". I cannot even use the word in this chamber.

Is this what the Prime Minister meant when he referred to a culture of defeat?

An email apology will not feed children or house families. Will the government commit today to an anti-poverty plan for Canada?

● (1500)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, there are two different approaches one can take. One can take the approach of having a plan, spending years developing a strategy, which is what the Liberals did with very little result. The other option is to do what this government has done, and that is to take action against poverty.

We do not want to see a single poor child in this country. That is why we have enhanced the national child benefit and the child tax credit. Between the two of them, they have affected three million children in this country. With the universal child care benefit, another 55,000 children are out of poverty. The child poverty rate in this country is half what it was under the Liberals.

* * *

[*Translation*]

ELECTION EXPENSES

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the Conservative Party is in Federal Court this week because of a scheme designed to get around the limits on election expenses. According to the Chief Electoral Officer, 67 Conservative candidates tried to get refunds totalling more than $700,000 using false invoices. Yesterday, lawyers for the Conservative Party criticized the CEO for exercising overly tight control when approving expense claims.

When will this party stop showing contempt for the CEO, who prevented it from dipping into the public purse with both hands?

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, two elections ago, Conservative candidates spent Conservative funds on Conservative advertising. The national campaign transferred these funds to those local candidates. How did Elections Canada find out? We told them. Why would we not? After all, all parties do it and it is completely legal, but they singled us out, so we took them to court. Canadians knew all of these facts when they voted in the last election and they gave us more votes and more seats.

* * *

AVIATION SAFETY

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, Transport Canada is walking away from the most vital role of any government: protecting the public. Already we are not in compliance with international standards for aviation safety oversight and enforcement. Now we have to add pilot fatigue to the list. Canada's approach does not take into account factors like irregular shift time, multiple time zones, or night work. The result: Canadian pilots are flying when they are too tired. Why is the government allowing companies to cut costs on aviation standards and not ensuring that Canadians are safe when they fly?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government takes the safety of the travelling public very, very seriously. That is why we require pilots and others responsible for ensuring the safe transport of the travelling public to get the sleep that they need. Our government already has measures in place that are consistent with the intent of the ICAO standard for flight and duty times for flight crews. I am very pleased to offer to work with the member and to work with any pilots or unions across the country on making them stronger.

* * *

DIABETES

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, parliamentarians from all parties have been touched by Canadians who suffer and live with all forms of diabetes, like Sydney Grace in Barrie, Ontario who lives with juvenile diabetes. We are also proud of the rich history this nation has in scientific breakthroughs, beginning with Sir Frederick Banting and the discovery of insulin.

Could the Minister of State for Science and Technology and for the Federal Economic Development Agency for Southern Ontario tell the House what our government is doing to build on this tradition and ensure southern Ontario plays a global role in combatting this disease?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, let me thank my colleague for his tireless dedication to combatting juvenile diabetes. Yesterday I was proud to announce a $30 million partnership with the Juvenile Diabetes Research Foundation of Canada. This initiative will expand diabetes research. It will build a new clinical trials network in southern Ontario. It will create hundreds of new jobs. It will move new technologies from the laboratory through to the marketplace where they can help Canadians and people around the world with this condition.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the hon. Dr. Wayne Mapp, Minister of Defence and Minister of Research, Science and Technology of New Zealand.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery of the Hon. Michael McLeod, Minister of Public Works and Services, Minister of Transportation and Minister responsible for Infrastructure for the Northwest Territories.

Some hon. members: Hear, hear!

* * *

● (1505)

POINTS OF ORDER

ORAL QUESTIONS

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, on a point of order, in response to a question, the Minister of Human Resources and Skills Development seemed to indicate, I think she said, that child poverty under the Conservatives was half what it was under the Liberals. That is what I heard. That is an absolute lie.

The Speaker: The hon. member knows that the use of such language is not permitted in the House.

GOVERNMENT ORDERS

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CLIMATE CHANGE

The House resumed from November 20 consideration of the motion.

Business of Supply

The Speaker: It being 3:05 p.m., pursuant to order made on Friday, November 20, 2009, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Rosemont—La Petite-Patrie relating to the business of supply.

Call in the members.

● (1510)

[*Translation*]

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

(Division No. 133)

YEAS

Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Atamanenko	Bachand
Bains	Beaudin
Bellavance	Bennett
Bevington	Bigras
Blais	Bonsant
Bouchard	Brison
Brunelle	Byrne
Cardin	Charlton
Chow	Christopherson
Coady	Coderre
Comartin	Cotler
Crombie	Cullen
Cuzner	D'Amours
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dewar
Dhaliwal	Dion
Dorion	Dosanjh
Dryden	Duceppe
Dufour	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faille	Folco
Foote	Freeman
Fry	Gagnon
Garneau	Godin
Goodale	Gravelle
Guarnieri	Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Hyer	Ignatieff
Jennings	Julian
Karygiannis	Kennedy
Laforest	Laframboise
Lalonde	Lavallée
Layton	LeBlanc
Lee	Lemay
Leslie	Lessard
MacAulay	Malhi
Malo	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Mathyssen
McCallum	McGuinty
McKay (Scarborough—Guildwood)	McTeague
Mendes	Minna
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Neville	Oliphant
Ouellet	Pacetti
Paillé (Hochelaga)	Paillé (Louis-Hébert)
Paquette	Patry
Pearson	Plamondon
Pomerleau	Proulx
Rae	Rafferty
Ratansi	Regan
Rodriguez	Rota
Roy	Savage
Savoie	Scarpaleggia

Siksay
Simms
St-Cyr
Szabo
Thibeault
Trudeau
Vincent
Wasylycia-Leis
Zarac– — 137

Silva
Simson
Stoffer
Thi Lac
Tonks
Valeriote
Volpe
Wilfert

NAYS

Members

Abbott
Aglukkaq
Allen (Tobique—Mactaquac)
Ambrose
Anderson
Benoit
Bezan
Blaney
Boucher
Braid
Brown (Newmarket—Aurora)
Bruinooge
Calandra
Cannan (Kelowna—Lake Country)
Carrie
Chong
Cummins
Day
Del Mastro
Dykstra
Finley
Fletcher
Gallant
Goodyear
Grewal
Harris (Cariboo—Prince George)
Hiebert
Hoback
Jean
Keddy (South Shore—St. Margaret's)
Kent
Komarnicki
Lake
Lebel
Lobb
Lunn
MacKay (Central Nova)
Mayes
Menzies
Miller
Nicholson
O'Neill-Gordon
Oda
Poilievre
Preston
Rajotte
Reid
Richardson
Scheer
Shea
Shory
Sorenson
Strahl
Thompson
Toews
Tweed
Van Kesteren
Verner
Warawa
Watson
Sky Country)
Wong
Yelich

Ablonczy
Albrecht
Allison
Anders
Baird
Bernier
Blackburn
Block
Boughen
Brown (Leeds—Grenville)
Brown (Barrie)
Cadman
Calkins
Cannon (Pontiac)
Casson
Clement
Davidson
Dechert
Devolin
Fast
Flaherty
Galipeau
Goldring
Gourde
Guergis
Hawn
Hill
Holder
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kerr
Kramp (Prince Edward—Hastings)
Lauzon
Lemieux
Lukiwski
Lunney
Mark
McLeod
Merrifield
Moore (Port Moody—Westwood—Port Coquitlam)
O'Connor
Obhrai
Paradis
Prentice
Raitt
Rathgeber
Richards
Ritz
Schellenberger
Shipley
Smith
Storseth
Sweet
Tilson
Trost
Uppal
Vellacott
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to

Woodworth
Young– — 124

PAIRED

Members

Bourgeois
Carrier
Gaudet
Hoeppner
MacKenzie
Mourani

Breitkreuz
Duncan (Vancouver Island North)
Glover
Lévesque
Ménard
Petit– — 12

The Speaker: I declare the motion carried.

[*English*]

Order. I wish to inform the House that because of the deferred recorded division, government orders will be extended by nine minutes.

* * *

● (1515)

POINTS OF ORDER

UNPARLIAMENTARY LANGUAGE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I did not get a chance to rise earlier on this point of order because the vote took place so quickly, but it arises out of question period.

Mr. Speaker, you made a number of comments during question period about the language that was used by the member for South Shore—St. Margaret's and the fact that the language was unparliamentary. In fact, the member for Halifax agreed with you when you questioned her on that.

It raises the issue of the capacity of a member in the House to quote something that has been said by another member when it is in the public domain, which is what happened today in the question from the member for Halifax. It limits us in terms of what we can say when a member is using something that is already in the public domain.

I wonder if you would think about that, Mr. Speaker, because it provides a limitation. Obviously, the member herself was not using that language, she was quoting something that was already in the public domain.

The Speaker: With all due respect to the hon. member for Vancouver East, I made the ruling because it is entirely in accordance with past practice in this House. A member cannot use language in the House that is unparliamentary by reading a quotation that contains the words that are not allowed to be used. It is as simple as that. That is the rule that I applied in this case on two occasions in the House and I believe it is entirely in accordance with our practice.

If it were not the case, members would be running around finding quotes containing all kinds of unparliamentary phrases and reading them in the House. I do not care how public they are. There are some limitations, not many, on members' freedom of speech in the House and one of them is avoiding the use of unparliamentary language.

The word that was used was, in my view, unparliamentary. Therefore, I urged the member to refrain from using it on two occasions and I hope I do not have to do it again.

The hon. member for South Shore—St. Margaret's is rising on the same point.

REMARKS BY MEMBER FOR SOUTH SHORE—ST. MARGARET'S

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, I would just like to say inside the House what I have already said outside the House. I would like to stand and apologize for my comments.

The remarks I made regarding the unemployed in Halifax were insensitive and unkind, and I apologize for them. Certainly, I believe that everyone in this place at some time or another has said something that they regret and that they wish they had not said. When that happens, the responsible thing to do is stand and apologize. I am doing that today.

Indeed, what I meant to do was simply defend farmers in Nova Scotia and across Canada who rely on temporary farm workers because of local labour shortages. Without these workers, hundreds of millions of dollars worth of crops would not be harvested and farmers would have to cease operations.

As a former farmer and logger, who faced labour shortages in the real world, I allowed my judgment to be clouded.

Again, please allow me to be perfectly clear. I apologize to anyone who was offended by my remarks.

The Speaker: The Chair has notice of a question of privilege from the hon. member for Edmonton—St. Albert. I will hear him now.

* * *

PRIVILEGE

ALLEGED MISLEADING STATEMENT

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I am saddened but I feel the need to rise today on a question of privilege. I believe that on Monday, November 23, a member opposite deliberately misled the House. I do not make that suggestion without pause and reflection. It is a serious accusation.

On page 119 of Erskine May, 22nd edition, states:

> The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.

In the allegation that I am making, this occurred during the debate on Bill C-36, an act to abolish the so-called faint hope clause. The hon. member for Burlington quite rightly asked the member for Notre-Dame-de-Grâce—Lachine why, if she supposedly supports the bill to abolish the faint hope clause, she voted against the bill at committee.

During the debate on this point, the member for Notre-Dame-de-Grâce—Lachine said:

> 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.

I am a member of that committee and I was at that meeting. I and all other members at the committee know very well that the member for Notre-Dame-de-Grâce—Lachine, when asked in a recorded vote,

"Shall the bill carry, as amended?", she responded, "No". The House need not take my word for it. If members check the audio recording of the meeting of the Standing Committee on Justice and Human Rights on November 16, at the 34 minute and 18 second mark, they can clearly hear the member for Notre-Dame-de-Grâce—Lachine say "no" when her name was called by the clerk in order to vote on the following question, "Shall the bill carry, as amended?".

This is why the minutes of that meeting also have the member listed in the column under nays.

I believe this is a clear case of the member for Notre-Dame-de-Grâce—Lachine deliberately misleading the House.

Mr. Speaker, I refer you to your ruling of February 1, 2002. In that case, the then hon. member for Portage—Lisgar alleged that the then minister of National Defence deliberately misled the House, as the minister left two differing versions of events on the record. In your ruling, you referred page 67 of Marleau and Montpetit, which states:

> There are...affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges...the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; [or that] obstructs or impedes any Member or Officer of the House in the discharge of their duties....

Mr. Speaker, you later went on to say:

> On the basis of the arguments presented by hon. members and in view of the gravity of the matter, I have concluded that the situation before us where the House is left with two versions of events is one that merits further consideration by an appropriate committee, if only to clear the air.

You then invited the hon. member for Portage—Lisgar to move his motion.

What we have here is a tantamount situation. We have two versions before Parliament involving proceedings on Bill C-36. The member for Notre-Dame-de-Grâce—Lachine is recorded as voting against Bill C-36 at committee and she has stated in the House that she "did not vote on any of the questions".

Mr. Speaker, I would suggest, with due respect, as you did on February 1, 2002, that you find there is a prima facie question of privilege and allow me to move the appropriate motion. I await your direction.

● (1520)

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I thank the hon. member for bringing the issue to the House.

I just received a transcript of the actual clause by clause proceedings of the justice committee during question period, prior to him raising his question of privilege. I had an opportunity to speak with my colleagues, both within my party and within one of the other opposition parties, and they confirmed that I had abstained throughout clause by clause, except for the final vote where they confirm, as had been alleged by a member of the Conservative Party during questions and comments to me during the debate on Bill C-36, that I had in fact said nay.

Therefore, in that case, as I also stated, and the member did not mention it, if in fact I had voted and it was accurate that I had voted, that I would apologize. I do apologize. I was wrong in my recounting of the information. The member for Burlington was correct. My memory was faulty and I apologize to this House.

The records of the Standing Committee on Justice on clause by clause are correct. I abstained throughout all of the votes except for the final vote, which stated, "Should this bill, as amended, carry?". It was a recorded vote and I did say nay, so there are not two versions before the House. There is one version, the version that was originally given by the member of the Conservative Party for Burlington.

I apologize for having doubted his word and I beg the indulgence of the House. I apologize to everyone. I have now corrected the transcript and the official record of the House of Commons that there is only one version.

● (1525)

The Speaker: Under the circumstances, I think that disposes of that question of privilege.

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, and of the amendment.

The Speaker: I understand the hon. member for Eglinton—Lawrence had the floor prior to the question period, but the time for his speech has elapsed so he is stuck, I believe, with questions and comments. There are five minutes of questions and comments available for him if anyone wishes to make a comment or ask a question on the hon. member's speech.

The hon. member for Burnaby—New Westminster.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I apologize to the hon. member, whom I know very well from the transport committee, for missing his speech a little earlier. How does he feel about the government deliberately withholding information that should have been sent to the committee that was considering this bill? As the member is well aware, what transpired was that the government had information and allowed the clause by clause discussion to take place without providing that information that had been clearly requested by two members of the committee.

We have seen, in a wide variety of committees, the Conservative monkey-wrenching and trying to inhibit the work of parliamentarians. I wanted to ask the member how he feels about what we see transpiring at the justice committee and the result before us today.

Hon. Joseph Volpe: Mr. Speaker, as I said in my remarks, there are really two issues. One of them is the issue of the substance of the debate on Bill C-36. The other one is the one that addresses procedures in the House as represented by the motion by one of my hon. colleagues that addresses the issue of whether committees can function if the government deliberately withholds information.

I know that he will recall that a member of his own caucus gave an indication that, using the royal we, the government actually did have the information that it has not shared with committee.

No committee in this House can function properly and render services to the Canadian public if it is deprived of some of the basic information as requested for committee, as I outlined in my five questions, and others have as well. It speaks to the sense of forthrightness and honesty on the part of the government that it would withhold such information.

It is not qualifying information. It is objective data. It is data that members of Parliament can use in shaping their own assessments of whether they would develop a particular view contrary or pro to the government's bill. The government, however, has chosen to simply suggest that its views are the ones that will be debated, because it certainly is not offering or willing to offer any data to substantiate its position.

● (1530)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, this really boils down to an alleged question of privilege.

Members are undoubtedly aware that a privilege needs to be raised at the first available opportunity. Does the member not agree that this matter should have been raised in committee when we went through clause by clause consideration of the bill?

However, it was not raised when we went through clause by clause of the bill. We passed a few technical amendments dealing with the translation of the French and English versions and then sent it back to the House.

Now we are here for third reading of the bill. Does the member from Windsor not believe that this motion is untimely given that if he felt so prejudiced by the lack of information he should have raised it during clause by clause consideration in committee?

Hon. Joseph Volpe: Mr. Speaker, I do not think there is any rule in the House procedures that would inhibit the right of any member of Parliament, who may not be sitting in committee or who may be sitting in committee, to address those issues once again in the House. That is why we have report stage and why we have third reading, and to then ask that the bill be referred back to committee in order to receive the information required to have a fulsome consideration of the issues at hand.

I think the hon. member may wish to make a point but I hope the point does not include withdrawing said information from the accessibility afforded members of Parliament for all other bills, including this one, when the bill comes back to the House. This is a legitimate request in a procedural attempt to look at all of the considerables in the bill.

I am sorry but I guess I fail to understand why the member would want to, along with the government members, deprive members of Parliament of the opportunity to get information.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the amendment proposed by the member for Windsor—Tecumseh is before the House for one simple reason. The government withheld information that the committee should have had.

