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OFFICIAL REPORT
(HANSARD)

Tuesday, February 1, 2011

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, February 1, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

PETITIONS

CANADIAN HUMAN RIGHTS ACT

Hon. Rick Casson (Lethbridge, CPC): Mr. Speaker, I have two petitions to table pursuant to Standing Order 36.

The petitioners call upon the House of Commons and Parliament to stand up for our freedoms by repealing the Canadian Human Rights Act and by permanently disbanding the Canadian Human Rights Commission.

PENSIONS

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I am delighted to table a petition today that draws the attention of the House to the fact that current recipients of old age security pension are Canadians who have contributed to Canadian society for at least 10 years and that decreasing the residency requirement for pension eligibility is a disincentive for new Canadians to work, contribute and integrate into Canadian society.

The petitioners are calling upon Parliament to maintain the 10 year requirement and not to adopt Bill C-428 which would reduce that requirement to 3 years.

AFGHANISTAN

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I have a petition signed by dozens of Canadians calling upon the Government of Canada to end Canada's military involvement in Afghanistan.

In May 2008, Parliament passed a resolution to withdraw the 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 and therefore refuses to put it to a parliamentary vote in the House.

Committing 1,000 soldiers to a training mission still presents a 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 seniors' pensions right here in Canada.

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): Madam Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Ms. Denise Savoie): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

The House resumed from January 31 consideration of the motion that Bill S-6, An Act to amend the Criminal Code and another Act, be read the third time and passed.

The Acting Speaker (Ms. Denise Savoie): Resuming debate. Is the House ready for the question? The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Denise Savoie): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Denise Savoie): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Denise Savoie): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Ms. Denise Savoie): Call in the members.

And the bells having rung:

The Acting Speaker (Ms. Denise Savoie): The vote will be deferred until tomorrow after government orders.

* * *

PROTECTING CANADIANS BY ENDING SENTENCE DISCOUNTS FOR MULTIPLE MURDERS ACT

The House proceeded to the consideration of Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act, as reported (with amendment) from the committee.

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

Hon. Steven Fletcher (for the Minister of Justice) moved that the bill be concurred in.

The Acting Speaker (Ms. Denise Savoie): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

The Acting Speaker (Ms. Denise Savoie): When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

● (1010)

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

[*Translation*]

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, first of all, on this first day back in the House of Commons, I would like to thank all the voters and people in my riding who have kept me in the House of Commons for the past five years, through two elections.

I am honoured to have the opportunity to participate in today's debate on Bill C-48, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act.

The proposed amendments to the Criminal Code will authorize a judge, when an offender is convicted of more than one first or second degree murder or a combination of first and second degree murders and is sentenced to life in prison, to impose separate 25-year periods of parole ineligibility for the second and any subsequent murder. These additional 25-year periods would be consecutive to the period of parole ineligibility imposed for the first murder.

In exercising this authority, sentencing judges will have regard to already-existing Criminal Code criteria that will ensure that the proposed measures are applied to the most incorrigible offenders—those whose crimes are such that they would be unlikely to ever obtain parole.

Judges will also be required to give, either orally or in writing, reasons for the decision to impose or not to impose consecutive parole inadmissibility periods. This will benefit the families and loved ones of murder victims who have long complained that they are left in the dark as to why certain decisions are taken during the trial and sentencing process.

The measures proposed in Bill C-48 will accomplish three things. First, they will better reflect the tragedy of multiple murders by enabling a judge to acknowledge each and every life lost.

Under current law, multiple murderers serve life sentences and corresponding parole ineligibility periods for each murder concurrently. The result is that they serve only 25 years in custody before being eligible for parole, no matter how many lives they may have taken.

Many Canadians are dismayed by this. They cannot understand why a sentence for murder is unable to take account in a concrete way of the fact that more than one life has been taken. Many argue that the law as it now stands seems to give a "volume discount" to multiple murderers.

This symbolic devaluation of the lives of victims has a strong negative impact on the families and loved ones of murder victims. All too often they experience a greater degree of pain and experience a greater sense of loss because the justice system has failed to mete out a specific punishment for each and every life lost. Bill C-48 would help correct this.

