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OFFICIAL REPORT  
(HANSARD)

**Monday, December 6, 2010**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Monday, December 6, 2010

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

### CANADIAN HUMAN RIGHTS ACT

The House resumed from November 15 consideration of the motion that Bill C-481, An Act to amend the Canadian Human Rights Act and the Canada Labour Code (mandatory retirement age), be read the second time and referred to a committee.

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, I am pleased to have this opportunity to debate Bill C-481, which was introduced by the hon. member for Laval—Les Îles.

The proposed legislation seeks to amend the Canada Labour Code and the Canadian Human Rights Act to prohibit federally-regulated employers from setting a mandatory retirement age.

I believe there is a lot of merit in pursuing what is proposed in Bill C-481. Specifically, I would support the elimination of exceptions set out in the Canadian Human Rights Act that allow the setting of mandatory retirement ages. I would also be prepared to support the bill's proposal to amend the Canada Labour Code to remove the provision that denies employees' severance pay upon involuntary termination if they are entitled to a pension.

While I can support the intention of Bill C-481, there are a few flaws in the proposed legislation. I will outline the two amendments to Bill C-481 that would be required for me to fully support the bill.

First, the bill would need to maintain paragraph 15(1)(b) of the Canadian Human Rights Act. This section provides for minimum and maximum ages of employment to be set out in regulations that were made by the Governor in Council.

Second, a coming into force provision would be required to allow the employers the necessary timeframe to implement these changes.

I will fully explain the aspect of the bill that I would support.

Bill C-481 would amend the Canadian Human Rights Act to remove two blanket exceptions, as well as the regulation making power that provides defences for mandatory retirement. Those

blanket exceptions apply either in cases where a union expels a member who has reached the normal retirement age or where an employee is forced to retire upon reaching the normal age of retirement for individuals in similar positions. Eliminating blanket exceptions for mandatory retirement, while allowing employers to continue to establish bona fide occupational requirements, is consistent with current legislative trends and employment practices.

All provinces and territories have already amended their human rights legislations to remove blanket exceptions for mandatory retirement. This bill would bring federal legislation in line with current provincial legislation on the matter. However, the possibility of defending mandatory retirement policies still remains if there is sufficient evidence to show that they are required for health or safety reasons.

The average age of retirement in Canada today is 62 and only about 10% of the population continues to work after 65. Therefore, mandatory retirement policies in the federal jurisdiction affect very few employees in practice. In fact, less than 2% of federally-regulated employers have a mandatory retirement policy and only about 10% of large employers with 100 employees or more have a mandatory retirement policy.

Also, I would like to correct some comments recently reported in the press. Employees of the federal public service are not required to retire at age 65. In fact, mandatory retirement was generally eliminated from the federal public service in 1986, allowing employees to continue working as long as they wish.

In addition, evidence is suggesting that several large employers may actually abolish the practice of mandatory retirement in the near future.

There are areas of exclusive federal jurisdiction, such as the Canadian Forces and interprovincial and international transportation activities, where there may be circumstances that warrant a mandatory retirement policy. Repealing paragraph 15 (1)(b) would pose a significant challenge to the Canadian Forces' operational capability, not to mention the efficient management of military personnel and cost containment. The Canadian Forces must maintain an active and ready force. It must be able to recruit within its ranks. Therefore, it requires a continuous flow of personnel to ensure appropriate experience and expertise throughout its ranks.

Moreover, managing an older workforce would require increased financial and personnel resources, which would be funded from a fixed envelope at the direct expense of other priorities. Therefore, the Canadian Forces needs to maintain its current mandatory retirement policy.

*Private Members' Business*

I will now turn to my next point, which is amending the severance provision in the Canada Labour Code. Currently, under the code, employees whose employment is involuntarily terminated are entitled to severance pay. However, an existing provision, paragraph 235(2)(b), denies severance pay to those eligible for pension benefits, whether that is the Canada pension plan, OAS, old age security, or private pension.

This creates differences in how otherwise similar employees are treated regarding a work-related benefit. For example, an employee with 20 years of service whose employment is terminated a month after becoming entitled to a pension loses entitlement, while someone two months younger with the same service is entitled to 40 days severance pay. I believe this to be unfair. Therefore, I support repealing this provision.

Bill C-481 needs a coming into force provision. This would allow employers and unions to make adjustments to prepare for the elimination of mandatory retirement and would give them time to reconfigure any policies or benefit plans that would be affected. It would help determine whether existing age-related practices need to be defended as bona fide occupational requirements and would further assist in negotiations of new collective agreements that comply with the legislation.

Provinces and territories did put in similar transition periods when the elimination of mandatory retirement came to their books. Additionally, eliminating blanket exceptions for mandatory retirement could raise a low charter risk to the extent that it might substantially interfere with any current collective agreements. Discussions between the government and affected parties about the transition provision may reduce this risk even further.

Abolishing the practice of mandatory retirement within the federal jurisdiction would not only be advantageous for workers but it would also be beneficial for our economy. Canada is facing the challenges of an aging population. It is projected that the proportion of Canadians aged 65 or older will increase from 13% to roughly 25%. In addition, the ratio of pensioners to workers is expected to shrink from four workers for every retiree to two workers for every retiree, and all of this will happen by 2030.

Within that period of time, these massive demographic changes will mean added fiscal pressures on Canadians' ability to manage increasing health care and pension plan costs. Canada will need to retain its skilled, seasoned workers and make greater use of their talents for longer periods of time.

There is abundant evidence that suggests that older workers are actually more likely to remain in the workforce when organizations have human resources practices that accommodate their needs and preferences. In other words, if they feel valued, they will continue contributing to the prosperity and well-being of Canada.

Bill C-481 would establish greater fairness for older workers and values their contributions.

• (1110)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, I am pleased to speak today to Bill C-481, a bill that would, among other things, eliminate the exception in the Canadian Human Rights Act that currently allows federal public sector and

federally regulated private sector employers to have a mandatory retirement age for their employees.

Currently, only about 10%, or 840,000, of the Canadian workforce is subjected to mandatory retirement, and these individuals work within federally regulated sectors, such as transportation, telecommunications, the postal service and, of course, the armed forces, which we just heard about from the minister a moment ago.

Before going further, I want to make it clear that mandatory retirement provisions do not mean that people are not allowed to work beyond a certain age. Mandatory retirement provisions only apply to a specific workplace or pension plan.

When the government supports the lifting of mandatory retirement, it typically tells us that retirement is increasingly a lifestyle choice, as people are living longer and leading more active lives. Both the Governments of Ontario and Nova Scotia have in the past used similar language in support of the elimination of mandatory retirement rules.

However, we in the NDP know there is much more to the situation than this. It is a very simple argument that we are hearing so far. Saving for retirement has become increasingly difficult for Canadians. One-third of Canadian families have no retirement savings at all and two-thirds of Canadians do not have a company pension plan.

Equally troubling is the situation of those workers who are forced to retire at age 65 only to have to take another job immediately afterward at a fraction of the pay simply because they do not have a proper pension plan.

The NDP believes that older workers should have real retirement choices. For example, I think of the working conditions in the steel mills in my home town of Hamilton, the suffocating heat from the furnaces, the air thick with particulate matter and the long hours drenched in sweat. No one wishes to endure these circumstances any longer than they need to. When workers, such as those, choose to work past age 65, they do not do so because they want to. It is because they must. There is often a mortgage that remains to be paid, or college or university tuition for their children still waiting to be cleared.

For many, the freedom to work past age 65 is fast becoming an obligation to work as long as one is physically able. Eliminating the remaining mandatory retirement rules may be helpful to workers who lack a workplace pension but it will do nothing to guarantee that their income will be adequate. For New Democrats, income adequacy is the issue. We have called for an immediate increase to the GIS to lift seniors currently living in poverty out of it, and for a phased-in long-term doubling of the CPP.

*Private Members' Business*

The concern I have with respect to the issues of mandatory retirement is the suspicion that businesses push for it because doing so averts attention away from the inadequacies and inequities of Canada's retirement income system. Allowing people to work longer is for them a substitute for programs that would work to ensure that every Canadian has a solid and secure pension on which to retire. Working longer is, for the business class, what we might call an anti-poverty program for seniors, one that requires no contribution by way of taxes and one that leaves the onus on the individual. In other words, from their perspective, perfect indeed.

Meanwhile, these employees who support banning mandatory retirement do so largely because they are already financially secure and work in non-physically demanding jobs. Let us face it, people are living longer. It makes a certain amount of sense that individuals who hold non-physically demanding jobs and who work in safe and comfortable work environments might want to stay on the job longer than someone who, for instance, works pouring concrete all day.

Many of us here in this august chamber probably feel this way. As the member for Hamilton Mountain recently observed, this place does not exactly have a physical workload. It may be stressful to many but it is different from pouring concrete.

• (1115)

Let us be clear. Working longer is not nor will ever be a substitute for an adequate retirement income system.

We have had a number of debates in the House about the inadequacy of public pensions and the increasing incidence of solvency deficiencies of private pension plans. To date, the government has merely paid lip service to improving these pension systems. While they wait for the government to act, literally thousands of Canadians who have worked hard all their lives and who have played by the rules are finding it impossible to make ends meet on their meagre pension incomes.

Meanwhile, New Democrats have been calling for a suite of substantive reforms to improve the situation. As I mentioned before, we have called for an immediate increase to the guaranteed income supplement to lift all seniors out of poverty and for a phased in long term doubling of the CPP.

We would also like to see Canada's bankruptcy laws amended to ensure unfunded pension liabilities, that is, the moneys that companies promised but failed to contribute to workplace pension plans, are given the same status as unpaid wages and go to the front of the line of creditors for payment during bankruptcy or insolvency proceedings. Bill C-501 is being debated in the industry committee at this time and it is designed to do just this.

New Democrats are also calling for security for workplace pension plans through a mandatory pension insurance program paid for by the pension plan sponsors and guaranteeing pension payouts of up to \$2,500 a month in the case of a plan failure, and also a national agency managed by the CPP investment board or a similar body to adopt pension plans of failed companies and continue to take advantage of market conditions and to maximize the payouts.

Members can think of our proposed pension insurance plan as being akin to the deposit insurance required of Canadian banks to guarantee the security of bank accounts for Canadians. The banks

pay for that insurance. In this case, pension sponsors would be responsible for purchasing pension insurance to guarantee minimum pension payouts for their plan members.

In recent months, ex-employees of insolvent companies such as Fraser Papers or of course Nortel, while having to endure the indignity of taking a massive haircut to their pensions, have watched their American counterparts who work for the same companies located in the United States have their underfunded pension plans propped up by the United States pension benefits guarantee.

Now many of these pensioners will certainly have to work past 65, but they should not have had to do so simply because their government does not care enough to secure their pensions in a way that the great bastion of free market to the south of us has already done for its workers. A national pension insurance plan would ensure that Canadian pensioners are no longer left in the lurch like this while their American cousins are able to retire with a pension that they had been promised.

Getting back to the specific issue of Bill C-481, at this point let me say that I will be supporting sending the bill to committee. I very much look forward to hearing from Canadians when the bill is dealt with there.

I suspect that once in committee, we will hear from many sincere individuals who wish to continue their professional pursuits. Nevertheless, I still have serious reservations that eliminating mandatory retirement rules is in the interest of the people of my riding of Hamilton East—Stoney Creek. I believe there should be meaningful and comprehensive reforms to the retirement income system of Canada.

Forcing Canadians to work longer should not be just a way for the government to download some of its pension obligations. Working past 65 should be a real choice, one not driven by the fear of destitution but by the genuine desire to continue with a rewarding work life.

• (1120)

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, I am pleased to join the debate on Bill C-481, An Act to amend the Canadian Human Rights Act and the Canada Labour Code (mandatory retirement age), as introduced by my hon. colleague from Laval—Les Îles.

I will begin with some background on why this legislation is important. I will also discuss how the bill deals directly with the Canadian Human Rights Act, how it affects the federally regulated private sector, some safety concerns with the bill, and arguments against banning mandatory retirement. I will also address concerns of one of my constituents who could benefit from the bill.

*Private Members' Business*

The bill is designed to prohibit federally regulated employers from setting a mandatory retirement age. Let me begin by providing a bit of background. Currently there are no laws in Canada that require a person to retire at a specific age. As we know, federal civil servants are not obliged to retire when they reach age 65. However, there is an exemption for non-civil servants in the federally regulated sector such as AECL, Air Canada, CN, CMHC, Petro-Canada, et cetera, where mandatory retirement can be a condition of an employment contract, collective agreement or workplace policy.

The Canadian Human Rights Act, CHRA, is designed to protect Canadians from discrimination in many different areas, including age. The act applies to all federally regulated industries employing nearly one million Canadians. The act needs clarity.

Subsection 15(1)(b) protects the employer against allegations of discrimination based on age and years of service. Then subsection 15(1)(c) protects the individual based on age of retirement established for employees working in a similar position. The validity of this provision was challenged by a Canadian Human Rights Tribunal decision in *Vilven and Kelly v. Air Canada*. As hon. colleagues know, these two employees were reinstated with full pay and seniority.

Bill C-481 seeks to clarify the provisions in the act that do not allow an individual to file a complaint based on age. This undoubtedly would impact mandatory retirement in collective agreements and in workplace policy.

The bill also amends the Canada Labour Code to provide for payment of severance even if the terminated employee is entitled to a pension. There are no changes to the regulations for public servants as mandatory retirement was removed in 1986.

I realize the issue of safety is important and must be addressed for particular industries. I understand that mandatory testing would need to be conducted to ensure that the individual is still capable of doing the job. For pilots travelling on international routes, there are provisions in place for the countries they land in; however, in most cases it refers only to the captain. For example, there is no reason that the captain could not be the copilot for some of the flights using larger aircraft.

Some would argue that mandatory retirement creates opportunities and job promotions for younger workers. Some unions argue efforts to have benefits between the ages of 60 and 65 would be undermined.

In particular, I would like to address the concerns of a constituent of mine. This constituent contacted my office in August and we have been corresponding with her ever since. This legislation is something that could help her directly. Joan works for a federally regulated company. As she reached, and has passed, the age of 65, unfortunately, her job came under review. The company she works for agreed to extend her employment on a yearly basis subject to one rule, that she not receive sick pay. She has been told that her last day of work will be October 31, 2011. She is not ready to retire and she will be searching for temporary work after that date. She feels vulnerable, and quite frankly, who would not?

The current legislation discriminates against the needs of women who opt out of the workforce to raise their children or those who

need to take care of aging parents and have not accumulated enough pension benefits to do so. These are the everyday problems Canadians want us to address with Bill C-481.

While there are legitimate concerns that need to be addressed by eliminating mandatory retirement, we must face some of the realities that affect our labour force, such as retirement savings, pensions, skills and labour shortages.

We all know that the baby boom generation is beginning to retire. This will lead to a lack of qualified labour. Often women and immigrants need to work longer because they may not have accumulated enough pension or savings to retire with dignity. People are living longer and healthier and want to continue to work.

● (1125)

The United States, New Zealand and Australia have eliminated mandatory retirement with no major consequences. It also allows some older workers with seniority to work part-time or to work flexible schedules. The provinces have eliminated mandatory retirement; however, there are provisions for mandatory retirement in jobs where physical ability is a requirement, such as in firefighting and policing. We should also take into account mental ability, particularly as it relates to airline pilots.

It is imperative that we do the right thing for the right reasons in this place. More importantly, it is our responsibility to keep our laws current, effective and adaptable with the times. What was acceptable and commonplace 20 years ago no longer is today.

I would like to reference a specific court case from 1990. I am sure most hon. members are familiar with it.

The case dealt with a professor at the University of Guelph. It was felt that even though the Ontario Human Rights Code violated section 15 of the charter, the code was saved as a result of section 1 of the charter because of the law at the time. In writing for the majority, Justice La Forest pointed out that mandatory retirement does involve a complex balancing of competing interests on which expert opinion is divided. In this regard, the courts should accord legislatures considerable room to manoeuvre in striking a balance. This balance is what the hon. member for Laval—Les Îles seeks to obtain with the passage of her bill.

*Private Members' Business*

Research shows and the available workforce evidence suggests that abolition of mandatory retirement is unlikely to have a major impact on the average retirement age or years of work in Canada. Further research shows that two-thirds of elderly workers choose to retire before the age of 65, and that 43% retire before age 60. The average age of retirement for all workers was 61 years in 1999. Of the Canadian population 65 to 69 years of age, 11.8% were active in the labour force in 2001. Immigrants and newcomers can spend more time in the workforce, and need to spend more time in the workforce, to build up their pensions. Employers are better able to plan for their workforce skills replacement. Elementary economic principles show that job displacement only takes place for a short period of time. The average is nine months to a year.

I support this bill. It is something on which we must move forward. Obviously, there are some concerns around safety and labour force impacts that need to be addressed, but I believe they can all be reviewed in committee. I thank the member for her hard work on this file. I will be voting in favour of this bill and I encourage all hon. members to do the same.

[Translation]

**Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I am pleased to have the opportunity to speak to the bill before us today, Bill C-481, introduced by the hon. member for Laval—Les Îles.

This bill would amend the Canadian Human Rights Act and the Canada Labour Code to eliminate the provisions that allow federally regulated employers to set a mandatory retirement age as an exception to the general rule prohibiting discrimination on the basis of age.

I am happy to say that I am in favour of doing away with mandatory retirement. However, for the reasons I will mention in my speech, I believe that this bill, as it currently stands, is much too broad.

However, I would first like to talk about our commitment to supporting Canadian seniors. As members already know, our government is working very hard to improve the lives of seniors in many ways. We created the position of minister of state for seniors. This is to bring the concerns of older Canadians to the cabinet table and to stand on their behalf. In 2007, we created the National Seniors Council to provide advice to the federal government on matters related to the well-being and quality of life of seniors. This year, one of the priorities of the National Seniors Council is labour force participation among seniors and near seniors.

More recently, we increased funding for the targeted initiative for older workers to assist unemployed older workers in vulnerable communities to retrain. This is a five-year, \$220 million cost-shared initiative with the provincial and territorial governments. This shows our government's desire to encourage older workers to continue to contribute to the Canadian economy.

The legislative provisions allowing for mandatory retirement policies, which this bill would repeal, were written more than 30 years ago, at a time when mandatory retirement was both routine and part of our economic reality. In addition to many other stereotypes that have now been eliminated, there were often stereotypes about older workers. Thirty years ago, some people assumed that older

workers could not do the job, that they were closed to new ideas or that they were not motivated to work because of their pension. It was assumed that younger workers should take their place.

Times have clearly changed. Today, average life expectancy is six years more than it was in 1977. Some people feel that they should be in the workforce longer and save more because they will be retired longer than they would have been in the past. Some people also want the freedom to take time off work or put their career on hold to raise children or take care of other family members. These people may want to retire later in life so that they can save more or acquire more pensionable years of service. And, despite progress in this area, women are largely affected by this issue.

Many people are staying in school longer than they were 30 years ago; as a result, they may join the labour force later. These people may also want to delay retirement.

We need to recognize that many people enjoy their work and gain a sense of personal satisfaction from it. Some people may want to retire early for any number of reasons; others do not. People should be able to choose when they want to retire based on their lifestyle, finances, health and priorities, as long as there are no compelling reasons to keep them from doing so.

At the same time, there are some real concerns that we need to consider if we intend to change the law. In some cases, employers may be completely justified in having a mandatory retirement policy, and the law should allow them to do so.

As written, the bill would repeal paragraph 15(1)(b) of the Canadian Human Rights Act, which authorizes mandatory retirement once an individual reaches the maximum age provided for by law or regulation. The bill goes a little too far. There may be cases in which it is necessary to pass a bill or regulations to set a maximum retirement age. One example that comes to mind is the Canadian Forces.

• (1130)

For a number of reasons, the Canadian Forces are a unique employer.

First, the Canadian Forces have to respect the principle of universality of service. Every time the Canadian Forces take part in international or national operations, including armed conflict, each member of the Canadian Forces must at all times and under any circumstances perform any functions that they may be required to perform other than the duties of their occupational specification. This includes the obligation to carry out military duties, such as combat, under extremely dangerous circumstances. Other federal government employees or members of the general public are not required to carry out this important duty.

*Private Members' Business*

This unique characteristic of the Canadian Forces requires a special approach to human resource management. To maintain a homogeneous and effective combat force, the Canadian Forces must have a mandatory retirement age to ensure a steady supply of personnel with the knowledge and experience required at each level. Fighter pilots, submariners and tank commanders cannot just be hired overnight. These people must devote many years to mastering their occupations within the Canadian Forces structure. These are the men and women we are counting on to become the future leaders of our Canadian Forces.

The Canadian Forces cannot maintain their international reputation for skills and excellence unless they continue receiving training that surpasses the minimum standard.

The Canadian Forces are a small force whose numbers are subject to a finite limit. Our armed forces cannot afford the luxury of maintaining individuals on active duty until their voluntary release, which would be decided by each member. This would lead directly to stagnation and have an impact on the effectiveness of the Canadian Forces in protecting Canada, its values and its interests.

If the Canadian Forces cannot maintain a mandatory retirement age, they could face serious financial and operational difficulties.

The Canadian Forces are unique in that they pay for all medical care for their personnel directly out of the departmental budget. An aging workforce within the Canadian Forces would increase the demands on available resources, which would in turn leave fewer funds available to properly carry out the forces' operational responsibilities.

That is why it is very important to ensure that the retirement age may be fixed by regulation under the authority of paragraph 15(1) (b).

This authority could also be useful in other cases, particularly in industries that are subject to international rules governing the maximum age for carrying out certain duties.

Furthermore, these policies are often negotiated as part of collective agreements and are sometimes linked to pension arrangements. Employers and unions will need some time to renegotiate these provisions and to make the appropriate changes to pension plans. Some employers will need time to determine whether they have sufficient information to impose a mandatory retirement age as a bona fide occupational requirement.

That is why it is very important to establish coming into force provisions; otherwise, making such a significant change without allowing employers and unions enough time to adjust could create some undesirable situations.

Thank you, Mr. Speaker, for allowing me the opportunity to speak to this matter. The question of mandatory retirement is both important and complex. I am proud of the work our government has done to support older Canadians.

• (1135)

[*English*]

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, I want to compliment le député pour Laval—Les Îles for this timely

and important piece of legislation. I was very pleased to second this private member's bill because of its importance and timeliness.

I would like to start with a bit of my personal background that has led to my strong support for ending mandatory retirement.

Bill C-481, An Act to amend the Canadian Human Rights Act and the Canada Labour Code (mandatory retirement age) would bring Canada more into line with other countries and with the provinces and territories. My personal link to this legislation is through my mother Charlotte Murray. Charlotte went back to university when she had three children. Like many women, she entered her career and discovered her passion as an architect in mid-life, as a mature student. She graduated as an architect and went on to do her master's degree in architecture, and became a partner in a very well reputed firm in Vancouver. Charlotte retired at age 75.

In the last seven years of her career she was the lead architect for a major restoration renovation of Christ Church Cathedral in downtown Vancouver. It was the strength of her experience over those many years and her wisdom as an elder in society that allowed her to help the cathedral navigate through the complexities of a restoration process. She brought into the conversation those who felt there should be no change and those who felt there needed to be change, those who were supported by the cathedral through its compassionate programs and the many people who had ideas and interests in this project. As a well-respected and experienced heritage restoration architect, Charlotte Murray was able to steward this project through to a successful conclusion, and I will add that it was award winning. I am very proud of this project that my mother accomplished.

Had there been mandatory retirement in the private sector, which there was not, she would have had to give away her seal as an architect and not undertake projects like that in the last 10 years of her career. This is an example of how the requirement to retire due to age is discriminatory.

To enable people to work, if they are interested in doing so and able to contribute, is important on an individual basis and also on a collective basis for our society. It gives individuals a choice. It is also a compassionate option, especially in cases involving new Canadians or women and others who may have entered their careers later in life. These individuals are still getting fulfilment from their jobs and they are still interested in contributing to society. They may also need the income and the building of their pension program beyond the age of 60 or 65. It is a choice and a compassionate choice for individuals.

However, it also is an important policy and legislation to contribute to societal benefit. As a society we need to draw on the strengths of all those who have something to contribute. Our elders, especially, have a richness of experience and a richness of wisdom from which society can benefit. To ask those people who would like to continue to contribute through the workplace to step aside and stay home would not benefit society.

I have another connection with this legislation that I would like to mention.



Having been a member of the legislative assembly in British Columbia, I identified mandatory retirement as an issue in provincial legislation and brought it forward for examination by my riding association as a potential policy to put forward to the provincial convention. This was in about 2003 or 2004.

● (1140)

I engaged the attorney general of the day in some conversations about what it would take to end mandatory retirement in British Columbia. That policy of ending mandatory retirement was adopted by the provincial B.C. Liberal Party and went on to become law on January 1, 2008. I felt strongly about that in my provincial career. I was able to nudge things forward there, and I am very pleased to support the legislation today.

The last personal link I will mention is this. As the minister responsible for the B.C. public service agency earlier in my political career, it was clear that the gaps being left by the retirees in the public service would be hard to fill. A very large percentage of the civil service in British Columbia would be eligible to retire within the next five to ten years, taking with them all that wealth of experience and dedication to the public and public service. That group was not affected by mandatory retirement, but it highlighted the need for society to find all the ways possible to enable those people who wanted to continue to contribute past a certain age to do so. I worked with the deputy minister to find ways that we could draw people back into contributing to British Columbians.

I understand that only 2% of federally-regulated organizations are subject to mandatory retirement. However, that is still a lot of people when we think about the individual lives that can be touched by being forced to retire well ahead of where one feels still able and interested in contributing. That would be about 12,000 organizations of 840,000 people who are subject potentially to mandatory retirement provisions now and who would be freed from that with this legislation. Approximately 17,000 people are affected by this and could be freed from those restrictions.

We know that not everyone will want to continue working past the age that they are currently under a mandatory retirement provision. If it is like the general public, perhaps 10% or 12% of these 17,000 people would chose not to retire when they otherwise would have been forced to so. That is a large number of people for whom we could help make a compassionate choice, those who may need to continue to boost their pensions or may need to continue to have a paycheque. Perhaps they went into the workforce, as did my mother, in their thirties or early forties, and are just on a roll at the time that they are subject to mandatory retirement.

With demographic changes in our society, which was part of what I was experiencing with the B.C. public service agency, fewer young people are coming into the workforce, which is a potential disconnect between the jobs of the future and the competencies that people will have to hold those jobs. Any small or large measures we can consider would be important to address the potential skills shortages in the future.

It is important for members of Parliament to think not only about the individual compassionate good, but also the collective good. In my view, this is an important policy that addresses both of those aspects of good public policy. Therefore, I am pleased to support it.

### *Private Members' Business*

Once again, I congratulate the member of Parliament for Laval—Les Îles for her initiative in bringing this forward.

● (1145)

[*Translation*]

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, it is always a privilege for me to speak in Parliament to represent the voters of Laval—Les Îles, and I am honoured by the confidence they have in me to defend their interests in Ottawa.

[*English*]

It is a commitment I take very seriously as a legislator in the duties I perform each day on their behalf, and by extension, on behalf of all the residents of Canada, regardless of the province, of the race, of the ethnicity and, in this case, of their age. There should be no distinction. Upholding the Charter of Rights and Freedoms on their behalf is part of our commitment.

I wish to thank my hon. colleagues for giving me the opportunity to present and discuss Bill C-481.

First, I would like to recognize my colleague, the member of Parliament for Edmonton East, Alberta, for his generosity in giving me the opportunity to complete the second hour of debate today instead of next February. I also thank my distinguished colleague, the member for Souris—Moose Mountain, Saskatchewan, and Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour for his thoughtful and reasoned remarks and support.

[*Translation*]

I want to assure the parliamentary secretary that the amendments he proposed and other amendments proposed on behalf of the government will be carefully reviewed. They certainly have merit. I hope that our discussions and potential amendments will be perceived as amicable when the time comes in committee. If so, this important and highly anticipated piece of legislation could be passed quickly. I want the parliamentary secretary to know that the current wording of paragraph 15(1)(b) of the Canadian Human Rights Act was not the main problem raised by the tribunal or as part of the Federal Court judicial review.

[*English*]

Nonetheless, as we looked at what other legislative measures may be needed, this clause was raised as an appendage that might no longer be needed. However, his points are well taken with respect to the military.

I would like to take this opportunity to correct a few myths about mandatory retirement.

*Government Orders*

People across Canada are working well past the age of 65 in 2010. Even though some 400,000 Canadians aged 50 to 75 indicated in the Statistics Canada survey that they had previously retired, 58% of males had returned to work, with 32% returning because of financial reasons, the second most important reason.

The bill would impact only about 10% of the Canadian workforce. These are federally-regulated private sector organizations. They include scientists and engineers, as well as the railway, for example.

• (1150)

[*Translation*]

I want to remind hon. members of *McKinney v. the University of Guelph* in 1990. At the time, the Supreme Court ruled that paragraph 9(a) of the Ontario Human Rights Code, which limited protection under the code to people between 18 and 65, violated section 15 of the Charter, but was saved by section 1. Why? Because that was the norm.

The irony is that the judges who heard the professor's case and other similar cases were over 60.

It is therefore incorrect to believe that everyone continues to work by choice.

[*English*]

We can fast forward 16 years. The Ontario legislature, the legislature of my province of Quebec and all other provincial and territorial legislatures of this land have abolished mandatory retirement in their human rights codes.

I wish to make one last point on this.

[*Translation*]

The important thing, as one of the Supreme Court justices said in 1999 in *Tawney Meiorin*, is this:

Recognition of the equality of each individual must be built into workplace standards. These requirements apply even in the context of unionized workplaces.

Many people told me stories about their professional and personal lives when they found out that I was going to introduce this bill. It is clear that this bill is timely and that it will be useful and necessary for the target population.

[*English*]

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

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Barry Devolin):** I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Human Resources Skills and Social Development and the Status of Persons with Disabilities.

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

## SUSPENSION OF SITTING

**The Acting Speaker (Mr. Barry Devolin):** The House will now suspend until 12 p.m.

(The sitting of the House was suspended at 11:53 a.m.)

## SITTING RESUMED

(The House resumed at 12 p.m.)

**GOVERNMENT ORDERS**

• (1200)

[*English*]

**PROTECTING CHILDREN FROM SEXUAL PREDATORS ACT**

The House resumed from December 3 consideration of the motion that Bill C-54, An Act to amend the Criminal Code (sexual offences against children), be read the second time and referred to a committee.

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Elmwood—Transcona has five minutes remaining in his presentation.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am very pleased to speak today to Bill C-54.

At the outset, I want to indicate that one of our previous members, Dawn Black, introduced a bill on this subject on two occasions. Then the member for New Westminster—Coquitlam reintroduced those bills in the last few months.

We are encouraged and happy that the government has taken the necessary steps to introduce Bill C-54. We intend to support the bill going to committee. Hopefully, we will be able to study the bill in committee and make whatever necessary amendments need to be done.

The government has recognized that children are particularly vulnerable to sexual abuse and exploitation. In its Speech from the Throne in March, it promised to increase penalties for sexual offences against children.