It is very clear that the amendment brought forward by the very learned member for Windsor—Tecumseh comes as a result of a clear violation of committee privilege. His amendment says:

> Bill C-36...be not read a third time but be referred back to the Standing Committee on Justice and Human Rights for the purpose of reconsidering clauses 2, 3, 4, 5 and 6 with a view to making any amendments which may be called for as a result of information undertaken to be placed before the committee by departmental officials on November 4, but which the office of the Minister of Public Safety failed to provide before the committee considered the bill at clause-by-clause stage.

The amendment is very clear. Even Conservatives should support it. Why? Because there are broader principles at work.

The parliamentary committee was endeavouring to do its work. It requested specific information. That information was provided by departmental officials and withheld from committee by the Minister of Public Safety. We are not talking about objective partisan information. We are talking about information that committee needed to do its work.

I have before me the letter that was just received. It was forwarded to the ministry a few days prior to the clause-by-clause discussion on the bill, which resulted in the bill we are debating today. In other words, this information was withheld by the government for up to a week and a half. It was only today, after the amendment was moved, that the government endeavoured to provide the information it had withheld.

That is why the member for Windsor—Tecumseh, who has been ranked year after year as the most learned and most informed member of the House of Commons, brought forward the amendment. The government hid information that committee needed in order to make the bill effective in what it endeavoured to do.

In this corner of the House the NDP always does its homework. We always read our reports. We always ensure we are well prepared. The member for Windsor—Tecumseh asked for specific information, and the Conservatives, rather than provide that information to make the bill an effective one, withheld it.

It is not just in the Afghanistan torture scandal that we see the withholding of government documents. It is not just on the Canada-Colombia trade deal. Information has come forward about a study that was commissioned by the Government of Canada. The government will not release it now because it shows that what the NDP has said all along was right, that the Colombia trade deal would not enhance human rights in Colombia but quite the contrary. My colleague from Elmwood—Transcona mentioned the gun registry report. This again was withheld by the Conservatives.

The Conservatives try to hide information. They try to keep information secret. They try to monkey wrench their own Parliament. They were elected as a minority government and rather than try to make government function, the Conservatives try to monkey wrench on every occasion. They try to withhold important documentation, important information, on every occasion. This is just one more example of how mean-spirited the Conservatives are when it comes to parliamentary work.

What did the member for Windsor—Tecumseh and the member for Abitibi—Témiscamingue ask for? They asked for very clear statistics and a summary dealing with the number of indeterminate offenders and the number of offenders subject to the 25 year restriction. They asked for valuable information for committee while it discussed clause-by-clause.

This is not some sort of high school. This is parliamentary business and clause-by-clause consideration makes a real difference on how the clauses are worded, whether the clauses would effectively do their work or not.

Why, for goodness sake, would the mean-spirited Conservative government withhold all that information from parliamentarians and then try to drive the bill through? When the information becomes public, we suddenly realize that these clauses need to be re-crafted, that the information was not provided, that it was withheld.

● (1535)

This is, as I mentioned earlier, not the first time the Conservatives have withheld information. This is systematic. This is a government that holds meanness and secrecy as paramount virtues, but that is certainly not what Canadians want or need. They want to see a Parliament that works. They want to see parliamentarians given the information. They want to see parliamentarians provided with that public information for which taxpayers have paid.

The government and taxpayer money is not some private piggy bank for Conservatives to do with what they may, that they can take government funds, taxpayer funds, and say that information belongs to them. The same way they cannot take the government funds that should be allocated on a governmental basis and put a big Conservative "C" on their cheques to show that it is not taxpayer money, it is not Canadians' money, it belongs to Conservatives.

That sense of entitlement will bring the Conservatives down. It certainly brought them down in New Westminster—Coquitlam. It is why their poll numbers are going down as well. Canadians see, tragically, that mean-spiritedness every day, whether it is the HST in British Columbia and Ontario or the general air of secrecy and mean-spiritedness of the government.

The information was withheld for a week and a half. It was provided to the member for Windsor—Tecumseh just a few short moments ago. Very clearly the committee was unable to get the information it required from the government, information the government possessed. We are not talking about information that was lost. We are talking about information the government had in hand and the Minister of Public Safety said no, that committee would not get this valuable information so it could complete clause-by-clause and have a bill that held together.

It is ridiculous and Irresponsible. There are many terms both parliamentary and unparliamentary that we could apply to this kind of mean-spirited strategy. Most Canadians do not accept the idea that taxpayer funds are Conservative funds, that taxpayer government information is Conservative information only. That is why this amendment is before the House and we will look to get Bill C-36 back to the committee to try to address the inaccuracies in the bill that were established through the government's own mean-spiritedness. I will not say incompetence because it knew full well what it was doing. It is not incompetence, it is mean-spiritedness when it withholds information from a parliamentary committee. It is also irresponsible, but that is the government we live under currently. I believe a lot of Canadians are waking up to that fact. Certainly people in British Columbia are waking up to the fact that the government is not on their side, and I think there will be some changes whenever the next election comes.

The amendment proposes to move the bill back to committee and fix it. When I spoke on the bill originally, I said that we believed firmly in an approach to the justice system that was based on four pillars. One of those pillars is ensuring victims' rights. I have my own bill in front of the House, which the Conservatives refuse to bring forward, that allows for victims' compensation. We believe very strongly in that principle of the public safety system.

There are other pillars too and this is where Conservative approach on crime legislation falls tragically short. It is not just the hypocrisy of bringing forward a bill on Colombia with a government that is inundated with connections to parliamentary thugs, parliamentary murderers and drug lords. This shows the clear hypocrisy that once outside Canada we can deal with anyone, no matter how many drugs they distribute, which hurt kids, or how many paramilitary thugs are out there killing innocent civilians. The Conservatives support that bill, which shows a pretty clear hypocrisy.

However, when we talk about the Conservative approach, it also has to have the pillars of crime prevention. It has to have the pillar of supporting community policing. It also has to have a pillar of ensuring that we have a working court system. Any evaluation of the approach of the Conservatives on crime has to be evaluated, taking those other pillars. This is a smart approach to crime, which the leader of the NDP and members of this caucus have put forward.

What have the Conservatives done? They have cut back and slashed crime prevention programs, even if they know, and we know, that every dollar invested in crime prevention saves $6 later in policing and court costs. It means no victims as well. They have not followed through on their promises for 2,500 police officers and have not even brought in the public safety officer compensation fund. On crime issues, they simply do not have credibility.

● (1540)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for his contribution to the debate on the amendment to revert the bill to committee so it can re-examine certain clauses, simply because the information was withheld.

The member was maybe a little too kind about how this occurred. It would appear to me that the officials and Correctional Service Canada should have had that information available when they were in committee. I do not understand, for instance, how it could possibly not be available when they are there to do this work in committee.

Then we had a situation where an RCMP report, having to do with the gun registry, was somehow allegedly kept behind by a minister of the crown. Now there is another case where information on this bill is kept behind. Is there a further case where information and documentation on Afghanistan detainees is being held back from committees?

There seems to be a pattern. Would the member care to elaborate on this apparent coincidence?

Mr. Peter Julian: Mr. Speaker, there is a systematic pattern of cover ups in that administration.

I know the member for Mississauga South will remember when the Liberals had a sense of entitlement and what Canadians did to punish them. The Conservatives now, in a few short years, have now reached that same level of sense of entitlement, that information belongs to them and them only, that they can cover up and withhold from the Canadian public, the press gallery and opposition members of Parliament important information that is part of what we need in a democratic society to move forward.

We are not Colombia, thank goodness, where labour leaders or aboriginal people are killed. We are in this country and the Conservatives have to respect the democratic foundation of our country and our institutions.

The member is absolutely right. We see a pattern of cover-ups and the withholding of information. That is deplorable and we are going to fight it in this corner of the House all the way.

● (1545)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, having listened with great interest to my colleague's comments, one would think he was present at the meeting of which he speaks. It was a meeting of the Standing Committee on Justice and Human Rights.

It is very apparent, when one reads the transcript of the meeting, that the member does not know what actually went on. In fact, if he had looked at the comments of his colleague, the member for Windsor—Tecumseh, he would have noticed the member was not sure whether this was an issue of deliberately withholding information or some other delay in providing information to the committee.

Yet the member for Burnaby—New Westminster is suggesting that the minister deliberately withheld information. He is quite incorrect. I would ask him to go back to the record, check it for himself, correct the record and confirm that in fact there is no evidence the minister deliberately withheld anything from the committee.

Mr. Peter Julian: Mr. Speaker, that is a very clever attempt to deviate, and I thank the member for Abbotsford for his attempt.

There are two stages about which Canadians need to know. The first stage is in committee where the member for Windsor—Tecumseh asked those valid questions, as did the member for Abitibi—Témiscamingue. It was on November 4 when they asked for that information. It was supposed to go to committee. Then we found out that the information was not sent to committee. It was sent to the Minister of Public Safety, which is stage two.

The member for Windsor—Tecumseh is without reproach, as the member for Abbotsford well knows. He may try to tackle the member for Windsor—Tecumseh, but I will put the credibility of the member for Windsor—Tecumseh against the member for Abbotsford any time. The reason why the member for Windsor—Tecumseh is consistently ranked as the most learned is because he always checks his facts.

There is no doubt the information was withheld from committee and that is deplorable.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I am pleased to join in this debate on the amendment by my colleague, the member for Windsor—Tecumseh, related to the operation of this debate at third reading.

The amendment before the House would send the bill back to the Standing Committee for Justice and Human Rights to reconsider clauses 2, 3, 4, 5 and 6 because the committee has not been able to do its work.

One of the responsibilities of a parliamentary committee studying legislation is to study the legislation in detail, clause by clause for each and every clause, to determine whether or not any amendments need to be made.

How does the committee do its work? It asks for witnesses. It asks for information that it needs to understand the reason and the rationale for a particular amendment before it can consider it fully. Members of the House in doing their duty asked for this information from the department. We understand that information was available.

I was not in the committee. I would say there is a very good chance that there were at least 290 or 295 members of the House who were not in the committee, because that is the way Parliament operates.

The committee is an agent of Parliament and does on behalf of other parliamentarians the serious work of investigating a bill.

The information that was being talked about is statistical information on the number of prisoners who are in jails, subject to various sentences. It is very important information to have in order for members to be able to understand the necessity or otherwise of the kind of amendments that are being proposed.

I gave a speech yesterday and talked about the number of prisoners we have in our prisons who are serving life sentences and the number of all the prisoners who have served life sentences over the last 15 or 16 years who have been given an opportunity to seek further parole and to in fact get parole. This is important information to have in order to understand the context of the amendments being proposed.

What has happened here is that the government has decided not to make that information available and we are now in the House discussing a bill at third reading, trying to do here in the House the work of the committee without the facts and information before us.

This is not something that should be done in the House. It is something that should be done in the committee. I think the member for Windsor—Tecumseh, who sits on the committee, is proposing a very reasoned and very reasonable amendment, and as my colleague from Burnaby—New Westminster pointed out, the member for Windsor—Tecumseh has a very significant reputation for doing his homework and for being knowledgeable and competent on matters affecting justice issues.

Therefore I have to accept that when this information is asked for to allow the committee to do its work, that is something that I should support.

The government claims to have some kind of monopoly or at least a belief in transparency and accountability. What we are seeing instead is an attempt to manipulate the work of the committee through the control of information.

We saw examples of that, as were referenced earlier, when we had the Minister of Public Safety failing to release an RCMP report relating to the gun registry until after a vote had been taken in the House. This is the kind of so-called transparency and accountability that we are getting from the government, the manipulation and control of information in order to try to influence what the public knows and does not know about the true facts and the reality of something so that the government can get its own way.

I do not think it is something that Canadians want to see in their government. They do not want to be manipulated. They do not want to be told one thing publicly while the true facts are kept hidden or not made available at the right time.

There are other instances of trying to manipulate a committee going on right now with respect to the Afghanistan committee. Information this committee needs in order to do its work has not been made available to it, yet the government wants to bring people in to agree with its political point of view without giving the committee a proper opportunity to have the basic information before it in order to conduct the proper inquiry and to ask the kinds of questions that need to be asked.

The government is insisting on putting the cart before the horse, just as it is doing here, saying we should continue to study and vote on the bill without having the proper information before the committee.

In the case of the Afghanistan committee, they are doing the same thing, saying that we want to hear from a certain individual because we think we will like what he has to say, but the committee will not have the documentary information that is required to properly consider and ask questions of the witness who is to come before it.

● (1550)

This is the kind of thing we have seen in the committees in the past. In fact I recall a couple of years ago, in the lead-up to the last election, when the government had a rule book on how to distort and disrupt the activities of committees, which the Conservatives used to make things difficult to operate. Then, over the course of the summer, they claimed that the committee system was not working and that Parliament was not working, and that was an excuse for them to call an election, which I do not believe the public wanted then either.

They do not want one now, obviously. We have been told time and time again. They did not want one then either, and perhaps they will not want one whenever it comes, but the fact of the matter is that the government has a history of using committees in a way that is contrary to accountability, contrary to transparency, contrary to the full and open access to information that true democracy relies upon.

This motion is not an attempt to delay anything. I am hoping we will have a vote on it very soon this afternoon, unless there are a lot of other speakers. We hope that this bill, as a result of that vote, will be sent back to the committee so that it can actually do its job. That is the purpose of this motion. It is not to delay anything.

This bill does not have any great urgency to it, to my knowledge and understanding. Someone can correct me if I am wrong. I do not see any hands up other than to get some water or assistance from the pages, but I believe that there is no great urgency for this bill. It can be sent back to the committee. The information can be provided. The committee can do its work and send it back to this House. That is something that is moderate and reasonable and should be acceptable to this House, and when we come to vote on that, I hope to find that is the case.

The Minister of Public Safety is the one being asked to provide this information. We understand that it is readily available. It is not something that is any more secret than the report of the RCMP commissioner, which the minister failed to make available before an important vote in this House, which I have to say surprised me a lot.

If the Minister of Public Safety, who is responsible for the public safety of the country and who is responsible for ensuring that people feel safe in their homes and on the streets, has a report from the Royal Canadian Mounted Police, our national police force, on an issue that is pertinent to the gun registry and to a vote that was to take place in this House, for him to sit on that and not make it available was shocking to me.

I have been around a long time in politics. I do not know if this is unparliamentary or not, but it was a very brazen act. I do not know if it is unparliamentary to say that. It certainly does not seem to be unparliamentary to do it, if the minister is able to get away with doing that in the face of an extremely important and well-attended vote across this country.

I hope that the actions of the Minister of Public Safety, in suppressing this report until after that vote had taken place and after the publicity had died down, are equally noted by the people of Canada. Suppressing the report that our national police force made available was a brazen affront to the parliamentary process, to an expectation that a government is reasonable, transparent and accountable to voters. For the House to have that evidence in front of it before that vote was taken was important, just as, I would suggest, having the information requested by this committee, promised to the committee, undertaken to be placed before the committee by departmental officials was important. It was not made available. It should be put before this committee, before the bill can come back to this House, for proper consideration.

● (1555)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I would like to thank the hon. member from Newfoundland for his participation in this motion to hoist this bill and put it back to committee for further consideration.

As he probably knows, I sit on the committee and I think he needs to understand the chronology here.

If he is not aware, he ought to be aware that the witness in question, Mr. Head, the chief of Correctional Service of Canada, appeared before the committee on November 4. When asked for specific data regarding the faint hope clause, he said it would take a week or two to put it together, because it would involve having to go through a whole number of files.

Clause by clause occurred on November 16. Less than two weeks had passed.

I have said this a number of times today, but the hon. member is a lawyer so I am going to ask him this specifically. If the information was not available on November 16 when the committee did clause by clause, was it not incumbent upon the member for Windsor—Tecumseh to raise his objections then?

If he wanted the information to do clause by clause, he should have asked for it then. He should have asked for an adjournment. He should have kept the bill in committee until he got the information that he thought he needed, rather than raising this point at third reading.

Mr. Jack Harris: Mr. Speaker, the hon. member asked an important question. As he would know and those of us who have practised law over many years would know, our opponents are not perfect and neither are we. We do not always make the kinds of objections that our colleagues would expect us to make, or make them at the time or the place where our opponents would expect us to make them.

We do have a process here before us. We were considering the bill at third reading. It appears that this information is useful. We have a procedure by which this information can be made available to the committee and we have opportunity, so whatever needs to be done, can be done.

If there was a failure, as my colleague and learned friend, since he is a member of the Bar, has suggested, then we now have a way of fixing that and making sure it does not cause problems.

● (1600)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member for Windsor—Tecumseh responded to this earlier and said that in his view, he assumed that somehow all the committee members had just missed the information and that they were sure it had been sent. That was not the case, so it was detrimental reliance, if anything.

There appears to be a systemic problem here, that of the withholding from committees information that they need to be able to do their work. I would have thought that the officials would have come prepared to answer those questions, obvious questions that they have undertaken to provide that information subsequently, such as how many times the faint hope clause has been used in the last ten years. This is so fundamental to the bill and for the consideration of the bill that these are questions that need not be asked; they are automatic.