The second thing that Bill C-48 would do is reinforce the denunciatory and retributive functions of the parole ineligibility period attached to a sentence of life imprisonment.

Murder is the most serious crime and must be denounced in the strongest terms. This has already been recognized by the highest court of the land. In the 1987 Vaillancourt case, the Supreme Court highlighted the extreme stigma attached to murder that flows from the moral blameworthiness of deliberately taking the life of another person.

● (1015)

This moral blameworthiness justifies the appropriately severe penalty that murder attracts: life imprisonment accompanied by a period of parole ineligibility of up to 25 years.

Many would ask whether it is appropriate that the penalty for taking more than one life is the same as the penalty for taking one life. That is a good question. I would note, in response, that a life sentence is, indeed, for life. An offender cannot be sentenced to more than one life sentence.

Bill C-48 is based on the proposition that killing more than one person reflects a higher degree of moral blameworthiness and ought to allow the imposition of additional periods of parole ineligibility.

Bill C-48 would ensure that the judge who presides over the conviction of a multiple murderer and who is therefore in the best position to assess that person's degree of moral blameworthiness remains the one authorized to decide whether that more severe penalty ought to be imposed.

As I mentioned earlier, that decision would be based on the existing criteria in section 754.4 of the Criminal Code. Judges already use these criteria to decide how long a second degree murderer ought to serve in custody before being able to apply for parole.

I will elaborate on that last point which, I must point out, has already been discussed in previous debates.

As hon. members may recall, the punishment for first and second degree murder is life imprisonment accompanied by a period of ineligibility for parole determined according to section 745 of the Criminal Code.

For first degree murderers as well as for any second degree murderer who has killed before, that period is 25 years from the time of being brought into custody.

For all other second degree murderers, that period is 10 years, unless the judge uses the authority bestowed by section 745.4 to set a period of ineligibility for parole up to 25 years.

Such a decision will be based on "the character of the offender, the nature of the offence and the circumstances surrounding its commission and the recommendation, if any, made [by a jury]".

In summary, Canadian law already sets out a sliding scale of parole ineligibility to account for particularly incorrigible offenders or particularly egregious crimes.

As for the application of these criteria, the courts have stated over and over again that the most important factor to consider in deciding whether to extend the parole ineligibility period of a second degree murderer is the protection of society.

Bill C-48 proposes to use exactly the same criteria for the imposition of consecutive periods of parole ineligibility on multiple murderers—again, multiple murderers. I am convinced that the same principles will apply, and that judges will therefore look to the protection of society in making their decisions.

This leads me naturally to the third thing that Bill C-48 will do, namely, to enhance the protection of society by permitting judges to keep the most incorrigible multiple murderers in custody for longer periods of time that better correspond to their crimes, which is only normal.

● (1020)

Bill C-48 would ensure that our communities are safe and that offenders convicted of multiple murders, who should never be released, will never be released.

In this vein, the proposed amendments would also protect the families and loved ones of multiple murder victims, who are forced to listen all over again to the details of these horrible crimes at parole hearings held after the maximum parole ineligibility period possible under the current act expires.

If Bill C-48 is passed, it will not affect the rights of those multiple murderers currently on parole nor will it usurp the role of the National Parole Board.

Bill C-48 will not prevent convicted multiple murderers now serving life sentences from seeking parole when their parole ineligibility periods expire, nor will it call into question National Parole Board decisions to release those who meet the criteria for parole.

Bill C-48 will only apply to those who commit more than one murder after the legislation comes into force.

In short, Bill C-48 is neither retroactive nor retributive. It represents the reaffirmation of our government's commitment to respond to Canadians' concerns about strengthening the justice system by ensuring that the most serious offenders do the most serious time.

Bill C-48 was studied thoroughly by the Standing Committee on Justice and Human Rights, which saw fit to make one amendment.

This amendment would require a judge to give oral or written reasons in the event he or she decides to impose consecutive periods of parole ineligibility on a convicted multiple murderer. The bill, as originally drafted, called for reasons only if the judge declined to do so.