The proposed Bill C-54, Protecting Children from Sexual Predators Act, supports the commitment in two ways: first, by ensuring that the penalties imposed for sexual offences against children better reflect the extremely serious nature of these acts and are consistent with one another; and second, by seeking to prevent child sex offenders from engaging in conduct that would facilitate their sexual offending or re-offending.

The proposed legislation amends the Criminal Code in a number of ways. It provides mandatory prison sentences for 7 existing offences relating to child sexual exploitation, including sexual assault where the victim is under 16 years of age, aggravated sexual assault where the victim is under 16 years of age, incest where the victim is under 16 years of age, luring a child through the use of a computer and exposure. Also, the addition of mandatory prison sentences for these offences would also have the effect of eliminating the use of the conditional sentences or house arrest for any of these cases.

*Government Orders*

The bill would create two new offences. The new offences are aimed at certain conduct that could facilitate enable the commission of a sexual offence against a child. These offences would prohibit anyone from providing sexually explicit material to a child for the purpose of facilitating the commission of a sexual offence against that child.

This hybrid offence would carry a mandatory prison sentence of 30 days imprisonment and a maximum penalty of 6 months when proceeded on summary conviction and a mandatory prison sentence of 90 days imprisonment and a maximum penalty of 2 years when proceeded on indictment. In addition, it would prohibit anyone from using any means of telecommunications, including a computer system, to agree to make arrangements with another person for the purpose of committing a sexual offence against a child.

This proposed offence was previously proposed as part of former Bill C-46, Investigative Powers for the 21st Century Act, in the previous session of Parliament. This proposed hybrid offence will now carry a mandatory prison sentence of 90 days and be punishable by a maximum of 18 months on summary conviction and a mandatory prison sentence of one year and be punishable by a maximum of 10 years when proceeded on indictment.

The mandatory prison sentences for seven existing offences would be increased to better reflect the serious nature of these offences, as well as to bring greater consistency in sentencing in these cases. For example, the existing mandatory prison sentences for 3 child specific offences, which carry a maximum penalty of 10 years imprisonment when proceeded on indictment, would be raised from 45 days to 1 year.

The existing mandatory prison sentences for possessing and accessing child pornography, which carry a maximum penalty of 5 years imprisonment when proceeded by indictment, would be raised from 45 days to 6 months. The existing mandatory prison sentences for the indictable offence of a parent or guardian procuring their 16 or 17-year-old child for illegal sexual activity and for a householder permitting illegal sexual activity with a 16 or 17 year old, both of which carry a maximum penalty of 2 years imprisonment, would be doubled from 45 days to 90 days.

●(1205)

In addition, new restrictions are being created for offenders. These reforms would also require judges to consider prohibiting suspected or convicted child sex offenders from having any unsupervised contact with a young person under the age of 16 or from having any unsupervised use of the Internet.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the last time I was involved in a discussion here, we discussed what constituted sexually explicit and whether that was well enough defined terminology with regard to the one element of the bill about using sexually explicit materials to have someone agree.

It would seem to me that different people have different views as to what constitutes something that is sexually explicit. I wonder if the member is satisfied that the precedent and/or the bill satisfactorily cover that question.

**Mr. Jim Maloway:** Mr. Speaker, that is a well considered point and it has been mentioned in the past. I guess that is one of the

reasons that we are supporting the bill at second reading in principle and wish to send it to committee so we can examine, through the process of expert witnesses, that particular point that the member makes.

I also want to point out that the bill proposes coordinating amendments to other bills currently before Parliament which would include reforms to better protect children against sexual predators, namely, Bill S-2, protecting victims from sexual offenders act, and Bill C-16, the ending house arrest for property and other serious crimes by serious and violent offenders act.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP):** Mr. Speaker, my colleague indicated that Dawn Black introduced this bill twice and that our current member for New Westminster—Coquitlam has also introduced the bill. We are glad the government has kind of copycatted the bill and added a few more things because we think it is important that we have the protection of our young children at heart. We cannot condone child exploitation.

We have concerns about certain aspects of the bill, for example, the unintended consequences of maximums and minimums. We need to keep that in mind. Perhaps my colleague could indicate why it is important to send the bill to committee so we can ensure this is not just a bill that will fill prisons but that we also look at rehabilitation.

Perhaps the member could talk about the importance of which groups should be coming to committee to talk to us about this.

**Mr. Jim Maloway:** Mr. Speaker, the actions of our former member, Dawn Black, having introduced the bill a number of years ago on two occasions, and our current member for New Westminster—Coquitlam are y evidence enough that the NDP is not only tough on crime but also smart on crime, unlike the government.

The member's points are well taken. It seems to me that at committee we will have ample opportunity to look at all the different aspects of the bill. Her point about having rehabilitation in the prison system is not just building \$9 billion worth of prisons to house people without any rehabilitation components to it, is certainly not acceptable and something that society absolutely needs to deal with this problem in a smart on crime approach.

●(1210)

**Mrs. Carol Hughes:** Mr. Speaker, I know my colleague was running out of time which is probably why he did not get a chance to say which groups would benefit from coming to committee and the importance of these groups. Our audience needs to be aware of what committees actually do and which interest groups would be involved in this particular matter, because it does, as I have indicated, deal with the safety of our children.

**Mr. Jim Maloway:** Mr. Speaker, with the computer age upon us, this is becoming an expanding and exploding area of activity for people involved in the exploitation of children. Governments and authorities in general always seem to be behind the curve and never in front of the problem. They are reactive rather than proactive to what is happening in society.

*Government Orders*

The point I am trying to make is that the NDP saw this problem very early on. After putting in a lot of effort to consult with groups and people, former member Dawn Black was able to get a bill before the House. At that time, the government did not support or adopt her bill.

Several years went by and then the member for Port Moody—Westwood—Port Coquitlam reintroduced the bill and, bingo, the government has now seen the light. It sees that this was a smart on crime approach by two NDP members and it has now simply copied it. It is great because it is now doing what we in the NDP wanted done. It is certainly the right thing. The public is ready for it and wanted to see this happen long ago.

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, it is great to see that the NDP is finally coming around to the Conservative government's position of fighting crime for Canadians.

I find it interesting that NDP members continually oppose our tough on crime legislation but today, because it was originally an NDP idea, they are prepared to back the government. I am wondering if it is the NDP's motto that if it is not an NDP idea, it is not a good idea and, therefore, it will not support it. Is that the position of the NDP today?

**Mr. Jim Maloway:** Mr. Speaker, I appreciate that the member is adjusting to the cold weather in Ottawa but this is not something that only members of the NDP noticed. The luring of children and child exploitation has been with us for centuries. However, since computers have been around, it has become a much more serious issue in the last few years.

Yes, the NDP did get on this file a lot earlier than the other parties and Dawn Black did the research and work necessary to bring the bill before the House. Where was the government and the other parties at that time. Why did the other parties not see that this would become the problem it has become? Why did the government not get smart on crime at that point and support the bill? Why did it leave it until months before another election before it decided to copy Dawn Black's good bill and the recent bill introduced by the member for Port Moody—Westwood—Port Coquitlam? The government simply copied them, which is not a problem. We endorse that and think it is great. We are trying to point out to the member that it is really the NDP that is tough in crime but also smart on crime, unlike the government over there.

•(1215)

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, the purpose of Bill C-54, An Act to amend the Criminal Code (sexual offences against children), is to increase the mandatory minimum penalties for certain sexual offences with respect to children.

I will digress a little and explain what a child is. A child is any person from the age of 0 to 16 years. It was the Liberal opposition that pushed this age of consent and finally drove the government to pass this legislation.

Bill C-54 was introduced on November 4 by the Minister of Justice. It would increase or impose mandatory minimum penalties for certain sexual offences with respect to children.

When one looks at the various changes to the subsections of the Criminal Code and one looks at the minimum penalties for different offences, it is important that the bill, which we support, goes to committee. A lot of issues need to be addressed and a lot of witnesses need to be called. It is important that everybody speaks from the same page because children are a very important asset. We have heard about heinous things being done to children. Not a day goes by without hearing a report on sexual activities against children. It is important that the bill is sent quickly to committee so we are able to really put into effect protection for children.

The bill would impose mandatory minimum penalties for certain sexual offences with respect to children. It would also prohibit anyone from providing sexually explicit material to a child for the purpose of facilitating the commission of a sexual offence against that child.

With the proliferation of things going back and forth on the Internet at such high speeds, it is very important that we look at this issue very critically. With the providing of sexually explicit materials to a child for the purpose of facilitating the commission of a sexual offence against the child, one needs to figure out how that child would be implicated, how the adult was involved and one needs to figure out through what means this was done.

The bill would also prohibit anyone from using any means of telecommunication, including a computer system, to agree or make arrangements with another person for the purpose of committing a sexual offence against a child. Too often we have seen the ramifications of child pornography where children are used as sexual toys for the pleasure of adults who have absolutely dehumanized them.

This is an important aspect of the bill because we need to understand how we would catch the perpetrators, how we would ensure that children are protected and how we would ensure that a child understands because children aged 0 to 16 are naive and vulnerable. They are our asset that needs to be protected. They believe in people.

I attended a memorial service for the victims of the December 6 massacre. I listened to Stevie Cameron talk about girls, about the fact that children are taught that they can do anything possible, that they are the masters of their destiny, and about how we protect these children and then suddenly somebody takes their life away.

With this bill, I am hoping we are able to not only ensure that the laws are in place but that we have a mechanism in place that will enforce the protection of our children, not only in Canada but worldwide because if we look at what is happening in today's age, we see child trafficking across the globe.

•(1220)

If we look at the sex trade or visitors who go to places like Thailand to have sex with little children, it is pornography that gives them that problem. It is the access to pornographic sites on the Internet that dehumanizes the poor child. Therefore, it is important that when we are looking at all of these aspects we are consistent in our enforcement, in what we do.

*Government Orders*

The third thing that the bill will do is ensure consistency among those two new offences and the existing offence of luring a child. Here I would like to bring to bear what happened to Leslie Mahaffy and Kristen French. They were unsuspecting kids who were lured by a pedophile, and we reflect upon how this bill may have protected them or given a harsher sentence to Karla Homolka.

The fourth thing that the bill would do is expand the list of specified conditions that may be added to prohibition and recognizance orders to include prohibition concerning contact with a person under the age of 16 and the use of the Internet or other digital networks, and expand the list of enumerated offences that may give rise to such orders and prohibitions.

That brings me to what has been happening currently. Our kids go onto computers and they are more computer savvy than their parents. They access Internet sites and the parents are probably not aware of it. These may be latchkey kids or they may be kids whose parents are at home, but when they are locked in their rooms and they are on Facebook, they have no idea who they are communicating with. It is important that we have checks and balances in place that go after the providers of Internet services to ensure the protection of these kids, to ensure the traceability of the information.

The protection of children is a priority for the Liberal Party. As a party, we have stood firmly against the proliferation of online child pornography for over a decade. In 2002, the former Liberal government made it illegal to deliberately access a website containing child pornography, rather than just having possession of such materials, and it was the Liberal government that put into place Cybertip.ca, an online reporting tool for child pornography. Cybertip is an important tool because, as I mentioned, with the Internet and its proliferation, it is important that we know how to trace the source, to ensure that our children are safe, to ensure that we find the children who have been abducted for the purpose of the sex trade, and to find the perpetrators.

Making laws without having the tools or the means to enforce them does not make for good law, so I hope that when this legislation goes before committee, it will be calling on numerous witnesses so that they can have a wholesome discussion and a wholesome production. I am pleased to see that Bill C-54 introduces a series of new minimum penalties for crimes against children, but as I mentioned, the bill has so many other permutations and combinations that it is important that it be looked at properly at committee. The Liberals will be supporting this legislation to go before committee, in order to hear from a variety of witnesses, and we will assess at that time whether the Conservatives have introduced sufficient penalties or whether additional amendments are required.

● (1225)

As I mentioned earlier, what comes to mind here is the Paul Bernardo case. When he and his wife abducted two kids, Leslie Mahaffy and Kristen French, it horrified Canadians. It horrified the whole country to know that such heinous crimes could be committed, that we had such disturbed individuals in our midst.

My question would be does the bill do enough to ensure that what happened with Karla Homolka, who was able to reduce her sentence through plea bargaining, cannot happen again? We all want safe communities. We all know that there are sick minds that access the

Internet and pornographic sites that dehumanize children and women. This dehumanizing makes victims be treated as objects of pleasure.

If one looks at the five things that the bill has introduced, I would love to see a very strong enforcement tool that would allow police officers, or people who are given the duty to ensure enforcement, to be able to access the material, to be able to trace the source, be able to ensure that protection takes place, be able to facilitate that information whether it be across Canada or with Interpol or other agencies, because this type of crime, as I mentioned earlier, is not only done in Canada but is worldwide.

Children being abducted for the purpose of sex slavery is a horrendous crime and it is a crime against all children. In countries in the developing world where they do not have the same protection we need to ensure that when we enforce legislation we have a global approach to it because the globe is where we need to look at. A troubled mind will do anything.

We need to also invest in areas like mental health and education. The Liberals unconditionally supported Bill C-22, which would make the reporting of Internet child pornography mandatory for Internet service providers and other persons providing Internet services. In fact, we believe that the government took too long to bring this to bear and we need to ensure that if we are serious about crimes against children, if we are serious about protecting them, if we are serious about ensuring that children have safe lives, that we live in safe communities, that we are not always looking over our shoulder, or over the Internet to ensure the safety of our children, then we need to see that Bill C-54 be sent quickly to committee and be looked after.

Today, December 6, is a day of remembering the 14 women who were gunned down by a crazy person. These were students at university. Violence against women is not just violence against women themselves, but it is violence against children as well. When a woman is abused it affects the child and the psychology of that child. It affects the whole family. It makes the family dysfunctional. Violence against women that results in death at the hands of a spouse, or common-law partner, or a deranged person still makes society unsafe.

● (1230)

It is important that the government not speak from both sides of its mouth. If we want smart solutions for violent crimes then we need to ensure that our gun laws are strict, that registration is there, that women and children are protected.

I would urge the government not to just see things in silos but to take a holistic approach to this bill. I would ask the government to ensure that we have a wholesome discussion on the bill and that we find a solution relevant to the whole community.

*Government Orders*

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the member mentioned that the government has taken a long time to bring forward this legislation. She was part of the previous government and it had 13 years to put forward legislation but it never did. Our government did.

My question does not circle around this particular piece of legislation because all parties have agreed that it is a great piece of legislation. My question has more to do with the agenda today. The Liberals are saying they pushed the age of consent legislation and that they are tough on crime. NDP members are saying that they are tough on crime and they do smart crime fighting. The Bloc has said that it stands up against white collar crime. I do not understand then why it is so tough for this Conservative government to get tough on crime legislation through the House, legislation that would punish criminals instead of rewarding victims.

This government has brought forward scores of legislation yet either the Liberals, the Bloc or the NDP, the coalition, continuously blocks us either at committee or in the House through hoist motions and a number of different tactics. Why do they continue to do that? With all parties agreeing to be tough on criminals, why does it take so much for this Conservative government to get legislation through?

**Ms. Yasmin Ratansi:** Mr. Speaker, the hon. member's question is disingenuous. Every time the government introduces legislation and opposition parties agree to go along with it, the government prorogues. I think out of 16 pieces of legislation, 10 were passed. Take Bill C-22, for example, which would protect children. It took the government 90 days after the resumption of Parliament to even introduce it.

The Liberals are smart on crime. The Conservatives are called stupid on crime for the basic reason that they cannot keep on introducing the same legislation over and over again, 16 times, without really being committed. The Conservatives are not committed. They keep on introducing the same legislation. I wonder if there is going to be another prorogation.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, not only do we need tough laws in Canada but we need tough laws on a worldwide basis, because we do not want to be exporting the problem to another part of the world, whether it is Thailand or another place.

I would like to ask the member if she thinks we are enforcing our own sex tourism laws as toughly as we should? Does she think the government is making any real effort to encourage other jurisdictions that have an identical problem, like Thailand, to bring in their own legislation similar to this?

**Ms. Yasmin Ratansi:** Mr. Speaker, the government has not been very strong on its sex tourism legislation. People probably say they are going on a holiday and if they are found guilty in another country then the extradition should take place.

We need a global approach to legislation that would allow all police forces to enforce the law. There is a gentleman in Canada who looks at what is happening in the Philippines and he makes a point of going there himself to educate the girls and he tells them that they

can do better, that they do not have to fall prey to those tourists who come and offer them goodies.

Legislation has to be there. Enforcement has to be there. A global cohesion has to be there if we really want to protect our children and the future of our country.

• (1235)

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, a previous question was about the delay in some of this legislation. I would like to refresh the memories of the hon. members in the House on the way things worked out.

A lot of this legislation was introduced back in late 2007 or 2008. The Prime Minister prorogued Parliament, which meant everything disappeared from the order paper. It was reintroduced and debated and he called an election in violation of the fixed election date act, and that again removed everything from the order paper. About a few weeks or a month after our return, he prorogued Parliament again. Then we were back for another six months, and in January of this year, after this legislation was reintroduced, discussed and debated and some of it sent to committee, he prorogued Parliament again, which meant everything was dropped from the order paper. So we can see the whole sequence of event.

My question to the member is whether this sequence of events, these many, many prorogations and the election that was called, contrary to the fixed election date act, in any way contributed to the delay in the legislation.

**Ms. Yasmin Ratansi:** Mr. Speaker, as I mentioned previously, there were pieces of legislation that the opposition had already agreed to.

The government tries to say it has a tough on crime agenda, or a crime agenda, and we sit here wondering what crime agenda does it really have. If it were really tough on crime, if it really cared about issues, if it really cared about the safety of Canadians, the safety of kids, it would not be proroguing Parliament on a regular basis, because the legislation on the order paper disappears. Private members' bills do not, but those other ones go to zero.

Yes, there has been an impact on Bill C-54 and Bill C-22, and these are the bills that really need to be reinforced and introduced quickly, because we need to protect kids.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, I was listening to the member's comments and the questions. I have just a really brief question, because I know time is running out, with respect to prorogation and some of the delays.

*Government Orders*

I wonder if the hon. member could explain the delay of more than 4,750 days under the previous government to deal with the crime agenda in this country, and the over 13 years and five mandates that Canadians waited to actually have a government, the previous Liberal government, actually talk about crime, and once with the interests of the victims ahead of criminals.

I wonder if, in the context of what she just talked about with respect to elections and prorogation, she could explain why the previous government waited over 4,500 days and five mandates, or were the Liberals just simply waiting to win another election before they would talk about it?

If that is part of the agenda that saw them do nothing about the GST, nothing about child care in this country and nothing about health care, if she could explain that, I would greatly appreciate it. I am sure Canadians would like to have the answer to that question too.

**Ms. Yasmin Ratansi:** Mr. Speaker, I go by the statistics, though I know the government and the hon. member do not believe in Stats Canada, but crime had gone down totally and the deterrent of crime was investment in social housing, in literacy, and in education. We had the Kelowna accord. We had Kyoto. We had child care. Come on; the hon. member should give me a break.

All these are crimes against humanity for sure, because it is crime against the environment; it is a crime against anybody's health. Basically the question has no merit.

**Mr. Jim Maloway:** Mr. Speaker, the government is professing that it is really tough on crime and it wants to get these bills through.

We had the Minister of Citizenship, Immigration and Multiculturalism on national radio just yesterday, saying that on the immigration and refugee bill, the government is contemplating, as we speak, probably in the backrooms right now, making it a confidence vote; and if it were to fail, we would be into an election right now and all these bills would have to be started over again after an election.

Where is the seriousness on the part of the government to get this legislative agenda through?

• (1240)

**Ms. Yasmin Ratansi:** Mr. Speaker, I concur with the hon. member. Another prorogation or another election and these bills will go by the wayside.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, Bill C-54 purports to deal with child sexual abuse. To some degree that title is accurate, although significantly overblown.

I know we were hearing some of this in questions and comments in the last member's debate, but there is no question that there is a need for Parliament and the government at the federal level, being responsible for the Criminal Code, criminal legislation, and the whole criminal justice system, to establish reforms in this area. By that I mean legislative reforms. That is Parliament's responsibility.

I want to be very clear, though, that the role we can play at the legislative level in terms of its effectiveness in preventing this type of crime is small in comparison with what our courts, meaning judges, prosecutors and police in particular, could be doing with

added resources. The role we are going to be playing in the discussion and debate around this bill, and hopefully, ultimately passing, probably with some significant amendments, will help our police and prosecutors in particular in doing their jobs. There are some provisions in this bill that do that.

On the other hand, the bill is all too typical of the approach by the government to the criminal justice system, to think entirely in terms of punishment and deterrence, even when all of the evidence shows that it does not work in making our society and streets safer, and in particular, in preventing future crime. There is absolutely no evidence.

It is interesting that one of the ministers was asked by a local reporter to provide studies that showed that deterrence works. The minister sent several articles, two of which actually advocated that deterrence did not work and the other one was totally inconclusive. That was the best evidence the minister could come up with.

The government does not drive its legislation, whether in the criminal justice area or elsewhere, by the facts or the evidence but purely by ideology. The government's ideology is very narrow in terms of how it thinks it can make the criminal justice system work better and it all centres on punishment.

We see in the bill a huge number of additional mandatory minimums, which I will come back to, but before I do, we have to set the context with regard to who we are dealing with. As I said earlier, this bill is about the sexual exploitation and sexual abuse of children. There is no question that it is going on and has gone on forever in society. What the Conservatives see when they are addressing this type of perpetrator is the classic, stereotypical pedophile, people who do not have the ability to control their violent tactics and sexual urges.

About five years ago we were dealing with another bill under the Liberal administration that dealt with sexual abuse. In the course of those hearings, three witnesses, who by any standards and recognition had the best credentials in the country, gave testimony. They were experts specifically in the field of sexual exploitation and sexual abuse, sexual crimes against children.

• (1245)

I want to be very clear. These were not people who are soft on these perpetrators, but they were extremely knowledgeable. All three of them took a quite similar approach in terms of the analysis of who we are dealing with and how best to deal with them.

They broke down the perpetrators into three categories. First is the stereotypical one, and they are there; they are not made up. They are not just figments of the Conservatives' imagination, but they are a very small proportion. These are the ones who we lay people would refer to as being hard-wired. Basically all three of these witnesses, two of whom were psychiatrists and one was a psychologist, said these people are either impossible to deal with in the sense of any treatment or any way of bringing them back from their totally reprehensible conduct, or very difficult to almost impossible. But it was a relatively small percentage of all the perpetrators of the crimes that are committed.

They then said there is a second category that is workable but very difficult.

*Government Orders*

Then there is the final category. Usually they are young offenders, individuals over 18, so they are in the adult criminal justice system, but still relatively young. Oftentimes it is their first offence of a sexual nature against other children and they are treatable relatively easily. By that I mean counselling, supervision, mentoring, and in some cases, penalties from the criminal justice system, but are treatable.

In fact, what came out in terms of the percentages was that the hard-wired perpetrators account for probably 5% to 7% of all the child sexual abuse crimes that are committed in this country. The middle group is 30% or 35%, or maybe 40%. The balance is as much as 50%, the ones who are treatable.

Having set that context, we then look at the bill and what the government has done here, with a few exceptions, is to take sections of the code where there already are mandatory minimums, but from the government's perspective, they are not tough enough, and it is increasing these.

With regard to those, there are a couple of exceptions and I want to be clear on this, where in fact we may be dealing with hard-wired convicted persons and those mandatory minimums are appropriate. However, the vast majority of the mandatory minimums that the government is introducing here, either as new ones, and there are five or six new ones, or the other 15 or 20, are simply increases.

The people that the government is going to go after, on whom the mandatory minimums are going to be imposed, fit into that larger category, first offenders, people who in fact can be treated. What is going to happen is what is happening already. They are going into the provincial system, because there are no mandatory minimums in here of more than two years. All the mandatory minimums run from 30 days up to one year.

All these people are going to go into provincial institutions, and in most cases, are going to go into local jails and spend their time there after conviction. They are going to get absolutely no treatment. They are going to be exposed to other more serious criminals, some of those serious pedophiles, the hard-wired ones. They are going to learn new techniques to be able to access, for instance, child pornography and the whole pedophile network. So they are actually going to learn how to perpetuate, when they come out, the crimes that they went in for. They are going to get absolutely no treatment, because for the short periods of time that they are there, none of the provinces have programs in place that will provide them with any treatment. They are just not there long enough.

So the mandatory minimums are going to do nothing in terms of preventing these individual criminals from committing crimes in the future. In fact, in every argument we have made, we will actually be exposing society to a greater number of crimes because of the length of time that they are going to be spending in custody.

I want to go through a number of these sections. Clause 3 of the bill moves the mandatory minimum from six months to one year if it is an indictable offence.

• (1250)

Currently if it is a summary conviction offence, which is the Crown making the decision that the offence is not very serious and will proceed in that way, it is now moving to what is now a

mandatory minimum under that section, from 14 days to 90 days. In reality, of the 90 days, the person will get at least a third of the time off, if not two thirds of the time. So instead of spending 7 days in jail, he or she will spend 30 days in jail.

Other than the Conservative Party saying that it is tough on crime and trotting out victims' groups for photo ops, in those circumstances this bill does nothing to prevent that criminal, who has committed and been convicted of a crime, from re-offending, or in effect build in some real prevention mechanisms to see to it that that person is given the proper counselling, the proper supervision, the proper mentoring so that they do not go back out and re-offend under the same types of circumstances.

Going through clause 4, again an indictable offence, currently an offender would spend 45 days in custody and that is being moved up a year. For a summary conviction it is 14 days to 90 days, and we can just go through section after section.

This is not about being at all serious about dealing with this perversion in terms of adults perpetuating oftentimes quite serious violent acts and at the very least minimally violent acts on children.

How do we properly deal with this? All of the evidence we have shows that these silly mandatory minimums have nothing in the way of a preventive mechanism in them. There is none whatsoever.

As a legislature we are going to be able to say that we think this is bad and we want the judge to give more difficult or harsher penalties. The reality is that if we leave this to the judges, in some cases they will impose even harsher sentences and in other cases it will be less.

However, they will also see to it, if it is a probationary order, that once the offender is out of custody that a probation order in fact has meaningful provisions in it so that the supervision, mentoring, counselling and treatment, psychological and psychiatric, is in fact imposed, and in the vast majority of cases, especially in that 50% of files, is successful in preventing and seeing to it that the person does not commit another crime of this nature.

It is a major problem with this legislation. As we have heard from other members of my party, there are other parts of this bill that we have been pressing both the Liberal administration, when it was in power, and the government for well over a dozen years to push for a real, strong, clear mechanism within the Criminal Code to deal with the luring of children under 16 years of age, over the Internet, by telephone and in any number of ways.

The government is moving on this. Currently the luring provision in the code that it is amending talks about just a computer, and now what it is proposing to do is to expand that into telecommunications, using that terminology. It is still too narrow. There are other ways and there are going to be other ways. Anyone who would stand in this House and suggest that we have gotten all means of technology for communicating under our control and use is being extremely naive or ignorant of where we are going with our technology.



*Government Orders*

We need broader language. It is kind of interesting. One of the sections in this bill, an amendment to the existing code, is really giving judges more authority to restrict communications. In looking at the way communications is defined, it is a very broad wording. It basically says one cannot communicate with anybody under 16 years of age.

We need that kind of wording. That is what was in the NDP private members' bills, talking about communications by any means if the intent is to lure a child, anyone under the age of 16, into a sexual relationship. We need that kind of broad wording.

● (1255)

The government has been extremely narrow in its expansion and that is one of the reasons we will be looking to amend this bill when it gets to committee, and clearly it is going to get to committee. The government is now moving from just a computer definition to a broader telecommunications definition, but it is still not broad enough. I believe that in the future, and even now with some of the material, we may have any number of instances where people may be charged under this section but come forward with technical defences that it will not fit within the definition of telecommunications.

We need to call expert evidence at committee as to ways we can look at technology as it is now and broaden it beyond just the telecommunications wording. Hopefully we would have someone with vision who can look down the road to the next 10 to 20 years and come up with wording that will catch the future developments in our ability to communicate, especially in this kind of criminal activity. That is one area where I believe we do need amendments.

The other concern we have with this bill is that we think there may be an attempt on the part of the government to get around the Sharpe case. As members will recall, that was the individual from British Columbia who was ultimately able to convince the court that it was not pornography that he had produced. However, the government is moving from the current definition of child pornography to saying that it is an offence to use sexually explicit material in the course of this type of offence under various sections that are in this bill and in the code more generally. In effect, it is a crime.

The worry I have is that we may be exposing a number of defences here that are not needed. We will probably need to look to constitutional experts under the Charter of Rights and Freedoms and other people from the arts and culture community on whether this would expose us to a long run of litigation, perhaps all the way to the Supreme Court. We need to determine whether this is an end-run around the Sharpe case, and I do not think there is any reason to do that. We are trying to get at the perpetrators of these crimes. I think this is dangerous as it may refocus attempts to seriously get at those hard-wired perpetrators. They are the ones we really have to be after.

Also, and I do not see the bill addressing this at all, a good deal of child pornography is produced by organized crime. There does not seem to be anything in this bill that is really addressing that in terms of the production of that material.

There are a couple of sections in here specifically on the age of consent, and this goes back to other bills that we have worked on. We supported raising the age of consent; however, the Conservatives

at one point were prepared to criminalize as many as 800,000 of our youth in this country, by raising the age of consent. If the sexual act was between people who were within five years of each other, it would be a criminal act. We built in that defence, but there are a couple of sections in here where I think we may be faced with the same problem. We would be criminalizing sexual activity between people who are within four or five years of each other, who may be about the same maturity age, but one is chronologically younger than the other. I think we have to take a look at that and build that defence into a couple of these sections as well.

I see my time is up and I will be happy to take questions.

● (1300)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am very concerned about the victims of crime. In a *Winnipeg Free Press* article by Mia Rabson, she quoted Sheldon Kennedy as saying, "...child victims spend the rest of their lives trying to handle the psychological trauma of their abuse...".

What sort of avenues and compensation are available for victims of crime?

In Manitoba, under the Ed Schreyer government, which was the first NDP government in Canada, in 1969 or 1970, we introduced legislation to set up the criminal injuries compensation fund. This has been operating in Manitoba for 40 years now. I understand there is a similar type of fund in Ontario. However, there is no fund for Canada.

For a government that pretends it is supportive of victims, why would there not be a criminal injuries compensation fund on a national basis? What would be the scope of that fund? Would there be any help for victims of this type of crime?

**Mr. Joe Comartin:** Mr. Speaker, the bill in fact does not address compensation for victims of child sexual abuse at all. The attitude of the government has generally been to leave that to the provinces. Ontario has the most extensive compensatory program in the country, but it has an absolute maximum of \$25,000 that could be paid out for victims.

I have done a lot of work on this. When I was in law school, I wrote a major paper on child abuse including child sexual abuse, and I have done a lot of work on this particularly in the early part of my career as a lawyer. The figure of \$25,000 would not even cover the counselling for children who have been seriously sexually abused, especially if there was extensive violence and over an extended period of time.