I would ask the member whether or not he believes that maybe there is little bit more here in terms of possibly a breach of the rules of Parliament with regard to deliberately withholding evidence and information from committees.

Mr. Jack Harris: Mr. Speaker, I can understand the hon. member's suspicions. I certainly do not have enough information to make such a charge, but I do believe that the Conservatives have been rushing, hell-bent on bringing before the House as many pieces of legislation as possible to support some political campaign in which they would hope to engage suggesting that somehow or other they are tough on crime and that everybody else in the House does not support their point of view.

If they really believe that this faint hope clause is abused or overused or that it results in some significant problems, then surely we would expect them to bring the evidence to support those beliefs before a committee studying the very elements of the legislation that they hope to change. The fact that they failed to do that smacks of political motivation more than anything else. I agree with the hon. member. The way to correct that is to send the bill back to committee and get the information so the committee can look at it.

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

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

And the bells having rung:

The Acting Speaker (Mr. Barry Devolin): A recorded division on the amendment will be deferred until the end of government orders tomorrow.

* * *

● (1605)

CRIMINAL CODE

Hon. Rona Ambrose (for the Minister of Justice and Attorney General of Canada) moved that Bill C-31, An Act to amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make a consequential amendment to another Act, be read the second time and referred to a legislative committee.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I am honoured and humbled to participate in the debate concerning Bill C-31, an important piece of substantive criminal legislation, with procedural paragraphs as well, that seeks to modernize the criminal procedure and make the justice system more efficient and effective.

Crime in Canada is constantly evolving. It is crucial that our criminal justice system evolves with it. The amendments proposed in Bill C-31 are the latest steps in our continuing commitment to tackling crime and ensuring the safety and security of our communities.

The bill contains some 40 amendments, developed in consultation with our provincial and territorial partners, and other stakeholders in the criminal justice system who have helped us identify processes in need of updating and issues that require attention to keep the criminal law modern and up to date with more and more sophisticated criminals.

Given the limited resources available in the criminal justice system, it has become abundantly clear that we need to find better and more efficient and effective ways to respond to crime, and make better use of those sometimes scarce resources.

I would like to take the opportunity to highlight some of the amendments that the government is proposing in Bill C-31.

First is with regard to agents. With respect to the use of agents, or non-lawyers, the bill would allow the provinces to further monitor the quality of representation by agents of defendants charged with summary conviction offences.

Currently, agents who are not lawyers may appear and may examine and even cross-examine witnesses on behalf of defendants charged with summary conviction offences that carry a maximum term of imprisonment of six months or less.

For summary offences carrying a maximum term of imprisonment of more than six months, agents may represent defendants only if they are authorized to do so in accordance with a provincially- or territorially-approved program.

Agents perform a valuable function, particularly, in northern and remote areas of Canada where native court workers acting as agents for defendants frequently provide assistance to defendants.

We must keep in mind, however, that serious consequences can arise even from a criminal conviction, and many criminal cases involve a significant degree of complexity.

In order to further promote adequate representation for defendants, who choose to be represented by non-lawyers, changes to the rules regarding agent representation would allow the provinces and the territories to set criteria and approve programs for the full panoply of summary conviction offences.

Amendments to the Criminal Code would allow jurisdictions to set criteria or approve programs which would serve as pre-conditions to representing defendants charged with summary offences that carry a maximum jail term of six months or less.

However, in jurisdictions where no programs have been approved and no criteria have been set for this category of offences, agents would still be authorized to represent defendants, as is the case currently.

The situation would also remain unchanged with respect to summary offences that carry a maximum jail term of more than six months. It would continue to be open to jurisdictions to approve programs or set criteria that serve as pre-conditions to representing defendants charged with these more serious offences. However, no agent would be authorized to represent defendants in jurisdictions where no programs have been approved or criteria have been set.

Finally, for any summary offence, it would always be open to agents to appear on behalf of defendants to request an adjournment in summary conviction proceedings.

Second, the bill deals with expert witness evidence.

Amendments in the area proposed in the bill are intended to improve the current regime to ensure that all parties have the opportunity to adequately respond to what is frequently becoming complex and highly technical evidence.

When expert evidence is to be presented at trial, the bill would create new remedies designed to encourage parties to comply with the regime's notice requirements, as well as better address situations of non-compliance.

Proposed new provisions also contain a list of factors which the court must consider in deciding whether to grant adjournments. Where the court refuses to grant an adjournment or reduce its duration, the proposed amendments would require the court to provide reasons. The bill, thus, would send a clear message as to the numerous considerations and significant challenges associated with properly responding to expert evidence.

● (1610)

Hybridization of an offence is the legislative process of converting a straight summary offence or a straight indictable offence into a hybrid offence. This process affords the Crown the flexibility to elect whether to prosecute an offence by way of summary conviction procedure or by indictment. Proceeding by summary conviction offers an expedited trial process and a lower penalty range, whereas prosecuting by indictment involves the possibility of holding a preliminary inquiry as well as a jury trial, and offers a higher penalty range.

The proposed amendments would allow the Crown to select the most appropriate procedure in light of all of the circumstances surrounding the case for six non-violent and specified offences, three of which are currently straight indictable offences and three are straight summary conviction offences.

Hybridization offers a means of ensuring that we make the best use of our courts' limited resources and that more elaborate proceedings involving preliminary inquiries and jury trials are reserved for only the most serious offences.

The hybridization of current straight indictable offences also benefits the accused as it allows the Crown, where appropriate, to proceed summarily in a more expeditious trial process and therefore a lower penalty range.

With respect to leaving the jurisdiction while under an order not to, individuals who flee a province in violation of a bail condition requiring them to remain in that jurisdiction creates special concerns for law enforcement and the entire criminal justice system. Their flight delays and in some cases defeats the course of justice.

The current response to this behaviour is the generic offence of failure to comply with conditions of release charges as enumerated under section 145(3) of the Criminal Code. However, this charge does not differentiate between these bail violations and other bail violations such as a simple breach of curfew.

In order to create a transparent criminal record and emphasize the aggravated nature of this type of bail violation, we propose to create a specific offence of failing to remain in the jurisdiction when ordered to do so.

The creation of this offence is but one part of the response required to the broader issue of enforcing so-called non-returnable warrants. It is not intended to solve the very real challenge of returning accused persons to face trial if they are arrested some distance from where an alleged offence occurred.

The challenge of distance is a practical one and is faced within large jurisdictions as well as within a single province. It comes down to the cost of moving people to where they need to be to stand trial for what they are accused of doing. This is an issue that must be addressed by the provinces under their responsibility for the administration of justice.

Our government is working with our provincial and territorial counterparts to develop practical solutions to address the broader issue of returning accused persons to the jurisdictions where a warrant has been issued against them.

In the meantime, the creation of this new offence is a step in the right direction. The proposal for the creation of this offence is the result of extensive discussions among federal, provincial and territorial officials led by British Columbia. The proposal was discussed and endorsed by the federal, provincial and territorial ministers responsible for justice and public safety at their meeting in September 2008.

The broader issue of non-returnable warrants is complex and a comprehensive solution will likely entail the allocation of significant resources and the development of best practices by provinces rather than further legislative amendments.

Federal, provincial and territorial officials are examining best practices to maximize the efficient use of available resources. Federal officials will continue to work with their provincial and territorial counterparts to identify long-term solutions to this very serious problem.

Currently, the telewarrant procedure is available only for certain warrants, authorizations or orders in respect of searches or seizures. Furthermore, the Criminal Code provides that telewarrants are only available where it would be impracticable for the police officer to appear personally before a justice or justice of the peace to make the application.

Given advances in technology and the trend over the past several years to introduce more technology into the justice system to allow, for example, remote appearances and the electronic filing of documents, expanding the number of warrants which can be obtained through the use of telecommunications simply makes good sense. It contributes to greater efficiency in the use of the criminal justice system's limited resources.

I would rather see police on the streets patrolling and working on investigations than travelling long distances to make an application in person for a warrant before a justice or a justice of the peace.

Included in the list of warrants we propose to make available through telewarrants are tracking warrants, number recorders, as well as production orders for documents and financial records.

● (1615)

In order to streamline the telewarrant process and to make it even more efficient, we are also proposing to remove the requirement that the officer demonstrate why appearing in person would be impracticable in situations where the telewarrant request produces a "writing". The impracticable requirement will remain where the request is made orally by the police officer.

Next is access to telewarrants by public officers. Through this legislation we are proposing that provisions of the Criminal Code that authorize the obtaining of warrants by telecommunications be amended to include public officers in addition to peace officers. The police who are by definition also peace officers are solely responsible for the enforcement of the Criminal Code and the Controlled Drugs and Substances Act. While they may also enforce other federal legislation, the primary responsibility for the enforcement of non-criminal offences is typically given to individuals who are not police officers but who are designated under individual statutes either as peace officers or sometimes as public officers.

While the powers that can be exercised by these officers are limited to the context of the legislation under which they are appointed, the powers themselves are typically derived from the Criminal Code. The most commonly used power in this context is the search warrant under section 487. Pursuant to this section a warrant may be obtained by either a peace officer or a public officer whose duties include the enforcement of any act of Parliament.

Even though both peace officers and public officers enforcing legislation other than the Criminal Code may obtain warrants pursuant to section 487, the ability to obtain such a warrant by means of telecommunications is limited only to peace officers. As a result, public officers frequently find themselves in a disadvantaged situation in which they require search warrants but are not able to appear before a justice in a timely manner to obtain one. Examples include officers from the Canadian Food Inspection Agency in remote agricultural areas and officers appointed to enforce the Canada Labour Code conducting investigations in relation to health and safety issues on offshore oil platforms.

The ability of such officers to obtain warrants under section 487 is the same as their counterparts who are designated as peace officers and their need to obtain them by telecommunications in a timely manner is equally compelling.

The proposed amendment will not in any way expand the powers that may be exercised by public officers but rather will give them access to the same means for obtaining authorizations for the exercise of those existing powers as is available to other officers able to exercise those same powers. It is in the interest of all Canadians to facilitate the efficient and effective enforcement of our laws by the people that we empower to do so.

Next is the Identification of Criminals Act, fingerprinting, photographing and other measurements. Bill C-31, when passed, would provide an amendment to allow the taking of fingerprints and to conduct other identification processes with respect to a person arrested for a serious offence as specified in the Identification of Criminals Act where that person is subsequently kept in lawful detention. Currently, the act provides that these powers may be exercised where the person is in lawful custody and is charged with or convicted of an indictable offence listed in the act.

A number of conditions must be met for the proposed amendment to come into play. First, the arrest, as any other, must be based on reasonable grounds to believe that the person committed or is about to commit an indictable offence. Second, the police officer must believe, on reasonable grounds, that it is necessary and in the public interest that the person be detained in custody until brought to appear before a justice. Only in these limited circumstances will police be permitted to proceed with the identification process without having to wait for the formal laying of the charge. In most situations the proposed amendments will only affect the point in time where the identification processes are performed.

If the person is ultimately not charged with an offence, or charges are withdrawn or as a result of an acquittal, police services will usually destroy fingerprints and photographs at the person's request. It is important to note that the courts have stated that it is not unreasonable for the police to retain prints where no request is made for their destruction or return.

The proposed changes to the Identification of Criminals Act will result in streamlining the identification process and avoid having to detain the person for an extended period of time while waiting for the actual charge to be laid before proceeding with the much need identification processes.

● (1620)

Now to corruption of foreign public officials and bribery. Finally, in support of Canada's international obligations, the bill contains amendments to the Corruption of Foreign Public Officials Act, the Criminal Code and the Canada Evidence Act.

One of the amendments would give nationality jurisdictions to Canada for offences of foreign bribery. Most of the time, these offences are committed in a foreign country. Currently, Canada exercises territorial jurisdiction. This allows Canada to prosecute an offence committed in a foreign country when there is a "real and substantial link" between the offence committed in the foreign country and the country of Canada.

Nationality jurisdiction would allow Canada to prosecute offences of foreign bribery committed outside Canada by Canadians, permanent residents of Canada and Canadian corporations without having to provide evidence of a link between Canada and the offence. This would facilitate prosecutions of foreign bribery cases.

In addition, we propose to add the word "selected" to the definition of the word "official" in section 118 of the Criminal Code, which applies to corruption provisions. Currently, this regime applies only to persons appointed or elected.

The Federal Accountability Act provides that the appointed process for some members of the public service include consultations with Parliament. Under this process, the name of a person "selected" for an office is made public before the person is actually appointed but the person is not an official under the current definition and, therefore, not subject to the bribery provisions until the legal appointment.

In addition, the Organization of American States, or the OAS, and the Inter-American Convention Against Corruption, which Canada ratified in 2001, requires the criminalization of bribery to officials "who have been selected, appointed or elected". The proposed amendments would correct this gap in the current law.

The bill contains many other amendments, such as those that would update the outdated prizefighting and parimutuel betting as recommended through consultations with our federal, provincial and territorial stakeholders, and other levels of government.

I trust that all members will give this bill the support that it requires. The amendments would contribute to the significant improvements in the efficiency and effectiveness of the criminal justice system that all Canadians are asking for. Criminals are evolving and becoming more complicated and sophisticated and the law must evolve to keep up.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, this bill has a fairly large canvas. I know he did not get a chance to elaborate on many of the points so I will give him a chance to elaborate on what I think Canadians will find interesting and, in some quarters, disturbing. It is that people can have their fingerprints taken and retained upon being arrested.

It is a very large change in our criminal law but the member, who is a good lawyer and salesman, makes it sound as if it is a convenience, that it is doing the arrested person a favour. We are telling people who have been arrested that they can go home now but that we will keep their fingerprints for life.

Could the member be more specific on clause 39 of the bill which attempts to amend the Identification of Criminals Act by adding the words "after being arrested for" in addition to "charged with or convicted of" where fingerprints are rightfully taken and held? What kind of offences does he envision? Does he envision that the police forces will, upon application, expunge fingerprints taken from persons who are subsequently not charged or convicted?

Mr. Brent Rathgeber: Mr. Speaker, I thank the hon. member and my friend, and I use the word deliberately, from New Brunswick. I always enjoy his contributions to the justice committee and I certainly compliment him on his contribution to this and other debates.

As he knows, the Identification of Criminals Act does not currently authorize police officers to fingerprint or photograph individuals in lawful custody until they have been charged or convicted. This often results in unnecessary delays and can prolong an accused individual's stay at the police station. The proposed amendments would streamline this process by adding the authority to fingerprint and photograph an individual who is in lawful custody following an arrest but not yet charged.

As the hon. member is no doubt aware, there are provisions in the Identification of Criminals Act that deal with these records subsequently if an individual is acquitted or has the charges withdrawn or stayed. He is quite right in his preamble that in many instances this evidence is to the benefit of the accused.

In certain circumstances, it would expedite the processing of individuals. They would not need to be detained until the appropriate authorities, whether they be police or the crown prosecutor, make a decision about charges. They would be able to process, get the evidence, allow the accused to be released on bail if there are no primary or secondary grounds to detain him or her and, ultimately, if the accused is not convicted of an offence, the appropriate applications will still apply.

● (1625)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I do not wish to repeat what the committee member just said, but I have the same question as the member for Moncton. I think that the member who just answered has never practised criminal law. In Canada, criminal law is based on the presumption of innocence. I will come back to that idea shortly.

We asked the minister this question. Furthermore it is one of the reasons we are so reluctant to support Bill C-31. I will come back to that during my remarks.

I would like to know why they want to make something a law when it is already working. The presumption of innocence exists, and one is presumed innocent until proven guilty beyond a shadow of a doubt. We also need to know how long an individual's anthropometric records will be kept on file.

Why do they want to make this a law? Have police services asked for this? Did someone, somewhere, ask for fingerprinting?

[*English*]

Mr. Brent Rathgeber: Mr. Speaker, the police would.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, it would be nice if they followed the police recommendations with regard to the gun registry.

I want to pursue this question of the fingerprinting. The member for Edmonton—St. Albert is incorrect. There is nothing in this bill and nothing presently in the Criminal Code that requires police forces to do away with these fingerprints.

If an individual has his fingerprints taken but is not subsequently charged, which is what this bill would allow, those fingerprints stay on record. They are on CPIC and are available to all the police forces across the country even though the person was never charged. This bill does not correct that. It is one of its major flaws and probably the only part of the bill that I, like my colleague from Abitibi—Témiscamingue, have serious reservations about. Why does the government not have a provision in here to do away with the fingerprints?

I have spoken to a number of police officers and chiefs of police and the only explanation I get about why fingerprints are being taken before a person is charged is that it is for convenience. It is not for the convenience of the potentially accused person but for the convenience of the police.

When I explore that further, I do not find where the convenience is. I wonder if he could maybe explain that to me, if he understands the process. As I understand the process, it would not make any difference and it would not be any more convenient.

● (1630)

Mr. Brent Rathgeber: Mr. Speaker, I certainly respect the hon. member for Windsor—Tecumseh. I did not mean to misstate the current state of law. What I meant to say, if I did not say it, is that police services will routinely destroy fingerprints and photographs at the accused's request when charges do not result in a conviction. I will concede that there is no statutory obligation for them to do so.