Our government believes this amendment is unnecessary and could even have unintended consequences. In fact, our government's original objective for requiring a judge to give reasons for not imposing consecutive periods of parole ineligibility for a multiple murderer was to ensure that victims would be informed of the reasons for not doing so.

As I have already explained, the amendment proposed by the Liberal critic would compel judges to explain their reasons for imposing consecutive periods of parole ineligibility on an offender convicted of multiple murderers. In other words and to put it simply, this amendment would mean that murderers will be told the judge's reasons. The ultimate aim of our bill was to restore the balance between victims' rights and offenders' rights, a balance that had been lacking for some time. I believe that the consequences of this amendment work against our objective.

● (1025)

The Conservative members of the Standing Committee on Justice and Human Rights tried unsuccessfully to reverse the amendment, which was supported by all opposition members. Although we oppose that change, I believe that the need for this bill is more important than the political games that the opposition members are playing. For that reason, and so as not to slow the progress of this bill, our government supports the current version of Bill C-48.

I would like to ask all members of the House to help me achieve these objectives by supporting this bill.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, I would like to ask the member who has just spoken what happens in cases involving multiple second degree murders. Does the judge impose consecutive periods? A judge can always adjust these periods within the 10 to 25 year range, which may shed some light on the consequences of this parole eligibility bill in cases involving second degree murder.

Mr. Daniel Petit: Madam Speaker, I would like to thank the hon. member for his question, which is quite relevant.

I would like to point out that, in cases involving multiple second degree murders rather than first degree murders, the judge will still be required to apply section 745.4 of the Criminal Code, which already exists. As I mentioned in my speech, the judge will be able to take into account the circumstances, the manner in which the second degree murders were committed, the identity of the victims and the social and moral reprobation or blameworthiness that could result. At that time, the judge will also be able to determine, as he or she does now, whether the ineligibility period should be 15 or 25 years rather than 10. Judges will have that authority. They will be given new discretion. No authority will be taken from them; on the contrary, they will be given additional discretion. In cases involving multiple second degree murders, judges will be able to determine whether the ineligibility period should be increased from 10 to 25 years. In addition, concurrent sentences will no longer be imposed; rather, sentences will now be consecutive.

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, I thank the member for his overview with respect to this legislation.

I wonder if the member would like to comment on the role of the National Parole Board with respect to its adjudication on issues related to victims' rights. It has come to our attention that concerns have been raised with respect to the role of the parole board, and I wonder if the member, within the context of the bill, would like to comment with respect to that particular issue.

● (1030)

[*Translation*]

Mr. Daniel Petit: Madam Speaker, I would like to thank my colleague. We have been working together for a number of years and his question is highly relevant.

Our bill has no bearing on the parole board. The parole board only gets involved post-trial, after a conviction before a jury, which then makes recommendations for the judge's consideration. The judge has to justify, orally or in writing, the decision to impose, or not to impose, a period of ineligibility of a particular length, whether it be back-to-back periods of 25 years, or 25 years plus 10, or some other permutation. This will be at the judge's discretion. Judges will be given many more arbitrary powers than they previously had.

The difference is that the prisoner appears before the parole board. When the ineligibility period expires, the board must determine whether the prisoner is to be released or kept in detention. At that time, as in all cases, the parole board will have the individual's file on hand and will be able to see whether the prisoner has been well-behaved, has come to terms with his incarceration, and so on. There has been strong criticism over the fact that an individual handed a 25-year sentence is permitted to apply for parole every two years. Under the new system, an individual who has committed multiple murders will no longer be able to do that. The judge will be in a position to hand down a sentence of 25 years plus 25 years, which will mean 50, 35 or 45 years. The number of times victims will have to appear at a parole hearing will, as a result, be greatly reduced.

Victims are very glad to not have to start over each time, and have to revisit their child's, spouse's or grandparents' murder. That is painful, and we need to put ourselves in their shoes. This is an issue over which we have control.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): I would like to ask the Parliamentary Secretary to the Minister of Justice the same question that he was asked by my colleague, the hon. member for York South—Weston. The question is not what he thinks about the National Parole Board's power, but rather whether this bill is before us today due to public complaints about the board. There have been a lot of complaints about the board and its insensitivity towards victims' families, and we now have a bill before us today, which deals with the board's responsibilities.