*Government Orders*

With the number of cases province-wide, we do not have enough people, child psychiatrists or child psychologists in particular, to be able to provide them with treatment. There is a whole bunch of areas where we could be doing much more work to assist victims and to deal with both monetary compensation and also trying to get children reinstated into society as full functioning human beings.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksasing, NDP):** Mr. Speaker, I greatly appreciated my colleague's speech on this. He talked about the fact that often what we see in some of the legislation that is being brought forward by the government is regurgitated laws that are currently in place, and it tries to add something else that we have to be very mindful of. We need to make sure that the bill goes to committee to look at the safeguarding of charter rights and the important common law concept of judicial discretion.

Could my colleague talk about the potential unintended consequences of creating additional mandatory minimums?

**Mr. Joe Comartin:** Mr. Speaker, I want to thank my colleague from Algoma—Manitoulin—Kapusksasing for the question, because I did want to spend more time on this in my speech, but I ran out of time. There are potentials here, and I have said this in the House before, but this is another example of it. We are increasing mandatory minimums and in a number of cases introducing a few new ones. The risk, especially with judges who are upset with the number of mandatory minimums both the current government and the Liberals before it introduced to restrict them, as the judiciary in this country sees it, comes where we have a serious offence for which there is a mandatory minimum. Let me use the example where there is no mandatory minimum and now one is being imposed.

The tendency on the part of members of the judiciary, both because they are upset with mandatory minimums that are taking that discretion away from them and on the other hand, being deferential to the legislature in our decision making to do this, is that they might say if that is the mandatory minimum and this is a first offence, that is all they are going to impose. If this had been up to the judge, he or she would have imposed a sentence much greater, on the basis that this is a much more serious offence than six months or one year calls for. That is the real risk that we have, especially with the detail of the number of sections we have gone into here where we are increasing sentences from very small amounts in some cases to not much larger amounts in others.

As much as the Conservatives want us to believe otherwise, members of our judiciary are very deferential to the legislature when we make these kind of decisions. I actually wish they were less so and would simply say they were going to impose a more severe penalty because of the facts and scenario in front of them and the limited ability of the person to rehabilitate himself or herself, so they would impose a more severe penalty in order to protect society. They may in fact not do that.

• (1305)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, I have to admit that I have always been somewhat nervous because the NDP members talk a lot in the House, but after last week's byelection results, I became a little less nervous. I would like them to speak a heck of a lot more because, quite clearly, they are not

on the side of Canadians and Canadians are starting to judge them that way.

In Vaughan the NDP barely eked out a victory over Elvis Priestley. The massive number of 600 votes that party received in Vaughan is more of a testament to the fact that the NDP is not on the same side as Canadians and that Canadians want their government to do what it is doing with its focus on crime. The NDP is suggesting that it is too tough on criminals when they are asked to double-bunk, and heaven forbid there would be deterrence in the system, go figure. That is what the NDP is advocating. That is why that party lost in Winnipeg and it is why the NDP barely eked out 600 votes in Vaughan. After the next election, I am sure Elvis Priestley will actually do better than the NDP in Vaughan.

Canadians have said once and for all that they want a government to do what this government is doing.

Would the member agree that being consistently on the opposite side of Canadians is what has really hurt the NDP and it is why the NDP is not connecting with Canadians and it is why Canadians, in massive numbers, are turning their backs on the NDP?

**Mr. Joe Comartin:** Mr. Speaker, I have to say to my colleague that his ignorance of the outcome of the byelection in Winnipeg is about as equal to his ignorance on the level of how effective deterrence is.

In the byelection in Winnipeg, that party's candidate dropped from second to third, a distant third. She tried to make crime the principal issue in that game and it all just went downhill. Certainly there is nothing to learn from that in terms of what we are talking about here.

In terms of the issue itself, I challenge my colleague and any minister over there to give me one study that shows deterrence works, just one. If the Conservatives are really serious about their position, let them put some evidence behind it. There is not any. There is not one study that shows that deterrence works.

I have to mention a story that came up at that same committee. We were dealing with child pornography. The police told us about this case where they had tracked down a chain of child pornographers. They were going in systematically and arresting them. Those people knew the police were coming. Yet the final person the police got to was so hard-wired that he was watching child pornography on his computer when the police broke down the door and arrested him. That is the kind of person we are dealing with. Deterrence would mean absolutely nothing to those people whatsoever.

**The Acting Speaker (Mr. Barry Devolin):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Barry Devolin):** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

*Government Orders*

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

\* \* \*

●(1310)

**STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT**

The House resumed from November 26 consideration of the motion that Bill C-41, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I will begin by seeking unanimous consent to split my time with the hon. member for Markham—Unionville.

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

**Some hon. members:** Agreed.

**Hon. Geoff Regan:** Mr. Speaker, they are the fans of my colleague, the member for Markham—Unionville. I get the impression they are more anxious to hear from him than from me. That is understandable, I suppose. He is an excellent member.

I am pleased to rise in debate today on Bill C-41.

[*Translation*]

We will vote in favour of this bill at second reading. Military justice must absolutely be updated. However, there are some clauses of the bill that, at first glance, are cause for concern. We would like to take the time to study the bill properly in committee.

In 1998, the Liberal government at the time passed Bill C-25. The purpose of that bill was to update the military justice system, and it included a clause that required the operation of the bill to be reviewed after five years.

The former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, drafted a report containing 88 recommendations, which are the reason why we are debating this bill today.

[*English*]

Unfortunately, since the Conservatives have been in government, there has been little action to address Judge Lamer's recommendations.

In April 2006, the Conservatives introduced Bill C-7 to amend the National Defence Act. However, it was never brought to the House of Commons for debate. A year and a half later, the Prime Minister prorogued Parliament, which would, as we all know, become a recurring theme. The Prime Minister's actions in fact killed the bill. The Conservatives introduced it once and the Prime Minister killed the bill by proroguing Parliament.

It took the government approximately five months before reintroducing the bill as Bill C-45 on March 3 of that year. Once again, this bill was never brought forward for second reading debate, and a few months later the Prime Minister broke his own fixed election law, thereby killing the bill again.

It is difficult to believe that the Conservatives give any attention to military justice when we see them introduce bills with absolutely no intention of ever debating them. Therefore, I am pleased we are debating this today and hope we will see more of this bill, but that remains to be seen.

What this shows once again, unfortunately, is that we cannot trust the government, just as we cannot trust it when it comes to military procurement. We have seen what the Conservatives have been saying about the joint strike fighter project, the F-35s, the stealth fighters that they want to purchase. They have said for months in the House that a competition is not required because Canada was part of one back in 1999-2000.

**Mr. Jack Harris:** As an observer.

**Hon. Geoff Regan:** In fact it was an observer, as my hon. colleague from Newfoundland says. That is what it was.

The assistant deputy minister at the time of those occurrences at the turn of the millennium was Alan Williams. He said the reason for joining the JSF program was not the urgency of replacing the F-18s but the potential industrial opportunities that would come from being part of that proposal. Before the government ever made its decision that it would purchase the F-35s, 144 contracts were already awarded, supporting what Mr. Williams was saying.

In relation to the minister's and Prime Minister's claims of there being a past competition, this is what Mr. Williams said:

On October 26, 2001 Edward Aldridge, Under Secretary of Defense—

This is, of course, in the United States:

—announced that Lockheed Martin was the successful candidate over Boeing.

He went on to say:

[W]e were all glued to our TVs at National Defence headquarters awaiting the announcement.

How is it exactly that this was a Canadian competition? How is it there was a competition that Canada was not part of and we had no decision-making role in it whatsoever, but that is good enough for the government?

●(1315)

**Hon. Laurie Hawn:** Mr. Speaker, on a point of order, this is all a very nice diatribe on revisionist history, as it may be, but I would like the member to stick to relevance. I would ask him what this has to do with military justice.

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Halifax West is debating Bill C-41 and I would ask him, as I would ask all hon. members in this place, to stick to the matters at hand.

**Hon. Geoff Regan:** Mr. Speaker, I certainly will, but in this case I am talking about military justice. I am talking about what is conduct unbecoming the government, as a matter of fact, and what justice ought to be. Let us talk about the truth because the Conservatives are afraid of the truth.

The fact is that we had to wait and see what the U.S. announced in relation to the F-35s, but apparently that is good enough for the government even though we were not actually part of that competition. Really, there is no excuse for not having one.

*Government Orders*

Even the Chief of the Air Staff in 2001, General André Deschamps, was quoted in *Canadian Defence Review* at the same time he was asked about the JSF. He was asked, “Where is the next generation fighter on your list of priorities?” He said, “The next generation fighter is very high on my list”.

**Hon. Laurie Hawn:** Mr. Speaker, on the same point of order, I would ask you to ask my hon. colleague to stick to the debate that we are supposed to be having, which is on Bill C-41. It has nothing to do with the joint strike fighter or some imagined relevance of military justice, which is something that sticks in his craw.

If he is going to debate that, Mr. Speaker, you might want to ask him why the Liberal Party refuses to even go—

**The Acting Speaker (Mr. Barry Devolin):** I appreciate the assistance offered to the Chair by the parliamentary secretary.

I would remind all hon. members that it is the practice of the House that we speak about the matters before the House. I would also remind all hon. members that members are given significant latitude to make points that may be directly or at least partially related to the matters at hand.

The hon. member for Halifax West.

**Hon. Geoff Regan:** Mr. Speaker, you are right that members are given significant leeway. If we were all required to talk only about clauses in a bill that we are debating at any one time, a lot of the comments from both sides of the House would be cut short.

My hon. colleague seems to be upset. He should remember that I started off by saying that we are going to support this bill at second reading. We want it to go to committee to be studied. I am surprised he is so upset. I would think he would want me to finish what I have to say.

Let me finish by quoting what the Chief of the Air Staff said at the time:

The next generation fighter is very high on my list. We know government wants to get to that discussion soon, and we definitely need to get on with the process to get a new fighter. It sounds like a long time away, but as we know, it takes a lot to go through a contracting process and produce a new fighter.

He was clearly talking in future tense. Here was a case at the same time. For the member to say that there was a competition back then that Canada was part of is conduct unbecoming. I do not know if it falls under the military justice procedure, but it certainly ought to.

[*Translation*]

In June 2008, the Senate passed Bill C-60 in response to a ruling by the Court Martial Appeal Court of Canada in the Trépanier case. The bill addressed some of Justice Lamer's recommendations.

In 2009, the Standing Senate Committee on Legal and Constitutional Affairs released a report entitled *Equal Justice: Reforming Canada's System of Courts Martial*. This report made nine recommendations.

Therefore, we can consider Bill C-41 to be more or less a combination of the Senate's report and Bill C-45, except for the recommendations already addressed by Parliament with Bill C-60.

My colleague from Markham—Unionville will have other comments on this matter, and I look forward to hearing what he has to say. For the time being, I await questions and comments.

● (1320)

[*English*]

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, I am very pleased to rise on this subject. As was the case for my colleague, I also support the bill. The Liberal Party will support sending it for second reading.

In particular, when I was defence minister, I had the privilege of dealing with the Rt. Hon. Antonio Lamer, whose report provided the foundation for this bill. I remember thinking he was an extremely fine and bright man with a keen sense of justice in what was right and fair. Knowing that he was the author of this bill, in many ways, reinforces my support for it, although not even Antonio Lamer was infallible. Therefore, there may be amendments at committee, but we certainly will vote to send it to committee.

That reminds me of another fine gentleman I knew when I was at defence, and that is Alan Williams, the former assistant deputy minister. While in a somewhat different category from Antonio Lamer, he was nevertheless a fine public servant and extremely able in the area of procurement.

In terms of the justice of the argument of the other side, Alan Williams, a very able man, has no axe to grind. He is retired. He is not a Liberal, to my knowledge. He is only speaking truth. Therefore, I think he is more credible than the current ADM, who is constrained by the powers that be. If he wants to hold his job, he has to say what his bosses want him to say, whereas Alan Williams, who is now entirely free from any constraint of that nature, said extremely clearly that we had absolutely no obligation to purchase this F-35. He said that we had absolutely no role in the American competition and we would be far better placed to go for a competitive bid. That way, according to Alan Williams, the taxpayers of Canada would likely save something in the order of \$3 billion, which may not be a lot of money from the point of view of the government. However, from our point of view, that is a lot of taxpayer money which it is wasting through not going to a competition and insisting on going sole-source.

That is my brief reference both to Antonio Lamer, the father of this bill, and Alan Williams, the father of common sense when it comes to procurement.

However, let me now return more narrowly to the bill, as the parliamentary secretary has urged us to do. To ensure that the Canadian court martial system remains effective, fair and transparent, the military justice system must be reformed. Currently there are disparities between the military and the civil justice systems. Although we realize the need for the military and civil justice systems to be different in some respects, as they answer to different circumstances, both systems should be as similar as possible. One example of this is allowing for the security of tenure for military judges until their retirement. This is the case in the civil justice system and we believe it should also be the case in the military justice system.

*Government Orders*

As well, the addition of new sentences such as absolute discharge, intermittent sentences and restitution are positive steps toward developing a much fairer system.

[*Translation*]

We have concerns about clause 50 of the bill, which indicates that the size of the accommodations available will determine whether a hearing will be public or private. We do not believe that the size of a room should be the only determining factor.

Clause 101 refers to the review of this bill. We are in favour of a review; however, the review will not be conducted until seven years after the bill is passed. We are of the opinion that seven years may be too long in certain circumstances. If we consider Bill C-25, to which I referred earlier, the review took place five years after the bill was passed. However, we are still in the process of discussing the results of this review today, mainly because of the Conservatives' failure to act.

We certainly hope that, if additional changes were needed in this bill after it were passed, they would be made much more quickly and effectively than what we have seen to date.

• (1325)

[*English*]

As I said at the beginning of my comments, I have a profound respect for the late Rt. Hon. Antonio Lamer who was indeed the father of this bill. For that reason, I am particularly pleased to say that the Liberal party will vote in favour of sending this bill for second reading.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I am please to join today in this debate at second reading on Bill C-41. It is important that we understand how military justice fits in with our justice system and the importance of military justice to the operation of the armed forces.

First, we are supporting the bill at second reading, although we see major deficiencies in the two areas that the bill talks about, and that is reformation to the operation of the criminal side of military justice and also the changes to the grievance board.

Military justice is a very important part of making our forces work. It is related to discipline within the military forces. I will quote retired Colonel Michel Drapeau who is very knowledgeable in military matters and military law. In fact, he has written the only significant Canadian work on military law, the annotated volume of the National Defence Act and related statutes. He had this to say about the importance of discipline:

Few professions are as dependent on discipline as is the military. Discipline is fundamental to military efficiency, cohesion, esprit-de-corps permitting commanders to control the use of violence so that the right amount and type of force can be applied in exactly the right circumstances, the right time and the right place. At the personal level, discipline ensures that at all times of great danger and risk, the soldier can and will carry out orders even if his natural instinct for self-preservation and fear tells him otherwise. Likewise, group and individual discipline ensures adherence to laws, standards, customs and values of civilian society, even during combat operations.

Therefore, discipline is integral not only to the maintaining of an efficient armed forces but also to ensuring that the rule of law predominates within the military, particularly when engaged in great peril and danger in combat.

The late Chief Justice Antonio Lamer, in an important case in 1992, also talked about the importance of military discipline in maintaining the armed forces in a state of readiness. He said:

—the military must be in a position to enforce internal discipline effectively and efficiently. Breaches of military discipline must be dealt with speedily and, frequently, punished more severely than would be the case if a civilian engaged in such conduct.

That might seem to be a bit unfair. In fact, that is really the subject of my remarks today.

Another comments on military discipline was made by my predecessor as defence critic for the NDP, Dawn Black, in speaking in the House on June 16, 2008, talking about military justice. She said:

The military justice system does not only exist to punish wrongdoers, it is a central part of command, discipline and morale. Ours is a voluntary military and if the military justice system is not seen as equitable and fair, we will not only have a justice problem, but we could also have an operational problem.

I refer back not to the Lamer study, but to an inquiry into the circumstances of Somalia when Canada was there initially as part of a UN peacekeeping mission but ended up in the midst of a war. The resulting inquiry by Mr. Justice Letourneau and the public outrage that resulted from the knowledge of what had happened in Somalia with our troops, and I will not go into the detail, was in fact the beginning of the dark days of the military in the nineties, as the Conservatives have said today. Mr. Justice Letourneau discovered, through his inquiry, that terrible things had happened that shocked Canadians, but the fault was all throughout the chain of command and the failure of leadership that prevented the system of discipline from operating.

• (1330)

When we talk about military justice, there has to be an emphasis on the justice side as well. We expect, want and need to have a high level of morale among our troops and we demand loyalty. However, it is a two-way street. The system must also be seen as fair.

In two areas of our military justice system that I want to focus on today that fairness is somewhat lacking. Those areas are the military justice system on the one hand, and I will go into details, particularly of a summary trial, and the issue of grievances on the other hand.

In our military system, grievances are written into the National Defence Act. We do not have a unionized military as some other countries do. Many thousands of individuals are subject to military discipline and are in a rigid, chain-of-command, top-down type of structure. Their only recourse when it comes to dealing with issues affecting their pay and benefits, their release, which is often very problematic, medical issues, getting adequate medical treatment and issues of that nature is through a grievance system. That grievance system is in disarray and the proposed changes in the legislation do not really deal with that.

*Government Orders*

Let me talk a bit about the summary trial issue. I think the public and members of the House of Commons have heard of court martials. I guess there is an assumption that most military justice goes through that procedure.

However, that is not the case. In dealing with discipline within the military forces, there is a less formal tribunal presided over by officers. These officers are not legally trained. It could be the commanding officer, or someone delegated by him or her, presiding over a summary trial. These officers are given a seminar on how to do this, but they do not have the ability to follow the rules of evidence and carry out a trial in accordance with the nature of criminal trials that would occur in our civilian courts. When I say “civilian”, I do not mean civil versus criminal.

The forum is the court martial itself, which is more analogous to a civilian court of criminal jurisdiction. That is provided for, and there is a whole series of rules and evidence that apply to that. In fact, it is a rather comprehensive code of evidence that applies to court martials.

However, in looking at the actual use of summary trials and court martials in Canada, it is pretty clear that it is very much the exception rather than the rule. In fact, in 2008-09, there were 1,963 trials in the military justice system. Of those, only 65, or 3%, were in fact conducted through a court martial. The other 1,898 were dealt with by the summary trial procedure.

There is nothing particularly wrong with that, except that under a summary trial procedure in the military, as opposed to in the criminal courts where our civilian population is tried for offences, there is a rather strict set of rules that involve the rules of evidence. It is guided by the provisions of the Charter of Rights and Freedoms. There is a very significant prohibition against any kind of prejudice or foreknowledge of the individuals or the cases.

The results are subject to appeal. There is a transcript, so if people do not like what happens to them because they think there was a legal error, they can appeal to a higher court. Also, they have the right to legal counsel in a criminal trial.

● (1335)

We are proposing that we take a significant look at this whole issue and say that there must be a trade off if we are to have summary trials in the military without rules. We need to know how these summary trials can end up for the individual involved. If our sons or daughters were in the military and they were tried under a summary trial and convicted, which is about 89% of those who have summary trials are convicted, they end up with a criminal record and that criminal record is treated the same as a criminal record for a trial before a civil court with all the rules and procedures in place.

The trials can take place before a commanding officer or someone delegated by him or her. They can result in fines, in imprisonment or in detention for up to 30 days in the case of a commanding officer and 15 days in the case of a delegated person. These are serious matters that result in the loss of freedom for an individual, a fine equal to 30 days' pay or a loss of rank for example. Those are the punishments for summary trials and yet the lack of procedural fairness in the Charter of Rights and Freedoms sense is not there.

If we need to have that system to maintain order, discipline and morale, which we do not have a problem with, then we should ensure that members of our forces do not end up with criminal records that they must try to get expunged through the Parole Board after they leave the military. We have seen the attitude of the government on the Parole Board. It does not seem to want the Parole Board to have too much power because everybody who is convicted of something is obviously a menace to society. It is even building jails now to house unreported crimes.

We have the concern that in the military system we need to have, as former Chief Justice Lamer said, speedy justice. Sometimes we need more punishment than others would encounter for the same offence, but if we do that, the trade off should be that individuals do not get a criminal record unless they are tried by a court that has that kind of support.

What are we talking about in terms of offences that could end up with criminal records? Of the number of charges in 2007-08, 29% of the offences were for absence without leave, AWOL; 6%, or 156 cases, were for drunkenness, which is section 97 of the Defence Acts; 19 out of 2,600 cases were charged against good order and conduct, prejudiced to good order and discipline of a sexual nature; and 138 cases for drugs and alcohol. A person who is charged under the National Defence for possession of drugs or alcohol could end up with an offence that results in a penalty of imprisonment, fine or a reprimand. There is a range of sentences.

The concern is that, at the end of the day, the individual ends up with a criminal record even though the procedural fairness is not there. It is not subject to a lawyer. It is not an independent tribunal. The person in the case, the commanding officer, can accept any kind of evidence that the person deems to be relevant to the charge and relevant to proof. That is not the case in a criminal court. In assessing whether a person is credible, the commanding officer quite often knows the individual or the delegated person may know the individuals or may know the witnesses. That is not something we would allow in a criminal court in civil jurisdiction.

The rules of procedure are not there. It is true that there are some procedural guidelines but there is no transcript. Individuals cannot go to an appeal court and say that their procedural rights were violated and therefore the case should be set aside. There is a review and sometimes the reviews are successful. They may result in a different charge or a different sentence but they are not appeals in the same kind of legal framework that we have in civilian courts.

While we think summary trials and the notion of a different system for military tribunals and military justice is reasonable, there must be a quid pro quo, there must be a balance so that if the rules are tougher, perhaps the sentences are tougher, they maintain discipline and order.

*Government Orders*

• (1340)

On the other hand, if people are not given all the same procedural rights as those in the Charter of Rights and Freedoms such as a civilian would have, they should not have a criminal record for the rest of their life unless they are able to go through the procedure of going to the Parole Board and getting a pardon. People leaving the service may have enough trouble trying to adjust to civilian life outside of the forces without having the additional burden of a criminal record for something that may have happened during their military service that was not serious.

Most of the offences we are talking about are very minor. If they were not minor they would be subject to courts martial with more severe penalties and most of these are relatively minor offences that do not often require serious discipline. They could be areas of military discipline that are extremely important, for example, insubordination, quarrels, disturbances and disobeying a lawful command are important to discipline but they are not something for which someone should have a criminal record.

The other area I want to talk about is the grievance procedure, which is extremely important to those in the military because they do not have any way of solving these problems without going through a grievance procedure. If they had a collective agreement they would have a grievance procedure. There would be time limits where the employer would have to respond. One of the previous speakers mentioned the Lamer report that had 88 recommendations. There are a whole series of recommendations in the Lamer report that have yet to be implemented, some of them may have even been accepted but their implementation is pending the completion of further study, we are considering the implementation under study, et cetera.

For example, that the Chief of the Defence Staff be given the necessary financial authority to settle financial claims and grievances, and that the Chief of the Defence Staff be entitled to delegate this authority. What is the importance of that? The importance is that if somebody has a pay and benefits problem that can be resolved by saying that the man should be paid his two months wages, the Chief of the Defence Staff should be able to solve that problem. He should have the authority and the budget to do that. The responsibility rests with the Chief of the Defence Staff and yet he is not given the financial authority to deal with it. That was recommended and accepted and yet the implementation is pending further study. Why is that? Seven years later after the Lamer report, we still have a series of recommendations like that.

We are also concerned about the grievance board itself. The change in the name to the external board when it is not external at all. It is still comprised of military or ex-military people. It does not require any military knowledge to do that. It requires people who are judicious and able to resolve disputes and can recommend they be done quickly and not take two years or longer to get grievances resolved.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I want to draw the member's attention to the sentencing options. I am not sure whether he responded to it in his speech but he may have. The sentencing options are being expanded under the bill to provide for additional options such as absolute discharges, intermittent

sentences and restitution orders. It seems to me that this a major step in the right direction.

Would the member like to make some comments about the ramifications of this important move?

• (1345)

**Mr. Jack Harris:** Mr. Speaker, as usual, being in the opposition we get caught up in the problems with legislation and do not often get a chance to expound on the good side.

In fact, flexibility in sentencing is one of the most positive things in this legislation. It is our view that military justice should be brought closer to civilian justice and, if there is not the kind of flexibility that they have in the civilian courts for someone who is going to serve detention that it be intermittent or if someone may have committed a crime but it was not deserving of a conviction that would result in a criminal record, which is the case in civilian courts, people can be found guilty but not convicted and that results in either an absolute discharge or a conditional discharge and that allows them to carry on without a criminal record. That should be available in the military as well.

That is one of the positive aspects of the bill and there are a number of positive aspects to the bill and we support it being brought to committee to deal with some of the problems.

**Hon. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, my hon. colleague talked about the summary trial process being unfair. Having been involved with some, I would disagree.

Could my colleague comment on the fact that the accused actually gets the right to trial by court martial where summary trial has jurisdiction? The accused can in fact make the choice. I am not sure how that translates into basic unfairness with the system.

**Mr. Jack Harris:** Mr. Speaker, I hope the parliamentary secretary's involvement with the summary trial process was not as an accused but rather as a presiding officer or perhaps he was assisting the accused or was a witness. He can tell us that a little later.

I am aware that there are many cases where court martial is the choice. However, when the choice is given, court martial is rarely used because the sentencing provisions are different. Dealing with it and getting it over is important. I think that happens in civil court as well. Court martial is an option, which was a recent change in the act, but very few people take advantage of it. I actually have the numbers here and less than 20% use that option. Court martial is a more elaborate trial. My main point stands.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I thank the parliamentary secretary for providing me with a copy of the report of the Judge Advocate General to the Minister of National Defence on the administration of military justice in the Canadian Forces. This review was done from April 1, 2008 to March 31, 2009.

I want to refer the member to page 14 of this report which shows the number of trials has increased 2.5 times since 1999-2000. The other day I asked why there would be an increase of 2.5 times and the answer was Somalia and Afghanistan. I was asking about the types of offences that would be involved. The report does talk about drug offences and so on.

*Government Orders*

As the member has been to Afghanistan and he is heavily involved in the issue, could he explain to us the reasons for the increase in these trials? Is it because of our involvement in Somalia and Afghanistan versus staying at home?

**Mr. Jack Harris:** Mr. Speaker, that is what might be called a loaded question. I do not know if Somalia has anything to do with the kind of increases that we have seen in the last several years. That is ancient history.

However, I do think there may be some consequences of our engagement in Afghanistan. The pressures of that kind of engagement do lead to stress and strains. Many of the offences are minor. Many might involve alcohol or misbehaviour of one sort or another. Some of that comes with operational stress injuries. Some of it is quite common in people with post-traumatic stress disorder where behavioural issues have emerged as part of its symptoms.

I would not want to give any definitive answer to the question, but it is a marked change over a short number of years and it would take a serious study to figure that out. I would not want to jump to any conclusions. I would suggest that there is probably a great deal more stress and strain on our soldiers now than there was 10 years ago.

•(1350)

**Hon. Laurie Hawn:** Mr. Speaker, I have a couple of quick comments for clarification.

My hon. colleague was searching for the number of people who chose summary trial. Actually 93% chose summary trial. This suggests that the majority of people in the military are comfortable with that process and understand that it is not an unfair process.

The other connection to Somalia, which obviously was in 1999, but the attention paid to issues of discipline and so on before they became major issues, as was the case in Somalia, there was a stronger awareness and a much greater appreciation of the fact that small things can become big things. That is the Somalia effect on the number of charges and so on in recent years.

**Mr. Jack Harris:** Mr. Speaker, that is probably a slight exaggeration. We were talking about an increase in the period of the last few years, not going back to 1992 and 1993. We see a 2.5% increase over a 10-year period. That is in recent years and is more related to the Afghanistan situation.

They chose that, not necessarily because they think it is fair, but because they can get the matter dealt with easily and quickly and get it out of the way, and probably dealt with in a less harsh manner than going through major courts martial that could keep them out of service for some time. The sense of fairness comes afterward, when they find out later that they have criminal records. That is the thing we would like to see removed and changed.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I rise to speak to Bill C-41 in recognition of the fact that this bill is a significant step forward in the military justice system.

Before I go any further, I would like to signal that I am going to be sharing my time with my colleague from Elmwood—Transcona.

The bill would do a number of things, which I know, after listening to my colleague from St. John's, raises some concerns as

well, but let me deal with some of the positive aspects of it, which I believe are major steps forward.

The bill introduces sentencing principles. I will not say they are as broad or liberal as the principles under the Criminal Code, but they are certainly a major move in that direction, setting out principles that would guide military judges when they are imposing sentences.

Again as we heard from my colleague from St. John's, the number of trials where this would be applicable under the court martial provisions is particularly important, less so in summary trials. The principles are set out, as well as the additional powers that are given to military judges.

For instance, under the new provisions, absolute discharges would be granted. A military judge may say someone is guilty of an offence but because of the scenario, the facts or circumstances of the individual's long service in the military, perhaps, say it is an aberration, a one-time event and, although serious, not one where the person should be carrying a criminal conviction into civilian life, and grant an absolute discharge. That is just one example. There are also provisions for restitution to be ordered way beyond what is within the scope of military courts at this point.

With regard to judges, here are two additional points. One is in terms of the system's not only being fair but appearing to be fair. There is now full tenure for military judges. They will have security of tenure, and it will not be possible to remove them arbitrarily until their normal age of retirement within the system. That is important for individuals who appear before judges. It is important for them to know that the judge does not have to be concerned with some superior officer somewhere being upset by the judge's conduct and removing him or her from office. That is a major advancement.

The other thing the bill provides for with regard to military judges is that part-time military judges would now be appointed. As we have already heard from some of the comments and questions, the number of trials is increasing fairly dramatically. The availability of part-time judges is important to allow trials to be conducted in a fair and efficient manner without long delays.

With regard to the development that is occurring, it makes me think of what we have done historically in our criminal justice system in Canada. For a long period of time, the lower courts were basically assigned jurisdiction of a fairly limited nature. It was mostly magistrates not trained as lawyers who sat in judgment of those cases.

Over the years, more responsibility was assigned. More serious cases were assigned to them. As we find in the military system, because they were more expeditious in most cases, the vast majority of people who had the option of going to a higher court stayed at the lower court, even though at times the justice was less than fair, if I could put it that way.

Over the years, especially as we moved to more concerns over civil rights, civil liberties and human rights, it became such that the magistrates are being phased out or have been phased out in most cases and everybody now has legal training, the Charter of Rights and Freedoms applies and rules of evidence apply much more stringently than in the past. We have gone through that system in the civil criminal justice system.



*Statements by Members*

●(1355)

In effect, we are starting down that road now, this being just one of a number of bills in this regard. We are now moving fairly dramatically to try to do the same.

However we are dealing, obviously, with a different fact situation. Everybody recognizes the need for military discipline. And so what we are really attempting to do with this legislation, and other legislation and other changes occurring within the military justice system, is to strike that balance where the senior command, as well as the command in the field, has still sufficient control to impose military discipline, at the same time balancing off against the right of the individual person, who is charged with some offence under the military code, to a fair process.

We have to say we have some concerns with the process that is being instituted here, while it is a major step forward. There may be additional things. So, when this goes to committee, and it obviously will, we will be looking at ways of perhaps enhancing that balance so that individuals who appear before the summary courts will be treated fully fairly.