What I am suggesting is that many, if not most, police forces in Canada do destroy the fingerprints and photographs at the accused's request when charges do not result in a conviction. Because the member is a learned lawyer, he will know that courts, including appellate courts, have stated that it is not unreasonable for the police to retain the prints when no requests are made for their destruction or return upon the charges being dropped. The courts have authorized the retention of those records, including appellate courts in this country. I do not think that there is any gap or anything missing in the legislation with respect to this.

With respect to the expedition of processing of individuals, I answered that question previously for my friend from New Brunswick. This does expedite the process and allows individuals, who might otherwise be detained until the police can make a decision on whether or not a charge will be laid, to be released. If they have provided the evidence, fingerprints and photographs that have been requested, they can be released and, all other things being equal, can await the determination of whether there exists evidence to lay a charge.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the bill certainly does cover a broad range of issues but if I only have a short question I will stay with the fingerprints.

Given the member's statements, would it be his intent to address this issue of where they request to say that fingerprints would be taken on an arrest but if no charges are laid they would automatically be expunged from the records?

This amendment is to the Identification of Criminals Act. This has to be quite unnerving to those who would be arrested but never charged or convicted of anything. Would he support that change?

Mr. Brent Rathgeber: Mr. Speaker, I anticipate that the members of the committee, including the two we have heard from, the members from New Brunswick and Windsor, may be proposing such an amendment at committee and I look forward to that debate at that time.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, Bill C-31 is a very interesting bill.

[*Translation*]

I am pleased to be here today to say a few words about the challenges related to justice.

As hon. members know, I am a member of the Standing Committee on Justice and Human Rights. It was a great pleasure for me to join that committee following my first election in 2006.

In the riding of Moncton—Riverview—Dieppe, many concerns have been expressed about the victims of crime. Sometimes the law works, but other times, it does not.

It is in the interest of the entire country and the general public that I want to say a few words about Bill C-31.

[*English*]

I speak to people in general about this bill and about the system of justice in general, because it does not matter what riding one is from, people have concerns. Whether it is about victims of crime, whether it is about crime rates, or whether it is about the safety of their community in general, they look to the justice system for explanations.

I have been here since January 2006. I have never known government; I have never known what it is like to be on the government side. I have never been in the government lobby to even know what it looks like. The promised land, I have not seen.

I do know, however, what the new Conservative government in 2006 did with respect to justice issues and it did not lessen the anxiety. As a team, the Conservative justice group did not lessen the anxiety of the general public In Canada. It did not make Canadians feel safer. In fact what it did, which really has not stopped, with a series of nightly television station visits, it has put the public into a state of anxiety beyond anything that ever existed before.

I know this is not a controversial bill. I am saying that with respect to a fairly non-controversial bill, nine-tenths of which I think I could support. Imagine what I would say with some of the legislation that was clearly designed for the five o'clock drive-by photo op and had very little to do with fundamental change to our criminal law that would give everybody in the House and the people they represent a higher sense of security.

There is one truth in all of these justice issues that is so self-evident it needs not be said. Every member in this House wants his or her community and all Canadians to feel safe. Every member of this House wants an increase in the perception and reality of public safety.

Mr. Speaker, what would you do if you were in charge of the criminal laws of Canada? Most people would expect that you would listen to law enforcement. Most people would expect that you would talk to the attorneys general and premiers of the provinces and territories. Of course you would talk to the people and you would talk to committees and all that sort of thing.

Police forces across the country have been asking for various things, but at the top of their list, they have been asking for more police officers. It really has not been delivered by the government.

Attorneys general across this country have been asking for modernization of the Criminal Code in general, and specifically with the tools of investigation for crimes across the country.

The aspect of Bill C-31 which is wonderful is the modernization of the telewarrant aspect. It is a great thing, but if I look at the big clock of years, I have been here three years and ten months, and it was evident three years and ten months ago that attorneys general were asking for that modernization, and here we are almost four years later.

According to the words in the government's lead-off speech, the member for Edmonton—St. Albert mentioned that the government is enacting recommendations in part from a conference of territorial and provincial attorneys general with the Minister of Justice of Canada in 2008. We are still moving very slowly on what are very important amendments to the Criminal Code.

I remember very well just this spring that Wally Oppal, the attorney general of British Columbia, made the plea for much more modernization of the Criminal Code to give those in law enforcement the tools they need.

I opened my debate on this bill by saying that much of this we can support. Much of it has been much needed. Why did it not come sooner? People in Canada are wondering why.

The government prefers to go to an evening television station to talk about a law that it may introduce instead of getting to the boardrooms of the attorneys general across this country and putting into effect simple modernization of the criminal law. Why not sooner for the modernization of telewarrants?

As I say, there are some very good points in this bill and there are a great deal of items that are housekeeping in nature.

I am going to give a brief overview of some of the highlights of the bill. I am also going to spend some of my time floating some very serious questions about the aspects of fingerprinting and about the aspects of the enforcement of warrants in extraterritorial jurisdictions.

● (1635)

I am also going to highlight some new areas in which people not so much in law enforcement but in the tourist industry and in the municipalities across the country are looking for modernization. Those are the definition of prize fighting and parimutuels.

I was the mayor of a city. I know how important it is on the one hand to secure a community, keep it safe, keep the feeling of safety with respect to police and the laws, but also with respect to tourists and civic activity issues.

It is interesting to see that this bill has a number of items that can be seen as housekeeping, that can be seen as good for the economy, that can be seen as modernizing language. Then, almost as is done in the United States, there is a multi-clause bill and hidden in it is a big truck.

The truck is the issue of fingerprinting anyone who has been arrested and disguising it as somehow being a convenience to the person who has been arrested. Never mind being a good citizen, the person will be fingerprinted and photographed. Those records will stay in the database forever. This is a means of making sure that the good citizen is not inconvenienced in the evening. The good citizen may go home and enjoy the rest of his or her life being part of a public record. Obviously, I am talking about the fingerprinting aspect of the bill.

It seems passing strange to me because we have just had a fairly rigorous preliminary debate with respect to the elimination of the long gun registry.

Many of the people in my riding who were not fans of registering guns I do not think would be fans of having an extension of the government's arm into aspects of fingerprinting and photographing people who have been arrested for an offence and subsequently acquitted, let go or not charged.

It would seem to me that the same people that many of the Conservatives on the other side call ordinary good folk in general would believe in is the concept that one is innocent until proven guilty, that big brother should not in an Orwellian sense keep records forever of people who have never been charged with anything. That strikes me as something that Conservatives cannot believe in.

We are going to test it at committee. We are going to see what exact allegations, crimes or the actual offences are that would allow the police to do this. This is what committees are for. Contrary to some of the discussion in Parliament today about the justice committee, the justice committee works very well. I think the committee will dig into this. Perhaps we will schedule some offences. Maybe we will say that it is important to do this in terms of someone who might be a flight risk, someone who might escape the confines of the country. Maybe that is a good idea, I do not know.

However, I have seen nothing in the legislative summary, the bill itself and I was certainly not reassured by the words of the member for Edmonton—St. Albert that it will not apply to every offence, that in every case where someone is arrested and before the person is charged there will be a photograph and a set of fingerprints taken of the person.

It strikes me that if there is not an explanation as to the seriousness of those types of offences or the extenuating circumstances, then this is something that we as a party cannot support.

There may be an argument given by the government on this and we are yet to hear from it on this in full, that we should move to a system that every citizen in Canada, every visitor to Canada, every person here on a visa should submit records of their fingerprints and a photograph for the easy identification by government officials of who they are, where they have been and what they are doing. I cannot see this as something that Conservative members would really jump up and embrace. I would like to see them go home to their constituencies and say that the government is going to start fingerprinting and photographing everyone just so the government knows where everyone is. I cannot see it, but we will see in committee.

I wonder why in this large canvass of Bill C-31 it has been decided to insert this Trojan horse of fingerprints for all. Perhaps "fingerprints are us" could be the justice department's new motto, its internal slogan.

On fingerprinting we certainly have had some objections already. It is not just me who would suggest that there is some concern.

● (1640)

[*Translation*]

There are concerns. Clayton Ruby, a member of the Ontario Bar Association and someone who is well known in Toronto, said in an article, and I quote:

[*English*]

> Providing fingerprints is self-incrimination and the Constitution protects us from this. The line that is drawn is when you are charged. And to allow police to compel you to incriminate yourself before that moment is open to abuse.

On a website, as reported recently in *The Province* newspaper, it was said:

> The proposed amendment requires anyone who has their fingerprints and pictures taken to apply to have them destroyed. It does not require the police to comply with the request, nor do they have to explain why they have declined.
>
> So, once you're on record, it's basically permanent. Those who fall back on the pathetic excuse of, "well, the cops wouldn't have arrested you if you didn't do something wrong," wake up.

That is not an esteemed member of the bar, but it is a person out there who has seized the sense in perhaps slowing down the process of the Conservative aim to have us all fingerprinted and photographed.

There is another element to a person having his or her fingerprints and photograph taken upon arrest. There is the aspect of retention. My friend from Edmonton—St. Albert again, when the question was put to him directly, could not give us a comforting answer that those records would be released or expunged in the event that there were no charges. What he did was cite courts of appeal cases that said courts are allowed by law to keep those records. They have no obligation to give them back. It is really not a question of once they have them; the question is, why did they get them in the first place? We have to give this a very thorough examination at committee.

Enough on fingerprints. There is one other disturbing element that I will raise now, but as I say, I am generally in favour of the legislation. This element has to do with the aspect of people under warrant for arrest who have been accused of a crime. They are charged in New Brunswick and they are under warrant for arrest in New Brunswick for not having attended at a court date in New Brunswick. Let us say they go to British Columbia. Perhaps economic reasons propel them to go there. Perhaps they are under some mistaken belief; maybe they had a lawyer who did not inform them properly, but they are under a warrant. They show up in British Columbia. This new piece of legislation will not only ensure that people in large urban centres will be sent back to face what they are accused of in their home province, which is all fair and just, but it will ensure that they will have a penalty on top of that.

I understand and sympathize with, for instance, Vancouver Police Chief Jim Chu who has said that the main effect this would have is a disincentive for people to leave. That may be the case.

I am looking at the committee to examine the incidences of this happening. In Vancouver alone, statistics suggest, for instance, that 53 people have been arrested in Vancouver and 35 were sent back to their provinces since the Vancouver Police Department instituted a program dubbed as Con Air. This allows the Vancouver Police Department to gather up people under warrant, and ensure that those warrants will be enforced by sending them back to the provinces in question.

The unintended consequence of this in a time of budgetary recession is that Vancouver, Calgary and other places might incur fairly extensive expenses by making people return to the jurisdictions from which they came or in which they were charged. There has been no discussion on this bill or at any intergovernmental level of who would pay the costs of that.

There is a reason I have some preliminary worry about this. I mentioned the example of the fairly innocent person who is probably facing a larger offence by ignoring the warrant than the actual offence from which it came. I am concerned by comments particularly from the Conservative side throughout my time in being interested in politics that go toward not having respect for people who come from other parts of Canada. I do not need to talk about the former mayor of Calgary. I do not need to talk about comments from the Prime Minister with respect to a culture of defeat. I am a very proud maritimer, an Atlantic Canadian. It is very insensitive for any politician to say anything disrespectful about people from other parts of this country. When leaders say those things, it is very disheartening and it does not make the country meld together the way it should.

● (1645)

This aspect of the extraterritorial warrant has to be handled at committee with respect and with good back-up evidence as to why this should be done. The efficacy of it has to be certainly examined. With that caveat, we will look at that aspect very thoroughly.

Some of the modernizations I spoke of earlier go to what may not seem like a justice issue, but to the updating of definitions with respect to prize fights. It may be interesting only to a lawyer that the definition of prize fight comes just before the sections on terrorism in the Criminal Code. In any event, people may not know that prize fights, as defined by the Criminal Code, are not permitted in the provinces unless they are part of an exception.

Last night in Moncton, New Brunswick, over 12,000 people attended our new outdoor stadium to receive the Olympic flame. It was a wonderful event. Moncton is the Indianapolis of Canada in promoting sports activities. We have a fourplex arena, the largest and the best east of Montreal, and a coliseum that houses our Moncton Wildcats. It is known as a sports venue place.

The competition that brings Canadians together is evident in the House when members of the Quebec Junior Hockey League, coming from outside Quebec, can beat teams from Quebec City proper. That is a wonderful thing about Canada, that the Moncton Wildcats can beat teams that come from other parts of Canada, including Quebec, in the Quebec Major Junior League.

The definition with respect to prize fight must be modernized to understand that we do not live in the Marquess of Queensberry rules. I am looking at some members now who probably know all about altercations, but we are talking about serious altercations involving the hand and the foot. Often politicians use the foot but in a different way.

Mr. Scott Simms: In the mouth.

Mr. Brian Murphy: In the mouth, as my colleague from Newfoundland says, Mr. Speaker.

The real point is my mayor tells me there are big tourist dollars in promoting the ultimate fight championship definitions that are proposed to specify the exemption in prize fights, which are currently not in this legislation, in section 83 as amended. It is also important that boxing clubs across our country do quite a bit in the realm of early intervention in dealing with our youth. They have a specific definition of what their sport entails.

I wish the government had arrived at the housekeeping aspects of this bill a lot earlier. It has wasted a lot of time and a lot of TV tape in bringing forth statements about laws when it could have dealt with the housekeeping aspects.

With regard to fingerprinting, I am looking at the chairman of the justice committee. I hope he understands that these two issues, the extraterritorial warrants and fingerprinting, must be examined carefully, with caution and with sensitivity, keeping in mind that we are from different parts of Canada. We need to have respect not only for the law, but for each other and for Canadians.

● (1650)

[*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, Search and Rescue; the hon. member for St. John's East, Fisheries and Oceans; the hon. member for Western Arctic, Arctic Sovereignty.

[*English*]

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I look forward to debate at committee if in fact the bill does get to justice committee. Maybe a separate committee will be established to look at this because many different issues are addressed in the bill.

I appreciated the member's general support of the intent of the legislation. I believe the process at committee will be helpful in discerning whether some of the fingerprinting initiatives that we hope to move forward are what Canada needs.

My question for my colleague is on the last point he raised, and that has to do with looking at the whole issue of prize fighting. The provisions in the Criminal Code are hopelessly out of date and he has as much as admitted that.

Has he had a meeting with representatives of the UFC, which represents the new type of martial arts fighting? Has he had a chance to look at its proposals for legislative reform, which it hopes the committee will look at when we deal with Bill C-31? Does he approve of the proposals that the UFC has brought forward in terms of revising the definition of prize fighting?

Mr. Brian Murphy: Mr. Speaker, indeed, I have. The member, who is a very good chairman of the justice committee, will know that members are often visited by people who want to press law amendments on us.

In particular, a proposal to further define mixed martial arts, which is really what we are talking about, could be read at the committee and could probably be accepted by most committee members as just modernizing how we define prize fights in the first place.

I looked for the last amendment to section 83, which was in 1985, and then some years before that. As I mentioned, the definition has not grown with the evolution of sports, which causes a problem for some local municipalities and provinces with respect to licensing events, insuring them and having legally advertisable and profitable events for communities that are sanctioned by law.

I very much look forward to looking at that at committee and seeing whether it could be supported.

● (1655)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, in response to my colleague from Moncton—Riverview—Dieppe, I would go further and say, as a member of the Olympic committee, that new Olympic disciplines such as karate and judo have been added. These disciplines were not included around 1985. This absolutely needs to be updated. I think we could easily find some common ground on that at the Standing Committee on Justice and Human Rights.

The question I have for the hon. member is on fingerprints. I would like him to elaborate on that and I will come back to this in a few moments. With respect to fingerprints—or anthropometric records in the jargon of the legal system—in what he has seen in his practice or in what he knows in his field, does he believe that police tend to return these anthropometric records—that is, photos and fingerprints—to an individual when they know that no charges will be laid against him?

Mr. Brian Murphy: Mr. Speaker, first of all, I would like to thank the hon. member, who also serves on the Standing Committee on Justice and Human Rights. His question conveys the concern he has.

I will quote the Minister of Public Safety who introduced this bill at a press conference.

[*English*]

He said, in the process, if the people wind up not being charged, then they have the right to ask that their fingerprints and photographs be deleted from the system. Would it be like returning something to a store? Would there be a service desk at the police station? People could go to the desk, say that they were not charged and ask to get their photographs and fingerprints back.

The member for Edmonton—St. Albert said that the courts of appeal say that once we have them, we can keep them. We all know police officers, and we all like them. However, we also know that once they have a record on somebody, it increases their tools to do their jobs. Therefore, they are very unlikely to ever give those fingerprints and photographs back.

This is why we have to be sure that they are taken in a case that makes sense. It has to do with flight risk, the seriousness of an offence, perhaps, investigative techniques that make it difficult for the crown to prefer charges right away. These clearly are circumstances we have to get into at committee.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I want to go back to the issue of the prize fighting amendments.