I would like the member to answer that question.

Mr. Daniel Petit: Madam Speaker, I would like to thank my colleague for his question. He and I have served on the Standing Committee on Justice and Human Rights for several years,. Like me, he is a lawyer, and we each bring our contributions to the table, his from New Brunswick and mine from Quebec. We make up a good group, one that is careful to satisfy all Canadians. When we present bills, we have the perspective of Canada as a whole.

I will now answer his question. In fact, there have been complaints about the National Parole Board of Canada. Parole comes after the entire judicial process has been followed. We first have to let the judicial process take its course, that is, the eligibility periods that the judge imposes. The judge will have much more discretion. An individual who has killed 40 people will appear before a judge. There have been serious cases like that in several provinces of Canada. The judge will have to decide whether to impose 25 years plus 25 years, plus 10 years, depending on the case, which they could not do before. The judge knows that these are serious cases and they cannot be managed. Even if the inmates are put back “in circulation”, they could be just as dangerous as when they entered the detention centre.

Yes, there have been complaints, but we must not forget that the National Parole Board is always involved after the judicial system. We, the legislators, are the ones who make the decisions, through the Criminal Code. The board is involved only much later. We have to look at what comes ahead of the board before we look at what comes after it; we have to solve the problem that arises at the beginning before solving the one that arises at the end. The board has been criticized in some cases, particularly by family members who have had to constantly go through parole applications by an individual sentenced for the murder of one of their family.

● (1035)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, I am pleased to speak to Bill C-48. First, the title of the bill raises questions. Yesterday, the Minister of Justice stated firmly that it was not important to hold a debate on the short titles of bills. I do not agree with that, Madam Speaker.

[*English*]

I do not think it is unimportant to debate the short titles of bills. This short title phenomenon is directly imported from the United States of America. Its legislatures have been poisonous longer than ours even started to be and I hope that this new session in a working minority government Parliament will have some glimmers of good work and co-operation, but short titles do not help that environment.

The short titles "Serious Time for the Most Serious Crime" also "Protecting Canadians by Ending Sentence Discounts for Multiple Murders", these two bills being combined in the last two days in other words, would not lead a person reading them from afar to what the bills are actually about. It may not be a hill to die on, but let us send a message to the government that if it wants to avoid any debate on the bills, it should make the bills descriptive.

I realize fully that the long title of any of these bills would be lost. The long title on most of these bills are things like "an act to amend the Criminal Code with respect to section 531". That is not understandable. The purpose of a short title is to indicate what is being amended in the Criminal Code or what the government is trying to do. This is not *Mad Men*. This is not an advertising campaign to have a catchy title and make the consumer wonder what it is and ask whether it is chewing gum or an automobile. That is not what we are doing. We are trying to give the people of Canada an idea of what the bill is about.

This bill deals with consecutive life sentences and whether or not they should be meted out by a judge. Canadians who have an interest in this could understand that. That is my little presage on the whole title imbroglio. I want to, however, highlight that this bill, Bill C-48, which I will deal with in the committee stage when I refer to amendments that did not pass, actually does a disservice to the victims of crime. Let me begin with the overall overview of the bill.

It is a bill that seeks to make individuals convicted of multiple murders serve life sentences consecutively, one after the other, instead of concurrently, at the same time. At first glance, the bill looks like a good idea. All Liberals and citizens want strict sentences and restricted parole eligibility for multiple murder convictions. That is the first point. Congratulations to the government on that.

Congratulations to the government and the Department of Justice as well for moving from an original position that was anti-judge, anti-judicial discretion. Now with the passage of five years, listening to the experienced Department of Justice officials and, I might add, appointing a whole whack of their friends as judges, it does not want to be seen as attacking judges or judicial discretion as much and there is a stark difference between its first round of justice bills in and around 2006-07 and this bill with respect to that important pillar of our judicial system, which is judicial discretion.