Let me just say in that regard that, because that fairness is quite important in terms of the individual member of the military feeling confident that he or she will be always treated fairly, still recognizing that they have to strike that balance, military discipline is still important.

Will we ever have a unionized workforce in the military? I suppose I have a bias in favour of thinking that may happen at some point. We are certainly not there at this stage. Although other countries have moved in that direction, we are not there at this stage. This would be a major step forward; however, there may be some refinements that could be made.

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Windsor—Tecumseh will have three minutes remaining when the House returns to this matter.

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## STATEMENTS BY MEMBERS

●(1400)

*[English]***OSHAWA'S CHRISTMAS SPIRIT**

**Mr. Colin Carrie (Oshawa, CPC):** Mr. Speaker, it has been said many times that the Christmas season, which is upon us, is the season of charity. It is the season of giving, and it is a time where everyone is more mindful of those who are less fortunate or in need.

Fortunately there are many people around Oshawa who treat every day and every season like Christmas. They live and breathe the Christmas spirit of giving and charity daily.

Oshawa boasts some of the most remarkable charitable individuals and organizations. Whether it is by volunteering at a local soup kitchen or organizing and engaging in fundraising activities for families in need, all of Oshawa's wonderful volunteers and charitable organizations have made us proud and have made Oshawa a better place.

On behalf of the Government of Canada, I would like to take this opportunity to recognize all those volunteers and organizations in Oshawa that make a difference every single day. They truly are an inspiration to the entire country.

Merry Christmas.

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**GROS MORNE NATIONAL PARK**

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, I rise today to recognize the important role played by Mr. William Callahan in the creation of Gros Morne National Park. Mr. Callahan was the natural resources minister in the Smallwood government and instrumental in the development of the park.

Gros Morne National Park is a geologist's dream, containing a fjord with rugged walled canyons, flattened mountaintops called tablelands, which were once the ancient ocean floor, and an exposed mantle that contains rock formations usually not found on the earth's surface.

The Canada-Newfoundland agreement by which the park was established four decades ago conveyed its approximately 700 square miles in trust forever to Canada's heritage. With its designation, along with the adjacent L'Anse aux Meadows, as a United Nations world heritage site, in a real sense it now belongs to all humanity.

Mr. Callahan's persistence and dedication helped to create the national treasure we now know as Gros Morne National Park. We owe him our gratitude.

Please join me in honouring and thanking William Callahan for all that he and others did to establish Gros Morne National Park, a legacy that will be cherished forever.

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*[Translation]***CROSS-CANADA CYCLING TOUR**

**Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** Mr. Speaker, on May 10, four young Algonquins from Kitchisakik in Abitibi got on their bikes and began a journey across Canada. Lena-Jane Gunn, Bradley Brazeau, Frank Pénosway and Évelyne Papatie, the one who came up with the idea, cycled nearly 9,000 km.

They undertook this journey out of a desire to change their lives. They wanted to leave drugs and alcohol behind them. They used the trip as an opportunity to meet other young people and deliver a message of hope and change. Those they met along the way were very impressed by what these young cyclists had accomplished.

The members of this House are aware of the very high rates of alcoholism and drug addiction in aboriginal communities. I think everyone will agree that these four young people are tremendous examples of dedication and courage.

Évelyne, Lena-Jane, Bradley and Frank, *meegwetch* and bravo!

*Statements by Members*

[English]

**NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN**

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, December 6 is our National Day of Remembrance and Action on Violence Against Women, a reminder to Canadians that we must end all forms of violence against women.

I would like to thank my colleague, the former NDP MP Dawn Black, for the private member's bill that ensures that December 6 is always a day of remembrance and a day to speak out against the physical violence of a gun or a beating, the psychological violence of abuse, or the economic violence of poverty.

Today is the 21st anniversary of the Montreal massacre at École Polytechnique, where 14 women were shot and killed simply because they were women. We remember these precious young women, our lost sisters, and all women killed, injured or gone missing in our communities.

Let us commit ourselves to turn remembrance into action and provide leadership to end violence against women. This can only happen if we are determined to address the gender inequalities at the heart of the gender-based violence that robs women of their right to security.

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**MISSION IN AFGHANISTAN**

**Hon. Rick Casson (Lethbridge, CPC):** Mr. Speaker, a few weeks ago with the help of the troops at the 18th Air Defence Regiment in Lethbridge, we kicked off the second "Send Your Support...In a Cup of Coffee" campaign.

I am asking everyone to purchase a \$5 Tim Hortons gift card, write a little note of thanks on the gift envelope and drop it off at my office.

We will collect them and send them to our men and women in Afghanistan for use at the Tim Hortons outlet at Kandahar airfield.

Last year we collected over 3,200 cards, more than enough for every one of our brave men and women in Afghanistan to have a cup of coffee on us.

With two weeks left in this year's campaign, we are halfway to our goal of 2,900 cards. As one of our troops, who had been on tour and received one of the cards, said, "It brings a little piece of home. It is nice to know the public is there to support us".

Mr. Speaker, you and many of our colleagues have already sent me your cards, and I know you join me in encouraging everyone else to do the same.

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• (1405)

[Translation]

**DESJARDINS GROUP**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, today, I would like to congratulate Desjardins Group, which was awarded the title of "Bank of the Year 2010 - Canada" by

the prestigious British magazine, *The Banker*, published by the *Financial Times*.

This is the first time in Desjardins's history that it has participated in this competition and it is the first time that a Canadian cooperative financial institution has won this prestigious title. Desjardins Group was certainly recognized for its performance and business model, but also for its corporate culture, its role as a leader in sustainable development, its community involvement and its charitable work around the world.

[English]

Desjardins Group is a Quebec and Canadian success story that we can all be proud of. It is a pleasure to congratulate it today on receiving this important honour.

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**DIABETES**

**Mr. Rod Bruinooge (Winnipeg South, CPC):** Mr. Speaker, diabetes significantly affects all Canadians, and more specifically, aboriginal Canadians. I know this to be true as I have seen it in many members of my own family. Thankfully, this disease, which has so significantly afflicted our people, can be avoided by aboriginal people by returning to a traditional aboriginal diet and avoiding many of the modern processed foods.

Health Canada now considers diabetes in first nations communities an epidemic, and the problem is getting worse in all age groups. Today there are three million Canadians living with diabetes and another six million Canadians who have pre-diabetes. Diabetes rates in Canada have doubled over the past decade and are forecast to nearly double by 2020. Each month, there are 6,000 Canadians who die due to this disease.

The Canadian Diabetes Association is hosting a complimentary diabetes risk assessment today for all members of Parliament in Room 256-S of Centre Block until 4:30 p.m. Please make a point of stopping by. In doing so, we will set an example for all Canadians.

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[Translation]

**DESJARDINS GROUP**

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Mr. Speaker, on December 6, 1900, Dorimène Roy-Desjardins and Alphonse Desjardins founded a financial co-operative movement in Quebec.

One hundred and ten years later, Desjardins Group has been awarded a 2010 Bank of the Year award by *The Banker*, a publication of the *Financial Times* of London, England.

With 5.8 million members and clients, 6,200 elected officers running its credit unions, caisses populaires and other organizations, as well as 42,200 employees, Quebec's co-operative model was rewarded for the professional management of its \$157.2 billion in assets.

Its community roots, participatory democracy and local involvement were also commended. Last month it also received the Quebec corporate citizenship prize for its social agenda, notably its sustainable development policies.

*Statements by Members*

I would like to congratulate the Desjardins Group, an institution that so wonderfully highlights Quebec's distinct character.

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[English]

**PUBLIC SAFETY**

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Speaker, today the Minister of Public Safety drew attention to the important issue of radicalization among the world's youth. Radicalization of youth and violent extremism concern us all and influence all Canadians by endangering lives and ripping communities and families apart.

We must remember that the worst terrorist attack in Canadian history was a direct result of radicalization that led to violence. We must remain vigilant against the threat of violent extremism.

Our government is working to combat this issue through stronger legislation, community outreach, the co-operation of our law enforcement and intelligence gathering organizations, and strengthening our relationships with Canada's long-time friends and allies, the efforts of which are guided by the principles of human rights and respect.

In order to be truly effective, governments, communities and law enforcement must work together towards the common goal of ensuring the safety and security of Canadians.

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[Translation]

**LIU XIAOBO**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I rise here today to pay tribute to the Chinese writer and scholar Liu Xiaobo who was awarded the Nobel Peace Prize for his extraordinary contribution to the cause of peace and human rights.

[English]

He was sentenced to 11 years in prison for advocating rights guaranteed under China's constitution and international covenants. Rather than celebrate Liu Xiaobo for his fidelity to the constitution, the authorities imprisoned him on trumped up charges, placed his wife, Liu Xia, under house arrest, denied both the right to go to the Nobel ceremony this week in Oslo, and warned countries to boycott the ceremony or "face the consequences".

So we say from this parliamentary podium to the authorities of the Chinese government, to free Liu Xiaobo and his wife. Permit them to attend the ceremony. Celebrate their contribution to the values of its great civilization. Take its place in the community of nations, not only as an economic superpower but one that is prepared to empower its people in the marketplace of ideas. Put itself on the right side of justice and not on the wrong side of history.

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● (1410)

**VIOLENCE AGAINST WOMEN**

**Ms. Lois Brown (Newmarket—Aurora, CPC):** Mr. Speaker, I rise today to pay tribute to the 14 bright young women who violently lost their lives 21 years ago today in the worst single-day massacre in

our history. The average age of the women who were killed was just under 24.

As we remember where we were on that horrific December day, it is important to honour those who died. They were smart and inspiring young women with promising futures. They came from communities across Quebec, and in one case, from Poland. They were musicians, athletes and scholars. They were loved as daughters, sisters, wives, friends and colleagues. All are still tremendously missed. These 14 young women live on in many ways, in the hearts of those who love them, through scholarships and other initiatives established in their memory, and gatherings held in their honour.

On this sad day, as we honour these young women, let us remain steadfast in our determination and solidarity to end violence against women.

\* \* \*

**VIOLENCE AGAINST WOMEN**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, today New Democrats join all Canadians in mourning the victims of the tragic 1989 École Polytechnique massacre. We also remember women all over the world and in Canada who have died simply because they were women.

[Translation]

While we remember, we also need to take action and show leadership in putting an end to violence against women. For some time now, the NDP has been making considerable efforts to eliminate violence against women, whether by raising the issue of spousal abuse for the first time in the House of Commons, by co-founding the white ribbon campaign or by creating the National Day of Remembrance and Action on Violence Against Women.

[English]

While we mourn today, let us also turn towards action and pledge to one another that we will work towards the elimination of all forms of violence against women.

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**HALIFAX EXPLOSION**

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, 93 years ago today, at 9:04 in the morning, Halifax suffered a great tragedy when it lost nearly 2,000 of its men, women, and children and saw thousands more injured due to a tragic Halifax explosion that rocked the city. The collision in The Narrows of Halifax Harbour of the *Imo* and the *Mont-Blanc* was the largest man-made non-nuclear explosion in the history of the world.

### Oral Questions

Neighbourhoods near the explosion were levelled. Halifax was in shock with the destruction, the devastation, the wounded and the dead. Despite an oncoming blizzard, relief efforts from local communities such as Truro, Kentville, Moncton and New Glasgow were sent to Halifax to help. Relief efforts from as far away as Boston arrived in the next days and weeks.

The city of Halifax was shattered that day, but Halifax was not broken. The port city lost many, but those who survived and residents who live there today will never forget this tragedy and will always remember those who sent help during a time of need.

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[Translation]

#### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN IN CANADA

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Mr. Speaker, 21 years ago, 14 young female students at École Polytechnique were killed in cold blood. This tragic event is still fresh in our collective memory, and the raw emotions it still evokes to this day can make it difficult to analyze this act.

However, 21 years later, a few thinkers have taken on this difficult task. To some, this is a gratuitous act of madness with no intention. To others, the intention behind this mass murder was not only to kill these young women, but also to kill feminism and the advancement of women in society.

Regardless of the position one takes in this sensitive and emotional debate, the fact remains that this was a personal tragedy for many and a tragedy for society as a whole. More than ever, it reminds us of the need for balance, the need to understand other people's reality and their differences.

On this December 6, let us remember these 14 young women who died tragically and all those affected by this event.

\* \* \*

• (1415)

#### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Mr. Speaker, 21 years ago, 14 young women were violently murdered at École Polytechnique in Montreal. They were killed because they were women. It was an unspeakable tragedy that forced Canadians to seriously examine the frequency of violence against women.

Every day, women and girls in Canada and throughout the world are victims of emotional, physical and sexual violence, in the majority of cases at the hands of someone they know.

The Liberal Party has taken serious steps to attack the problem of violence against women, including defending the gun registry, which saves lives. However, the battle is not over.

[English]

Canadian women should be able to live their lives free of violence, even from the threat of violence, but that is not the case for too many women, particularly first nations, Métis and Inuit women.

Today I want every woman who has experienced gender-based violence to know that the Liberal Party of Canada and our entire parliamentary caucus is committed to end all acts of violence against women.

\* \* \*

[Translation]

#### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Mrs. Sylvie Boucher (Beauport—Limoilou, CPC):** Mr. Speaker, on the National Day of Remembrance and Action on Violence Against Women, we invite the men of Canada to become leaders in combatting violence against women and girls.

Men must set the example in their communities. They must speak out against violence and encourage their colleagues, friends, brothers and neighbours to do the same. Remaining silent is a sign of weakness.

The elimination of violence against women is one of the cornerstones of our government's tough on crime agenda.

Since 2007, our government has invested over \$30 million in projects designed to eliminate violence against women and girls in Canada.

Today, as we remember the tragedy that occurred in Montreal, our hearts go out to families who have lost loved ones as a result of violence.

Let us remain true to our principles and strong in our commitment to ensuring that all citizens are treated fairly, equitably and respectfully. Let us speak out against intolerable acts of violence against women and girls.

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## ORAL QUESTIONS

[Translation]

### GUN CONTROL

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, today is the anniversary of the Polytechnique massacre. Together with other parliamentarians, I placed a rose to commemorate one of the 14 victims.

It is on behalf of the victims that I am asking the government why it is still trying to block measures to trace weapons and curb smuggling. Why is this government not listening to the victims' families, not listening to the police, who need these measures, and giving in to pressure from gun lobbyists?

[English]

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, I think all of us in all political parties, each and every member of Parliament, takes today to remember the tragic loss of some young women who had promising futures. This is something on which I would not want to be political.

*Oral Questions*

What I can say is our government is committed to making our communities safer and to working with law enforcement on meaningful gun control that actually works and makes those communities safer.

[*Translation*]

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, the police need these measures. They will help trace weapons. People do not understand why the government is ignoring victims' families. It tried to abolish the gun registry. Now it is trying to keep the police from doing their job.

When will the Conservatives learn from the Polytechnique massacre and give the police the measures they need?

• (1420)

[*English*]

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, Canadian law already states that all firearms must have a marking unique to that firearm. We believe in gun control, gun control that works, gun control that will actually make our communities safer.

We also believe in putting violent offenders in prison for more time than the lax policies of the previous Liberal government. That is why the Minister of Justice and the Minister of Public Safety have brought forward a whole series of legislation to ensure Canadians can be safer. We hope the Liberal Party will get on board and help us pass the legislation.

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, the government is not credible on the crime issue unless it is tough and maintains the gun registry.

The government is now delaying measures that have been asked for by chiefs of police, by police associations for years to assist in the tracing of imported weapons. No one can understand why the government listens to the gun lobby and does not listen to the police and the families of victims.

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, let me be very clear. Canadian law already states that all firearms must have a marking unique to that firearm. We cannot be any clearer than that.

The reality is the leader of the Liberal Party and his party are just not credible on crime. We see that each and every day in the House. We see that each and every day in committees of this place.

Whenever this government brings forward measures to get tough on violent offenders who cause havoc in our communities, the Liberal Party members always stand and vote against them.

Not one of the four bills before the public safety committee is likely to pass this year because the Liberal Party is stopping each and every one of those going forward. Shame on him and shame on his party.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, today we are reminded that we must do all we can to ensure the tragedy at École Polytechnique is never repeated.

Time and time again the police, victims' groups and the RCMP agree that the federal gun registry is vital in protecting Canadians.

The Prime Minister's own Mr. Fantino has said that the case is closed, that the gun registry debate is over and "it's a done deal".

Will the Prime Minister listen to the families of victims and keep the gun registry?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, there has been no party in the House that has been stronger on the rights of victims and standing up for victims against violent criminals. Our government is committed to making our communities safer. We continue to support gun control measures that assist law enforcement in protecting our communities and the safety and security of the public.

I wish the opposition, rather than standing and constantly defending the rights of criminals, would actually stand up for victims.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, this is not about the rights of criminals. It is about the rights of victims and would-be victims.

[*Translation*]

Our police officers need the registry. Why? To protect communities and prevent another tragedy like the Polytechnique massacre from happening.

But the Prime Minister does not care. The Prime Minister will not listen to what the police, victims, their families and women's groups want. He will only listen to the American gun lobby.

How many more tragedies will it take for the Prime Minister to stop attacking gun control?

[*English*]

**Hon. Vic Toews (Minister of Public Safety, CPC):** I agree, Mr. Speaker, that this is about victims. What concerns me is that member and her party consistently stand in the public safety committee and block every one of our efforts to protect the individuals in our country who deserve to have the right to walk down our streets in safety, who deserve to have the right to have security in their homes.

Why will that member not tell her colleagues to get the government legislation passed in the public safety committee so victims can be protected?

\* \* \*

[*Translation*]

**THE ENVIRONMENT**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, Canada caused a shock wave in Cancun by joining forces with Japan and Russia to oppose extending the Kyoto Protocol beyond 2012. After sabotaging negotiations in Copenhagen, shelving its so-called plan to reduce greenhouse gases and giving the oil companies carte blanche, Canada will continue to do everything it can to put off any international agreement.

*Oral Questions*

Does this attitude not demonstrate that the Prime Minister is pandering to the big oil companies, which are telling him how to act, and that he will do anything to undermine the fight against climate change?

• (1425)

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, climate change is a very serious issue. Our negotiators are in Cancun and we want to continue working on the Copenhagen accord, which was supported by 138 other countries in every part of the world. It is absolutely essential and imperative. If we want to reduce greenhouse gases, all the big polluters must participate. It is our priority. It is our responsibility in Cancun.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, Canadian and Quebec companies may be forced to pay the price of the Conservatives' reckless behaviour and the blind eye they are turning to what the oil companies are doing. The European Union is planning to impose a tax on polluting products from countries, like Canada, that do not abide by the greenhouse gas standards.

Does the Prime Minister plan to penalize Quebec companies by siding with the oil companies under the pretext that Kyoto is a socialist plot, as he stated in 2002?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, what is happening is that the opposition parties, the coalition parties, want a carbon tax. This is not the government's policy. This is not something that we supported. We believe that is absolutely essential to reduce greenhouse gases. We agreed to reduce our greenhouse gases by an absolute 17%, which is exactly the same objective as that set by President Obama. We will continue to work very hard to meet this objective.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, the Minister of the Environment is joining forces with Russia and Japan to oppose extending the Kyoto protocol beyond 2012. This decision is even more unfortunate because it is being done at the expense of Quebec and the industries that have done the necessary work to substantially reduce greenhouse gases.

Instead of fighting in the rearguard by trying to do as little as possible, what is the minister waiting for to face the facts and focus on developing a credible plan to reduce greenhouse gases?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, Canada already has a number of policies to fight climate change. We have a plan to reduce greenhouse gases by 17%. That is exactly the same figure that Obama has committed to in the United States. If we want to win the fight against climate change, it is very important to have all of the major polluters participate. In the last two years we have seen our emissions in Canada decrease by 2%, but emissions increased by 8% in China. That is environmentally unacceptable. We must all work together to fight climate change.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, we could also compare Canada's and China's economic stimulus plans. There would be a difference there.

Instead of trying to sabotage environmental summits, the minister should produce a credible plan for reducing greenhouse gases. If we

look at the fact that Conservative senators rejected Bill C-311 and that the government's continental approach is nothing more than a red herring to justify its inaction, it is clear that the minister is not truly ready to implement a plan to combat climate change.

Why is he undermining international negotiations? Why is he undermining negotiations and why does he not introduce a plan—

**The Speaker:** The hon. Leader of the Government in the House of Commons.

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, we have no choice. We need economic growth, we need to create jobs and we need to combat climate change.

We have presented a plan for the transportation sector based on a real agreement with the United States and real regulations. We are the only country in the world with a real plan for banning coal-fired electricity generation. We have also made many investments to reduce oil sands emissions at each stage and to get results for Canada.

[*English*]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, under the Conservatives, Canada has been shamed with over 30 fossil awards from the global environmental community including last year when Canada received the colossal fossil award for bringing a totally unacceptable position to Copenhagen, and that was the decision of the Conservatives.

Another year gone by, another climate conference, and it is déjà vu. The Conservatives are leading the charge to kill the Kyoto protocol and to make sure there are no strict targets and firm targets for greenhouse gas emissions. Canadians would be shocked to learn that this is the role we are playing. Where is the leadership? Why do the Conservatives not do what Canadians want them to do on climate change?

• (1430)

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, we still lag behind the previous Liberal government, which won 89 fossil awards.

Let me say this. We support a strong agreement, a legally binding agreement with absolute reductions. It is not just a good idea, it is essential. It is obligatory that we have all major polluters at the table, all major polluters accepting targets so that we can win this war against climate change. That is why we are going to be in Cancun. That is where we are going to be fighting for a meaningful agreement that delivers for the environment.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, at the rate the Conservatives are going they are going to catch up to the Liberals in the fossil department in short order. There is no doubt about that.

*Oral Questions*

[*Translation*]

Canada must do its part in the fight against climate change, but the Conservatives continue to drag their feet. Even worse, they are using the unelected Senate to kill the only existing climate change bill.

Where are the strict rules for capping greenhouse gases? Where are the initiatives for developing new clean energy sources? Why kill Kyoto?

[*English*]

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, the regulations are in place for North American vehicle standards, something we have negotiated with President Obama, and that will see real reductions for greenhouse gas emissions. We also have the same arrangement with respect to light trucks. The Minister of Transport is working on rail, on civil aviation and on marine. We also are the first country in the world to bring forward regulations that will essentially ban dirty coal-fired electricity generation. If every country around the world followed that leadership, we would see real action around the world on climate change.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, a report today says that of the 57 countries that emit the most greenhouse gases, 53 of them are doing better than Canada. That is absolutely shameful. The U.S. has acted while Canada has not. The U.S. is going to start to regulate greenhouse gases next month while the government has failed to even draft regulations for greenhouse gas emissions. There are still no regulations for industries making up over half of the emissions. It is no wonder the Conservatives have such a poor rating. Where are the regulations? When will the Conservatives act against the big polluters?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, it seems that the New Democratic Party makes these charges when its big policy issue this fall is to reduce taxes on fossil fuels, which is hardly credible when it comes to the environment.

We have brought forward regulations under North American vehicle standards. We have brought forward regulations with respect to banning dirty coal electricity generation and we are working with the American partners. What will happen in the United States is a welcome first step. There will be some voluntary guidelines that will be optional in the United States. We welcome that the American government is beginning to follow Canada's lead and it will have a good partner in Canada.

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**THE ECONOMY**

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, it is the Minister of Finance who promised Canadians a surplus and then gave them a record \$56 billion deficit. Now the finance minister's forecasts are getting more and more erratic. On Thursday night he promised a balanced budget in five years, but on Friday morning he woke up, changed his mind and said it could take longer. What changed overnight to trigger the minister's latest deficit flip-flop?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, of course we remain on track to balance the budget in 2015-16. Nothing

has changed. We have the lowest deficit in the G7. In fact, our deficit for this year is lower than originally forecast.

Since July 2009, since the end of the recession, we have created, and now the number has gone up, 440,000 new jobs in Canada.

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, which forecast is the minister speaking of, Thursday night's or Friday morning's?

The minister has met every deficit target he has ever set. He has no plans to return Canada into the balanced budget produced by the last Liberal government.

Now that the minister seems to agree with the Parliamentary Budget Officer that a balanced budget in five years is unlikely, Canadians want to know, when will the budget be balanced and where is the minister's plan to get it there?

• (1435)

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the member for Kings—Hants now comes here and says that he is opposed to the deficit that was created by the necessary stimulus spending to save and create jobs in Canada during the worst recession since the Great Depression that came from outside our country.

Here is what he said before. He said, "The Canadian stimulus package undoubtedly created economic activity and jobs".

That is what he said in October 2010, not what he says today.

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**GOVERNMENT SPENDING**

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, the Prime Minister ought to take his minister's advice on reckless spending. Earlier this year, \$42,000 was spent so that PCO staff who work directly for the Prime Minister could hold a town hall meeting for public servants.

The average annual income in Ontario is \$42,000. The Prime Minister himself signed off on a \$7,000 tab for refreshments just two weeks after the President of the Treasury Board scolded bureaucrats for their expenses and then froze spending.

Is this what the Prime Minister meant when he said he makes the rules so he can spend what he likes?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, we continue to maintain that we believe Canada has the best public service of any country, anywhere. In case my friend opposite missed it, we have frozen operational spending for all departments. We have frozen the salaries of all members of Parliament. We have frozen hospitality, travel and conferencing at 2009 levels for the next three years.

### Oral Questions

On hospitality spending alone, in the last four years we have spent 30% less than the Liberals spent. That is why they are nervous about these types of restraint measures.

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, the \$7,000 refreshment tab is bad enough, but the decision to spend \$42,000 on a meeting at a hotel directly across the street from the government's conference centre is baffling.

The PCO staff who attended the town hall walked right by the government building on their way to the private town hall. The same type of meeting could have been held in the government building at a fraction of the cost.

When will the Conservatives practise what they preach, or explain to Canadians the hypocrisy of their do as they say, not do as they do policy?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, I really do think my friend is well-intentioned, but she needs to sit down with her research staff because the numbers are very clear. In any category we would want to measure, we are spending significantly less than the former Liberal government.

I will just talk about some of the areas. On cabinet spending alone for the year coming up, we will be spending \$11 million less than the year before.

On use of the Challenger jet, cabinet ministers in this government spend 80% less on the use of that Challenger jet than the federal Liberals did. In every category, we are lower and better than they are.

\* \* \*

[Translation]

### THE ENVIRONMENT

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, against the advice of Environment Canada officials, the Conservative government lobbied intensely against California standards for low-carbon fuels, even though the officials described them as an effective means of reducing greenhouse gases in the transportation sector.

Why did the government ignore the advice of these officials? Was it afraid that the regulations would hurt oil and gas exports to the United States?

[English]

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, what is clear is that we have come to an agreement with the United States, the national government, on a North American vehicle emissions standard. This will be common on both sides of the border and will assist our auto sector. The same impositions will be put on car importers, not just domestic. That is a good first step. We have also moved on light trucks.

The Minister of Transport is showing, once again, great leadership with respect to rail, marine and civil aviation. Step by step, we are getting the job done.

[Translation]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, as well as combatting California's environmental efforts, the

Conservatives' oil sands advocacy strategy also targets the European Union's standards to improve fuel quality and the American Energy Security Act.

Does this major offensive against three environmental initiatives not prove, once again, that the Conservatives have but one motivation: to protect the interests of Alberta oil companies?

• (1440)

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, our priorities consist of creating jobs for Canadians, growing the economy and ensuring the well-being of Canadians from coast to coast. We are working very hard with the United States to establish regulations on automobile emissions and we will continue working with countries around the globe. All big polluters must participate in the Copenhagen accord to reduce greenhouse gases. We will continue working hard on this issue.

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### FINANCE

**Mr. Daniel Paillé (Hochelaga, BQ):** Mr. Speaker, the Minister of Finance is suggesting it will be well after 2016 before the budget is balanced again, which is not a fine example of leadership.

The Bloc Québécois has proposed a number of measures: no more tax evasion, no more tax havens, no more gifts to oil companies and bankers, and a higher tax rate for those who earn \$150,000 or more, the top earners.

Instead of prolonging the imbalance, why does the minister not ask privileged taxpayers to contribute more?

[English]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the member opposite and his party supported the stimulus program. They particularly supported the infrastructure program in Quebec. In fact, day after day they were getting up in this House saying that not only was the stimulus program a good idea, but it should be extended.

Now, because of the reasonableness, flexibility and fairness of the Ministry of Transport, it has been extended, so I wonder now whether the member opposite, my critic, is serious when he says that we ought not to continue with the stimulus program to the end of the program.

[Translation]

**Mr. Daniel Paillé (Hochelaga, BQ):** Mr. Speaker, he should answer the questions.

By taking privileges away from the wealthy, the government could balance its budget and have room to manoeuvre to help abandoned economic sectors like the forestry sector, the manufacturing sector and the fisheries.

Why does the government keep sparing the banks and the oil companies? Why not use the existing tax room? Why not show some leadership and help workers in the sectors in difficulty? Why not take action right now?



*Oral Questions**[English]*

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, as I said earlier, we remain on track to balance the budget by 2015-16, but I can assure the member opposite that if his proposals for our next budget are to spend more on this and spend more on that, there will be no balanced budget in Canada this year, next year or any years in the future. We have to be fiscally responsible in this country.

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**CANADIAN BROADCASTING CORPORATION**

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, we know the Prime Minister exercises absolute control over his government's messaging. Every minister, every parliamentary secretary, every Conservative MP delivering a Standing Order 31 statement must sing the tune on the Prime Minister's sheet music.

Recently the parliamentary secretary to the heritage minister suggested that it was time we got out of the broadcasting industry, time to sell the CBC. What does the Prime Minister have up his sleeve for the CBC? Is he preparing to privatize it? If not, will he reprimand his parliamentary secretary, or better still, replace him with someone who supports public broadcasting?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, if he is looking for someone who supports public broadcasting, it is not anybody in the Liberal Party.

When the Liberals were elected to government, they cut the CBC by \$400 million and laid off 40% of the CBC's staff, so I think if my hon. colleague wants to present himself as someone who defends the CBC, he is a member of the wrong party. It was the Liberal Party that gutted and slashed the CBC, so if he is looking for a saviour of the CBC, he may want to quit the Liberal Party.

*[Translation]*

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, there are the words we have just heard and there are the facts, but one has nothing to do with the other.

Last year, at the height of economic crisis, the minister refused to help the CBC. As a result, hundreds of people were laid off and the CBC had to sell off \$125 million in assets. And recently we learned that the government is cutting another \$13.7 million from the budget.

Their dream has always been to either shut down or privatize the CBC. Are the Conservatives essentially doing indirectly what they cannot do directly?

*[English]*

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I am afraid I only have these quotes in English, so this will have to do.

The Liberal Party's attitude towards the CBC is to "gut it, kick it in the teeth, leave it hanging from a thread". That was in the *Globe and Mail*. "The CBC has become a battered, unloved, friendless institution...under heritage minister Sheila Copps". The "CBC has been treated shabbily" by the Liberal government, "downsized, underfunded, abandoned," and "Only 23% of Canadians believe the current Liberal government is committed to preserving the CBC".

When it comes to beating up, slashing and attacking the CBC, the Liberal Party takes the prize.

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● (1445)

*[Translation]***CENSUS**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, our researchers have warned us that eliminating the mandatory long form census will force them to look to the private sector for the information they need. They will also have to use the research funds provided by the federal government to purchase this data.