Did my colleague from Moncton—Riverview—Dieppe see a piece in the *Toronto Star* this weekend, or if he is aware of it? It stated the Ontario government was very much opposed to expanding the definition of prize fighting. It appears that it is specifically opposed to letting the UFC into Ontario.

A former premier of Ontario, who is a member of my colleague's party, is the chief lobbyist for it. Has the member had contact with it and could he advise as to his own position on the expansion and allowing UFC into Ontario? It appears a number of the other provinces are allowing the UFC in now because they interpret the code differently. Is he aware of that? Where does he stand vis-à-vis the position of Ontario?

Mr. Brian Murphy: Mr. Speaker, I see my friend from York South—Weston behind me. I come from Moncton, New Brunswick. I am fairly close to an attorney general and I speak to him about things. He seems to think and the mayor of Moncton certainly thinks that the proposal to amend legislation and modernize it to reflect what goes on out there, in terms of events, seems to make some sense.

What I said earlier about unifying the country may not jive with this comment. I do not check the *Toronto Star*, or Toronto newspapers, or Ontario newspapers or politicians every morning when I get up, but we will take it under advisement at committee. Windsor in particular is a gateway to Canada. We have to be clear that Windsor, which is part of Ontario for now, has to be in step with the rest of Canada. Windsor is where everything starts in terms of activities and promotional literature.

● (1700)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I hope the hon. member will scour the bill to find out what documentary evidence is necessary to do a proper committee review and request it now, because it might take that long to get it.

At the beginning of his speech, the member mentioned that this appeared to be an omnibus type bill with a lot of elements to it and a lot of issues. Were the members of the committee offered a briefing on this bill in advance so they could look at some of these preliminaries and so the quality of the debate could be more incisive rather than interrogatory?

It seems to me to be such a broad issue that any government intent on having good legislation would ensure that all hon. members were well prepared to participate in debate.

Mr. Brian Murphy: Mr. Speaker, in brief, no. When I arrived here in 2006, we used to insist on departmental briefings. Some bills are pretty short. This is a pretty large bill. I can only take my friend the chair across the way as speaking a bit for the government, suggesting there might be a legislative committee, which is a bit like putting the cart before the horse.

We should have had a briefing. I hope we will before we get to this. Bill C-31 is not on our work plan before Christmas. The hon. member's usual sage advice will be taken into consideration when we meet.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I rise here to speak to a bill for the second time today, but first of all, I must say I will probably be less critical of Bill C-31 than I was, and I will continue to be, of Bill C-36, if that bill ever comes back to the House. That being said, this is an interesting bill, and the Bloc Québécois will support it so it can be referred to the Standing Committee on Justice and Human Rights for a more thorough study.

I hear some Conservative Party members applauding. I invite them to save their applause for five or ten minutes from now. I am not sure if they will still want to applaud, but for now, I cannot help but notice their applause, and I think it is interesting.

I do not know why, but the Conservatives tend to insert what we call a poison pill into an interesting bill. We were reading the bill, which has about 30 pages and 40 clauses, and everything was going well until we got to clause 39, which would amend the Identification of Criminals Act. I will come back to this. Our criminal law includes a very important principle, which the Supreme Court has reiterated on a number of occasions, and that is the presumption of innocence. A person is presumed innocent until found guilty by a jury or a judge who knows the law, on the basis of evidence introduced before his peers. The Supreme Court has said this time and time again. I would remind the members that we do not believe that subsection 2(1) of the Identification of Criminals Act can be amended, because that would go against the presumption of innocence.

I will take this argument further. The main downside to this bill is one small paragraph on the last page of the bill that seeks to amend paragraph 2(1)(*a*) and that reads as follows:

(*a*) any person who is in lawful custody after being arrested for...

That means that this paragraph would apply to everyone who is arrested for any reason. People could be fingerprinted and photographed from now on. It is clear that, if the government maintains its position and insists on amending this section, we will fight to the finish to vote against this bill and against this clause, and it is clear that we will try to have this clause removed from the bill in committee. We hope to do so with the support of the Liberals and my NDP colleague.

Why remove this clause? Because it would open the door to all sorts of abuses. My colleague from Edmonton—St. Albert can say what he likes, but you have to know the territory, as we say, you have to have argued cases and know criminal records to know that the police have a tendency to go overboard. Often, they are willing to keep a record on anyone for anything. Obviously, this is not always true, and it is not true of all police officers. But there are safeguards in place, and one of them says that a person cannot be fingerprinted until he or she is charged with or convicted of an offence. That means that at present, an individual who is convicted or who is charged—because the person has to be charged—can be photographed and fingerprinted.

● (1705)

In general, this is how it works. A person receives a summons requiring them to appear in court. They must plead guilty or not guilty and then they may be fingerprinted and photographed.

This process must not change and we will do everything in our power to ensure that it does not change because it is the fundamental right of an individual to be presumed innocent until found guilty. This presumption of innocence is extremely important in our criminal law.

It is unfortunate because it overshadows good intentions. I come from an area 600 km north of Ottawa that is regularly visited by the itinerant court. I also argued before this court when I was a lawyer. The itinerant court travels to Inuit and Cree villages on the shores of James Bay, Hudson Bay and Ungava Bay as well as in regions such as ours.

I will return to the main point of Bill C-31: telewarrants. We believe that the process must be modernized. Police forces are quite right to ask that telewarrants be easier to obtain and that they be made available more quickly.

For the benefit of our audience, telewarrants are search warrants or other types of warrants. The first example that comes to mind is this. Someone is stopped after a motor vehicle accident. The police approach the vehicle and smell alcohol. The person is in his car and unable to give his consent because he is unconscious or too drunk. In any event, he must be taken to hospital. The police accompany him to hospital and obtain a telewarrant over the phone. A justice of the peace, located in an office somewhere in Quebec, will authorize the taking of a blood sample from the individual to determine his blood alcohol level. We agree with the legislator that this telewarrant process should be retained and made more accessible.

The police are right. At present, in 2009, if they suspect that a criminal act has been or is about to be committed, and if they must quickly obtain a search warrant, they have to go before a judge, have him sign a document and then proceed with the search.

We think that the bill is a good idea, because it would modernize the Criminal Code. Even though I am a criminal lawyer, I think that we need to make it easier for police officers to do their jobs and gather evidence. One way of doing this is through telewarrants.

We feel that improving access to telewarrants is a good thing. Police officers must have the possibility of obtaining telewarrants, whether or not they are written or used.

This bill deals with many other things, such as fleeing to another province, and the amendment in response to the Supreme Court ruling in R. v. Six Accused Persons, which amends section 184 of the Criminal Code. There were a number of amendments to be made to the Criminal Code.

There are many details. This bill is long and very technical, but it is interesting. However, there are two main points I want to talk about. The first is representation by an agent, or non-lawyer.

● (1710)

I have a hard time accepting that an agent could represent a client in court, when the client is being charged with a summary offence. The Bloc Québécois has a hard time agreeing with this proposal for a number of reasons.

Representation by a lawyer is extremely important, especially in criminal law. When it comes to appearing, we could probably make some concessions. But I have some serious problems with having an agent question and cross-examine witnesses for and on behalf of the defendant.

I have the same concerns as the Quebec bar, which has provided us with information on this subject, saying:

> The Barreau du Québec is concerned that this proposal, as written, causes confusion about the meaning of "agent", and could lead to lawsuits against individuals for illegally practising the profession.

I am also very worried about this proposal. In Quebec, lots of people have acted as lawyers and have represented individuals, such as claimants before Quebec's occupational health and safety commission. The same thing has happened at the Canada Employment Insurance Commission. People with no legal skills whatsoever have represented others before the board of referees because, they said, they were friends of the claimants. If that same system were to apply to the Criminal Code, we would start having serious problems.

I am very surprised that the government would propose such a thing at the provinces' request. I can confirm that the Quebec bar does not support this proposal. I would be very surprised to hear that the Government of Quebec requested this kind of third-party representation. I believe that the committee will have to pay special attention to the issue of representation by lawyers when it comes time to study this bill.

The other point I want to raise has to do with the amendment to section 2 of the Identification of Criminals Act. I want to discuss this because I think it is important not to create this option. Above all, we must not give the police unrestricted power to take a person's fingerprints and photograph, because there is no telling where that information might end up. Such records, known in our jargon as anthropometric records, could make their way to the Canadian border, to customs, or elsewhere.

If that happened, an individual who has never been charged with anything might be prevented from leaving Canada. The police might go so far as to arrest people for dangerous driving or a highway safety code violation, and tell them to go to the police station for fingerprinting and photographing. The police might even have photographic and fingerprinting equipment with them at the scene of the arrest. I think this goes very, very far. We have to create a process for destroying the fingerprints and photos of people who are not charged with anything and will never be charged, people against whom no complaint or charge will be filed.

At present, not only do we have an individual's fingerprints and photograph—the anthropometric record also included that information—but we know that genetic records can be kept on people who have given a drop of blood, saliva or a single hair for the purposes of DNA identification. We must not forget that.

● (1715)

However, section 10 of the DNA Identification Act contains a provision for the destruction of genetic material.

We think this clause needs to be amended to include the destruction of photos and anthropometric records if no charges are laid within a given timeframe.

One needs to have practised criminal law to understand that it is very rare for clients to come back to us when no charges are laid to ask that their fingerprints and photos be destroyed, even when they have been lawfully taken.

When someone is acquitted of the charges laid against him, his fingerprints and photos should be destroyed automatically, but that is not the case at this time. That is not what happens. Needless to say, this certainly is not more likely to happen if we allow the Identification of Criminals Act to be amended.

We believe that the title of the legislation says it all. It is called the Identification of Criminals Act. So why should someone who has not yet been declared a criminal be forced to submit his photos and fingerprints? In our opinion, this makes no sense, and we find this extremely prejudicial for someone who is arrested.

We think this bill is important. It is an interesting bill and I will close by talking about fighting. I listened to my colleague from Moncton—Riverview—Dieppe and also to my colleague from Windsor. They asked a very important question. There is prizefighting and now throughout the United States there is this type of extreme fighting where violence is involved, of course, but also bets and so forth.

However, we have to be careful because there is very well organized fighting. We know about boxing, but in terms of the Olympic movement, judo and karate have now been introduced. These are extremely interesting sports that are gaining in popularity in Canada.

Judo and karate events are organized under the supervision of national and international agencies. International agencies including the International Olympic Committee, the International Judo Federation, and the World Karate Federation have asked us to ensure that the Criminal Code is amended. I will give an example related to this type of fighting. Canada cannot host the world cup of karate or judo because under the Criminal Code, such fighting is illegal.

We think it is important that this be amended in the Criminal Code. That is what a number of provinces and Quebec are asking for. Judo-Québec, the Fédération québécoise de karaté, the National Karate Association of Canada and Judo Canada, following representations by the International Olympic Committee, which would like to hold major competitions in these two sports, cannot take part.

I see that my time is almost up, but I will close by saying that this is an interesting bill that we will have to address in the Standing Committee on Justice and Human Rights. There are two points, and I have mentioned them, but I think it is important that we respond to the requests and modernize the Criminal Code

● (1720)

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, before I ask the member for Abitibi—Témiscamingue a specific question, I want to say that with respect to a question posed by the member for Mississauga South with respect to briefings, it is my understanding that the critics of all the parties did receive briefings with respect to this bill, but, of course, neither he nor the member for Moncton—Riverview—Dieppe are Justice critics. However, I believe their Justice critic, also from New Brunswick, would have received the briefing.

With respect to the speech by the member opposite, who sits on the Justice committee and who likes to point out that he is an expert in criminal law and that I have not practised criminal law, I have a question with respect to agents.

I am troubled, quite frankly, by his description of the perceived flaw in the bill with respect to court agents. He indicated that the Quebec Bar Association would be opposed to this, and that should be of no surprise to anyone. Bar associations protect lawyers and they protect the businesses and clients of lawyers. However, does the member not believe that individuals who cannot afford lawyers are still entitled to some representation? Court agents are very valuable in remote places, in northern remote localities and native populations where native court workers give sage advice to individuals who have trouble navigating their way through the court process.

Nothing in the bill precludes an individual from retaining a lawyer if he can afford one or if legal aid will provide one. It just expands the mandate in areas and situations where the provinces and territories can put programs in place to expand the use of paralegals or what they are commonly referred to as agents.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I thank my colleague for this clarification because that was not my understanding when I read the bill and comments. However, having seen and worked with them myself, I can assure my colleague that paralegals do exist, even in Quebec, especially in aboriginal communities, especially among the Inuit.

It should be understood that paralegals provide advice as my colleague stated quite correctly. They provide helpful advice, for example, what time to appear in court. They say: "Do not forget to go to court at such and such time", and so forth. That is not what the bill states. In any event, from what I have read, these people can also ask questions. And that has left me wondering.

Having been a lawyer for more than 30 years, I can say that the Criminal Code and the decisions in case law are so complex that they are difficult to navigate even for a lawyer who does not go to court regularly. As for paralegals, I agree with that. I think it is a good idea, that they should continue and that there should be more in certain areas.

● (1725)

[*English*]

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, the member does good work on the justice committee and, more often than not, we disagree on the bills that are before us, but he is a hard-working member of the committee and he did raise the issue of prizefighting and the fact that Bill C-31 would modernize how we deal with prizefighting in Canada.

As members know, that portion of the Criminal Code has not been revised for decades. The member knows that from his own province of Quebec heralds a world champion of mixed martial arts, Georges St-Pierre. The member also referred to the fact that the Olympics include judo and karate. He forgot wrestling but that is also one of the elements of mixed martial arts.

The member was not able to clearly state whether he supported changes that would allow mixed martial arts to take place in Canada, so I would ask him if he could clarify that and take a position on it here in the House.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I have several years of experience working on the Olympic committee and at the international level, so I will answer briefly. Wrestling is not a combative sport. According to the Criminal Code, combative sports are fights involving fists. That is why wrestling is not considered a prohibited combative sport under the Criminal Code. That is why the World Wrestling Championship was held in Montreal and is sometimes held in Canada.

As to the other sports, I agree. As a former member of the Olympic committee, and having helped introduce karate and judo as Olympic sports, I believe that if we want our athletes to develop, we have to allow these kinds of competitions in Canada, competitions like world cups, nations cups and world championships. Right now, because of the Criminal Code, we cannot host the world judo or karate championships or world cup judo and karate competitions because that would violate the Criminal Code. It cannot happen for a number of reasons. Insurers do not want to insure these events, and cities do not want to host them because they are against the Criminal Code.

That is why we think this Criminal Code amendment is a good idea.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I would ask my colleague about the fingerprinting issue and the taking fingerprints prior to charges being laid, which this bill would authorize.

Since the member has perhaps the greatest amount of criminal law experience in the courts of any member in this House, does he see the argument that somehow this is more convenient for the police and will make their job easier? I must tell him that that has not been my understanding of how the process works from my observation when I did criminal work. I am just wondering if he might be able to enlighten us as to whether the police have a valid argument in that regard.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, the answer is no. This should not be done just because it would make life easier for the police. We will look carefully at the Identification of Criminals Act. I did not invent it; it is there.

At present, this act says that an individual who is charged or convicted—someone who is charged with an offence—and who receives a document ordering him or her to appear in court may be fingerprinted and photographed. It is up to the individual to ask that the fingerprints and photographs be subsequently removed from the record. But when someone is arrested for something like speeding, on a suspicion or for whatever reason, it is illegal to take that person to the station and take fingerprints and photographs in case they are needed later. And it should continue to be illegal, or else we will open a door that we may never be able to close again.

We are opposed to this part of the bill, because it could lead to abuses. That is not the goal, and it should not be the goal.

● (1730)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, we should tell my colleagues that they cannot ask any questions, because I will not finish my speech before time runs out, not that I could not handle any of their tough questions, of course.

I rise on Bill C-31. There is general agreement among all political parties that the provisions of this bill are long past being needed. A number of the amendments will bring us into the 21st century with regard to processes that our police forces are required to go through in laying or prosecuting charges. There is general support for this bill. We will be supporting it at second reading. It will go to the justice committee along with lots of other bills and we will get to it eventually.

I want to say this, because I always attack the government on this. In the four years that the government has been in place, this is realistically the first bill that has been prepared in a proper way to deal with the problems we have with the Criminal Code. By that, I mean that it is the first bill of any consequence that one could call an omnibus criminal law bill. There have been a couple of other ones that have involved two or three sections of the Criminal Code, but this is the first one that is an omnibus bill.

I am emphasizing this point because if the government had done this in a number of other cases and had brought a whole bunch of individual bills together into one, we could have expedited a number of the amendments that we have in fact passed, oftentimes with all-party support over the last four years, and we would probably be at least a couple of years ahead of where we are right now.

I want to praise the government for finally listening to me in this regard. I want to encourage it to follow my advice more extensively in the future so that we will have other bills, because there are a number of other provisions in the Criminal Code that need amending and, in particular, modernizing so that our police officers, prosecutors and judges can use the Criminal Code more effectively than they can now. There are all sorts of conflicts in the Criminal Code as it stands right now, as well as those sections of the Criminal Code that are just clearly out of date. I urge the government to take my advice more regularly as it has taken it on this particular bill.