This bill allows for some judicial discretion. Ironically, the reservation of that judicial discretion is the element under the doctrine of judicial restraint which does that disservice to victims, which I will get into shortly.

The bill may seem tough in a sound bite, but it would actually have limited effect on incarceration and parole. It would only change a system that has had its faults but still makes perfect sense. Parole boards are better equipped to decide if an individual is ready to get out at the time of his release. In Canada we have decided to give generous powers to the parole boards and they generally do not release those convicted of multiple murders as soon as they become eligible. That is a fact.

If the Conservatives want to scare the public into believing that a multiple murderer, a serial killer, a Clifford Olson, shall we speak the name, may get out of prison, they want to say that. That is a disservice to how the Parole Board acts. If they have a problem with how the Parole Board does its job, that is an argument for a separate bill.

Let me digress and say I, as an elected representative, have a complaint about how the Parole Board works and it comes out of a victim family, the Davis family. Ron Davis has been a friend of mine for a long time. He was a town councillor in Riverview for a number of years and a community leader.

● (1040)

Ron's daughter was violently murdered in a cornerstore on St. George Street many years ago. The convicted killer has shown no remorse, has taken no steps toward rehabilitation, and is up for parole eligibility as he goes through the system.

We have made a lot of noise about this in the local media and through letter writing and through active and positive roles by successive public safety ministers. I have to underscore here that sometimes there is co-operation. We said what happened to the Davis family is horrible.

Hours before a scheduled parole hearing it was cancelled at the criminal's behest. The criminal seems to control the date, time and place of a hearing. Members of the Davis family were travelling from Moncton to Quebec for this hearing and they had to travel back. To add insult to injury, they had to pay all of their expenses for this hearing in advance. That is an existing law in the books. That existing irregularity and insensitivity is built into the system. Why do we not attack that with legislation? Why do we not do something about that?

The minister wrote a letter. I was quoted in the newspaper. Mr. Davis has his own means and the victims' rights people have their own voice. It should not have to be that way. There should not be a hailstorm of publicity to change the way the National Parole Board does its job.

If there is a deep fear that people like Clifford Olson or the murderers of officers Bourgeois and O'Leary in Moncton are going to get out then why do we not deal with that? If we are concerned about the Parole Board then why do we not deal with it? There have been complaints about the Parole Board and that is why I asked the parliamentary secretary whether this bill is a reaction to how the Parole Board works or how people think the Parole Board works.

The public safety committee has had a review of the Parole Board's workings, but I am not sure that everyone in Canada has heard a full airing and has full confidence in the National Parole Board's workings. We need to do at least an investigation or some corrections, pardon the pun, to the Parole Board and how it works. If that is what this bill is about then it is in the wrong place and it is written in the wrong way.

If all Liberals and opposition members think that most serial killers walk out of jail after 25 years I would be just as worried as anyone else. That is not the case. To the contrary. We have statistics. Defence attorneys will tell us that very few serial killers are actually released after 25 years. What worries me is that the government seems to be trying to invent legal problems that scare Canadians and it has solutions to problems that do not exist.

Two months ago the *Times & Transcript* in Moncton had an article saying that murderer Clifford Olson was up for parole again. That is scary, but he was not granted parole. He will never be granted parole.

A few weeks later there were articles in newspapers across the country about Russell Williams. The *Edmonton Sun*, the *Calgary Sun*, the *Winnipeg Sun* and the *Toronto Sun* all wrote that Russell Williams will never get parole but no one can guarantee what is going to happen 25 years from now. That is the pith of the articles. Everyone knows that the crimes of Russell Williams were entirely repulsive but should this bring us to distrust the Parole Board system? If so, let us have an investigation into the Canadian legal principles that have served us well.

Russell Williams will not get out of jail. He committed multiple crimes and multiple murders. If the National Parole Board works the way I have observed it working on high profile, multiple murder cases, he will never get out of jail.

Another recent article in the *Edmonton Sun* tells us that those convicted of multiple murders would spend more time behind bars under this new legislation. There is no evidence of that. Multiple murderers who serve life sentences stay in jail a lot longer than 25 years.