We already know that the Conservatives' plan will cost an extra \$30 million and provide less reliable data. But what will be the other hidden costs associated with this irresponsible decision?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, our position is clear. It is important to have a position that is balanced and responsible for Canadians and also the information important to research and development.

*[English]*

In our case we have found that appropriate balance. We think this is a way we can ensure that useful and usable data is collected and at the same time be responsible to citizens, respect citizens, so that they are not threatened with jail time and massive fines if they do not fill out a government form.

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I am amazed at how out of date the Minister of Industry is.

On Wednesday, MPs will have the opportunity to vote on a private member's bill that would restore the long form census, save taxpayers millions of dollars, and ensure that governments, charities, universities and colleges would have access to the data that they need to do their jobs efficiently and effectively. Anyone who votes no will be voting to support the Prime Minister's plainly stupid decision.

Instead of waiting for the vote, why will the industry minister not do the right thing and restore the long form census?

*[Translation]*

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, our position is responsible and fair and it balances the rights of Canadians and the information that is important to researchers.

*[English]*

Before I came to this place today, I was happy to announce more funding for research and development commercialization so that our researchers and business people are working together for jobs and opportunity for Canada. That is what this government stands for.

*Oral Questions***THE ENVIRONMENT**

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, over the past four years our Conservative government has expanded Canada's national parks system by 30%. Conservation achievements such as Nahanni, Mealy Mountain and Gwaii Haanas act as models throughout the world.

Could the Minister of the Environment please inform the House of our government's latest great conservation achievement?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, I knew we were going to get a good question in question period and it finally arrived.

This morning I was pleased to join environmentalists and representatives of Inuit and the Government of Nunavut to announce a future boundary for a national marine conservation area in Lancaster Sound in Nunavut. Today's announcement is a giant leap forward in protecting one of the most amazing ecosystems in the world. It is another example of our commitment to protect our marine life, the boreal forest and our natural environment.

We have increased, as the member said, Canada's national parks system by 30% in just four years. That is a record to be incredibly proud of. Canada is providing real leadership.

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[Translation]

**EMPLOYMENT**

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, the government is not telling Canadians the truth about employment numbers. By far, most of the jobs that have been created are part-time jobs. The recession cost us thousands of full-time jobs. For example, the unemployment rate in Windsor is 11%.

Why is Windsor not on the list of regions with high unemployment? Why not extend protection for workers in Ontario's industrial centres by five weeks?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, during the global recession, we improved the employment insurance program by adding five weeks of benefits. We did a number of other things, particularly in the area of training, to help unemployed workers acquire the skills they need to get new jobs. Unfortunately, the NDP voted against nearly all of our efforts to help unemployed workers.

• (1450)

[English]

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, the extended benefit pilot project was meant to add five weeks of benefits in high unemployment areas, but Ontario has been left out. Unemployment in some parts of industrial Ontario has soared to over 11% and in the Niagara region it is now over 10%, yet the Conservatives refuse to extend EI benefits in Welland, St. Catharines, Oshawa or any part of Ontario.

When will the Conservatives wake up to the job crisis in Ontario and extend this program to all areas with high unemployment? Why are they ignoring the unemployment crisis in Ontario?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, I think the NDP is going to give us all whiplash because its members go one way at one time and then they turn around and go the other way just as fast.

When we introduced the expansion of the five weeks of extra benefits under EI during the worst recession since the second world war, the NDP voted against it. Now those members are saying that it is not enough. They have consistently voted against almost every one of our attempts to help those who have unfortunately lost their jobs get the skills and training they need to get the new jobs of tomorrow and to help them look after their families while they are doing that. Shame on the NDP's hypocrisy.

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[Translation]

**PUBLIC SAFETY**

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, even as we commemorate the Polytechnique tragedy, the Conservative government is continuing to undermine gun control. For example, this is the third time the government has delayed the implementation of the firearms marking regulations, which would enable police officers to more quickly trace weapons used to commit crimes.

Twenty-one years after the Polytechnique massacre, how can the government deny that gun control can help prevent violence against women?

[English]

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, our government is committed to making our communities safer. We continue to support gun control measures that assist people in law enforcement in protecting themselves and the safety and security of the public. Since being elected, we have consistently brought in new measures that work to prevent and solve crimes.

That member and her party have consistently stood against mandatory prison sentences for those who use guns. Why does she and her party not support efforts that actually help victims?

[Translation]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, rather than try to abolish the registry, which is critical to controlling guns, the government should strengthen it. We have asked the government to end the amnesty for those who refuse to register their guns and to make registration permanently free.

Will the government implement these two measures to make the registry more reliable and help the police do their job?

[English]

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, that member consistently advocates the gun registry, but in fact talks about allowing criminals back on the street as quickly as possible.

If Canadians want to see a reduction in violent crime such as in my hometown of Winnipeg, Manitoba, what she should do, as she should do for all people right across Canada, is support measures that put dangerous, violent criminals behind bars and protect law-abiding citizens.

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#### THE ENVIRONMENT

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, while the minister heads to Cancun without a plan for climate change, at home he is killing a pre-eminent Canadian research foundation.

The Canadian Foundation for Climate and Atmospheric Sciences has for years maintained and trained some of the leading scientists in the world, in research centres and universities across Canada and in the high Arctic, helping farmers and keeping Canadians safe. However, the Conservative government as not replenished its endowment fund, to the shock and concern of scientists in Canada and around the world.

Will the government immediately replenish the fund, or will this be yet another embarrassment that it takes to Cancun?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, I just heard a question on the gun registry and I can understand why the member for Yukon does not want to ask a question on that.

With respect to research, the government has put some \$85 million toward Arctic research. We believe it is incredibly important and that it is a smart move. There was some one-time funding given to the foundation when Canada had a large surplus. It has made a request for new funding that will go into the budget mix with all the other requests that we receive.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, ending 60 years of Canadian data collection would be neanderthal.

Because their funds have run out, brilliant Canadian scientists and students are already being drawn to the United States and Australia. It is like the Conservative Avro Arrow debacle all over again where our best and brightest have to leave the country.

Hundreds of scientists and their students help farmers, foresters and fishermen, and help keep Canadians safe on land, water and ice.

Will the government immediately fund this foundation and stop this exodus of our scientists, or will it continue to put Canadians at risk and have another embarrassment at Cancun?

• (1455)

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, I do not recall being involved in the decision with respect to the Avro Arrow. That was done before I was born.

As for efforts to reduce greenhouse gas emissions, we believe science and research have an important role in that, but so too does action. The leader of the Liberal Party is the one who summarized

#### Oral Questions

the efforts and failures of the previous Liberal government when he said, "We didn't get it done".

This government is committed to getting it done.

\* \* \*

#### AFGHANISTAN

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, Canada has spent billions in Afghanistan with the hope of improving the lives of ordinary Afghans, not filling the pockets of corrupt officials.

Ambassador Crosbie said that corruption and rigged elections in Afghanistan make his blood boil. Canadians agree. What is needed most is democratic development and institution building.

Before committing to extend the military mission for three more years, what did the government do to end the rampant corruption?

**Hon. Bev Oda (Minister of International Cooperation, CPC):** Mr. Speaker, we want to reiterate how we have been actually helping those who are living in poverty under very challenging situations.

Girls are going to school. More people have access to health services. We have supported the participation of women in an election process. We have also supported the Afghanistan Independent Human Rights Commission. We have supported an electoral commission. We have supported the building of the agricultural sector and the economic development of women in all of those. Literacy rates have gone up. I could continue with the list.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, the Prime Minister said that Canada will not give a dime to the Afghan government until it solves its problems with corruption, but at the same time he is quite prepared to arm the same corrupt Afghan government with a security force of over 300,000 men.

If the Karzai government cannot be trusted with money, why does the government think it can be trusted with an army? How can the government continue to claim that arming a corrupt government is the best way forward for the people of Afghanistan?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, quite simply because the sooner the Afghan security forces, both army and police, are able to protect their own borders, promote their own sovereignty, provide the security for the ongoing efforts to allow children to go to school, allow women to participate more fully in society, allow the infrastructure of the country to grow, the economy of the country to grow, that is Canada's lasting legacy.

We will continue to contribute across the board in a whole of government approach to help the people of Afghanistan to do what Canadians have always done, contribute internationally, look outward, to improve the world, to make it a better place.

*Oral Questions***ECONOMIC DEVELOPMENT**

**Mr. Peter Braid (Kitchener—Waterloo, CPC):** Mr. Speaker, jobs and the economy remain our government's number one priority.

Canada's economy has grown for the past five straight quarters. Since July of last year nearly 440,000 net new jobs have been created. This is a result of our government's economic action plan and through investments in regions like southern Ontario.

Would the minister of state please inform the House of our government's new initiatives to help small and medium size businesses increase productivity, competitiveness and develop new technologies?

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Mr. Speaker, based on feedback from businesses and communities all across southern Ontario, FedDev has designed seven new initiatives to create jobs and foster business innovation in southern Ontario.

This Conservative government understands that the global recovery remains fragile, and the way to keep our recovery on track is by investing in people, communities and businesses to increase productivity, innovation and economic diversification.

Thirty-one thousand new jobs were created in Ontario in November alone. Three quarters of them are full-time jobs. We are getting it done. We will keep doing it.

\* \* \*

**HEALTH**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, aboriginal peoples are wondering if the Conservative government learned anything from last year's flu pandemic.

Officials in Garden Hill First Nation in northern Manitoba are struggling with another significant outbreak of influenza. Two people are dead and a third is in critical condition.

With only one full-time doctor for 4,000 people, the community is struggling to respond to the demands on the local health care system.

Why is the government caught unprepared yet again? Where is the support that is so urgently needed?

• (1500)

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, my condolences go out to the families who have lost their loved ones. We continue to work closely with the community, the community leaders and the province. In the island lake region, we are adjusting nursing staff levels, providing support for additional immunization activities and ensuring access to essential medical supplies.

We encourage all Canadians to get their flu shots and to use prevention methods, such as handwashing, during the flu season.

[Translation]

**LÉVIS CELEBRATIONS**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, notwithstanding the claims of the Minister of Canadian Heritage, the organizers of the Lévis celebrations maintain that the City of Lévis received only \$1 million from the cultural capitals of Canada program compared to the \$1,175,000 given to the City of Vancouver. There is no explanation for the difference because Lévis and Vancouver meet the same criteria.

Can the minister tell us if Lévis will be treated like Vancouver and also receive \$1,750,000 from the cultural capitals of Canada program?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, the award is different because the cities are different sizes. Three cities received the designation: Charlottetown and Lévis, which are medium-sized cities, and Vancouver, which is the largest city. Lévis received \$1 million—and that is the maximum it will receive—due to the efforts of the Conservative member for Lévis—Bellechasse. I am certain that all citizens of Lévis will recognize their MP's hard work. The Conservative government will celebrate the City of Lévis next year.

\* \* \*

[English]

**VIOLENCE AGAINST WOMEN**

**Ms. Irene Mathyssen (London—Fanshawe, NDP):** Mr. Speaker, 21 years ago, 14 women lost their lives solely because they were women. While we remember and mourn, we also must turn to concrete actions needed to stop violence against women.

Sadly, violence is not declining and shelters across the country are turning away thousands of women seeking refuge. Yet the current Conservative government cut funding and failed to provide safe shelters for women and their children.

Will the government help women and children seeking safety from violence and increase funding to women's shelters?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, I appreciate the member's support for this incredibly important issue. All of us in the House remember these women with great sadness.

I can assure the member that the government takes this issue very seriously. She should know that this government is the one that has increased funding for women's programs to its highest level ever. In fact, we are funding more programs now to end violence against women than any other government in the history of this country. We are proud to do that and we appreciate her support.

## AFGHANISTAN

**Hon. Jim Abbott (Kootenay—Columbia, CPC):** Mr. Speaker, Canada has stood at the forefront of the world when it comes to helping those in need. As Canadians know, our efforts in Afghanistan to improve the lives of the people have been hard fought. In the year 2000, only 9% of the population had access to primary health care. Access to medicine and supplies was virtually non-existent.

Would the Minister of International Cooperation give Canadians an update on some of the improvements we have made to help improve public health in Afghanistan?

**Hon. Bev Oda (Minister of International Cooperation, CPC):** Mr. Speaker, in fact, access to health care in Afghanistan has grown, from 9% to 66%. I am pleased to tell the House that Canada is helping to get more medicine to Afghanistan to help the Afghan people through Health Partners International and Canadian generic and research-based pharmaceutical companies. We are providing antibiotics, anesthesia for surgeries, intravenous medicines and medical supplies. In fact, last year HPIC and CIDA treated more than one million people in 68 countries with the adequate medicines and medical supplies.

\* \* \*

[Translation]

## NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**The Speaker:** Order, please. I invite hon. members to rise and observe a moment of silence to commemorate the National Day of Remembrance and Action on Violence Against Women.

[A moment of silence observed]

\* \* \*

● (1505)

[English]

## POINTS OF ORDER

## ORAL QUESTIONS

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, in the course of question period when I was responding to two questions from Liberal members of Parliament with regard to funding for the CBC, I read a number of quotes but I did not give the source of those quotes.

I want to let the House know that the first quote is from the *Globe and Mail*, January 18, 2001; the second was an editorial in the *Montreal Gazette*, October 25, 1999; and the third was an editorial in the *Toronto Star*, October 20, 1999.

I had not given those sources, and I think it is fair for the opposition to know where they came from.

INTERJECTION BY MEMBER

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Speaker, last week I afforded myself the luxury of heckling and failed to observe your constant reminder that that is not the proper way to act in this House.

## Routine Proceedings

CFB Trenton is in my riding, and around 150 times we have gone through some very sad times along the Highway of Heroes.

I want to say to this House that I did not say the words attributed to me by the leader of the Bloc Québécois, but I do apologize for speaking out and heckling.

## ROUTINE PROCEEDINGS

[English]

## GOVERNMENT RESPONSE TO PETITIONS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table in both official languages the government's responses to 12 petitions.

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## IMMIGRATION AND REFUGEE PROTECTION ACT

(Bill C-35. On the Order: Government Orders:)

November 24, 2010—Minister of Citizenship, Immigration and Multiculturalism—Consideration at report stage of Bill C-35, An Act to amend the Immigration and Refugee Protection Act, as reported by the Standing Committee on Citizenship and Immigration with amendments.

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, there have been consultations and I believe you will find unanimous consent of the House for the following motion:

That, notwithstanding any standing order or usual practice of the House, Bill C-35, An Act to amend the Immigration and Refugee Protection Act, be deemed to have been amended at the report stage as proposed in the report stage motion in the name of the Minister of Citizenship, Immigration and Multiculturalism on today's notice paper; be deemed concurred in as amended; and that the House be authorized to consider the bill at third reading later today.

**The Speaker:** Does the chief government whip have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

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## PETITIONS

## PUBLIC SAFETY

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I am proud to table a petition from 100 of my constituents who are asking the House to prohibit the granting of pardons to convicted sexual offenders.

There is a need to amend the Criminal Records Act. The most deplorable crimes that are being committed right now are those sexual offences against our youth, children and women.

*Routine Proceedings*

The petitioners want to make sure that those individuals who are committing such crimes do appropriate time and not be granted any pardons. There should be a reflection of the gravity and seriousness of the crimes that they have committed.

• (1510)

## ANIMAL WELFARE

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I have two petitions with 253 signatures from Alberta and Ontario and 33 from British Columbia, folks who support my Bill C-544.

The petition says that because horses are not raised primarily as food-producing animals and are commonly administered drugs that are strictly prohibited from being used at any time in all other food-producing animals destined for the human food supply, and that because meat products are currently being sold for human consumption in domestic and international markets, the petitioners are calling upon the House of Commons to adopt into legislation Bill C-544, An Act to amend the Health of Animals Act and the Meat Inspection Act, thus prohibiting the importation or exportation of horses for slaughter for human consumption as well as horsemeat products for human consumption.

## SEEDS REGULATIONS

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, I am tabling a petition with a little more than 1,100 signatures from constituents and Canadians with regard to Bill C-474, the hon. member for British Columbia Southern Interior's motion, which has to do with a bill amending seed regulation, requiring that analysis of potential harm to export markets be conducted before the sale of any new genetically engineered seed is permitted.

## VETERANS AFFAIRS

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I have two petitions.

The first is addressed to the Government of Canada by Canadians of all ages and from all walks of life who genuinely support and value the contributions of our veterans. They regard a veteran as a veteran, regardless of where or in which deployment that veteran may have served.

The petitioners call upon the Government of Canada to extend the mandate of veterans' hospitals to include veterans who served in conflicts and peacekeeping operations since 1953, end the clawback of veterans' pensions, eliminate the reduction of veterans' pensions at age 65, change the widow's benefit to a non-taxable benefit, create a veterans advisory panel to provide input on the selection of future veterans ombudspersons, and ensure that Veterans Affairs Canada remains as a stand-alone department.

## ANIMAL WELFARE

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, the second petition is again from a number of citizens of Canada, who wish to draw to the attention of the House the fact that horses are ordinarily kept and treated as sport and companion animals, not raised primarily as food-producing animals. Horses are commonly administered drugs that are strictly prohibited from being used at any time in other food-producing animals destined for the human food

supply, and Canadian horsemeat products that are currently being sold for human consumption in domestic and international markets are likely to contain prohibited substances.

Therefore the petitioners ask the House of Commons to bring forward and adopt into legislation Bill C-544, An Act to amend the Health of Animals Act and the Meat Inspection Act, thus prohibiting the importation or exportation of horses for slaughter for human consumption as well as horsemeat products for human consumption.

## PREVENTION OF COERCED ABORTION

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I am pleased to table a petition today signed by hundreds of men and women from right across Canada. They would like to draw the attention of Parliament to Roxanne's law, Bill C-510, which empowers women to press charges if they are coerced into an unwanted abortion.

Whereas Roxanne Fernando was a Winnipeg woman whose boyfriend attempted to coerce her to abort their unborn child and subsequently murdered her for refusing to do so, they ask that members of Parliament and the House of Commons support Bill C-510, which will help protect vulnerable women from being aggressively coerced against their will to have abortions.

## FOREIGN TAKEOVERS

**Ms. Niki Ashton (Churchill, NDP):** Mr. Speaker, it is my honour to bring forward the voices of the people of Thompson in northern Manitoba. Today I would like to present petitions on their behalf calling for the federal government to stand up for Canadians and Canadian jobs.

On November 17, Vale announced the devastating news that it is planning to shut down the smelter and the refinery in Thompson. This announcement means the loss of more than 600 jobs and a devastating impact on the community, northern region and our province of Manitoba.

The people of Thompson are saying that the federal government must stand up for them. Not only did the government allow the foreign takeover of Inco by Vale; it also gave it a loan of \$1 billion just over a month ago, just weeks before such devastating news.

The people of Thompson and the people of Manitoba are asking that the federal government look to the Canadian people and work with all stakeholders to save the 600 jobs at the Thompson Vale smelter and refinery.

• (1515)

## MOTOR VEHICLE SAFETY

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, I have a petition signed by hundreds of constituents.

The petitioners are concerned that trucks in Canada do not have sideguards. As result, cyclists and pedestrians can easily be sucked under the wheels of these big trucks. They note that the coroner's report into the death of a cyclist found that large vehicles were involved in 37% of collisions resulting in cyclist fatalities compared with only 8% of collisions resulting in cyclists injuries without the involvement of large trucks.

Therefore, the petitioners recommend that the Government of Canada introduce a regulation under the Motor Vehicle Safety Act requiring a side underrun guard for large trucks and trailers to prevent cyclists and pedestrians from being pulled under the wheels of these vehicles.

#### AFGHANISTAN

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have a petition signed by dozens of Canadians. It is a call to end Canada's military involvement in Afghanistan.

In May 2008, Parliament passed a resolution to withdraw Canadian Forces by July 2011. The Prime Minister, with the agreement of the Liberal Party, broke his oft-repeated promise to honour the parliamentary motion. Furthermore, he refuses to put it to parliamentary vote in the House.

Committing a thousand soldiers to a training mission still presents a great danger to our troops and an unnecessary expense when our country is faced with a \$56 billion deficit. The military mission has cost Canadians more than \$18 billion so far, money that could have been used to improve health care and pensions of seniors in Canada. In addition, polls show that a clear majority of Canadians do not want Canada's military presence to continue after the scheduled removal date of July 2011.

Therefore, the petitioners call upon the Prime Minister to honour the will of Parliament and bring the troops home now.

\* \* \*

#### QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the following questions will be answered today: Nos. 456, 463, 464, 466, 470, 471, 479 and 488.

[Text]

Question No. 456—**Mr. Charlie Angus:**

With regard to the strategic review of federal departments, boards, agencies, and commissions: (a) what is the purpose of the strategic review of the 13 organizations; (b) what are the names of federal departments, boards, agencies, and commissions currently under the review; and (c) when will the results of the strategic review be available to the public?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, in response to (a), in 2007, the Government of Canada introduced a new expenditure management system as part of an ongoing commitment to ensure responsible spending and sound management of tax dollars. A key pillar of this system is the ongoing assessment of all direct program spending, or strategic reviews.

Each year as part of a four year cycle, a number of departments and agencies review 100% of their programs with a view to

#### Routine Proceedings

reallocating 5% of their expenditures from lower to higher priority programs and services, streamlining internal operations and transforming the way they do business to achieve better results for Canadians.

The strategic review process is an effective tool to help control the growth of spending. It is a mechanism which allows the government to reallocate funding from low priority, low performing programs to higher priorities for Canadians based on a comprehensive review of all programs.

In response to (b), in 2010, the following 13 government organizations are undertaking reviews: Atlantic Canada Opportunities Agency; Canada Economic Development Agency for Quebec Regions; Department of National Defence; Fisheries and Oceans Canada; Human Resources and Skills Development Canada, excludes Labour Canada; Industry Canada; Marine Atlantic Inc.; Office of the Director of Public Prosecutions; Office of Infrastructure of Canada; Privy Council Office; Public Works and Government Services Canada; Treasury Board of Canada Secretariat; and Western Economic Diversification Canada.

In response to (c), the results of the 2010 strategic reviews will be released in budget 2011.

Question No. 463—**Hon. Judy Sgro:**

With regard to the Department of National Defence, what are the contents of every email sent from ministers' exempt staff to access to information staff between the dates of January 1, 2010 and March 30, 2010?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, the government draws to the attention of the member, pages 468 to 475 of House of Commons Procedure and Practice, Second Edition.

Question No. 464—**Hon. Judy Sgro:**

With regard to the Department of Natural Resources, what are the contents of every email sent from ministers' exempt staff to access to information staff between the dates of January 1, 2010 and March 30, 2010?

**Hon. John Baird (Leader of the Government in the House of Commons and Minister of the Environment, CPC):** Mr. Speaker, the government draws to the attention of the member, pages 468 to 475 of House of Commons Procedure and Practice, Second Edition.

*Routine Proceedings***Question No. 466—Mr. Scott Andrews:**

With regard to the Department of Human Resources and Skills Development (HRSD) and the eight-month extension of Employment Insurance (EI) Pilot Project No. 11 (Pilot Project for Calculating Benefit Rate Based On Claimant's 14 Highest Weeks of Insurable Earnings (2)) starting October 23, 2010: (a) what projections are used by HRSD, Service Canada and Statistics Canada to determine the number of applicants for EI (excluding EI (Fishing)) for the EI Economic Region of Newfoundland and Labrador, broken down by divisions 1 to 9, for the eight-month period starting October 23, 2010; (b) how many applicants will receive an additional benefit rate as a result of qualifying for the calculation rate based on the 14 highest weeks of insurable earnings; and (c) what will be the approximate value of extra EI benefits paid out as a result of the extension of the calculation rate based on the 14 highest weeks of insurable earnings, broken down by divisions 1 to 9?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, in response to (a), Human Resources and Skills Development Canada, HRSDC, uses economic outlooks, such as unemployment rate, labour force, produced by the Department of Finance, the Conference Board of Canada and private financial institutions to forecast the annual number of EI applicants by province. The forecasted number of EI applicants in the EI economic region of Newfoundland and Labrador or divisions of this economic region is not available. It is important to note that the province of Newfoundland and Labrador is divided into two EI economic regions: St. John's; and Newfoundland and Labrador.

In response to (b), HRSDC estimates that 20,100 claimants in the EI economic region of Newfoundland and Labrador will receive a higher benefit rate due to the eight month extension of pilot project 11 until June 25, 2011. Estimates are not available for divisions of the economic region of Newfoundland and Labrador.

In response to (c), HRSDC estimates that \$17 million of additional EI benefits will be paid to claimants in the EI economic region of Newfoundland and Labrador due to the eight month extension of pilot project 11 until June 25, 2011. Estimates are not available for divisions of the economic region of Newfoundland and Labrador.

**Question No. 470—Mr. Mark Holland:**

With regard to the implementation of Bill C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts, Bill C-16, An Act to amend the Criminal Code, Bill C-21, An Act to amend the Criminal Code (sentencing for fraud), Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts, Bill S-6, An Act to amend the Criminal Code and another Act, Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime) and Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, for each Bill: (a) how many additional prisoners are projected to be housed in Correctional Service of Canada institutions over the next ten years, broken down annually; (b) what is the projected cost associated with building new infrastructure to absorb the influx of these additional prisoners over the next ten years, broken down annually; and (c) what is the projected cost associated with operating and managing these additional prisoners over the next ten years, broken down annually?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, in response to (a), (b) and (c), the information being requested for the various bills remains subject to a cabinet confidence and is not yet publicly available. However, aggregate yearly amounts for the government's Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts have been made public through the government's main estimates.

With respect to Correctional Service Canada, CSC, \$3 million was identified in 2008-09 as compensation for the workload increase that will occur as a result of the coming into force of legislation creating mandatory minimum penalties for serious drug offences under the national anti-drug strategy, Bill S-10; and \$2.6 million was identified in 2009-10 for implementing legislation establishing mandatory minimum penalties for serious drug offences under the national anti-drug strategy, Bill S-10.

In addition, references have also been made recently by CSC's commissioner regarding the aggregate totals relating to legislation. For example, to effectively manage the increased workload that will arise if Bill S-10 is passed, CSC has been approved for \$23.3 million in funding over the five years and an ongoing cost of \$6.4 million.

**Question No. 471—Mr. Mark Holland:**

With regard to the project plan for regional complexes referred to in the February 6, April 27, and September 29, 2009 "CSC Report[s] on Transformation Priorities" that Correctional Services Canada (CSC) was to submit earlier this year: (a) how many regional complexes did CSC recommend building as part of this project plan and how many units did CSC recommend each regional complex house; (b) where did CSC recommend building these regional complexes as part of this project plan; (c) what were the criteria for the selection of proposed locations for these regional complexes; (d) what are the costs associated with construction of these regional complexes per year and over their projected life-cycle; (e) what are the costs associated with operating and maintaining these regional complexes per year and over their projected life-cycle; (f) how would the operating and maintenance cost for these new regional complexes be broken down by category; (g) what is the date recommended by CSC to begin implementing this project plan and when is it anticipated that these facilities will come online if their proposed timelines are followed; (h) does this project plan recommend the closure of existing penitentiaries operated and managed by CSC and, if so, which facilities has CSC recommended closing and by what date as part of this project plan; (i) what were the criteria for the selection of existing penitentiaries operated and managed by CSC to be closed as part of this project plan; and (j) how many additional staff, broken down by professional category, does CSC believe it will need to adequately manage these regional complexes and how does that compare to CSC's current staffing?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, in response to (a) to (j), there are currently no approved plans for the construction of regional complexes or the closure of existing institutions. Correctional Service Canada, CSC, is currently developing its long-term accommodation strategy and investment plan for consideration in March 2011.

**Question No. 479—Mr. Peter Stoffer:**

With regard to the Lobster Marketing Initiative from the Atlantic Canada Opportunities Agency: (a) is the project still active and how much funding has been or will be spent during the 2009-2010 and 2010-2011 fiscal years; (b) how many fishermen have received funding or benefited directly from this Initiative; (c) did the program help to increase the export of Atlantic fishing products to Asian markets and, if so, how did it do this and what is its estimated impact; and (d) distributed by province, how many applications were made under the Initiative and how many of these were approved?



*Routine Proceedings*

**Hon. Keith Ashfield (Minister of National Revenue, Minister of the Atlantic Canada Opportunities Agency and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, insofar as the Atlantic Canada Opportunities Agency, ACOA, is concerned, with regard to the lobster marketing initiative delivered by the agency under the community adjustment fund, CAF, in response to (a), the initiative is still active. In 2009-10, \$2,543,612.93 was spent. For 2010-11, \$692,148.71 has been spent to date, and an additional \$4,054,402.69 will be spent before March 31, 2011.

In response to (b), the benefits from this initiative have gone to the industry. Fishermen have benefited indirectly from the investments. The focus of this initiative is on innovation and technology enhancements, value-added processing improvements, as well as marketing and trade development. The initiative is not designed to provide direct assistance to fishermen, as provided through other federal departments directly responsible for the lobster fishery.

In response to (c), the initiative will contribute to increased exports of lobster products to Asian markets. Four projects aimed at Asian markets, specifically the Chinese market, were funded under ACOA's CAF lobster marketing initiative. The expected impact of these four projects is to create longer term economic benefits through increased demand for Atlantic Canadian lobster in China and to establish new export markets for Atlantic Canadian lobster.

In response to (d), a total of 15 applications from New Brunswick were received under the initiative, 7 from Prince Edward Island, 13 from Nova Scotia, and 1 from Newfoundland and Labrador. One pan-Atlantic application was also received. Of these 37 applications, 27 have so far been approved.

Question No. 488—**Hon. Bryon Wilfert:**

With regard to efforts to have Richmond Hill's David Dunlop Observatory declared a National Heritage Site: (a) what are the details of every memo given to the Minister of Finance and the Minister of Canadian Heritage regarding this topic; (b) what are the titles and subjects of all memos and reports Canadian Heritage has pertaining to this file; and (c) what are the titles and subjects of all memos and reports the Department of Finance has pertaining to this file?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, in response to (a), the Department of Finance prepares a range of memorandums for the Minister of Finance, including the David Dunlop Observatory; however, such memorandums serve as advice to the minister.

In response to (b), this is not applicable.

In response to (c), the subject matter of the memorandum was David Dunlop Observatory.

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[English]

#### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, if Questions Nos. 457, 458, 460, 461, 467, 468, 469, 472, 478, 480, 481, 482, 483, 484, 486 and 489 could be made orders for returns, these returns would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 457—**Hon. Marlene Jennings:**

With respect to government legislation, what is the cost of implementing, for each fiscal year from present until 2020: (a) Bill C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts; (b) Bill C-5, An Act to amend the International Transfer of Offenders Act; (c) Bill C-16, An Act to amend the Criminal Code; (d) Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions); (e) Bill C-21, An Act to amend the Criminal Code (sentencing for fraud); (f) Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service; (g) Bill C-23A, An Act to amend the Criminal Records Act; (h) Bill C-23B, An Act to amend the Criminal Records Act and to make consequential amendments to other Acts; (i) Bill C-30, An Act to amend the Criminal Code; (j) Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts; (k) Bill S-6, An Act to amend the Criminal Code and another Act; (l) Bill S-7, An Act to deter terrorism and to amend the State Immunity Act; (m) Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime); (n) Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts; and (o) An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), which received Royal Assent on October 22, 2009?