With regard to the contents of the bill, members from both the Liberals and the Bloc and I have serious concerns about the provisions that deal with the issue of the taking of fingerprints before a person is charged. The taking of fingerprints and this point of not being allowed to take fingerprints unless our police are going to charge an accused person goes way back. It has been in the Criminal Code for more than half a century, since shortly after we had the technology of fingerprinting. It goes way back into the last century.

Again, as we heard from my colleague from the Bloc, the need to have a charge laid before fingerprints are taken is in keeping with that significant presumption of innocence that underlies a great deal of our criminal justice system. This is really cutting away at that principle of presumption of innocence. I in no way want to cast aspersions on our police forces, but we know from time to time that we have individual police officers in particular who abuse their authority and power.

● (1735)

Unfortunately, if this amendment were to go through, it would allow for the potential for abuse of that kind by a police officer. It is wide open to being used as a fishing expedition. Our courts in the past have said quite clearly that it is offensive to practice within our criminal justice system and, more specifically, to the Charter of Rights and Freedoms.

I have great concerns as to whether the clause as presented to the House in this regard would survive a charter challenge. I do not think it would. I believe it is clearly a breach of the charter and the only way that could be overcome is, under article 1, by demonstrating that it is necessary in a free and just society to infringe those fundamental rights in the charter.

Again, as I said in one of my questions earlier, I have spoken with police officers and chiefs of police, and the only explanation I have had is that this is convenient for them. Quite frankly, even when I explore that, I do not understand the explanations I get as to how it is convenient and how it is going to make their jobs easier. I do not see how they are going to meet the charter test, but, of course, that will be explored much more extensively when this bill goes to committee.

We have heard a fair amount today as well that one of the highlights of the bill involves the amendments to the prizefighting section of the code, section 83, and that this bill will modernize that. There are some concerns about it. Having listened to members of the other parties, I would say it sounds as though we have all been lobbied on this issue, but I know that the province of Ontario has some serious reservations about expanding the definition. I am not sure they are justified, I have to say, because I have looked at the section, but it is something that we will need to explore.

What has not been raised here is the parimutuel amendments, the betting amendments in the code. I will address those more extensively and perhaps go back to the prizefighting issue as well either tomorrow or the next day when this bill comes before the House again.

The Deputy Speaker: The hon. member for Windsor—Tecumseh will have 12 minutes remaining to conclude his remarks when the bill is next before the House.

It being 5:39 p.m., the House will proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

SUPPORT MEASURES FOR ADOPTIVE PARENTS

The House resumed from October 30, consideration of the motion.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, I rise today to speak to Motion No. 386, a motion that recommends that the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities examine current federal support measures available for adoptive parents.

While many of the laws involving adoptions fall under provincial and territorial jurisdiction, there is one fact that we cannot deny: families regardless of what form they take are the basic building blocks that form the foundation for a healthy and prosperous country. That fact affects all Canadians regardless of where they live in this great country.

By understanding the issues that face our families, we can help develop social policies that allow us to build a strong base that allows families to prosper.

The government has come a long way in recognizing the needs of adoptive parents, and the changes to our human resources service have made it, for lack of a better word, normal to be an adoptive family. Yet there are many workplaces across the country that treat biological families and adoptive families differently: there are different parental leave standards, different benefits, and comments from people who do not mean any harm but who are not aware of the sensitivities of adoptive families.

Many issues are not necessarily tangible, but they form hurdles nonetheless that add to the difficulties faced by adoptive families.

All families have challenges. However, Motion No. 386 concentrates on adoptive families, and if nothing else it brings awareness to parliamentarians and all Canadians. With awareness comes understanding. With understanding comes acceptance. With acceptance we can all move forward together.

When a new child arrives in a family, the emotional and physical stress are often overwhelming. Many know the feelings that a biological family goes through. However, for the rest of the time allotted today, I will concentrate on adoptive families.

Over the years, governments have recognized that regardless of whether one is a biological parent or an adoptive parent, many of the issues are pretty much the same. Financially a new addition to the family will warrant new expenses: the baby's room, toys, clothes, car seats, and the list goes on.

Adoptive families often have added costs that go with the adoption process amounting to tens of thousands of dollars. Creating financial barriers to otherwise capable parents and preventing many parents and children from forming families is not fair to all Canadians and makes it difficult to have good solid families go ahead.

Emotional stress is likely the hardest part of adopting a child. The first step to adopting a child is coming to the realization that one has this option and that one wants to proceed. The reality for most parents is that they have gone through a long arduous process of trying to conceive and have come to the realization that they cannot have children biologically.

This is a very difficult point to come to. Thank goodness for family members and friends who are there to lend support and help the couple come to this realization.

They may decide to live without children and have a life that would be childless. It is not an easy decision for someone who has dreamed of a family with children all their life. Some buy pets in the hope that they will fill the void that is left in a childless family. I can tell the House from personal experience that this does not do it.

So a couple decides to adopt a child. Unlike the biological parents who have decided to have a child, adoptive parents have to go through a home study that examines their relationships, their family ties, and their friends. As well, there is a list of intrusive questions that ask the adoptive family to bare all.

I am not saying that this is a bad process. I honestly believe that this is a necessary part of the adoption process. What I am saying is that it is an emotionally draining process, which, unless one has gone through it, is very difficult to understand.

Another emotional stress that is borne by adoptive couples is the waiting period that takes place between the acceptance of the home study by the province or territory and the actual day that the child is in one's home.

● (1740)

This period can go from a few months, which is highly unusual, to many years, which is more than likely the norm. Once individuals find out that they will be parents and that they have a child that they can proudly call their son or daughter, there is another waiting period.

Domestically, it is normally 30 days to ensure that the biological parents can confirm that they will allow their child to be adopted by the waiting family. Internationally, the adoptive parents often have a long waiting period to confirm their travel date. They often have a photo of a child, all the vital information of the child, but they do not have a set date to travel. We can imagine the anticipation of waiting for that date to come, so that the parents can pick up their son or daughter in a foreign country.

In other cases there is travel to the country of origin of the child, meeting with the child, and travel back and forth before the adoption is completed, often compounded by long stays in the country of origin of the child. This travel back and forth is normally done with the child remaining in his or her home country while the parents are tormented by having to leave their child behind, or to stay at great expense in a foreign land.

I would like to tell the House about an adoptive family who were waiting to travel. They had the picture and the vital information of a beautiful little girl in Hunan, China. The little girl, for all intents and purposes, was their daughter. The couple, as members may imagine, was very excited and waiting for the travel dates. They were out one day and decided to go to a department store to pick up clothes for the orphanage in China. Suddenly, the father felt helpless. A panic came over him. Suddenly, he had tears in his eyes and he was shaking. His wife asked what was going on. She had never seen him like this. He was just incapacitated. All he could say was, "My daughter is thousands of miles away on the other side of the world and I have no control over what is happening to her". Mr. Speaker, I was that father. My daughter is now 12 years old and I can honestly say that Samantha coming into our lives has been the best thing that has ever happened to us.

Families come in various forms, and as I mentioned earlier, we should assist all families in succeeding, so that we have a strong foundation in Canada based on strong families. The more we know about the issues that affect us on a daily basis, the better we can face challenges that confront us and raise stronger, more vibrant families.

Motion No. 386 speaks to bringing awareness to adoptive families and their needs, and is a good start to help Canada build toward a strong future.

● (1745)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am glad to be in the House today to speak about this important issue, Motion M-386.

The challenges that face adoptive parents are not often discussed. This means their struggles often go unnoticed and uncorrected by this country's legislative bodies.

This motion, though it does not offer any solutions to these struggles, does draw attention to the situation adoptive parents find themselves in and as a result, allows for more discussion on what measures are in place and which measures are lacking.

The motion tabled by the hon. member for Essex calls for:

> —the Standing Committee on Human Resources, Skills and Social Development, and the Status of Persons with Disabilities be instructed to examine current federal support measures that are available to adoptive parents and their adopted children, recognizing and respecting provincial and territorial jurisdictions in this regard and, following completion of its study, report back to the House with its findings.

Though the motion's ultimate goal can be achieved through other means, it does not detract us from its purpose, to take stock of what resources are currently available for adoptive parents and find out where there is a lack of support.

Let us now look at some of the challenges facing adoptive parent families.

This past summer was devastating for many adoptive families across Canada, and my riding of Sudbury was no exception.

When Imagine Adoption made its bankruptcy announcement on July 14, over 500 families were thrown into limbo. Imagine Adoption is a federal adoption agency registered with the Ontario Ministry of Children and Youth Services and a registered non-profit agency.

When the bankruptcy was announced, Imagine Adoption closed its doors and its accounts were frozen, leaving hundreds of families financially and emotionally devastated. The adoption agency is now only a closed website that redirects families to the bankruptcy trustee's website where parents can read about the group's restructuring plans.

Constituents of mine, who I met numerous times, were in the middle of adopting a child from Ethiopia when the news hit of Imagine's bankruptcy. With no adoption agency to turn to, the two of them were left to navigate the highly complex bureaucratic channels in Ontario and with the High Commission in Nairobi to find out where their paperwork was, what stage the visas were at, and what representative was dealing with their file in Ethiopia.

In this person's own words, "This turn of events has left those of us with files in waiting full of dread that our files will be pulled and our spot in the queue lost; this is to say nothing of the absolute fear being experienced by those families who have actually been matched with their child".

This couple are not the only constituents who have contacted me on this issue. I have heard from numerous families that were also concerned.

These Sudburians understand that adoptive parents face tough challenges, not to mention a remarkably complex approval process and uncertainty levels when dealing with adoption cases overseas.

This is why we need to look into what resources are available for these parents. Moreover, this is why we need to take action now to help those who are still in limbo, still waiting for their families to be complete.

The challenges facing adoptive parents are not news to New Democrats. Rather, we have been listening, listening to the biggest concerns raised by adoptive parents and doing what we can to make their lives better.

I would like to touch on the good work that two of my colleagues are doing on this issue, the first initiative from my colleague from Burnaby—New Westminster and the second from my caucus member from Trinity—Spadina.

In January of this year, my caucus member from Burnaby—New Westminster introduced Bill C-413, An Act to amend the Employment Insurance Act and the Canada Labour Code (extension of benefit period for adoptive parents).

If passed, this bill would amend the Employment Insurance Act and the Canada Labour Code to ensure that an adoptive parent is entitled to the same number of weeks of leave as the biological mother of a newborn child.

● (1750)

Under the current employment insurance program, adoptive parents are given 35 weeks of paid leave and a further 15 weeks of unpaid leave afterwards. Only birth mothers are able to take an additional 15 weeks of maternity leave.

This inequality between birth parents and adoptive parents received national attention in January of 2008, when the Supreme Court of Canada refused to hear an appeal by an adoptive mother from British Columbia, Patti Tomasson, who was fighting for the same maternity leave benefits as birth mothers. Ms. Tomasson applied for maternity leave after she adopted her two daughters, Sarah, who is now eight, and Hannah, who is now four.

The Supreme Court was upholding an August 2007 decision by the Federal Court of Appeal that ruled Ms. Tomasson did not qualify for maternity benefits because she did not undergo the psychological experience of pregnancy and childbirth. Unfortunately, the Supreme Court of Canada was upholding antiquated laws, laws that need to be reviewed and revised in order to be fair to both birth and adoptive parents.

Adoptive parents like Ms.Tomasson need the extra leave to bond with their children. Recent studies of adoptive parents have shown that many would have liked to have the extra 15 weeks in order to help them better support their children.

As another parent, Heather Rowe, said:

> The emotional time is as important as the physical," she says. "In fact, mothers who haven't given birth maybe need more time to envelop the child. As soon as you find out you've been approved you fall in love, but because you don't have the physical presence of the baby inside you, you don't start the physical bonding until you are actually holding the baby.

In fact, adoption professionals and researchers around the world identify a few of the issues as: post-adoption depression for the adoptive parents as a result of the adoption process; attachment and bonding from parent to child and child to parent; health issues or developmental issues; large barriers and cultural adjustment, as well as onerous adoption processes; and in the case of international adoption, issues of trauma, abuse, neglect or multiple foster care placements which make it difficult for the parents to build an immediate trust relationship with the child.

The bill introduced by the member for Burnaby—New Westminster would take these challenges into account by installing parity between adoptive and biological parents in this regard. The Adoption Council of Canada, a federally incorporated, charitable body, calls for the same measures to be taken.

Another worthy initiative that my caucus has put forward is Bill C-397, An Act to amend the Citizenship Act (persons born abroad). As of April 17, the date Bill C-37, An Act to amend the Citizenship Act from the 39th Parliament came into effect, the children and grandchildren of Canadian expatriate and adoptive families have had their citizenship downgraded, or worse, stripped away.

Families who were recently able to pass on their Canadian citizenship for their born-abroad children have had such rights stripped away. Changes in citizenship and immigration law that were meant to restore citizenship to lost Canadians have instead created a new generation of lost Canadians.

The bill introduced by my caucus member for Trinity—Spadina would restore equality among all Canadians no matter where they were born and ensure the citizenship status of children and grandchildren of expatriated Canadians and adoptive families is not downgraded or outright stripped away. It would also treat citizenship in a manner that reflects and promotes Canada's economic, social, intellectual and humanitarian engagement with the world, and these initiatives are just a start.

I thank the hon. member for Essex for initiating this important conversation once again. I hope that in doing so, others begin to recognize the importance of updating our current laws to make life fairer for adoptive parents and their families.

● (1755)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I am very pleased today to contribute to the debate on Motion M-386 brought forward by my colleague and friend, the member for Essex. This private member's motion has to do with support for adoptive parents, which is an extremely important issue.

I find it interesting. The motion comes up for the second hour of debate at the same time a motion passed unanimously in the House, which said that we would continue to work toward ending child poverty. I would suggest that there is no more effective way of ending child poverty than having a child become a part of a family, a family that can support and wants to support the child, which is the case when it comes to adoptive parenting.

I really wanted to speak on this issue because I know, as do most people in the House, one couple in particular that has been married 10 years. The couple has tried to have children for 10 years and desperately want children. About five years ago, the couple found out that was not likely to happen. The couple then started the process of trying to adopt a family. It has been an extremely difficult process and it has not been successful so far.

The motion discusses an issue which is extremely important and emotional, not just for that couple but for everyone, I suggest, who thinks about this.

I know the joy of children. My wife, Linda, and I have five grown children.The youngest two are 26. The oldest is 31. We have two sets of twins. I know the joy they have brought us, and continue to bring us. I cannot imagine my life without our children. I know my wife feels the same way. Now there are grandchildren, which is just a lovely, wonderful experience. We are blessed that two of our children have had children. We have three grandchildren, the youngest being a four-month-old granddaughter, Claire, who is just absolutely gorgeous and a delight, as are the two, two-and-a-half-year-old grandchildren.

The joy of children and family is something that most of us understand. It is something that, quite frankly, is more important than anything else I can imagine.

I applaud the member for Essex for seeking to assist families that have been brought together by adoption.

What he has proposed in his motion, specifically, as was mentioned by previous members, is that the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be instructed to examine current federal support measures that are available to adoptive parents and their adopted children, recognizing and respecting provincial and territorial jurisdictions in this regard, and following completion of this study, to report back to the House.

What does my friend, the member for Essex hope to get from the study? I really cannot speak on his behalf, but I know what I hope will come from this. I sincerely hope this group, after examining the situation, will come back to the House and recommend that adoptive parents be given the same maternity benefits that are now available to parents of children who are not adopted.

I believe family is the basic building block of our society. Everything starts with the family, as my colleagues who have spoken before me have said. Helping families has been a key priority of our government since 2006, and I want to talk about this a bit.

In all our actions to support family, this government has been guided by the principles of choice and opportunity. We believe Canadian parents can be trusted to be do what is best for their children. Our role is not to dictate their choices, but to give them the resources they need to act on this decision, whatever it may be.

Let me start by putting this issue into context by giving a brief outline of the benefits and plans that now exist for parents, specifically, with reference to the employment insurance special benefit system.

● (1800)

The system provides help to Canadians for periods when they cannot work, such as sickness, caring for loved ones or, in the case of the context here, the birth or adoption of a child. When it comes to the issue at hand, the employment insurance special benefits are intended to support parents in balancing the demands of work and family by providing the flexibility they need to stay at home and care for a newborn or newly adopted child.

I can also happily add that our government has put forward Bill C-56, which would extend all of these special benefits, including maternity and parental benefits, to self-employed Canadians, for the first time, on a voluntary basis, which is an important component. I support this measure. Hard-working Canadians do not have to choose between family and work responsibilities any longer.

Maternity benefits are available in the weeks surrounding childbirth and can start up to eight weeks prior to the expected date of birth. These benefits are available to biological mothers, including a birth mother who places her child for adoption. In effect, the 15 weeks of maternity benefits allow a birth mother to be protected from an earnings loss caused by her physical inability to work or to seek work in the weeks surrounding birth.

Some concerns have been expressed that adoptive parents do not have the same access and number of weeks of benefits as biological parents do, which is 15 weeks of maternity benefits offered exclusively to birth mothers. Who knows, this might come out of a study done by the committee.