Members may remember the debate yesterday on Bill S-6, the legislation with respect to the amount of time that murderers serve. First degree murderers in Canada serve 28.4 years on average. There are people who serve longer. Multiple murderers serve longer.

Because it is another committee and another set of legislation and has not been tested, does the National Parole Board now weigh the fact when discussing eligibility of multiple murderers before it?

● (1045)

Is it in the directives, the workings and the results of the National Parole Board to say that a person convicted of two murders is not going to be handled the same way after 25 years as a person who committed one murder? I bet it is. However, we do not have that evidence.

Professor Doug King of Mount Royal University said that the measures in this bill are unlikely to have any deterrent value either, so it will not remove multiple murderers from our community. It will not keep them away from the community any longer, nor will it deter them initially from committing the crime. The only purpose left for the bill is to send a message that life means life and that taking two lives effectively means life in prison.

I believe that already exists. We would like to have the evidence. We do not oppose a message on retribution or on removing the offender from society. We do not oppose the principles in section 718 of the code. However, the principles have to be balanced. There are principles that have to recognize that in lesser crimes there is a role for rehabilitation, even within the corrections system.

I had the opportunity to tour one of the oldest facilities in Canada over the Christmas break, Dorchester Penitentiary in New Brunswick. It houses all kinds of convicted criminals, including murderers. We might not think that rehabilitation for people who are going to be in jail for the rest of their lives is important, because they are never going to be back in society. However, that is not so. If we talk to the correctional officers and their union representatives, we learn that their lives are put in danger by persons inside who have no hope whatsoever of living any sort of acceptable life within the facility. They are in danger every day if internal programming does not keep up with the intake of criminals within the judicial system.

It is a message that is lost on the government. The government and all its members, front benches and back, had better wake up to the message. It had better talk to corrections officers and ensure that it does not lose the support of the corrections officers, who claim that it is flooding the prisons and not keeping up with its commitments toward rehabilitation, training and facility enhancement within the existing facilities and is putting their lives in danger and causing them more anxiety. As a result, they say they are not going to support the government and its programs. I say that as a clarion call to the Conservatives to wake up with respect to issues of law and order.

As a Liberal, I want to be tough on crime. I come from a family of tough-on-crime individuals. My Uncle Henry was a provincial court judge. He was nicknamed "Hanging Henry". There were no actual life sentences in the provincial court in Moncton, New Brunswick, during his 30 years on the bench, but he was not seen as a softy on crime. Neither am I. Nobody is. Anyone with a family and anyone with regard to the community is not soft on crime. What kind of message is that? That is how the government paints anybody who does not believe what it is saying.

In real democratic debate, one is allowed to say, "Good effort on judicial discretion and good effort on clearing up the message on what a life sentence means, but you missed the mark and you should be working on other things". That is what we are doing in the House. My message to the government is that it is not the government's sandpile; it is everybody's sandpile. Let us play together in a more reasonable fashion.

The bill really will not change very much. It is part of a tough-on-crime legislative agenda, but it really will not do very much. It is poorly drafted.

I want to talk about an amendment that would have done a better service to the victims.

There is a doctrine known as "judicial restraint". It has been canvassed and written about. Essentially what it means is to err on the side of caution. If given two options, it is better to take the one that is less likely to be attacked.

I am quoting from the Library of Parliament's *Oxford Journal of Legal Studies* item on judicial restraint: "The question of how judges ought to exercise judicial restraint is a crucially important constitutional issue that cuts across most areas of public and private law".

This is an international institutional issue that is dealt with every day by scholars, so it exists. I am not making it up. The point is that if a judge is given a choice between setting parole eligibility at 25 years or 50 years in a conviction for, let us say, two first degree murders, my thought—and also the thought of the authors who talk about judicial restraint—is that a judge will probably pick 25 years.

● (1050)

There was an amendment proposed at committee that would have given the judge true discretion. What is being said in the bill is that a judge will have the discretion of 25 years or 50 years. That is like being on Highway 401 and saying that one could drive in the busy rush hour at 30 miles an hour or 100 miles an hour, neither of which may be safe. In this case, being given the choice between 25 and 50 may not serve the victims and may not serve society.