(Return tabled)

Question No. 458—**Hon. Marlene Jennings:**

With respect to government legislation, with which groups or individuals did the government consult before first reading of: (a) Bill C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts; (b) Bill C-5, An Act to amend the International Transfer of Offenders Act; (c) Bill C-16, An Act to amend the Criminal Code; (d) Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions); (e) Bill C-21, An Act to amend the Criminal Code (sentencing for fraud); (f) Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service; (g) Bill C-23, An Act to amend the Criminal Records Act and to make consequential amendments to other Acts; (h) Bill C-30, An Act to amend the Criminal Code; (i) Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts; (j) Bill S-6, An Act to amend the Criminal Code and another Act; (k) Bill S-7, An Act to deter terrorism and to amend the State Immunity Act; (l) Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime); (m) Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts; and (n) An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), which received Royal Assent on October 22, 2009?

(Return tabled)

Question No. 460—**Hon. Marlene Jennings:**

With respect to section 745.6 of the Criminal Code, for each application made under this section since its initial coming into force until today, how many days have passed between the date in which the application was made and the date on which the offender was either granted or denied parole?

(Return tabled)

*Routine Proceedings*

**Question No. 461—Ms. Joyce Murray:**

With regard to the Recreational Infrastructure Canada program (RINC), since May 2009 to present: (a) for each of the 308 ridings, how many (i) projects have been approved, (ii) projects have been rejected, (iii) applications for projects have been submitted; (b) where was each approved project located and how much money did it receive from the program, broken down by province and riding; (c) what is the average amount of money allotted to approved projects; (d) for each of the rejected project applications, (i) where was the rejected project to be located, (ii) what was the total funding requested, (iii) what was the rationale for the rejection; (e) for approved projects, what is the average number of days from the start date of the project to (i) the date of disbursement of funds, (ii) the date the project was first publicly announced; (f) what is the average number of days between a project receiving approval and the signing of the contribution agreement; (g) what is the total cost of administering the RINC; and (h) how much funding remains (i) unallocated, (ii) undisbursed?

(Return tabled)

**Question No. 467—Mr. Scott Andrews:**

With regard to Canada's Economic Action Plan, what projects have been approved for funding in-part or in-full through Canada's Economic Action Plan in the Riding of Avalon, including for each project (i) the location of the project, (ii) the name of the applicant, (iii) the amount of funding applied for, (iv) the amount of funding approved, (v) the approval date, (vi) the project title and description, (vii) whether the project is complete and, if not, the expected completion date?

(Return tabled)

**Question No. 468—Mr. Scott Andrews:**

With regard to the Department of Human Resources and Skills Development, and more specifically Pilot Project No. 11 (Pilot Project for Calculating Benefit Rate Based On Claimant's 14 Highest Weeks of Insurable Earning (2)), through the Employment Insurance (EI) program: in the EI economic region of Newfoundland and Labrador, broken down by divisions 1 to 9 and by fiscal year for the duration of Pilot Project No. 11, (i) how many claimants applied for EI benefits (excluding EI (Fishing)), (ii) how many of those applying received an additional benefit rate as a result of qualifying for the calculation rate based on the 14 highest weeks of insurable earnings, (iii) what was the total value of extra EI benefits paid out as a result of the calculation using the 14 highest weeks of insurable earnings per fiscal year in each of the divisions 1 to 9?

(Return tabled)

**Question No. 469—Mr. Mark Holland:**

With regard to the government's August 2010 announcements that new units would be constructed on the grounds of existing federal penitentiaries administered by the Correctional Service of Canada (CSC) as part of its implementation of the Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody): (a) how many new units are being built as part of this accommodation plan; (b) at which institutions will these new units be constructed; (c) what is the timeline, broken down annually, for the building of these new units at existing facilities; (d) how many offenders per unit are the new units designed to house; (e) what were the criteria for selecting the locations of the new units; (f) were the communities in which the facilities chosen for expansion are housed consulted about the planned expansion and, if so, when; (g) has a review of the impacts on host communities of expanding existing facilities been undertaken by CSC and, if so, what were the results; (h) what evidence does CSC have to support their claim that the prison expansion plan will ensure "tangible economic growth"; (i) what are the costs associated with the construction of the new units per year and over their projected life-cycle; (j) what are the costs associated with operating and maintaining the new units per year and over their projected life-cycle; and (k) over the next 20 years, is CSC considering the closure of any facility at which new units are being constructed and, if so, which facilities and what is the timeline for their closure?

(Return tabled)

**Question No. 472—Mr. Mark Holland:**

With regard to the Correctional Service of Canada's (CSC) offender programming: (a) what offender programs, broken down by category, are currently offered by CSC, including for each program (i) the institutions at which they are offered, (ii) the number of spaces available, (iii) the annual cost of running the

program; (b) does CSC evaluate the success of their offender programming and, if so, how; (c) what criteria and processes do CSC employ to select which offender programs are or will be offered at each institution; (d) what processes are employed to place offenders in programs; (e) do all offenders who request to take part in a program have access to it and, if not, why not; (f) do all offenders who are required to take part in specific programs as part of their Correctional Plans have access to them; (g) over the last ten years, broken down annually, how many offenders have had as part of their Correctional Plan the participation in CSC programming and in which programs where these offenders supposed to take part, broken down by category; (h) over the last ten years and broken down annually, how many offenders participated in programs that were required as part of their Correctional Plans; (i) if there is a discrepancy between the answers to (g) and (h), what accounts for it; (j) how much of the overall CSC budget has been spent on offender programming, broken down annually over the last ten years and how does that compare to CSC's other spending categories; (k) over the next ten years, broken down annually, how much of the overall CSC budget will be spent on offender programming and how does that compare to planned spending in CSC's other spending categories; (l) does CSC have the necessary staff to meet offender programming needs and, if not, what is being done to address this shortfall; and (m) over the next ten years, does CSC plan to expand the number and type of programs offered to offenders in order to meet the rehabilitation needs of the growing prison population and, if so, what are the details of this plan?

(Return tabled)

**Question No. 478—Mr. Glen Pearson:**

With regard to Canada's involvement in United Nations' peacekeeping missions: (a) how many Canadian peacekeepers are deployed at present and to what locations; (b) how long have the peacekeepers in (a) been deployed to these areas; and (c) how much money does Canada contribute to United Nations peacekeeping missions?

(Return tabled)

**Question No. 480—Hon. Shawn Murphy:**

With regard to the Canada Revenue Agency's (CRA) investigation of cases of possible tax evasion in Liechtenstein: (a) for the 26 cases reassessed by the CRA as of June 10, 2010, what is the breakdown of the \$5.2 million (i) in unpaid taxes, (ii) in interest, (iii) in fines, (iv) in penalties; (b) how much of the \$5.2 million has been collected; (c) how many of the 26 cases are under appeal; (d) how many of the 26 cases remain open; (e) in how many of the 26 cases has the CRA collected the full amount of taxes, interest, fines and penalties owed; (f) for each case identified in (e) how much was collected (i) in taxes, (ii) in interest, (iii) in fines, (iv) in penalties; (g) how many of the account holders in the 26 cases have made partial payment; (h) of the partial repayments made (i) what was the largest repayment, (ii) what was the smallest repayment, (iii) what was the average repayment; (i) how much does the CRA anticipate it has yet to collect (i) in taxes, (ii) in interest, (iii) in fines, (iv) in penalties; (j) of the amounts of money contained in the Liechtenstein accounts declared to or discovered by the CRA, what was (i) the largest amount, (ii) the smallest amount, (iii) the average amount; (k) on what date was the CRA first made aware of the names of Canadians with accounts in Liechtenstein; (l) on what date did CRA begin its investigation; (m) on what date did the first audit of an individual account holder begin; (n) of the 106 Canadians identified as having bank accounts in Liechtenstein, how many have (i) had their accounts audited, (ii) not had their accounts audited, (iii) had their accounts reassessed, (iv) not had their accounts reassessed, (v) been the subject of a compliance action, (vi) not been the subject of a compliance action; and (o) how many tax evasion charges have been laid?

(Return tabled)

**Question No. 481—Mr. Glenn Thibeault:**

What was the total amount of Economic Action Plan funding allocated for the fiscal year 2009-2010 within the constituency of Sudbury, specifying each department or agency, initiative and amount?

(Return tabled)

## Government Orders

Question No. 482—**Mr. Glenn Thibeault:**

With regard to Infrastructure Canada's programs: (a) under the Public Transit Fund (PTF), how much funding was committed for each province and how much funding was spent to date under the PTF; (b) under the Canadian Strategic Infrastructure Fund, (i) to date, what applications for projects have been approved for funding, (ii) for each project, who are the partners involved and what is each partner's contribution, including the government's contribution, (iii) for each project, how much of the funding has flowed and to whom, (iv) for each project, what was the economic benefit, (v) for each project, what is the anticipated completion date, (vi) what criteria were used to determine which projects were approved; (c) under the Border Infrastructure Fund, (i) to date, by province, what applications for projects have been approved for funding, (ii) for each project, who are the partners involved and what is each partner's contribution, including the government's contribution, (iii) for each project, how much of the funding has flowed and to whom, (iv) for each project, what was the economic benefit, (v) for each project, what is the anticipated completion date, (vi) what criteria were used to determine which projects were approved; (d) under the Municipal Rural Infrastructure Fund (MRIF), (i) by province, how many municipalities submitted applications and how many projects were approved, (ii) for every fiscal year since the program was launched, up to and including the current fiscal year, how much funding has the MRIF disbursed and to whom, (iii) for each approved project, what was the municipality's contribution; (iv) were consulting companies hired to support program delivery and, if so, what are their names; (e) under the Infrastructure Canada Program (ICP), (i) by province, how many applications were submitted, (ii) by province and riding, how many applications were approved, (iii) for every fiscal year since the program was launched, up to and including the current fiscal year, how much funding has the ICP disbursed and to whom, (iv) for each project, what was the municipality's contribution, (v) were consulting companies hired to support program delivery and, if so, what are their names, (vi) when is the anticipated sunset of the program; (f) under the Building Canada Fund - Communities Component, (i) to date, by province and riding, what applications have been approved, (ii) for each project, who are the partners involved and what is each partner's contribution, including the government's contribution, (iii) for each project, how much of the funding has flowed and to whom, (iv) what criteria were used to determine which projects were approved; (g) under the Building Canada Fund - Major Infrastructure Component, (i) to date, by province and riding, what applications have been approved, (ii) for each project, who are the partners involved and what is each partner's contribution, including the government's contribution, (iii) for each project, how much of the funding has flowed and to whom, (iv) for each project, what is the anticipated completion date, (v) what criteria were used to determine which projects were approved; (h) under the Public Private Partnership Fund, (i) to date, how many project applications have been submitted, (ii) to date, by province and riding, how many projects have been approved, (iii) for each project, who are the partners involved, including private companies, and what is each partner's contribution, including the government's contribution, (iv) for each project, how much of the funding has flowed and to whom, including private companies, (v) what criteria were used to determine which projects were approved; (i) under the Gateways and Border Crossing Fund, (i) to date, by province and riding, what applications have been approved, (ii) for each project, who are the partners involved and what is each partner's contribution, including the government's contribution, (iii) for each project, how much of the funding has flowed and to whom, (iv) for each project, what is the anticipated completion date, (v) how much funding will be committed to the Atlantic Gateway Initiative and the Asia Pacific Gateway and Corridor Initiative during fiscal years 2010-2011 and 2011-2012, (vi) how much funding remains available in the Fund, (vii) what criteria were used to determine which projects were approved; (j) under the Gas Tax Fund, (i) to date, by province and territory, how much funding has been committed and how much funding has been dispersed, (ii) which municipalities received funding under this initiative and when, (iii) what are the funding criteria under this initiative; (k) by province, how much funding was reimbursed to each municipality under the GST rebate program; (l) how much funding was provided by Infrastructure Canada to partner federal departments during fiscal year 2007-2008 to date; and (m) how much funding was spent to promote each Infrastructure Canada program since fiscal year 2007-2008 to date?

(Return tabled)

Question No. 483—**Mr. Glenn Thibeault:**

With regard to the hospitality expenses of government agencies, boards and commissions, for each fiscal year since 2006-2007, up to and including the current fiscal year: (a) how much was spent on leasing expenses, catering services, restaurants, coffee and beverages, bottled water, and petty cash; (b) how much was spent on overseas travel, (i) in what countries, (ii) on what dates did these trips occur,

(iii) what was the purpose of each trip, (iv) what was the purpose of each expense; (c) what companies received sole source contracts to provide hospitality services; and (d) how much was spent on limousine services, private air service, executive class commercial air service, economy class commercial air service and car rentals?

(Return tabled)

Question No. 484—**Mr. Glenn Thibeault:**

With regard to the government's expenditures related to the 19th Commonwealth Games: (a) for each fiscal year since 2008-2009, up to and including the current fiscal year, what was the total amount spent on preparation of Canadian athletes by each federal department, agency or commission; (b) for each fiscal year since 2008-2009, up to and including the current fiscal year, what was the total amount spent on sporting equipment for Canadian athletes participating in the 19th Commonwealth Games by each federal department, agency or commission; (c) what was the total amount spent by each federal organization to support the Canadian official delegation visit and how much was spent on (i) hospitality expenses, (ii) travelling expenses, (iii) accommodation, (iv) alcohol, (v) beverages, (vi) food; (d) what was the total amount spent to promote Canada during the 19th Commonwealth Games; (e) what are the names of the people who were part of Canada's official delegation to the 19th Commonwealth Games; and (f) what private sector company representatives were part of Canada's official delegation and how much money did the government pay for their trips?

(Return tabled)

Question No. 486—**Mr. Mario Silva:**

With regard to the government's aid funding for Haiti in 2006, 2007, 2008, 2009 and 2010, for every project funded, what is: (a) the name of the project; (b) the location of the project within the country of destination; (c) the amount of funding received by the project broken down as (i) grant or contribution, (ii) interest-free loan, (iii) repayable loan, (iv) non-repayable loan; and (d) the department where the funding originated?

(Return tabled)

Question No. 489—**Hon. Bryon Wilfert:**

With regard to the recent request by the Department of National Defence for bids for new fire trucks: (a) how many companies bid; (b) how many of these companies were from Canada; (c) what was the winning bid; and (d) why wasn't a longer tendering period used for such a large procurement?

(Return tabled)

[English]

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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**GOVERNMENT ORDERS**

[English]

**STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT**

The House resumed consideration of the motion that Bill C-41, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**The Speaker:** When the matter was last before the House, the hon. member for Windsor—Tecumseh had the floor. There are three minutes remaining in the time allotted for his remarks followed by five minutes of questions and comments.

*Government Orders*

The hon. member for Windsor—Tecumseh.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, with regard to the bill, I was talking of how over the years we had moved in the civil criminal justice system to expanding the role at the lower levels of the courts. In effect, we are now seeing that mimicked in the military criminal justice system.

The number of cases coming before the summary trial procedure has increased by two and a half times since around 2000. There is a number of reasons for that, including one we heard from the parliamentary secretary, which is probably accurate. After the problems we ran into with our military in Somalia, our commanding officers are much more diligent in dealing with discipline problems at an early stage as a mechanism to forestall those from become more serious at a later stage. Because a number of troops in Afghanistan come from the reserves, which do not have the same amount of training or experience in a disciplinary mode as our regular troops, there are probably additional problems.

Whatever the reason, the reality is the summary courts are now much busier. If people are convicted under those summary trials, while in the military but also upon returning to private life, they end up with a criminal record. Therefore, we have to be very careful that we build in protection. The commanding officers responsible for conducting the summary trials generally do not have legal training and do not have training in due process to the same degree a lawyer or judge in the civil criminal justice system would have.

There are a couple points at which we are looking. In case there is abuse, in the sense of there being a great deal of discretion within the system even with these amendments we are proposing, is there some way of building in a relatively simple appeal process? That is one thing we are looking at when this gets to committee. The other possibility is to look at the individual charges and say that only those of a more serious nature will have a criminal record applied to them. We believe that may be another mechanism to reduce the potential unfairness that might arise in individual cases.

We are hoping, when this gets to committee, that we will hear evidence in this regard and that the government will be open to maximizing the system both in terms of its fairness and of its ability to control misbehaviour within the military.

● (1520)

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I know the member has a great deal of experience in labour matters as a legal counsel. Would he like to comment on the consequences of the current system we have for grievances within the military, where it takes up to 12 months sometimes to get an initial response? Grievances sometimes take two, three, and four years. There were a series of recommendations from Justice Lamer to put time limits on responses, to have a grievance finished by the end of 12 months and a series of other measures to allow the matters to be resolved. None have been acted upon, although some of members accept the one year limit.

In his experience, what is the effect of that on a work force? Would he be able to extrapolate that to the military? Would the situation be the same or different?

**Mr. Joe Comartin:** Mr. Speaker, I have less experience in the labour area than he thinks I do, but I have been involved in it quite

extensively throughout my career, mostly in terms of advising. In the employment situation where we would have wrongful dismissals, I would act in civil courts on those matters.

My experience generally has been that if there is no meaningful agreement, and whether this is in a collective bargaining situation or a work force where there is no organized collective agreement, it ends in severe morale problems. Timeliness is extremely important in any relationship and that is particularly true in the relationship between the employer and the employee as in these circumstances.

If there is no effective way of having the grievance dealt with in a timely fashion, the inevitable result for across any workforce, including the military but perhaps even more so in the military given the high stress they generally have to function under, is morale is severely impaired if those problems are not resolved at the earliest possible stage and resolved in a manner fair to both sides.

● (1525)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, there is a fair number of good aspects to the bill that we can support.

One is giving victims a voice with the introduction of victim impact statements. That is a very positive change. A review is planned every seven years. I am not sure how that review will be conducted, but it is certainly positive.

The most important aspect of the bill, in terms of improvements, is the sentencing options. The new provisions will allow for the possibility of absolute discharges, intermittent sentences and restitution orders. This whole process will bring the military justice system more in line with the civilian system.

Could the member think of any other positive aspects to the bill that I have neglected to point out?

**Mr. Joe Comartin:** Mr. Speaker, I would like to talk about the intermittent sentences. I had it in my notes but I ran out of time.

The use of intermittent sentences is particularly useful in that kind of a setting. Again, these will be relatively short-term periods of confinement to barracks or actual incarceration in the camp where the soldier is.

However, when we look at the responsibilities that soldiers have on an ongoing basis, to be able to spend that time either confined to barracks or in an actual prison cells for periods of time when they can still perform their other functions is extremely important.

Back to the issue of the team that is absolutely essential in a military setting, it is part of a platoon, part of a company and part of their military unit as a whole. To be removed from that for specific periods of time, for instance a day or both days of the weekend or in the evenings, those types of intermittent sentences are very useful in the military setting as opposed to what we would find in general society, although they are used on occasion in general society.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I thank the member for sharing his time on the debate on Bill C-41. Over a week ago, I had prepared a 20-minute speech on this subject so somehow I need to cut it down.

*Government Orders*

However, we have dealt with many of the really important issues through questions and answers and the speeches of the member for Windsor—Tecumseh today and our critic, the member for St. John's East, who have done an excellent job of dealing with the issue. In a general sense, when it comes to crime bills, the member for Windsor—Tecumseh is able to give solid answers on the bill, more so than I can get even from the government. There have been exceptions for the government. The odd government member has actually been very knowledgeable but it is very intermittent, but very consistent on the part of the member for Windsor—Tecumseh.

In terms of the background on the military justice system, I do not think it is well understood by people in regular society. People in regular society understand that there is a separate system and they know that it is more stringent than the regular justice system. I have a son in the military reserves and I have spoken to him briefly about this but I do not sense that he is really that well informed on all the ramifications of the involvement with the military justice system versus the regular justice system since he has had no involvement with either up to this point, and I hope it stays that way.

The statutory basis for the Canadian military justice system is set out in the National Defence Act and is known as the code of service discipline. Among other things, the code sets out who is subject to the jurisdiction of the military justice system. It establishes military offences such as striking a superior, disobedience of a lawful command and absence without leave. When I was looking at the annual report that the parliamentary secretary gave me, I was curious to find out why it was that the number of trials had gone up 2.5 times over 10 years. I was looking for specific cases because it is instructive to study case law and look at certain cases, which is done in law cases and in the insurance field.

I found some interesting cases in the annual report that deal with the issues I just mentioned, but in addition to that, drug issues. I thought that with drug testing going on in the military right now that drugs would not be a problem whatsoever, but there are a number of cases of personnel being involved in drug activities. With a force the size that we have, I guess it is to be expected that things like this would happen.

It incorporates all offences under the Criminal Code, other federal statutes and foreign laws. It establishes tribunals for the trial of service offences, summary trial and court martial. It establishes a process for the review or appeal of findings in sentence after trial. The military justice system is designed to promote the operational effectiveness of the Canadian Forces by contributing to the maintenance of discipline, efficiency and morale.

As other speakers have mentioned, Chief Justice Lamer of the Supreme Court of Canada explained in *Regina v. Généreux* in 1992, the purpose of a separate system of military tribunals is to allow the armed forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military. The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the national security. To maintain the armed forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently. Breaches of military discipline must be dealt with speedily and frequently punished more severely than would be the case of a civilian engaged in similar conduct. As a

result, the military has its own code of service discipline to allow it to meet its particular disciplinary needs.

• (1530)

In addition, special service tribunals rather than ordinary courts have been given jurisdiction to punish breaches of the code of service discipline. Recourse to the ordinary criminal courts would, as a general rule, be inadequate to serve the particular disciplinary needs of the military. We have to understand that the military not only operates within Canada but operates on a worldwide basis. Thus, there is a need for separate tribunals to enforce special disciplinary standards in the military itself.

The separate system of military justice has been developed to deal expeditiously and fairly with service offences while respecting the Canadian Charter of Rights and Freedoms and meeting the expectations of Canadians. Charter issues in many ways have served to propel the bill that we see in front of us now and in earlier bills to make the changes to bring the long-standing military justice system more in line with the civilian justice system to the extent that it is possible. It has been indicated that it is not possible to make it a mirror image of the civilian system.

We have dealt with quite a number of important issues with respect to this bill over the last few debate days. I want to point out that establishing the victim's voice in this process is extremely important. Having a victim impact statement similar to the Criminal Code provisions included in this legislation is a groundbreaking and necessary change.

Comprehensive amendments to the National Defence Act were made in 1998 by Bill C-25, An Act to amend the National Defence Act and to make consequential amendments to other Acts. These amendments included clarifying the roles and responsibilities of the Minister of National Defence, the Judge Advocate General and military judges. It separated on an institutional basis the system's investigative, prosecutorial, defence and judicial functions. It included a completing summary trial reform directed at modernizing the summary trial process, strengthening compliance with the Charter of Rights and Freedoms and enhancing procedural fairness.

Bill C-25 included strengthening oversight and review by establishing the external Canadian Forces Grievance Board. The member for St. John's East spoke about the grievance board. It also included the establishment of an external Military Police Complaints Commission which required the Judge Advocate General to report annually to the Minister of National Defence on the administration of military justice in the Canadian Forces. It also required the Minister of National Defence to have a review carried out of the provisions and operations every five years. It also eliminated the death penalty.

That has now been changed to a seven-year review, and it seems, by all accounts, to be acceptable. When we pass this bill on to committee, we will be opening it up to the committee inspection process. Witnesses will appear before committee and they will be subject to questions and answers. We will be able to drill down into the components that make up the individual parts of the bill.

*Government Orders*

I also wanted to talk about the additional sentencing options because that is really crucial to this whole process. Now there will be absolute discharges, intermittent sentences and restitution orders added into the process, which is going to improve the present system.

• (1535)

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, as a parent of someone in the military, I am sure my colleague is concerned about the fairness by which his son and all military members are treated.

As my colleague indicated, people in the military often get treated more severely in terms of sentencing on the one hand because of military discipline reasons, and on the other hand because of the lack of full procedural fairness in accordance with the charter. They can still get a criminal record for doing things that they might be acquitted of if the different civil rules prevailed in the military. I wonder if my colleague would care to comment on that.

**Mr. Jim Maloway:** Mr. Speaker, his observations are very true. I believe it has been indicated by the parliamentary secretary that in 93% of cases the summary trial option is chosen as opposed to a court martial. I gather the reason for that is to get it over with and out of the way more easily and quickly. Then people find out later they have criminal records as a result.

When I was reading some of the case studies in the annual report, I saw where in one particular case a person chose a summary trial and when it was all said and done, the person had to admit that there was a lack of understanding of the process. Had the individual understood the process properly, he or she may not have taken that option.

• (1540)

**Mr. Jack Harris:** Mr. Speaker, I know the figure of 93% has been used but not everybody has a choice. There are only certain offences in which people have a choice of having either a court martial or summary trial. There are a lot of offences where people cannot go the court martial route.

In civil courts, there is an option to go to the Supreme Court to be tried by a judge and jury or have it disposed of in a provincial court and 93% or more of the cases are decided in provincial court as well because the procedure is less frightening and it is more easily disposed of. That is not necessarily a statement about how fair it is but, rather, a statement of how available, convenient and less of a hassle it is. I leave that as a comment.

**Mr. Jim Maloway:** Mr. Speaker, that is very true. In some of the cases that I have been reading, people were interested in expediting the process. The whole culture in the military is to not really question authority in the first place and to trust superiors.

In one particular case, the person went for the summary trial option just to get it over with and trusted that he would be treated fairly. However, he did not receive the type of considerations he would have been given under a civilian system and, at the end of the day, had regrets about taking that particular option. When this bill passes, perhaps there should be some sort of promotion within the armed forces as to what the ramifications and implications are.

In addition, I believe there are only a few defence lawyers in the military justice system and they are overworked. I do not know how much proper advice they can be giving people when there are only four of them and they are overworked in the process.

**The Acting Speaker (Mr. Barry Devolin):** Resuming debate. Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Barry Devolin):** Accordingly, the bill stands referred to the Standing Committee on National Defence.

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

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**ENSURING SAFE VEHICLES IMPORTED FROM MEXICO FOR CANADIANS ACT**

**Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC) (for the Minister of Transport, Infrastructure and Communities)** moved that Bill S-5, An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased today to present an amendment to change both the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999. These changes are being proposed in order to bring Canada into compliance with the automotive provisions of the North American Free Trade Agreement, known as NAFTA. These amendments will address the importation of used vehicles from Mexico in a manner that continues to both preserve the safety of Canadians and to protect our precious environment.

Although the North American Free Trade Agreement was signed in 1993, its provisions on the importation of used vehicles only came into effect on January 1, 2009. These provisions require that Mexico, the United States and Canada allow the importation of used vehicles from one another's countries. The requirement is to be implemented in a phased manner by each of the countries. The allowable importations will start with vehicles that are 10 years old and older. The age threshold for the vehicles will decrease by two years, every two years, until 2019 when countries may not adopt or maintain a prohibition or restriction on imports of used vehicles from each other.

The current wording of the Motor Vehicle Safety Act does not allow for this importation.

The Motor Vehicle Safety Act is the key enabling legislative tool that regulates the manufacture and importation of motor vehicles and motor vehicle equipment in order to reduce the risk of death, injury and damage to property and to the environment. It is the tool that the government uses to provide direction to manufacturers, to importers and to the general public, thus allowing us to work together to continually increase the level of road safety in Canada.

*Government Orders*

This act sets out a comprehensive minimum safety standard for vehicles manufactured or imported for use into Canada. It also sets the standards for new tires and for equipment used in the restraint of children and disabled persons within the vehicle. The Motor Vehicle Safety Act first came into effect in 1971, and was last amended in 1993.

The Motor Vehicle Safety Act enables the development of the motor vehicle safety regulations and the Canada motor vehicle safety standards. These regulations and standards help to ensure the current and the ongoing safety of Canadians on our roadways.

The Canadian Environmental Protection Act, 1999, came into force on March 31, 2000, following an extensive parliamentary review of the original 1988 act. The Canadian Environment Protection Act, 1999 is the government's principal legislative tool to prevent pollution in order to protect the environment and human health. It provides a comprehensive approach to reducing harmful emissions from vehicles and equipment by considering vehicles, engines and fuels as integrated systems.

Even with a modern, efficient piece of legislation such as the Canadian Environment Protection Act, 1999, amendments are required from time to time to keep pace with various international commitments, such as the North American Free Trade Agreement. We believe it is important to move swiftly to meet our international commitments and to be compliant with the North American Free Trade Agreement. We believe it is also essential to demonstrate our continued good faith and to maintain our reputation with our trading partners.

Both the United States and Mexico have regimes in place that allow for the importation of these used vehicles.

Prior to the automotive provision of the North American Free Trade Agreement coming into force, the American government already had a program where it considered requests for importation of vehicles from other countries. A determination is made for each individual vehicle to see if it can be modified to meet American safety standards; therefore, its rules did not need to change in order to meet the North American Free Trade Agreement requirements.

On December 22, 2008, the President of Mexico issued a decree allowing for the duty-free entry of used light and heavy-duty weight vehicles from Canada and the United States that are 10 years old or older into Mexico. This decree entered into force on January 1, 2009.

I think all members of the House recognize the importance for Canada to meet its reciprocal obligations. Making these changes to the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999 will help to fulfill these commitments to our trading partner.

• (1545)

While there has not been a free trade challenge from Mexico so far, if we do not proceed with these changes, it raises the possibility of a challenge arising, as well as other retaliatory trade actions.

As such, I am proposing today that the Motor Vehicle Safety Act be amended to allow the importation of used vehicles from Mexico. This importation would be contingent on the condition that the

vehicles can be modified to meet the Canadian safety and emission standards.

Vehicles imported for use in Canada that are 15 years old or older are not required to meet safety or emissions standards. These older vehicles have essentially been collectors' items, falling into the vintage vehicle category. Currently, under the Motor Vehicle Safety Act, for vehicles that are less than 15 years old, only those from the United States may be imported.

Subsection 7(2) of the current Motor Vehicle Safety Act allows for the importation of used vehicles purchased in the United States. We are proposing to modify it to include the importation of used vehicles from Mexico.

Changes to those subsections would also require that within a prescribed period the vehicle must be made to conform to the safety requirements and that it be inspected in accordance with our regulations. Finally, a condition would set out that before the vehicle is presented for licensing under the laws of any province, the vehicle would be certified in accordance with the regulations to so conform by any person who is designated by the regulations.

Our proposal also includes changes to the Motor Vehicle Safety Act with respect to the definition of "vehicle". Currently the definition states:

any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle designed to run exclusively on rails.

This definition would change to "any vehicle that belongs to a prescribed class of vehicles".

The purpose of this change would be to more closely align the definition in the Motor Vehicle Safety Act with that in the Canadian Environmental Protection Act, 1999. This change would be necessary since both acts regulate the automotive industry and the difference in the definition of vehicles could lead to confusion for the industry.

These amendments would increase choice for Canadian consumers by providing them additional importation options of specified used vehicles from Mexico. The modifications would also maintain the continued safety of the Canadian public by ensuring the timely modification of the vehicles to comply with Canadian motor vehicle safety standards, thereby ensuring the safety of the Canadian public.