However, in 2007 the Federal Court upheld the 15 weeks of maternity benefits when it confirmed that there was a distinction between biological mothers and adoptive parents. Biological mothers endure the physiological burdens of pregnancy and childbirth. It is for those reasons that the 15 weeks are offered. Maternity benefits are provided to replace the lost income for those reasons.

The Federal Court endorsed the constitutionality of that arrangement and the Supreme Court, in 2008, declined to hear an appeal in the case. I believe that is appropriate. It is certainly not up to the courts to make our law. That is the role of Parliament. What we are discussing here is the possibility of changing the law and making new law when it comes to this maternity benefit.

As well, all parents can access 35 weeks of parental benefits for the purpose of remaining at home to take care of and bond with their newly born or adopted child. That is available already. These benefits can be shared by both parents.

To return to adoption itself, in Canada, as many in the House are aware, this is an issue that falls under provincial jurisdiction. However, the federal government has a role. The committee that does a study and any debate that may take place in the House certainly would respect the jurisdiction of the provinces when it comes to these issues.

Our Conservative government introduced and saw pass Bill C-14 two and a half years ago. It grants permanent resident status or Canadian citizenship to internationally adopted children and makes that process much quicker and easier. This measure was widely praised and I think it is an example of a job well done by our government.

In the time remaining, I cannot go through the rest of the things our government has done to help families. In most cases, the things our government has done apply to families whether they have adopted children or not.

Once again, I thank my friend and colleague, the member for Essex, for bringing this motion to the House. I support the motion and I encourage every member in the House to support it. It simply asks for a study to be done to determine what is available and perhaps come up with recommendations on what should be available to parents who choose to adopt children.

● (1805)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to follow the hon. member. I think this is a very important measure that the member for Essex has introduced. In fact, I noted a press release that he sent out on October 30, 2009, where he called on Parliament to examine current federal support measures available to adoptive parents and their children. He said:

> Let us agree there is equal value for parenting whether one is biological or adoptive. And let us also agree there is equal value for children whether biological or adopted. And let this fundamental accord ultimately find full expression in the policy choices of government.

I thought that was very well put and a very good introduction to what he wants to do here. The resolution itself reads:

Private Members' Business

That the Standing Committee on Human Resources, Skills and Social Development, and the Status of Persons with Disabilities be instructed to examine current federal support measures that are available to adoptive parents and their adopted children, recognizing and respecting provincial and territorial jurisdictions in this regard and, following completion of its study, report back to the House with its findings.

He is recommending that the committee look at the process and experiences of adopting families within the existing framework with an eye to ensuring that the federal government is providing full support to all Canadian families while recognizing the respective provincial and territorial jurisdictions.

For the 23 years that I was a member of the provincial legislature, I did see many developments in the adoption area. Certainly, many constituents would come to my office to deal with the problems that they had. There was a myriad of problems that people would run into. However, I do want to draw attention to some of the history of adoptions in this country, even in the working lifetime for most people in the House. In Manitoba, we basically had a government-supported policy of encouraging the adoption of aboriginal children not only outside their reserves but outside the country.

Many aboriginal children were adopted into the United States. It was mainly the northern United States. It was only a matter of 15 or 20 years later that an inquiry into the process showed that the results were not the way we wished they would all be. There were some very good success stories, but there were also some very bad stories that came out of this. There were different types of abuse, children being forced to work in slave-type conditions and so on. Of course, that pointed to adopting a more rigorous process for accepting adoptions. That is another complaint that I have heard over and over again.

People think the process is too complicated. On the other hand, it has been admitted that this complicated process is there for a reason. Errors have been made in the past and the results have shown that. While we might have 80% or 90% of cases or higher where people are 100% qualified and above board, there is always going to be a small percentage of people who take advantage of the system and abuse the rules. I guess that is the same with any area of legislation and the law.

We basically set up laws to govern that 5% or 10% who do not follow the rules. All we have to do is look at all the security regulations that we are all having to deal with today at the airports and even in the Parliament Buildings. We find ourselves putting elderly people through radiation scanners, scanning them and making them strip down before they enter buildings. All of this came about because of one example of somebody who got into a building and did some bad things. I suppose there are a certain amount of regulations with which we are always going to have to deal.

● (1810)

With regard to the adoptions that I was referring to in Manitoba, when a number of these people were being repatriated to their birth parents, because that is what happened in some cases, a lot of requests and inquiries came to my office from people trying to find their children and vice versa, people trying to find their birth parents. That became another big issue where I probably think we lost some friends over because the birth mothers did sign off at the time when they gave up the child, but after 10 or 15 years the birth parent wanted to find out what happened to the child so they came to the legislator's office. I am sure all MPs have had people ask them for help in trying to locate their children, or vice versa, people trying to find a parent.

We had a law in Manitoba that said that once parents signed off on the adoption, they had no right to find out where the child was or who adopted them. Just in the last five, six or seven years, the Manitoba government and perhaps other governments have taken measures to make it easier for people to get reunited and to track down their birth mothers or their children. Of course the rule has been put in place that both parties must agree to this before they are allowed to get together.

Sadly, there are examples of where one of the two parties does not want to co-operate and then we find a certain gentleman in my office trying to find his daughter. The searches are made and then it comes back that the birth daughter did not want to find her father. That is even more heartbreak on his part. I have not checked in lately to see how well he is doing with that. It is a very complicated and stressful issue.

The member has taken a great step here and he recognizes that the adoptions are more of a provincial issue, but it is certainly incumbent upon a federal government to look at these issues and to look at all sorts of equality issues.

Our member, the NDP member for Burnaby—New Westminster, has a bill before the House, Bill C-413, which would amend the Employment Insurance Act and the Canada Labour Code to ensure that adoptive parents are entitled to the same number of weeks of paid leave as the biological mother of a newborn child. I have assisted him in introducing some of his petitions supporting his bill in the House.

The member for Burnaby—New Westminster has a very interesting and comprehensive petition that he has passed around and submitted literally hundreds and hundreds of names. We have sent around petitions for signing and, out of a group of eight or ten petitions, the two petitions that seem to be the most popular that people grab are the air passenger bill of rights,which I must say is certainly popular, but the—

● (1815)

The Deputy Speaker: I must stop the hon. member there as his time has expired.

Resuming debate, the hon. member for Crowfoot.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, as I listened to the testimonials of various speakers today, I was very moved. It was very touching to hear the life story from the Liberal member for Nipissing—Timiskaming in regard to the adoption by his family.

I appreciate the support the motion is receiving and I commend the member for whom this has been a real issue. The member for Essex, whether in caucus or in the House, is always bringing forward policies or policy initiatives dealing with the fundamental institution in this country, the family. The member for Essex has done a remarkable job putting forward issues that help enhance the strong unit called the family, and the motion before us would do that. The motion reads:

> That the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be instructed to examine current federal support measures that are available to adoptive parents and their adopted children, recognizing and respecting provincial and territorial jurisdiction in this regard and, following completion of the study, report back to the House with its findings.

For those who may be listening to the parliamentary station, this is a very substantive motion. The motion is saying that we need to do our homework, that we need to have a standing committee look at the rights of the adoptive parents, the birth parents, the biological parents and the children, and that we need to put our information together, not for politics because it sounds like most parties will support the motion, and come up with a comprehensive strategy that will make the family unit even stronger and our country stronger as well.

I applaud the member who has, in the past, been very forthcoming in bringing forward this type of policy. He has done it again and I commend him for doing that.

I do not know where to begin but I will talk about my own life. My wife and I were married in 1986 and we had plans for a large family. That is what we had hoped for and what we had prayed for. After a number of years, however, it became evident that was not going to happen. All of a sudden, we found that we were not alone. We found that there were literally thousands of Canadians with the same type of difficulty. Then the process began. I remember the disappointment on my wife's face as friends made the announcement that they were pregnant. We rejoiced with them and were excited for them but there was always that hurt. When we went to the mall, it seemed that many young ladies were pregnant. After years of marriage, we realized we would never be able to rejoice for our own in that way.

I will tell members why this motion is important. We began the process as a young married couple with a house payment, a new job and a car payment. We were young and just starting out. Although we were blessed with jobs, we had a passion to have a family. We realized that it would be very expensive. If this were a priority for us, we knew we would need to commit to saving, to budgeting, to planning and all those things in order to fulfill our dreams of a family.

● (1820)

I had played some hockey in Saskatoon and worked in Saskatoon. We ended up moving back to Alberta. The very first thing we did was to seek out an adoption agency. We went through what is called the Christian Adoption Agency in Calgary. We found people there who were very easy to deal with and to speak with and had a real love and concern for what we were going through. They introduced us to the process in which we would find ourselves over the next number of years.

We found out that we needed a home study. A social worker would come in and do a long study as to whether we would we be effective parents.

I think the member for Vegreville—Wainwright talked about some of the issues of the home study. The social workers went into everything. They looked at the finances, at what was going on in the home and at the extended family. They looked at everything. It cost us a significant amount money in order to do this, money that we had set aside over a long period of time. However, I am glad they did. I would never want to see that process cut short where we made adoption available for anyone. Although the desire to have children is perhaps by anyone, I think there were certain things that they really checked on to ensure we would be a loving and solid family.

As I stated, when we moved to Alberta, a home study was done. We went through the wait, which is the best way to describe it. We put forward a scrapbook. Different people looked at the file and eventually we received the call. Our whole life changed. It was like every prayer we had given had been answered. We took off and we went to where this young lady had given birth to a beautiful young girl and she had chosen us. That had very much significance.

I do not want to go through the whole thing but we now have two children that were through this adoption process and in each case it was very different.

The 10 day wait period is a time where young couples are on the edge of their chairs. They are hoping now that the phone will not ring. First they are hoping that it will ring and that they have been chosen but in the next 10 days where the birth mother has the opportunity to change her mind, they hope the phone will not ring. We were blessed both times that the call did not come and that we were able to raise a young daughter who is now 17 and a son who is 15.

This has changed our lives. Every day I am thankful for the family that we have. I really believe that it is in the best interest of our country that we continue to encourage strong family units. It is the building block. We talked about that today. I think it may have been the Liberal member who said that it is the main building block of our country.

As a government, we have looked at legislation continually and have asked whether it will be family friendly legislation. We have brought forward very positive steps that have been family friendly. As the member for Essex has done, he has brought forward ideas that have come into policy, and here is another example.

What we are calling for now is that we sit down with all members of the committee and look at the process again and ask about the lead up to the birth mother having a child. Is there something for an adoptive family? Is there time that should be recognized because of the major change all of a sudden in their status or in their family dynamics. What about after?

We have seen already that there has been an extension to EI benefits. We need to continue to look at ways to enhance this process. There are many different opportunities and ways to realize a family now, but in this process we need to look at this and say that this is what we can do. Because of motions like this, this government is willing to say that this is important and that we will move forward and make it even better.

● (1825)

The Deputy Speaker: There being no members rising in debate, I will go to the member for Essex for his five minutes right of reply.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, I thank my colleagues who have spoken in the debate on Motion No. 386. I also thank the minister for her openness in considering a study by a parliamentary committee. I thank the opposition party critics as well who have spoken in support of my motion.

We are on the cusp of a landmark study on adoption in Canada backed by what I hope will be the unanimous resolve of this House. There is no better time to do this than in November, which is Adoption Awareness Month across North America.

I also want to thank my wife Sarah, mom to our five biological children. As a family we support three children and their parents through Compassion Canada. We have been readying our hearts and our home to receive through international adoption what we hope will be a baby girl from China.

My biological mother came to Canada from Croatia, four months pregnant with me, in 1970. A teenage mother sponsored by an uncle, she hid her pregnancy and ultimately put me up for adoption in 1971. Incidentally, that was the first year of maternity benefits in Canada. While we have added benefit improvements to support parents, we have not had the opportunity to take a cross-country look into what I call the infrastructure supporting adoption. I submit this is the time to do that.

As an MP and with all the privileges of such an office, I am wary of giving direction to standing committees as they are masters of their own affairs, but let me offer a couple of suggested principles to guide a detailed study on adoption.

First, family is the building block of any society. Society, including through the policies of government, has a deep and abiding interest in the successful attachment of adopted children to their adoptive parents as much as it does in biological children to their biological parents. Second, though biological and adoptive parenting may differ, they are of equal value.

Let us dream big for just a moment. I have a vision of a Canada big enough and loving enough to affirm the value of all children, adoptive and biological, children from both Canada and abroad. We have the affluence to open our hearts and homes. We have couples with the desire to adopt. We have some of the pieces in place to make adoption possible.

We have not achieved permanent placement in stable families for all children. Foster parenting is an amazing calling, to open up one's heart and home temporarily, knowing a child could be placed with a permanent family in short order, only to open up one's heart and home temporarily again for another child. Foster parenting is an amazing thing.

Too many children are in foster care today in Canada, growing up within that system and without the stability of a permanent loving family and the strong attachments of family so necessary to successful life outcomes. Adoption needs to work for them too, from toddler to young adult.

Then there are children with special needs, beautiful and uniquely gifted for their own special calling in life. Quick adoption is usually available for these children, yet there are many who are still not adopted. Adoption needs to work for them too.

What about children the world over who are victims of natural disaster, famine, civil unrest or war? Those among us willing and able to adopt are key to the well-being of such children. The mid-20th century infrastructure of adoption is not enough to make such permanent placement in Canadian families a reality.

Maybe it is time we created an adoption class at Citizenship and Immigration Canada where such children in need of parents who cannot be placed in stable families in their own country of birth could find a new family in Canada. That would take a new paradigm of thinking, a new infrastructure for adoption in Canada.

There are myriad challenges facing adoptive parents in Canada as well. There are no systematic post-adoption supports for Canadian parents after the child is placed in the home. There are many things for the human resources committee to study.

I encourage the HUMA committee to do a big study, not a little one, and engage Canadians from sea to sea in its discussion. Its report is going to be looked at by not just this government but by many people across Canada. I know studies provide lots of recommendations, but I suggest that the committee draw attention to a couple of really important ones. Otherwise people may say there is just too much to do. We want to avoid bureaucratic inertia.

I call on all members of the House to please support Motion No. 386, keeping in mind the thousands of hopeful parents and thousands more children, from infant to adolescent, who want adoption for their futures.

● (1830)

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Deputy Speaker: Pursuant to Standing Order 93, the division stands deferred until Wednesday, November 25, 2009, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

SEARCH AND RESCUE

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the questions that I asked the Minister of National Defence on September 14 were related to the *Sea Gypsy*, which was sadly lost off the coast of Newfoundland and Labrador just days earlier.

The tragedy of the *Sea Gypsy* emphasized the importance of getting action from the government on offshore search and rescue. However, the response from the Minister of National Defence has been disappointing and is far from what has been required.

These issues are still very much of concern to the people of Newfoundland and Labrador. Another tragedy occurred off the coast of Newfoundland and Labrador in March of this year, and has also drawn attention to the inadequacies of search and rescue responses in the province.

Fifteen offshore workers and two crew members were lost when a Cougar helicopter crashed into the sea. The cause of the crash is being examined by the Transportation Safety Board of Canada and there is an inquiry about this crash called for by the Canada-Newfoundland and Labrador Offshore Petroleum Board, the board that regulates the Newfoundland and Labrador offshore oil activity. The inquiry's role is not to investigate the cause of the crash or assign blame, but rather the inquiry is to look for ways to make travelling to offshore oil platforms as safe as possible.

Judge Robert Wells, a retired Supreme Court of Newfoundland and Labrador judge, is tasked with assessing whether offshore helicopter transport is as safe as it possibly could be. Since this inquiry began its hearings on October 19, the witnesses appearing have issued many concerns. They have talked about the challenges that must be addressed. While I will continue to follow the hearings closely and I look forward to Judge Wells' report, the need for additional resources has long been known.

More than 25 years ago, the royal commission that studied the tragic sinking of the *Ocean Ranger* recommended that a full-time helicopter fully equipped for search and rescue standards be located near offshore oil activities, but to date no such recommendation has been implemented.

How many more lives are going to be lost before we actually do something on this issue?

I am hoping the government will vote in favour of the motion by the member for Random—Burin—St. George's that will be voted upon tomorrow. I am hoping the government will have the wisdom to vote in favour of this motion.

The Minister of National Defence has already said that he expects there will be questions about the department's choice of Gander, Newfoundland and Labrador as a base for search and rescue. I have to inform the minister that this is not about the choice of Gander. Gander is doing an incredible job. Search and rescue crews in Gander perform a vital role and must continue to do so. It is about adding additional resources to the province of Newfoundland and Labrador.

Before my time is up, I want to also make an important point. I want to be clear that my comments are in no way a negative comment about the search and rescue workers. Nothing could be further from the truth. I recognize the professionalism and bravery of the people in the field. We know how they risk their lives to save others in very difficult circumstances. I know from personal experience the stress and responsibility that people who work in this field carry. What I and others are saying is to give these highly trained and dedicated professionals the resources and support they need to do this very difficult job.