I must emphasize that the safety of Canadians and all people travelling on Canadian roadways remains our first priority. While on the surface it may seem harmless to allow individuals to import non-conforming vehicles, it nevertheless has an incremental impact on the safety of other Canadian road users.

*Government Orders*

Canada has different driving conditions than other parts of the world, including Mexico. As such, our safety standards are developed to meet our own needs, while still harmonizing where appropriate. For example, our vehicles have a requirement for daytime running lights to deal with lower lighting levels in the winter, our speedometers need to measure vehicle speed in kilometres, and the mechanism to attach child restraints to the vehicle is stronger than required in most other countries except in the U.S.

Canadian vehicle safety standards are designed to minimize, to the extent reasonably possible, the risk of death, injury or collision resulting from vehicles and their use. While they may be similar, and in fact are frequently harmonized with those of the United States, Canadian standards reflect the unique circumstances of Canada.

The safety of Canadians remains paramount to the Government of Canada. As such, stringent requirements would be put in place to ensure that the safety of Mexican imported vehicles is equivalent to that provided by vehicles sold in Canada. The imported Mexican vehicles would be required to meet either the Canadian or American safety standards that were in place at the time of manufacture.

In 1995, in order to monitor and regulate the importation of vehicles from the United States, Transport Canada established the registrar of imported vehicles, under the purview of the Canada-United States Free Trade Agreement. This importation process ensures that vehicles purchased by Canadians at the retail level in the United States are made fully compliant with the Canadian federal vehicle safety requirements before these vehicles are presented for provincial and territorial licensing.

• (1550)

The registrar of imported vehicles is operated by a private contractor and is funded on a cost-recovery basis through fees charged to Canadian importers. In 2009, 124,000 used vehicles were imported into Canada from the United States.

In order to ensure that vehicle imports from Mexico meet Canadian safety requirements, the current registrar of imported vehicles program will be extended to cover those vehicles. This extension will not impose any additional cost on the Canadian taxpayer, given the cost-recovery system of the registrar.

The Canadian Environmental Protection Act, 1999 and its regulations allow the importation of used vehicles into Canada from the United States provided they meet Canadian or United States standards at the time of their manufacture. Amendments are required to the Canadian Environmental Protection Act, 1999 to provide the authority to develop regulations to address the importation of used vehicles from Mexico that are not compliant with Canadian standards at the time of their importation. These regulations will be developed with respect to North American free trade obligations, and any vehicles imported into Canada from Mexico will be required to be modified in compliance with the Canadian emission standards.

The amended Canadian Environmental Protection Act, 1999 provisions will allow the importation of used vehicles from Mexico that are not compliant with Canadian standards. However, the person importing the vehicle will need to make a declaration stating that the vehicle will be made to comply with the requirements, that an

inspection will be carried out if required, and that the vehicle will be certified before it is presented for licensing.

As such, the revisions to the act will maintain Canadian environmental standards and not result in higher emissions than if the vehicles had originally been manufactured to those standards.

To ensure that used cars arriving from Mexico respect the emissions standards of Canada, an implementation program will be put in place. It will be consistent with the one put in place by Transport Canada and could include steps such as the review of supporting documents and inspections of imported vehicles.

As part of the regulatory process, consultations with stakeholders will be undertaken on the development of regulations allowing the importation of used vehicles from Mexico.

It should be noted that it is estimated that a minimum of one year to a maximum of two years after proclamation will also be needed to design the regulations and an implementation program under the Canadian Environmental Protection Act, 1999. I would note as important information that imported used vehicles from the United States meet Canadian environmental emissions standards because Canadian emissions standards are harmonized with those of the United States. As such, vehicles that comply with U.S. standards also comply with Canadian standards. Imported American vehicles bear the United States emissions control label.

Consultations on changes to the Motor Vehicle Safety Act started in 2002, with the release of a discussion paper. A range of potential changes to the Motor Vehicle Safety Act have been examined over the years, and the act is currently being assessed against today's operating environment.

However, given that we are not currently compliant with the North American Free Trade Agreement, we believe we should start with addressing this potential trade issue in advance of any other challenges. This will bring us into compliance with the North American Free Trade Agreement and avoid the possibility of a challenge by the Government of Mexico.

We have also consulted provincial and territorial governments, given that the imported vehicles will be licensed and operated in Canada. I would note that they did not express any concerns. In addition, commercial importers are supportive of the proposed changes.

I would also note that we continue to monitor the current United States Senate and House proposals to change the United States' motor vehicle safety act.

In conclusion, we believe these modifications to the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999 are crucial to maintaining our obligations under the North American Free Trade Agreement, our goodwill with our trading partner, and our broader international trade reputation.



*Government Orders*

●(1555)

The impact of imported vehicles from Mexico should not have an effect on the Canadian manufacturing and retail market as the importations would be for used vehicles and, to start with, permit only the entry of older used vehicles.

These changes would be implemented in a manner that would maintain the safety of Canadians on our roadways by ensuring that imported used vehicles from Mexico meet our Canadian safety standards.

In addition, these changes would continue to protect our environment by ensuring that used imported vehicles from Mexico respect our emissions standards.

These amendments are the proper thing to do. They would maintain our trade relationships, have potential benefits for Canadians and continue to protect our safety and environmental interests.

I call on my fellow parliamentarians to support this bill unanimously.

●(1600)

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I listened to the speech made by the hon. Minister of State of Foreign Affairs. He mentioned that this bill was due in 2009. We will be entering 2011 shortly. It seems like this delay has been caused either by the incompetence of the current government or by it being carried away by playing politics in Parliament with other stuff than the stuff that is equally important on the international stage, which should have been taken care of.

I would ask the member whether it was due to incompetence or is the government playing politics here in the House?

**Hon. Peter Kent:** Mr. Speaker, certainly there was incompetence in this House and in the Government of Canada between the years 1999 and 2006.

However, I think the simple answer is that it was not required until now. There have been consultations, there have been studies and there have been considerations. The government, our government, feels that the time is now right to properly bring Canadian safety standards and environmental standards into full compliance with NAFTA.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the member says that he has consulted with the importers and they do not have a problem with it. That is no big surprise. The people who are importing the cars would like to import more vehicles from wherever they can get them. The question is, has he talked to the motor dealers organizations in the country?

He says he talked to the provinces and they do not seem to have a problem with it. However, I can tell members that in my home city of Winnipeg, only a year ago, we had a situation, and I do not know if the member is familiar with this, concerning the lemon law. There have been lemon law schemes in the United States now going back 20 years to aid the consumer. If a consumer buys a lemon, the manufacturer has four attempts to correct the problem. If the manufacturer cannot correct the problem, the car is bought back.

What we found happening is car companies were reselling these lemons that they had to buy back in different states. This is an arrangement within the United States and Canada. So I do not know he is going to be able to track these things.

The other question I have for him is, does he have any idea of how many cars we are talking about here? It is my guess that it would be almost negligible because we are talking about used vehicles that are 10 years old and older.

**Hon. Peter Kent:** Mr. Speaker, my hon. colleague does raise a number of important considerations. However, he also answers his original question by noting that, as this will be phased in, it only does affect vehicles 10 years old or older. The number, as I referenced, with regard to current practice of used vehicles from the United States being imported into Canada, was a relatively small number compared with the number of new vehicles sold in this country.

So, yes, we have consulted extensively with the provinces, the territories, and the importers and we see no significant or negative impact on the Canadian auto industry.

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, I was interested to hear my hon. colleague talk about safety on our highways. I have a private member's bill that deals with just that for heavy duty equipment to have side guards. I hope he gives consideration to that.

I understand that this is an amendment that is required in order to bring Canada into compliance with international trade obligations under NAFTA and that how they are going to proceed with this to ensure safety on Canadian roads is that there will have to be compliance before they allow registration.

My question to the hon. member is, how is this going to be monitored? Registration is a provincial issue. Are there additional costs that are going to be borne by the provinces to ensure compliance? How is the federal government going to ensure that it is monitoring the situation?

**Hon. Peter Kent:** Mr. Speaker, as I explained in debate, the registrar, which currently operates a cost recovery system with regard to used American vehicles being imported into Canada, will apply a very similar inspection compliance regime and cost recovery system so that there will be no negative impact on the Canadian taxpayer.

●(1605)

**Mr. Jim Maloway:** Mr. Speaker, the member would know that odometer rollback and replacement is basically theft and a form of fraud on the Canadian public. It is widespread and has been for years. We cannot even handle the issue in Canada. Cars with spun odometers are coming into the Manitoba market from Ontario and Quebec. It was only a dozen years ago that the provincial government brought in a tracking system and a history book that has to follow the car to establish its age and follow it through ownership changes. It has not really solved the problem of people replacing odometers. Spinning them is one thing but they are being replaced.

*Government Orders*

How are we going to police something like that if a vehicle comes in from another country like Mexico or even the United States when we cannot even deal with the problem on an interprovincial basis right here in Canada?

**Hon. Peter Kent:** Mr. Speaker, the point that we have to make is that it is time for Canada to meet its commitments under the North American Free Trade Agreement, to become compliant with our other two trading partners. We have to recognize that in doing that, Mexico has very limited safety standards. These standards do not require safety provisions that vehicles on Canadian highways and byways must comply with. These imported used vehicles from Mexico will be made to comply to either Canadian or American safety standards as they now apply to used vehicles imported from the United States.

The Mexican vehicle population does include some vehicles today that are certified to U.S. safety and environmental standards and it is expected that this class of vehicles will be relatively easily adapted to meet Canadian regulations and provisions to be compliant. This process, which is already in place for used vehicles imported from the United States, will apply equally effectively to used vehicles from Mexico.

**Mr. Sukh Dhaliwal:** Mr. Speaker, the minister mentioned that this will be phased over 10 years until 2019. The critics of this bill, my constituents and other Canadians, are asking questions. They think the bill will overwhelm our used car market.

Would the minister like to comment on this question that was raised by my constituents?

**Hon. Peter Kent:** Mr. Speaker, when this legislation is passed we will turn to writing the specific regulations that will apply.

The member is quite right in remarking that it will initially apply only to vehicles 10 years or older and then every two years that will decrease until 2019. By that time we believe we will have brought the regulations into compliance with no adverse or negative impact on the Canadian used car market. It will ensure the safety of those who use Canadian highways and byways.

● (1610)

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I would like to thank the hon. Minister of State of Foreign Affairs for the Americas for bringing this to the attention of the House and to Canadians. On the same lines, I rise today to speak about Bill S-5, Ensuring Safe Vehicles Imported from Mexico for Canadians Act.

I will admit that this is one of the more mundane issues that I and my fellow members are asked to speak on as part of our daily debates in the House, but the utility in the bill is very clear both in terms of our country's international trade obligations and the safety of our citizens.

In fact, even though Bill S-5 is described as updating laws to comply with NAFTA, I would argue that Bill S-5 is about putting the interests of Canadians first.

When it comes to the safety standards that Canada places on cars we are a more strict country than most others in the world. This has meant that many used cars that are being sold at the retail level in other countries do not always meet Canada's safety requirements.

However, the United States also has very tough safety standards as the hon. minister mentioned earlier.

In the case of American cars, Canada requires a declaration from the importer that the car will be brought up to regulation before hitting the road. Mexico has been held to a different standard however. It is finally time for Mexican automobiles to be given the same opportunity as American vehicles to be imported into Canada.

Bill S-5 is about treating our free trade partners equally and creating a level playing field within the context of NAFTA. It is also about fulfilling the obligations that we agreed to in this treaty.

Bill S-5 amends the Motor Vehicle Safety Act to allow for Mexico to be brought up to that same treatment. But in doing this, it is important that Canada does not compromise its own standards, particularly when it comes to the safety of our citizens. This is how we arrive at Bill S-5 today.

NAFTA has created jobs, growth and a sense of internationalism between our three countries and it is important that we continue to show respect for the parameters we signed onto in 1993. This is the evolution of this trade agreement and it also demonstrates that Canada has the ability to maintain control of the priorities that we hold as important.

The first aspect of the bill is ensuring that vehicles are ready for the road and that they present no undue risk to Canadians. The second aspect of the bill has to do with ensuring these vehicles present no undue risk to the environment. I come from the riding of Newton—North Delta. In the backyard of my riding we have the Burns Bog. The citizens of my riding bring questions on the environment to me. On this particular issue there are the same questions that will be asked. I can assure them that if we are going to be allowing Mexican vehicles into this country based on a mere declaration, the act must be amended to allow for such a privilege, where we make sure that those safety standards and the environmental standards are up to speed and meet Canadian requirements.

The mechanics of the bill are far from exciting. These are the technical details that allow Canada to live up to our international obligations to ensure that NAFTA continues to propel the three partners forward.

● (1615)

Ultimately, as members of Parliament we have a more important obligation to our constituents. We have an obligation, as I mentioned earlier, to ensure that our roads are safe and that vehicles do not present a risk to drivers on the road. We also have an obligation to ensure that our environment be considered for our own health and for the health of future generations.

I would like to conclude with how an elementary issue such as this has been handled by the government. After taking two full years, and five full years into government, the Conservative government is finally realizing that we should fulfill our obligations.

*Government Orders*

Canada has had a commitment under NAFTA to our partner in Mexico since 1993 to change our laws and allow used Mexican cars. We were supposed to do it in 2009, as the hon. minister mentioned earlier, but here we are at the end of 2010 and it is still not done. Once again, this is a bill that was pushed aside because of prorogation and the government playing political games with the nation's agenda.

Canadians are tired of a government that looks at every issue as a means to achieve a political advantage. With the government, it is all the same, regardless of whether the issue is a major plank in its policy platform or a technical yet necessary bill like Bill S-5.

If Canadians wonder why the House seems so prone to dysfunction, they only need to look across at the tactics of the government to understand why.

It is time we put the priorities of the country first above all other considerations. I am glad that Bill S-5 was brought forward and that we will meet our international obligations. At the same time, we will ensure that Canadian drivers and occupants of vehicles are safe. Also, we want to ensure we protect the environmental standard for generations to come as they should be able to enjoy a better and cleaner environment.

I recommend that Bill S-5 be passed for second reading for due diligence. I look forward to ensuring that we as a country live up to our international obligations.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the member is absolutely right, Bill S-5 will make Canada comply with NAFTA obligations to allow imports of used vehicles from Mexico, which already exists between the U.S. and Canada. However, right now vehicles from Mexico must be adapted to Canadian safety and emissions standards before being accorded into Canada.

The question becomes an issue with the importers. I was trying to ask the parliamentary secretary about this. I would bet that he has not consulted with a single motor dealer association member in the country on this issue. However, I can see a lot of problems with curbers. I am sure he knows the term, "curber", and they are a big problem for motor dealer organizations in our country.

I think we will see a lot of abuse with curbers importing vehicles from Mexico with replaced odometer, spun odometers. I do not know what sort of regulations can be brought in force to stop it, but to me that is the exposure.

Overall, in terms of the general market, I really do not think there will be a lot of vehicles involved. I do not think we will see a lot of 10-year-old used Mexican vehicles brought up to Canadian standards and imported into Canada. I think it would be importers and curbers doing this type of activity.

Could the member comment on that.

• (1620)

**Mr. Sukh Dhaliwal:** Mr. Speaker, I thank the member for Elmwood—Transcona on the work that he has done on the bill. As responsible representatives of our constituents, we are here to raise questions like those that the hon. member raised.

When the bill goes to the next stage, those questions must be answered by the government and the minister responsible so we are able to regulate inspectors there and have the process in place.

There will always be people who try to play with the system. We have to ensure there are strict regulations with a process in place to deal with those individuals, even though not many will be caught, as the hon. member mentioned. However, it will create more work for mechanics because we have the highest safety and environmental standards.

**Mr. Jim Maloway:** Mr. Speaker, the reality is we are dealing with Mexican vehicles that are 10 years old and older in a country with not as good a road structure as we have here. These vehicles will have to be upgraded to Canadian environmental standards and other standards that we require, which will be a barrier to much activity there. Also, there is the cost of transportation.

Transportation is a big issue. Even when bringing American cars here, the transportation costs are quite high.

If we are talking about importing cars from Mexico that are over 10 years old, I really do not see a market here at all except if one can buy the car cheap enough and then pay all those costs, one might find someone to buy it in Canada. People are not going to be able to do that unless they make the cars look a lot newer than it really are.

I suggest we talk to the motor dealers association of Canada. My guess is the government has not talked to anyone in the association. Perhaps when the bill goes to committee, we will have to send letters out to those dealers ourselves to get them involved so the government can hear their testimony.

**Mr. Sukh Dhaliwal:** Mr. Speaker, that is what I mentioned earlier. It is the duty of the government to ensure that it reaches out to the stakeholders and ensure those issues are enshrined and put in legislation. As the hon. member said, there will not be many cars coming into Canada.

This is why the bill is nothing but a technical aspect of the three country agreement, NAFTA. As an obligation, we have to ensure we are able to live with it and we are able to pass on the legislation to be in line with NAFTA.

In 2009 we had to bring in the bill as an obligation on the international scene. We are bringing it in two years later so it is not going to impact the market, or the environment or the safety of Canadians negatively.

I encourage the hon. member from Elmwood—Transcona to support the bill and let us carry on with some of the other important business that we can bring before the House.

• (1625)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, I listened to much of the debate and thought perhaps my friend from Elmwood—Transcona could use a break to refresh himself with some water as he goes over the text of the bill a bit further.

*Government Orders*

I come from a riding where there is a lot of automobile manufacturing. The member for Elmwood—Transcona was saying earlier that this bill would allow curbsiders. He was really worried about the justice implications. It is good to see that once in a while the member talks about justice issues.

I am wondering if the hon. member would help us. He said that he was supporting this legislation. He knows the government constantly reaches out to people across the country and encourages as much debate on the issues as possible before we bring legislation forward.

Could the hon. member help us in reaching out to his coalition partners to ensure we get this legislation passed so we can show that Canada is a place to invest in, where people can feel good about bringing their dollars and where we always live up to the obligations we have with our partners, internationally and at home?

**Mr. Sukh Dhaliwal:** Mr. Speaker, one thing I would not agree with is on the coalition. If we look back to 2005, when the election was called, I could see the coalition always changing. The Conservatives formed a coalition sometimes with the NDPers and at other times it formed a coalition with the Bloc. It is whatever suits the government.

When it comes to creating a market for Canada, the Liberals have always been fair when it came to free trade and when it came to creating opportunities for our young people on the international scene. That is how we will go forward to the future.

The record shows, whether it is on innovation, or free trade or opening up relations with other nations to create those opportunities, we have always been there and we will be there in the years to come.

[*Translation*]

**The Acting Speaker (Mr. Barry Devolin):** It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Beauharnois—Salaberry, Border Crossings.

Resuming debate, the hon. member for Richmond—Arthabaska.

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I am pleased to participate in the debate on Bill S-5. First of all, I will say that this will likely not be my longest speech in the six years that I have been sitting here in the House of Commons, because the Bloc Québécois believes that the bill is merely a formality and that Canada must fulfill its obligations under NAFTA, which was signed by Canada, the United States and Mexico.

So, as I just mentioned, Bill S-5, An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999, is just a formality. Under NAFTA, we must accept the importation of used vehicles from Mexico. Of course, we must ensure that these used vehicles comply with our environmental and safety standards. Earlier, the minister of state mentioned regulations that will be adopted soon, or as quickly as possible, I hope, before these vehicles cross the border into Canada.

The government says that it has consulted Quebec, the provinces and the territories, which have to be consulted because Quebec and the provinces are responsible for licensing vehicles. Members of the Bloc Québécois have not heard of any particular concerns on the part of the Government of Quebec about this bill because Quebec agrees

with NAFTA and agrees that the government should fulfill its obligations. That is what the Government of Canada has to do with Bill S-5. It should have been done before now. This is not the first time the government has taken more time than expected with certain legislation. No doubt this is because it spends more time thinking about elections or proroguing Parliament. Those are definitely the kinds of things that could have ended up delaying the bill before us today.

The minister of state may have been feeling optimistic, or he may even have been wearing his rose-coloured glasses, when he said that this bill would benefit people. That is a bit of an exaggeration. I do not see what is so beneficial about fulfilling our obligations with respect to a free trade agreement. In a way, it may benefit consumers by opening up the used vehicle market. Cars from Mexico—except those near the sea that get corroded because of the salt—have not gone through the harsh winters we have here in Quebec and Canada, or even in the northern United States. That means that some cars, while they may be older, may be rust-free. However, as I said, cars used near the sea may have body rust from the salt.

I am not an expert, but like many people, I have bought cars. Younger people especially tend to buy used cars. Early in my career, when I was just out of university, I, too, drove cars that might be called clunkers, but they were in decent shape and not a public menace.

The first thing that must be done is a proper inspection of the vehicle's engine and body. Although some vehicles may be of interest, I do not really expect that we will be faced with a huge influx of used cars from Mexico. What we must do is ensure that clear and strict environmental regulations are adopted. The general state of these vehicles and their polluting emissions must be very carefully checked so that people do not find themselves with vehicles that are a hazard to health or to the safety of other road users. When I speak of road users, I am referring not only to the driver and passengers of the vehicle in question, but also to the other people sharing the road with them and, of course, pedestrians.

The government therefore has an obligation to ensure that these vehicles meet all the required standards. We must now face the fact that, under the agreement, used vehicles from Mexico can cross our border, just like vehicles from the United States. A free trade agreement goes both ways. If our vehicles can cross the border to be sold, then American and Mexican vehicles must be allowed to cross into Canada for the same purpose.

The Bloc Québécois thus supports Bill S-5, the main purpose of which is to comply with obligations under NAFTA, the North American Free Trade Agreement, regarding the importation of used vehicles from Mexico.

•(1630)

Used vehicles imported from Mexico will have to meet Canadian emissions standards and be in generally good condition in order to be brought into Canada. Accordingly, this does not mean reduced standards in Canada. Individuals who wish to sell vehicles here will have to comply with very strict standards and regulations.

The bill also requires compliance with standards regarding harmful emissions and safety. We realize how dangerous it is to have unsafe vehicles on the road. We are enacting more and more regulations in that regard, such as the regulations on winter tires, for instance. In Quebec, it is now mandatory that all vehicles have winter tires as of December 15. That date is fast approaching, so the public should take notice.

Bills concerning harmful emissions are also being studied. Vehicles on the road can become a little older, especially in times of economic crisis. People think twice before getting a new car. There is no problem with having a car that is a little older, as long as it is well maintained and properly equipped in terms of safety.

Given that Canada could face sanctions for prolonged non-compliance with NAFTA obligations, our domestic legislation should reflect those obligations as soon as possible, since Mexico could indeed impose sanctions on Canada. There is some good news, however: the minister of state said earlier that no sanctions have been imposed so far. As my hon. Liberal colleague just said, I think the members of the House have no choice but to support Bill S-5.

The main objective of this bill is to ensure that we comply with a NAFTA provision that is being phased in. Canada is behind by nearly a year, since we were supposed to comply with it by January 1, 2009. Knowing that we have a bill that is very likely to pass and come into force, Mexico might play nicely and decide not to make any trouble for Canada, but it could still impose sanctions.

Until recently, Appendix 300-A.1 of NAFTA allowed Canada to prohibit imports of used Mexican cars, but there was also a provision whereby Canada would eventually have to accept used vehicles from Mexico. This restriction will be phased out, as the wording in the fourth paragraph of the appendix indicates.

According to the wording, Canada must allow imports of used vehicles from Mexico that are at least 10 years old beginning January 1, 2009. Then Canada has to allow imports of newer vehicles—those that are at least eight years old—beginning January 1, 2011, then those that are at least six years old beginning January 1, 2013, and so on until all used vehicles are allowed to be imported beginning January 1, 2019.

Bill S-5 amends the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, which both govern the use and importation of used vehicles from the United States, but not from Mexico. We have to amend these acts, which affected only the market for used vehicles from the United States.

In the amendments, Mexican cars have been added and described as “prescribed vehicles” since the phasing in of the NAFTA appendix allows Canada to regulate this import by restricting the age of the cars imported. In all cases, the used American or Mexican cars

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will have to comply with the requirements set by Canada on emissions and overall state of repair.

•(1635)

Failure to comply with NAFTA could result in economic retaliation by Mexico and therefore it is preferable that we conform to NAFTA quickly.

I will close by giving some details from paragraph 4 of NAFTA Appendix 300-A.1, which I just mentioned. It is very clear. Concerning used vehicles, it says:

4. Canada may adopt or maintain prohibitions or restrictions on imports of used vehicles from the territory of Mexico, except as follows:

(a) beginning January 1, 2009, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles that are at least 10 years old;

(b) beginning January 1, 2011, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles that are at least eight years old;

(c) beginning January 1, 2013, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles that are at least six years old;

(d) beginning January 1, 2015, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles that are at least four years old;

(e) beginning January 1, 2017, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles that are at least two years old; and

(f) beginning January 1, 2019, Canada may not adopt or maintain a prohibition or restriction on imports from the territory of Mexico of originating used vehicles.

So there will no longer be limits regarding the age of the automobile. This bill will allow us to respect the agreement signed with the United States and Mexico. All of these measures were set out in Appendix 300-A.1 of NAFTA.

We want to ensure—and I am repeating this because it is very important—that we are respecting the regulations, which will be very strict. These regulations will apply to vehicles and how well they work, as well as their overall condition so that we do not end up with dangerous vehicles. They will also apply to the vehicles' emissions because these automobiles will be fairly old to begin with: 10 years or older, then 8 years or older, and then 6 years or older.

Consequently, we must ensure that the standards established in Canada for our automobiles and for vehicles coming from the United States are respected, even if these vehicles are imported from Mexico. We must not end up with vehicles that pollute. That would be unfortunate and damaging to our environment.

I ask everyone in the House to vote in favour of Bill S-5 so that we will be complying with NAFTA. The Bloc Québécois will monitor the regulations to ensure that these vehicles comply as they should.

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• (1640)

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Mr. Speaker, my dear colleague mentioned a deadline of January 1, 2009. I would like to know what he thinks caused the delay.

**Mr. André Bellavance:** Mr. Speaker, I thank the hon. member for her question. There could be a number of hypotheses here. However, as is the case with many bills that the government claims to want to pass through the House quickly, in many instances it was responsible for this because we had prorogations and elections even though the Prime Minister had promised that there would be fixed election dates. This ended up stalling a number of pieces of legislation.

I imagine that this bill was not a priority for the government, except that perhaps someone woke up and realized that we had signed an agreement with Mexico through NAFTA. For almost a year now, Mexico has been entitled to impose sanctions on Canada since we are not currently complying with the provisions of Appendix 300-A.1. The appendix clearly states that Canada must start to accept importations of used vehicles from Mexico.

Now that the government has woken up and realized that sanctions are possible, it wants to hurry up. There is no reason to be against this, but in many cases, with many bills that have been introduced, the Conservatives have no one to blame but themselves.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, we are looking at vehicles that are 10 years of age and older. If we look at the book value of 10-year-old vehicles, I really cannot see where we could be looking at more than \$2,000 or slightly more for these types of vehicles. Therefore, I really do not see this as a huge problem. I know we need to pass the bill to be in compliance with the trade deals, and the NDP will support it going to committee, but I really cannot see where the market will be.

As we move forward over the next nine years, we are removing prohibitions on new vehicles and in another 10 years, 2019, when we can import vehicles that are one year old from Mexico then I can see potential problems.

The member talked about snow tire requirements in Quebec. The installation of immobilizers is mandatory in Manitoba. People cannot drive cars in Manitoba without immobilizers. To me, there are too many requirements to allow bringing 10-year-old cars and older to Canada in any great numbers a viable option.

• (1645)

[*Translation*]

**Mr. André Bellavance:** Mr. Speaker, first of all, I thank the member for his intervention. He has already spoken on this subject a few times since the debate on Bill S-5 began, and I listened carefully to his concerns, which I share, I might add. However, regarding some of the points he raised, this might not be the right forum, because in this case, it is merely a question of complying with NAFTA.

Regarding the used car market, I agree with the member in that I also do not expect our market to be flooded with used vehicles from Mexico. It is extremely important to bear in mind that the government has an obligation in all of this to ensure that strict regulations regarding the general state of repair of these vehicles and

their harmful emissions are obeyed—which is what we want and will keep a close eye on.

Beyond that, with respect to winter tires, it is up to consumers to obey the Quebec law. The member mentioned a law in Manitoba. If I understood correctly, his concerns have to do with the immobilizer program, whereby a system is installed in vehicles in order to immobilize the vehicle if it is stolen. Clearly, this has more to do with the aftermarket. That is another regulation with which car dealers and used car retailers must comply. In this case, we are talking about complying only with NAFTA, and we have no choice but to comply in order to avoid sanctions.

[*English*]

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, Bill S-5 was introduced in the Senate on April 14 but this is part of NAFTA and NAFTA was signed approximately two decades ago. I am a little curious as to why this has been brought forward and needs to be passed so quickly when for 20 years it has probably not done anything. It has two sets of regulations that I can see, which are the safety regulations and environmental regulations, CEPA.

If used cars were to come into Canada and garages were to bring them up to standard, does the member not think that it would create jobs for us rather than having the cars dumped somewhere else and let the jobs drain away to somewhere else?

[*Translation*]

**Mr. André Bellavance:** Mr. Speaker, some of my colleague's questions might be better answered by the minister of state, who spoke earlier. This is a Conservative government bill, so he should be answering some of her questions.

With respect to garages, of course they want more business inspecting cars. On the other hand, if more used vehicles are coming in from another country, maybe fewer vehicles from here will be sold. There might be some give and take. However, one thing we know for sure is that cars will have to be inspected. In that respect, my colleague is absolutely right. This already applies to heavy vehicles from other provinces and countries. People can even import vehicles from Europe. Those cars just have to comply with our regulations. Obviously, inspections are not performed by government employees in their offices. I mean no disrespect to government employees, but that is not where inspections happen. They happen in garages. So my colleague is right. Still, I do not think that this will create thousands and thousands of jobs.

In answer to her question about why the government is in such a hurry to pass this bill, I should point out that under NAFTA, initially, people were not to start importing used cars 10 years old or older from Mexico until January 1, 2009. So no government dropped the ball, except for the current government, which should have done something about this before 2009. If I am not mistaken, and if I can count, it is now 2010. That is about a year's delay. That is why the government is in such a hurry to pass this legislation.

•(1650)

[English]

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, I have two questions for my colleague. First, does he not think there are better standards that could be applied for vehicle emissions that could be utilized?

Second, does he not believe that vehicle emissions standards could be done in a way that would provide better North American standards for our country as well as for the United States and Mexico?

[Translation]

**Mr. André Bellavance:** Mr. Speaker, I will respond very quickly. I completely agree with the hon. member. We must be more and more strict in terms of vehicle emissions. As I said in my speech, some provinces, such as Quebec, have been making an effort, but, unfortunately, they have only studied the situation. The legislation has not yet been implemented. We want to start looking seriously at emissions, especially for older vehicles, even if it means taking vehicles off the road if they do not meet the stricter standards. Automobile manufacturers are able to produce vehicles that pollute less, and they have demonstrated that over the years. There is no reason for them to be lax.

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am pleased to speak today to Bill S-5, a bill coming from the Senate.

Bill S-5 is an Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999. Its short title is “ensuring safe vehicles imported from Mexico for Canadians act. It was introduced in the Senate on April 14, 2010. The bill would amend sections of the Motor Vehicles Safety Act and the Canadian Environmental Protection Act, 1999, to bring Canada into compliance with its international trade obligations, mainly under NAFTA.