I want to ask the minister once again, given the tragedies off the coast of Newfoundland and Labrador, given the expanse of the oceans surrounding the province, given the serious problems in response time, will he now commit to additional resources for the province of Newfoundland and Labrador, which will help save lives?

● (1835)

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, the member for St. John's South—Mount Pearl has asked for clarification on the availability of search and rescue service in Newfoundland and Labrador. It will be my pleasure to provide additional clarification on this issue.

Let me first say that the Canadian Forces works closely with its search and rescue partners to respond as quickly as it possibly can to save the lives of those at risk whenever and wherever incidents occur. It has total dedication to this mission, as the member has noted.

The Canadian Forces search and rescue assets are carefully managed and strategically located across the country. The location of Canadian Forces assets is based upon experience and studies that determine where search and rescue incidents are concentrated and where the need is greatest. Gander is centrally located in Newfoundland and Labrador, which allows the Canadian Forces to provide an even search and rescue coverage throughout the region.

Further, based on historical weather patterns, Gander has more favourable conditions that allow for more reliable deployment of search and rescue units. Gander has fewer fog days than other locations in the area. I can say that from personal experience, there is nothing more frustrating for an air crew than not being able to launch a mission because of weather. We try to control as many factors as we possibly can.

The Department of National Defence conducted a comprehensive study in 2005 on the location of search and rescue assets. This is one of many studies that has gone on.

Search and rescue is a no-fail mission for the Canadian Forces and it has a 100% dedication to that goal. In addition, the Canadian Forces routinely evaluates its processes and capacity following search and rescue responses and incidents to ensure that our resources and posture are best suited to meet the needs of Canadians. We take lessons learned from every incident, with the aim to make it better for the next one. It is a continuous review process.

I will take this opportunity to discuss the recent search and rescue efforts involving the *Sea Gypsy Enterprise* to which the hon. member has referred.

A Provincial Airlines aircraft was already in the air on a routine fishing patrol and confirmed the location of the incident. A Cormorant helicopter was dispatched from Gander without delay and was joined by a Hercules aircraft and two Canadian Coast Guard vessels. We recovered three survivors and a deceased crew member, and continued to search for the missing crew member despite bad weather conditions. Two Hercules aircraft, one in Sydney and one in Greenwood, were on standby through the duration of the operation, in the hope that the aerial search could be resumed. The decision to end the active search was made well after all hope for survival of the remaining crew member had been exhausted. It is always a tough decision; it is based on input from all agencies, and there is no satisfaction, clearly, when that occurs.

I can assure members that the Canadian Forces, in cooperation with the Canadian Coast Guard, has handled this operation both proactively and professionally.

With respect to the Cougar helicopter incident, we have discussed that at some length in the House. That was basically a non-survival crash. It was miraculous that one person actually survived. Had there been a helicopter overhead, it would not have made any difference.

The Canadian Forces, along with its search and rescue partners, maintains the required readiness posture to provide the best possible level of search and rescue services to Canadians across the country.

I will conclude by saying that Canada has one of the best search and rescue systems in the world. This is made possible by the ability of the Canadian Forces and its search and rescue partners to effectively coordinate all available assets and bring them to bear on an incident. This is due to the dedication and courage of the individual Canadian Forces members, and I know the hon. member agrees with that, and the organization, as a whole.

I hope this information has helped the member better understand the effective and efficient level of search and rescue service that is maintained throughout the country and throughout the region of Newfoundland and Labrador.

● (1840)

Ms. Siobhan Coady: Mr. Speaker, I certainly do understand the valiant efforts that search and rescue crews make across this country. As I said in my opening remarks, absolutely, the services provided by the professional men and women who provide search and rescue are second to none in the world. This is not about whether or not they have the professional services, it is about whether or not they have the resources, the actual assets, that we require to ensure that we have adequate protection.

The hon. member spoke of Gander. Gander offers incredibly important service to the province of Newfoundland and Labrador, but it is a question of additional resources being required. We have heard now, as an outcome of the sinking of the *Ocean Ranger*, that additional resources were required. That was 25-plus years ago.

When I asked the question of the minister that prompted this debate this evening, he indicated there were additional resources in Sydney, which is almost two hours away.

We need additional resources for the province.

Mr. Laurie Hawn: Mr. Speaker, in fact the recommendations resulting from the *Ocean Ranger* incident, tragic as it obviously was, have been implemented and there are additional resources available in St. John's.

From the Canadian Forces' perspective, there are limited resources. That is just a simple fact of life and it is the job of the Canadian Forces to make the best use of those limited resources. To duplicate Gander in St. John's, which is really what this discussion is about, would require an additional three aircraft, five crews, dozens of maintenance staff and several administration staff. Those resources simply are not available.

The Canadian Forces make the best use of the resources they have. That is why we are in Gander and that is the indication from all studies that have been conducted in this area. They will continue to do that job for the benefit of all Canadians.

FISHERIES AND OCEANS

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I am glad to have an opportunity to follow up on a question that I asked regarding the Northwest Atlantic Fisheries Organization agreement, which has been amended through negotiations involving Canada and the member states of NAFO. It was brought to the House for debate by a concurrence motion on the eighth report of the Standing Committee on Fisheries and Oceans.

What I first need to say about NAFO is that it is a long-standing organization that the people of Newfoundland and Labrador lost confidence in many years ago. Not only did the people of Newfoundland and Labrador lose confidence in it, but in 2005 there was a unanimous report of the fisheries committee seeking custodial management as an alternative to the very negative experience with NAFO involving overfishing, the breaking of the rules, lack of interest in conservation, and many other problems Canada had in seeking to enforce conservation rules outside of the 200-mile limit and having an expectation that the international community would participate.

The convention was agreed to by the government despite the all-party committee and, in fact, despite all-party support for custodial management, which had no greater champion than Loyola Hearn, who later became the minister of fisheries and oceans in the Conservative government. In the 2006 election, Conservatives promised that they would seek to achieve custodial management. Since then, of course, they have backed off and now support the NAFO amendments.

It has been said by the Prime Minister in the past that there is no greater fraud than a promise not kept. In this case, there was a promise not kept. Instead of supporting custodial management, seeking a regime whereby Canada would enforce the conservation rules in the interests of international law and international obligations for conservation and to make sure that all of the historical rights of other nations were respected while making sure that these laws were going to be enforced, that is not what took place.

We have a situation where backward steps have been taken and we now have a situation where there is no improvement in the enforcement. None of the objectives achieved were identified. It does not provide for effective enforcement. It does not address the objection problem effectively and there are only non-binding solutions.

A number of prominent people, including federal deputy minister Bill Rowat, former provincial deputies Leslie Dean and David Vardy from Newfoundland and Labrador, negotiators for DFO and others have condemned this as a backward step. They do not want it ratified by the government and have in fact filed an objection so that the process can start over again and we can try to seek custodial management, which is what we were promised.

Also, the debate yesterday was shut down by the Parliamentary Secretary to the Minister of Fisheries and Oceans, who I understand is going to speak now, after only two speakers and himself. The members for Humber—St. Barbe—Baie Verte and Bonavista—Gander—Grand Falls—Windsor spoke. The parliamentary secretary spoke and the debate was shut down. I was to speak very shortly after that.

There was no chance to speak in Parliament despite a promise by the government that all treaties being entered into would be brought before the House for debate. Instead, it was shut down. Why is that?

● (1845)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I appreciate the chance to respond to this question. Let me begin by assuring the House and this member that the government continues to fully protect Canadian sovereignty when it comes to decision making about fisheries inside Canadian waters. It is also clear that NAFO, the Northwest Atlantic Fisheries Organization, has no such mandate.

In the last few years, NAFO has seen significant progress, moving from words to action by embracing change and responding to the conservation challenges before us. We have seen significant improvements in compliance in the NAFO regulatory area, which is what we want. We have seen improved cooperation and coordinated responses by NAFO members to address any violations on the water.

This happened because several years ago Canada pushed for NAFO members to adopt stronger means to deal with violations of the NAFO conservation and enforcement measures and to ensure that conservation rules were enforced. The member has spoken about that. I think he shares with us that this should be our goal, and that is what we have accomplished. We have ensured that those who were not complying with the rules were given tough sanctions. These sanctions have served as effective deterrents to improper fishing activity.

Canada participates in the NAFO joint inspection and surveillance scheme, which allows patrol vessels from one NAFO member to board and inspect the fishing vessels of another NAFO member in the NAFO regulatory area outside 200 miles. It also allows members to issue citations to vessel masters for violations. We have increased our monitoring, surveillance and enforcement activity outside Canada's exclusive 200-mile zone to accomplish this.

At the most recent meeting, NAFO contracting parties also agreed to enhance the satellite reporting requirements for fishing vessels. These changes will provide NAFO enforcement officials with more accurate and timely information to better monitor fishing vessel movement in the NAFO regulatory area and protect closed areas such as protected vulnerable marine ecosystems.

These are big accomplishments. We as a country, and particularly the province of Newfoundland and Labrador, owe a debt to Loyola Hearn, our previous fisheries minister, who is responsible for many of these positive changes. However, increased enforcement and compliance is only part of the picture.

Canada is a keen supporter of international efforts to strengthen and modernize management of renewable ocean resources. Amendments to the 1978 NAFO convention are a necessary step in the process as they position the organization in line with the provisions of the United Nations fish stocks agreement and the United Nations Convention on the Law of the Sea. Canada is a party to both of these agreements.

Under the old rules, members could ignore a NAFO decision. The convention also lacked a dispute-resolution mechanism and therefore led to long-standing disagreements. The amended convention places a limit on objections and strives for consensus-based decision making. When a consensus cannot be reached, the approval of two-thirds of members is required. This is emerging as a global standard and provides enhanced protection of Canada's shares of NAFO-managed stock.

The amended convention fully recognizes Canada's sovereignty over the 200-mile exclusive economic zone. In recognizing the rights and sovereignty of Canada as a coastal state under the amended convention, no NAFO measure will apply in Canadian waters unless two conditions are met: first, the Canadian government requests the measure and second, Canada's NAFO delegation votes to accept it.

The amended NAFO convention also calls for NAFO to adopt an ecosystem-based approach. These are good improvements. We think it should be ratified. We are thankful for the opportunity to make—

● (1850)

The Deputy Speaker: The hon. member for St. John's East.

Mr. Jack Harris: Mr. Speaker, this agreement attacks our sovereignty by allowing NAFO, with the acquiescence of the coastal state, to make regulations that are applicable to and conduct enforcement within Canadian waters. If that were to happen in the Northwest Territories, or if it were suggested that the Northwest Passage would be subject to those kinds of rules, people would be up in arms around the country.

The parliamentary secretary is dreaming in Technicolor if he thinks that we had a deterrence mechanism over the last few years leading to this. Between 2004 and 2008, the total allowable catch for turbot, for example, was exceeded by 30% on average each and every year. There has been no change in this, and if he thinks that there is going to be a big difference as a result of this, I think he is dreaming.

The boarding and inspection procedures may take place, but what happens to the vessel? It goes back to its home country for prosecution. We have seen what has happened in the past with that. We had the Estai problem in the past. That has not been improved upon. In fact, we have been taking steps backward, not forward, toward custodial management. We should avoid this.

Why did he shut down the debate? That is the question I would like him to answer right now. Why did he get up yesterday and shut down—

The Deputy Speaker: The hon. parliamentary secretary.

Mr. Randy Kamp: Mr. Speaker, the member just has his facts wrong. If he looks for example at 2005, how many serious violations were there? There were 13, and how many were there in 2008, for example, after these new measures that I have recited for him were put in place? There was zero. The main reason for that is that we have toughened the measures. We have put in place an enforcement regime under which there is greater compliance.

He says it is not effective as one of the measures to have a vessel be required to go back to port if it is fishing in the NAFO regulatory area off of Newfoundland, for example. It is boarded and required to go back to Spain. It sits there for months at a time, there are some examples of that, while inspections are done, while they are deciding what to do with it. That is a very significant deterrent. Certainly it is not very profitable to these fishing enterprises when they are stuck in Spain rather than out fishing. So I think we have made great improvements.

ARCTIC SOVEREIGNTY

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I rise to continue a question that I asked the government a week ago Monday on the Beaufort Sea and the border dispute between Canada and the United States. This border dispute started in the 1970s when the U.S. decided that the historical boundary on the longitudinal line between Alaska and Yukon was not appropriate and the appropriate boundary was a line perpendicular to the coastline. That meant that the U.S. had projected a claim on some 21,000 square kilometres of Canadian territorial waters in the Beaufort Sea.

In August the U.S. imposed a moratorium on commercial fishing in the waters around Alaska including the portion of the Beaufort Sea claimed by Canada. Canada responded to this movement with a diplomatic note, but in the meantime, we see that the U.S. has now entered into a planning process for the development of oil and natural gas drilling in the Beaufort Sea to the boundary that it has established for Canada.

The Alaskan oil industry regulator cleared the way for a series of lease sales over the next decade along a vast swath of coastal waters in the Beaufort Sea. It supports annual area-wide lease sales planned from this year through 2018 across about two million acres of near-shore waters and islands stretching from Point Barrow east to what the U.S. has now decided is the correct Canadian border.

The U.S. federal government takes responsibility for outer continental shelf oil and gas leasing, and it is planning for more extensive leasing in waters farther off the coast.

The lifting in 2008 of a moratorium on drilling in the Beaufort Sea has allowed the U.S. to do this in its waters and in the waters that it now claims from Canada. Of course, my question is what the government's response to this provocation is.

In a speech yesterday the Minister of Foreign Affairs talked about Canada's role as an energy superpower. He said, "[O]ur government does, and always will, stand up for our interests and ownership over the Arctic". He said as well, "We will...respond appropriately when other nations push the envelope when it comes to Canada's Arctic". But he returned again and again to the issue of sovereignty, assuring the audience that the government would act firmly against other nations which failed to respect the border. Canada is in control of its Arctic waters and takes its responsibilities very seriously.

My question for the government remains. What are we going to do about this provocation by the United States?

● (1855)

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I want to thank the member for bringing up this very important issue.

He has quoted the Minister of Foreign Affairs, who said yesterday at the Economic Club exactly what the member has said, which is very simple. Canada is ready to defend its Arctic border against nations that would push the envelope. That is very clear. It has been made very clear, in no uncertain terms, that the Arctic is Canada's sovereign place.

Canada has made clear that the lands of the Canadian Arctic are Canadian and that the waters of the Canadian Arctic are the internal waters of Canada. The land and water of the Canadian Arctic are our sovereign territory by virtue of historic title and we will exercise our sovereignty over them.

Canada is taking action in the north to benefit northerners, who are at the heart of Canada's Arctic foreign policy and our northern strategy.

There is no question as far as we are concerned about the issue of the sovereignty of the Arctic. He has raised some questions. There are certain disputes that are coming out, but they are three well managed disputes and we will continue talking to them.

It should be made absolutely very clear, in no uncertain terms, that the Arctic is Canadian territory, period, and the water of the Canadian Arctic are internal waters of Canada.

ThePrime Minister has gone to the Arctic. We have invested very heavily to ensure our sovereignty in that part of the world is well established by investing in the Coast Guard and investing in stations and investing rangers. It is very clear to understand that what happens in those areas, the only nation on earth that can actually look at the protection of the environment and of all other resources is the Canadians.

We must also ensure that we work with our partners. Nothing in this world is by itself. The best solution we have is working with our partners like the U.S., Denmark, Iceland, Norway, Russia, Sweden and Finland. We have the Arctic Council. The Minister of Foreign Affairs has been to it many times. We continue to talk with its members.

I will continue to be engaged with them in order to ensure that this part of the world remains peaceful and calm for the benefit of everyone. However, let me be very clear, there is no question about any ambiguity that the Canadian Arctic is Canadian territory and the waters of the Canadian Arctic are the internal waters of Canada.

● (1900)

Mr. Dennis Bevington: Mr. Speaker, I share those sentiments about the waters, but the U.S. has moved from taking a position on setting a moratorium overfishing, in other words taking control of the environmental issues within the disputed areas, to now taking a program, a planning for drilling, in other words taking over the jurisdiction for the economic use of that area.

This matter will eventually end up in a court, perhaps the World Court, for the dispute resolution. Canada will be in a weaker position because we have allowed the U.S. to move forward with jurisdictional action in a disputed area, which will lead us, perhaps, to a decision by the World Court that would not be in our favour.

I am asking the government what is it doing today to ensure that this—

The Deputy Speaker: The hon. parliamentary secretary.

Mr. Deepak Obhrai: Mr. Speaker, I would like to advise the hon. member that in May 2008, at Ilulissat, Greenland, the representatives of the five coastal states of the Arctic Ocean, which is Canada, Denmark, Norway, the Russian Federation and the United States, recalled the extensive international legal framework, which applies to the Arctic Ocean. It is these laws referred to in the Ilulissat declaration that serve as the basis of our co-operation in the Arctic and speak to the unquestioned nature of our sovereignty in the north.

Rather than challenges in the Arctic, Canada co-operates with these Arctic partners on issues of environmental protection, shipping standards, search and rescue and the collection of scientific data concerning the Continental Shelf.

We are co-operating with all states around the Arctic Ocean.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:03 p.m.)

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