As members know, NAFTA is a multilateral free trade agreement between Canada, the United States and Mexico. Its objectives are to eliminate trade barriers and facilitate cross-border movement of goods and services between the territories of the parties. Furthermore, NAFTA aims to promote fair competition in the free trade area, increase investment opportunities in the territories of the parties and create effective procedures for the agreement's implementation, application, joint administration and for the resolution of disputes.

Several members have already pointed out that this agreement is now two years late. Under the provisions of NAFTA, this particular element of allowing Mexican used cars to be brought into Canada should have occurred back in 2009. As I had indicated, the NDP will be supporting the bill going to committee because we recognize that it simply puts into effect promises that we have already made as a country when we signed into the trade agreements.

However, that does not stop us from having some observations and thoughts about the implementation of what we are approving and what we are signing into now. That will come with the regulations and rules that the government puts into place, as well the consultations, in promulgating the rules and satisfying the concerns

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of our constituent parts in Canada, like the motor vehicle dealers associations and many other groups in this country.

We look at this situation now and say that it is unlikely that there will be many vehicles being dealt with here. One of the members said that we were trying to hold off a free trade challenge by the Mexicans. and that is part of the equation.

While we do not anticipate a lot of 10-year-old vehicles being imported into Canada under this agreement, the provisions are there to eliminate, on a year-by-year basis over the next nine years, the barriers for newer vehicles. Therefore, in another year from now we will be able to bring in nine-year-old used vehicles. Then it will be eight, then seven and, by 2019, we will be able to bring in all used vehicles. When that happens, that may prove to be a much bigger group of vehicles when we are talking about one, two or three-year-old vehicles. The residual value of those newer vehicles would be much higher than a 10-year-old vehicle would be.

When the cost of upgrading all the safety features that need to be done, the immobilizers in the case of Manitoba and the very expensive cost of transportation from Mexico for used cars is added on, importing a 10-year-old vehicle might not make a lot of sense. When we get to one or two-year-old vehicles, especially high-value vehicles, it may become economically viable for importers to start bringing in vehicles on a fairly large scale.

•(1655)

Whether that creates jobs in Canada or not is really beside the point, because as the members have pointed out, this is part of our trade obligations. It is simply one of the implementation procedures of our trade agreement.

NAFTA, like all free trade agreements, establishes reciprocal rights and obligations for all parties to the agreement. Thus, any trade benefits or rights that are granted in the agreement apply to all parties.

Chapter 3 of NAFTA establishes the rules with respect to according national treatment to all goods of another party to the agreement and the elimination of all tariff and non-tariff measures against goods of another party.

Annex 300-A of chapter 3 applies to trade and investment in the automotive sector. Annex 300-A states that each party shall accord most-favoured nation treatment to all parties of NAFTA with regard to trade and investment in the automotive sector. However, this general commitment is subject to a number of commitments that are country specific.

The country-specific provisions entered into by Canada include that of the U.S. agreement concerning automotive products between the Government of Canada and the Government of the United States of America that will now be incorporated into NAFTA.

Furthermore, Canada reserves the right to adopt or maintain prohibitions or restrictions on imports of used vehicles from Mexico until, once again that date, January 1, 2009, with a gradual phase-out of prohibitions ending in 2019.

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There are prohibitions and requirements that jurisdictions put on concerning environmental issues and safety issues, but jurisdictions also have tight rules to protect their own markets, to protect their own dealers' associations.

In a way, this is breaking down some of those barriers that were artificially put there to support local industry or support local dealer organizations in the past.

This is something that business will have to deal with over time, because it is phased in. I guess one could argue that the NAFTA agreement has been around for many years, so it should not come as a surprise to anybody out there in the public or in the dealers' associations that this is in fact coming.

I can guarantee, and I am sure the members on the government bench will recognize this, that when all is said and done and this bill actually passes through the House, there will be a reaction from dealers' organizations that are going to say they never saw this coming, it was out of the blue, and that the problem was created by the government, when in fact it is part of the free trade process.

The phase-out is related to the age of the vehicles. Used vehicles that are at least 10 years old are the first to have restrictions lifted. Younger vehicles will follow, as I have indicated, over a period of 10 years.

NAFTA also clarifies that these restrictions on imports of used vehicles from Mexico into Canada are not inconsistent with Canada's obligations to provide most-favoured nation treatment to Mexico under our agreements.

The purpose of Bill S-5 is to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act to allow for the importation of used vehicles from Mexico subject to certain conditions. The amendments are required in order to bring Canada into compliance, as I said, with the international trade obligations under NAFTA that we have with Mexico.

Clause 2 of the bill amends the definition of "vehicle" to include "any vehicle that belongs to a prescribed class of vehicles".

The "prescribed class" of vehicle is defined in the motor vehicle safety regulations as:

a class of vehicle listed in Schedule III [of the regulations] or the class of incomplete vehicle prescribed under subsection 4(1.1) [of the regulations];

I presume that another set of regulations will be promulgated as a result of and after the committee process. Unless we are led to believe that the regulations are all before us now and are already included here, I am really uncertain about that.

Once we have an opportunity to take a look at those regulations, we will be able to see possible limitations, impediments and problems with the whole system.

• (1700)

Clause 3 would amend section 7. Section 5 of the act currently requires that all vehicles sold in Canada and all vehicles of a prescribed class that are imported into Canada must conform with certain safety standards as set out in the regulations of the act. Section 7 permits an exception for used vehicles that are imported

from the United States. That is certainly an expanding market, and I will get into that later.

The registrar of imported vehicles is a newer situation involving imported vehicles from the United States. The whole regime has been streamlined over the last few years to make it much easier for imported vehicles coming from the United States and we are seeing increasing numbers of them.

It really depends a lot on the value of the dollar. When the Canadian dollar strengthens, we will see more activity with respect to the cross-border purchase of cars in the United States. Just last year when the Canadian dollar was higher than the U.S. dollar, there was a huge amount of cross-border activity. People were buying cars in the United States because of the value of our dollar.

The people buying these cars in the United States have to deal with the registrar of imported vehicles in order to bring them back. While the system is much better than it was a number of years ago, snags are still being reported with these purchases.

I have heard stories about people who buy vehicles and then have to fill out a tremendous amount of paperwork. The paperwork is relatively easy to get. It is all on the website of the registrar of imported vehicles. The information can simply be printed out. The vehicle essentially gets impounded at the border, so it is tied up for a couple of days. If a purchaser can follow the paperwork, then it is possible to purchase vehicles in the United States. However, that does not make our local dealerships very happy.

Ways have been found to work around the problem with warranties. For example, a company such as Honda will not honour the warranty for a vehicle purchased in the United States. Even though an individual can save money by buying a vehicle in the United States because of the value of the Canadian dollar and the vehicle can be brought into Canada, the individual is on his or her own with respect to the warranty. Toyota's rules were similar in the past, but in the last couple of years its rules have changed and now it will honour warranties on Toyota products purchased in the United States using the registrar of imported vehicles system.

The member for Brandon—Souris was a reputable used car dealer in his youth. He is listening very intently. He is one of the few Conservatives who I would buy a used car from. He is an old friend of mine from Manitoba and very knowledgeable about the automobile industry. He has a soft spot for this topic because it takes him back to his younger days when he was in private business and probably enjoyed life more than he does right now. At least he did not have all the travelling that is involved with being an MP.

The section currently provides that used vehicles, vehicles that have been previously sold at the retail level in the United States that failed to meet the Canadian safety standards, must nonetheless be imported into Canada on the condition that the importer makes a declaration that before the vehicle is presented for registration, it will be made to conform with safety requirements. This exception allows importers of used vehicles from the United States time to bring the vehicles up to levels required by the more stringent Canadian safety standards.



*Government Orders*

• (1705)

I have mentioned this before, but in spite of all these rules between Canada and the United States, we still had a situation in Manitoba only a year ago, exposed by the CBC on a national program. Under the United States' lemon law system, which is a state-by-state regime, car companies in the United States were forced to buy back lemon vehicles from the owners if they were unable to resolve the issue after four attempts.

I never thought about what actually happens to these vehicles that are bought back by the manufacturers. The CBC found out last year that the cars were being taken from, for example, the state of Florida, which, by the way, used to have the strongest lemon law in the United States, and they were being dumped in, say, Louisiana, which did not have a very good lemon law system. Then the importers, in this case a Manitoba dealership that the member for Brandon—Souris knows and I know as well, were actually importing these cars into Canada for an absolutely ridiculous price, perhaps \$13,000 for a two- or three-year-old vehicle, and then were able to mark them up by double. This was serious enough that not only did it make the national news, but the Manitoba government actually introduced legislation to deal with that particular issue. That, of course, caused me to want to encourage it to go further and set up its own lemon law system, on which I have been working with Manitoba for many years, unsuccessfully I might add, to get through. However, that is another issue.

The fact of the matter is that we can all have the frameworks we want for trying to deal with the market with the very best of intentions at heart, but people who want to bend rules will always find a way to do it. So we have to try to collectively put our heads together and come up with the best regulations possible to at least minimize the effect on our consumers in terms of bad outcomes. Bad outcomes, of course, are in many ways related to replaced odometers or rolled back odometers, which we saw in Manitoba for many years coming out of Toronto, taxis being sold at auctions and the cars being sent out to Winnipeg and the odometers rolled back.

As a matter of fact, it was the Filmon Conservative government, which the member opposite from Brandon—Souris was part of, that actually dealt with the problem. We had a dealer who, for the second time in 25 years, was charged under the Weights and Measures Act with systematically rolling back odometers. He was buying cars at auctions in Toronto, putting them on a train, taking them to Manitoba, rolling back or replacing the odometers, and then selling those cars, which he was buying for \$4,000, for \$8,000. He got caught 25 years ago and was charged under the Weights and Measures Act, which really did not impose much of a fine, I guess, because it did not deter him. He kept doing it for another 25 years, until he was caught again. Then, under the Filmon government, they finally dealt with the problem by requiring people to have a history that would follow the ownership of the car.

It is similar to the system used in England, I believe, where every time the ownership of a car changes, the documentation follows it. There would be a record of the mileage and stuff like that, so if all of a sudden the odometer showed the mileage as half of what it was before, it would be inconsistent.

That was an excellent system they developed and it did solve part of the problem.

However, people with ill intent always find ways to circumvent the rules, and of course, this would be something that we would have to deal with.

Having said all of that, though, I agree. We will be supporting getting this bill to committee, and from there we will see where it takes us.

• (1710)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, I do want to take issue. The member for Brandon—Souris is not an old dealer. He is a young, vigorous member of Parliament who serves his constituents very well.

I wonder if the member would agree with me that if we have business people such as the member for Brandon—Souris, who was ethical, focused on his customers, conscientious and hard-working, the same qualities that he brings to the House of Commons when serving his constituents, Canadian consumers would be very well protected in their purchases, if they all had the pleasure of experiencing the quality and ethical service that the member for Brandon—Souris brought to his business, and of course, brings here to the House of Commons.

**Mr. Jim Maloway:** Mr. Speaker, the member for Brandon—Souris had an excellent record and, as I have indicated, I would buy a used car from him.

Unfortunately some of his fellow members were not as ethical. As I explained, we had a situation where a certain small dealer in the province was rolling back odometers, buying the vehicles in Toronto at the auctions for \$4,000, shipping them to Manitoba, rolling them back to 80,000 kilometres and then selling these cars routinely for \$8,000, doubling his profit. He was selling perhaps one a week. He would be making \$4,000 clear a week, which is not bad money for a one or two person operation.

He was not the only one doing this. A number of people were doing it. He did this after being caught and charged under weights and measures 25 years before. He continued doing this right out in the open for 25 years until he got caught again. Then the government did something about it and it cut it down. This was a number of years ago.

Last year CBC exposed this. When a person buys a new car in the United States, it is under the lemon law acts of the states. The car companies have to purchase these cars back from the owners if they cannot fix the problem after four times. These new cars were being sold by these companies into states with poorer lemon laws and they were being imported into Canada. The dealers who were bringing them in were buying them for \$13,000 and selling them for \$25,000, making huge profits.

Clearly something is not quite right. Together with the provinces we have to work out better systems to deal with these issues.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, I want to ask my colleague a question that relates to trafficking of cars, which is often related to organized crime gangs and trafficking of drugs. These are products that organized crime gangs use to generate funds for their illicit activities.

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There is an enormous need for the government to work more closely with the not only the RCMP in Canada with the RCMP but also with Interpol to deal with the trafficking and activities of organized crime gangs.

One of the issues is the sharing of information. Interpol has indicated that it would like Canada to take a much greater role, to work with Interpol to share information. Only by sharing information will we be able to have a more effective approach to dealing with the transnational organized crime gangs that are so parasitic in our world.

This is not only a role which we can do with Interpol, but also internationally, with Canada taking a lead role and trying to encourage other members of Interpol to work more closely together with the information sharing aspect.

Does my colleague think we should ask our government to take this opportunity to work more closely with Interpol and help it overcome some of the structural barriers it has in being able to be a more effective agent to deal with organized crime gangs?

• (1715)

**Mr. Jim Maloway:** Mr. Speaker, I remind the member that we dealt with this issue just a while back.

The issue was promoted by the Government of Manitoba to make vehicle theft a more serious crime. In the bill we dealt with the issue of VIN numbers and making it illegal to change those numbers.

As the member knows, the VIN numbers are on several parts of the vehicle. They are on the door, the motor, the dash and I believe in the trunk. There are about four or five places on a vehicle.

When the thieves steal these vehicles, they replace the VIN numbers. Now the VIN numbers are being manufactured into the vehicles so they cannot be changed and the government is passing a law to make it illegal to tamper with a VIN number, which is one way of dealing with the issue.

However, there are a number of ways in which these crooks operate and one is to steal the whole vehicle and take it out of the country.

Another type of activity is a chop shop operation. The crooks steal the vehicles and take the vehicles apart in pieces. We find that with Harley-Davidson motorcycles mainly but others as well where they take them apart.

The member is absolutely right. We are talking about criminal gangs and the government has to get tough on white collar crime, chase these criminals and cut off the money supply. Once we cut off the money supply, the problem solves itself.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, as we know, this bill relates to NAFTA and compliances that we thought might have been taken care of back when NAFTA was negotiated, going back to 1992.

One of the concerns we had at the time was environmental regulation. We now see a government going to Cancun without a lot in the tank. I wonder whether the timing is a coincidence and that this will be seen as its offering to environmental standards. In fact,

this is really a fig leaf for a lack of any kind of real environmental policy. Clearly this should have been done long ago.

Why is the government bringing it up now? Does he think that there might be something more to it than just what we are seeing in front of us today?

**Mr. Jim Maloway:** Mr. Speaker, we would have to check the blues from the parliamentary secretary's speech earlier, but it seems to me that this requirement will initially allow vehicles that are 10 years old and older to be brought in. Then vehicles less than 10 years old will be phased in up to 2019. Those vehicles will all have emission and safety standards complied with. However, interestingly enough, vehicles that are over 15 years old are considered vintage vehicles and they do not have to comply with any safety requirements or environmental standards whatsoever.

I guess the people in Cancun right now would be sort of interested. We should send them a fax and let them know what the government is up to here. It is going to allow any vehicle that is over 15 years old to be brought into the country with no emission standards required.

• (1720)

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, I am pleased to rise, on behalf of the Liberal Party, to speak to Bill S-5, An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999. The short title of the bill is "Ensuring Safe Vehicles Imported from Mexico for Canadians Act".

This was introduced in the Senate on April 14. The purpose of the bill is to amend the Motor Vehicle Safety Act and the Canadian Environment Protection Act to allow for the importation of used vehicles from Mexico, subject to certain conditions. These amendments are necessary to ensure that Canada is in compliance with its international trade obligations under NAFTA.

Everyone knows what NAFTA is. It is the free trade agreement that was signed between Canada, the United States and Mexico. Its objectives were to eliminate trade barriers and facilitate cross-border movement of goods. NAFTA, like all free trade agreements, establishes reciprocal rights and obligations for all parties to the agreement. Thus any trade benefit or rights that are granted in the agreement apply to all parties.

There has been some inconsistency or incongruity in the application of NAFTA where it concerns Mexico. There are some amendments to the Motor Vehicle Safety Act which would allow for used vehicles from the United States, previously sold at the retail value in the United States, that failed to meet the Canadian safety standards, to be imported into Canada on condition that the person importing the car would make a declaration that before the vehicle would be presented for registration, it would be made to conform with safety requirements. This is to allow importers of used vehicles from the United States the time to bring their vehicles up to the stringent Canadian safety standards.

*Government Orders*

The amendment to this section therefore would also extend to importation of used vehicles from Mexico that fail to meet Canadian safety standard requirements. These are important because there have been restrictions on vehicles from Mexico and not from the United States. As a partner of NAFTA, this will provide the mechanism to ensure vehicles that are sold in Canada meet Canadian safety requirements.

Bill S-5 would also amend the Canadian Environment Protection Act to allow for the importation of used vehicles from Mexico with certain conditions applied. The CEPA is necessary because any vehicle that comes into Canada has to meet our CEPA standards.

Simply put, Bill S-5 would bring Canada into compliance with its NAFTA obligation regarding the importation of used cars from Mexico. Although NAFTA was signed approximately two decades ago, several provisions were delayed. This is one of those provisions. When NAFTA was signed, Canada reserved the right to maintain all our restrictions on used vehicles until January 1, 2009. Since then, we have embarked on a 10 year process to phase out all of Canada's restrictions.

Currently, when used vehicles are imported into Canada from the United States, they do not have to meet our environmental and safety standards as they cross the border. However, as I mentioned, the owner must commit to ensuring that before he or she registers and licenses the vehicle, the necessary repairs and upgrades have been made so the vehicle is compliant. This is a really straightforward concept. We do not want cars that keep on emitting greenhouse gases because they have not been properly maintained. I listened to the debate and presentations on this.

● (1725)

We have problems in the third world, for example, with recycled and reconditioned cars. In Japan, for example, where after four years a car cannot be utilized and must be disposed of, those cars are reconditioned and sent off to third world countries. The cycle of cars going from one country to another without meeting proper environmental standards is problematic for us if we do not enforce the legislation.

The legislation would rectify an incongruity. The odd thing about that is that permission was not granted to vehicles imported from Mexico despite the fact that it is a NAFTA partner, so Bill S-5 attempts to rectify the incongruity.

The bill deals with two sets of regulations, the Canada vehicle safety regulation and Canada's environmental regulations, both of which are critical for the safe and clean operation of motor vehicles in Canada. Used vehicles imported into Canada from any location must meet both our safety and environmental regulations. I do not think anyone in the House would oppose this type of regulation. However, I would argue that it makes sense for us to allow the importers of these used vehicles to bring them into Canada for the upgrades necessary to bring them up to standard.

If our laws continue to prevent that work from being done in Canada, we would be punishing our auto mechanics. If used cars are at our borders, and we are not saying there are thousands of vehicles at the borders, and we allow the Mexican businesses to look after it, we would lose a lot of ground for our own auto mechanics. As part

of NAFTA, we cannot give up that portion of the job creation that we would have. Plus, we have environmental standards that need to be met and our environmental standards are probably not the same as the ones in Mexico.

I believe it is an important aspect that those vehicles should come here for upgrades instead of allowing the advantage to go to some other country.

What I do not understand is why it took the government so long to introduce the measure because, as I mentioned, it was January 1, 2009 when we were supposed to implement the restrictions on used vehicles and it has taken until 2010 for the government to bring about these changes. The delay cannot be attributed to the opposition. Sometimes the government has a tendency to say that every delay on every bill is an opposition problem and because it was introduced late in the Senate, we need to move it quickly to ensure that it can go to committee for a better review.

What are the implications of the bill? The obvious implication of the bill is that the Canadian market may see more used cars from Mexico for sale domestically as a consequence of the increased liberalization of trade in used vehicles. The bill, however, proposes amendments to these two pieces of legislation in order to maintain a consistency in the level and safety standards of all vehicles being used in Canada regardless of whether they are used or whether they have been imported from the United States or Mexico.

If we look at what the stakeholders have said, the Imported Vehicle Owner's Association of Canada, which claims to represent hundreds of businesses and thousands of individuals who import vehicles into Canada, it indicated that it was in support of this amendment. The Canadian Vehicle Manufacturers Association has yet to present its views on this. If we are to ensure safety, consistency and congruence with NAFTA, I would like to see that the bill goes to committee.

● (1730)

It is important that Canada live up to its NAFTA commitments. There is no evidence to suggest there is a caravan of dirty, unsafe Mexican cars waiting at our borders. Bill S-5 would not weaken our environmental or safety laws but we need to send it to committee to ensure that a thorough analysis is done. We should let the committee do its job and listen to various witnesses.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, my hon. colleague comes from a city where organized crime has taken root, as it has across our country. It is a very serious problem in her city, as it is for all of us.

Does my colleague think that the Government of Canada should be taking a much more intelligent view with respect to crime, particularly organized crime? It is not doing as much as it ought to be doing to address organized crime, which is a very serious problem.

Police agencies, particularly the RCMP, try very hard to deal with this problem. They are labouring under some fairly archaic rules and regulations. One thing the government could do is work with the RCMP more closely and ask front-line officers what they need to conduct proper, effective investigations to build cases against these individuals and bring them to trial.

*Government Orders*

Does my friend think that the Government of Canada should be taking a smarter view to deal with crime? Does she think that one thing it could be doing is listening to the grassroots RCMP officers on the ground about the challenges they are facing and deal with their unmet needs?

**Ms. Yasmin Ratansi:** Mr. Speaker, I did not mention it in my speech, but carjacking and car theft is a very lucrative business in some of the urban centres and maybe in the rural centres. It is a very dangerous business. High-end cars are being carjacked and stolen. There is a perception that organized crime is behind high-end carjackings.

Though the RCMP is trying its best, it needs resources, more police officers and laws it can enforce. It is sad that when perpetrators are found, the gangs cannot be broken because of archaic laws or lack of resources for a cohesive strategy. A car that is carjacked in Toronto could end up in Mexico or China, and vice versa. Police need the resources globally to address this problem.

[*Translation*]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I would like to ask the member the same question that she asked me when I spoke about the bill. Why does she feel that it took the government so long to come up with legislation? The Conservative government is always in a rush. It pressures the opposition parties and even accuses them of not acting quickly enough when it comes to its bills. It bogs down some committees with bills, specifically justice bills. What does she think are the Conservative government's reasons for being so pushy?

[*English*]

**Ms. Yasmin Ratansi:** Mr. Speaker, I know that in many committees Conservative members have been filibustering. There has been a lack of co-operation. If the government really thinks a bill is important, it has to work on it. It has to be smart on crime. In January 2009 it had an opportunity to introduce amendments to the bill and it has taken until just recently for the government to do it. Why does it want to hurry bills through?

It would have been better for the member to pose the question to the minister himself. Why is it that the Conservatives are in a hurry to pass everything? Are they trying to prove to Canadians that they have been able to pass legislation? Legislation cannot be passed without proper due process, but the government has the habit of bypassing due process in an effort to show that it was able to pass certain bills.

It is high time this problem were resolved. We should not pass bills just for the sake of it. We should send them to committee for better review.

• (1735)

**Mr. Alan Tonks (York South—Weston, Lib.):** Mr. Speaker, there are two components to the bill. There is the component with respect to the safety of vehicles that are going across borders from Mexico to Canada and Canada to Mexico. The second part is the vehicles that are being transported by organized crime.

My colleague mentioned the lack of police resources both in Mexico and Canada for the whole issue of trans-border shipment of vehicles that are in the category of proceeds of crime. When they are

finally apprehended and the vehicles are returned to their owners, safe or not, the issue becomes how we mobilize our resources to follow up in the public's interest.

Should there be a parallel legislative approach that would toughen up and make more secure the proceeds of crime legislation? In order for law enforcement agencies to track these vehicles and the criminal parties involved, they need the resources to do that job for both the unsafe vehicles and those that have been transported illegally.

**Ms. Yasmin Ratansi:** Mr. Speaker, the hon. member's question brings a very important aspect to bear. Organized crime is quite lucrative and very nimble. It beats out police resources.

The police are bogged down with legislation that does not help them become nimble. As they do not have the resources to be as nimble, the fact they can even catch them is a miracle in itself. There has to be tougher legislation on the proceeds from crime.

It is important that when this bill is reviewed by committee that safety and environmental standards are looked at. This is an aspect that is critical for Canada. We are talking about greenhouse gas emissions, et cetera, and we need to ensure that the safety standards Canada has are high quality and that Mexico and others follow it.

To answer the member's question, yes, we need to have strong legislation.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP):** Mr. Speaker, all of the speeches that were given today certainly indicate that members are in favour of moving this legislation along. Of course, it is long overdue. NAFTA was put in place quite a while back and this is just an entity to move us a little closer to what NAFTA actually directed people to do.

At the end of the day, we heard the government side trying to boast that this was almost a climate change bill. I am assuming the government brought this before the House because it is on its way to Cancun. It would have been much better for the government to go to Cancun with Bill C-311, the climate change accountability bill. I am sure that my colleague would support my comment that that would have been a better bill to be going to Cancun with.

Could the member elaborate on the fact that this would create jobs in Canada when we put this forward?

• (1740)

**Ms. Yasmin Ratansi:** Mr. Speaker, I agree with my colleague that this is not a climate change bill. It brings congruence in NAFTA between how we treat the United States and how we treat Mexico.

We should be getting cars over here and ensure that our automotive sector and our mechanics get the jobs rather than see those jobs go somewhere else.

Hopefully, the committee will discuss these issues very thoroughly before it makes a decision.

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare the motion carried.

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

**Mrs. Patricia Davidson:** Mr. Speaker, on a point of order, I would ask for consent to see the clock as 6:30 p.m.

**The Deputy Speaker:** Shall I see the clock as 6:30 p.m.?

**Some hon. members:** Agreed.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

### BORDER CROSSINGS

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Mr. Speaker, on July 16, at the same time as the municipalities concerned, we were informed by letter of the Canada Border Services Agency's intention to completely close two border crossings in my riding on April 1; one is in Franklin Centre and the other in Jamieson's Line.

This was all done in secret, in the middle of the summer, without public consultation. Once again, the Conservative government is being insensitive. Further evidence of its insensitivity is also seen in the fact that the municipal authorities of Franklin and Elgin, the American officials and elected representatives, business owners in the upper St. Lawrence region and I had all written to the minister and to the agency's president. We did not receive any news from them for months, not even so much as an acknowledgement of receipt. The people of the upper St. Lawrence region are essentially asking for a chance to explain their side of the story to the agency and the minister, and to inform them that such closures could cause harm to many companies, businesses and farmers who count on these border crossings to transport their goods to the U.S. market.

I have not even begun to talk about the tourist attractions in this region. Americans are quite drawn to this region for its many apple orchards. That is why people in the upper St. Lawrence region joined together in less than a month and signed a petition that was presented in the House of Commons in November. More than 5,000 people have expressed their displeasure with these threats of closure.

During the November 1, 2010, meeting of the Standing Committee on Public Safety and National Security, the President of the Canada Border Services Agency, Mr. Rigby, told us that he had been forced to make budget cuts.

### *Adjournment Proceedings*

The agency justified its decision by stating that crossings at these two locations are almost nil. The agency does not take into account that some vehicles have two or four passengers. He also stated candidly that there are no statistics on economic benefits. It would have been simpler to consult the people working there because, at this committee meeting, the labour union suggested some interesting alternatives that would save much more than the 5% budget reductions asked for by the government. Even our American neighbours have taken the initiative to write and ask the minister to reconsider his decision. They find that it is a question of public safety, even of saving lives. It is much easier and more beneficial to undertake consultations.

The Minister of Public Safety finally deigned to respond to my correspondence, and I received his letter on November 23. The minister stated that the Canada Border Services Agency could not reverse its decision to close the Franklin Centre and Jamieson's Line ports of entry and, of course, did not provide any solutions for the people affected.

The minister also said that he understood my concern for all the people inconvenienced by this decision. I would send that right back to him and ask him instead to have some compassion for the residents, the elected authorities and the business people of the upper St. Lawrence region.

I would ask him to agree to the request of our elected officials and the Mayor of Franklin, Ms. Yelle Blair, who asked him last week and this week to meet with the people in their community and, together, to find solutions.

This is the question I would like to ask today: when will the minister and agency representatives meet with the people living in my riding?

• (1745)

[*English*]

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, coming from where I do, Oshawa, I realize how important it is for our border crossings to work efficiently, but we also have to be able to ensure security.

As the minister said in this House, CBSA does examine these things very carefully to ensure that money is being well spent on the crossings and things are being appropriately done. We know that CBSA has made certain recommendations, and we believe that those recommendations are consistent with the interests of Canadians who access these border crossings, as well as continuing to stimulate trade across the border with the Americans. Coming from Oshawa, I do realize the importance and the government recognizes the importance of a border that works as seamlessly as possible.

Since 9/11, we have had some challenges with moving forward to make sure that these borders are secure. It is a group agreement. We work in collaboration with our American partners and with local municipalities on both sides of the border. Security issues are very important and trade issues are very important, and we have to ensure that these crossings work appropriately with security.

*Adjournment Proceedings*

Our government has actually made record amounts of investments in border crossings and border security. I can bring forward the investments we have made in NEXUS, in moving forward to allow people who move back and forth across the border a speedier crossing.

We can look at the investments we have made at border crossings, and I like to use the ones at Windsor-Detroit as examples. For years and years, this crossing had been ignored and our government has finally made huge investments and partnerships to move that forward so we can get more and more merchandise going over that bridge. I believe that merchandise is now at over \$1 billion a day

Of course we have increased funding to Canadian border services.

Always, when these decisions are made, they are very difficult. I want to assure the member that when the government makes these decisions, we try to take the biggest picture possible to ensure that we are able to get people and goods across the border as seamlessly as possible, but also ensure that security objectives are being met.

[*Translation*]

**Mrs. Claude DeBellefeuille:** Mr. Speaker, today I would like to reiterate my hope that the authorities involved in this matter will understand how important it is for local populations to have their say about border crossing closures. People of all ages and all walks of life have rallied around this issue. Business people, firefighters, municipal elected officials and even American neighbours all agree. They should be the first to be consulted because the Canada Border Services Agency needs to understand that it makes no sense to close Franklin Centre and Jamieson's Line. These decisions should be

based on more than just biased calculations about the number of users.

Once again, the dollar value of the economic fallout of these decisions is unknown, but the closures will definitely be disastrous for many people. Local economies and quality of life will deteriorate instead of improving.

I urge the minister to allow municipal elected officials to meet with representatives of the Canada Border Services Agency to talk about alternatives to closing these two ports of entry.

• (1750)

[*English*]

**Mr. Colin Carrie:** Mr. Speaker, it is challenging when these decisions are being made, because the long-term goal is to stimulate both trade and access across the border with the United States, our partner.

I would like to repeat that we examine these issues very carefully and we ensure that the money is being spent on border crossings appropriately. CBSA does make certain recommendations, and we believe they are consistent with the interests of Canadians who access these border crossings, as well as continuing to stimulate the trade across the border with our American neighbours.

**The Deputy Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 5:50 p.m.)







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