That amendment was not supported. That amendment was not thoroughly researched before it came to Parliament. It was voted down, and voted down at the peril of victims. What could happen is that a judge may feel that this was an egregious set of murders and that it is not a one-murder eligibility. In other words, if there is a conviction of one crime of first degree murder, the parole eligibility—the time after which the accused convicted person can apply for parole—is 25 years. That is the way it is with one. Under this legislation, a judge with two murders in the same hearing might say, "I'm going to set parole ineligibility at 50 years" or a judge might say, "The accused convicted person is 40 years old; effectively, a 50-year parole ineligibility period is not sensible. There is a chance for rehabilitation. This might have been a crime of passion. This might have been a crime committed with respect to drug and substance abuse". All those factors might mitigate so that a judge might say, "I will look at a period at 25 years, not 50".

What the amendment offered and what could have come from the government—and it is not impossible to do this—was a law that would give the judge true discretion between the 25- and 50-year periods. The judge might have been able to say, "These are heinous acts. The convicted person is 40 years old. I will set the period of parole ineligibility to 35 years". That would have been true judicial discretion. It is discretion that exists; neither I nor any members of the committee often emulate or talk about the American justice system, but it is something that exists in terms of judicial discretion in the United States.

As a lawyer, I thought this would encourage judges to apply their discretion. I thought it would rid judges of their own reticence to use this provision to give longer sentences to multiple murderers, because I do not think a lot of judges would use this extra 25 years. Judges are human. Determining the fate of a person for the next 50 years would put a lot of weight on a judge's shoulders.

● (1055)

[*Translation*]

I cannot resist quoting my own words, the words I spoke this morning and yesterday in this House about Bill S-6. Certainly these two bills worry me.

[*English*]

There are very real things the government can do, as I said, with respect to the previous legislation. We can be tough on crime for real. This chamber could legislate to protect Canadians from criminality. What are we waiting for? It has been five years. The Conservatives have had their hands on the tiller for five years. Why are they not more aggressive in other areas of the law? They should put more police officers on the street. They did this in New York City. It used to be a crime capital; now 2006 statistics show the lowest crime in that city since 1963.

Where are the promised police officers? Where is the money for rehabilitation? What policies can we borrow from successful experiences everywhere?

There are lots of stark contrasts between Conservatives and Liberals. The Conservatives want to promote their tough-on-crime agenda. They spend all kinds of money on advertising and speeches. We would better equip police forces so that communities across Canada would actually be safer.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, it was interesting listening to my colleague from Moncton—Riverview—Dieppe talk about the short title in this bill. It is one that I find quite offensive. I find it offensive as a lawyer who has practised in our courts for a long period of time. More importantly, I find it very offensive to the judiciary in this country. If anybody, particularly the government of the day, thinks that a term could be used that is a direct accusation that our judiciary discounts the lives of Canadians by giving lesser sentences, it is grossly offensive.

It was moved in committee that we delete this, as we have done with several other bills that had offensive or misleading short titles like this one. At committee the member voted against the motion to delete, so the title stays and that offensive wording will go on, because it appears that the Liberals, the Conservatives and the Bloc are going to vote for this bill.

I would ask the hon. member, given his opening comments today, how he justifies having voted the way he did to not delete that title and, in effect, to not support the judicial component of our society.

Mr. Brian Murphy: Madam Speaker, the member will recall, even though he is the dean of the justice committee, that he has never brought a motion since I have been there to strike these ridiculous hyperbolic titles. Frankly, I was the first guy to strike the title, and that was a few bills ago. I think the message has been received by the Conservatives.

As I said, the only thing I agree with the Minister of Justice on is that debate on the title is silly. I would ask them, in their next bills, to stop bringing us silly titles. That was the message sent.

Unlike my friend from the NDP, we want some legislation to get through. We want it to get through. We have voted for some of this government legislation. Sometimes the NDP is so fixed on the position of being against everything that they do not know what they are for. What we are for is law and order.

I will pick the fight on the short titles with the right person at the right time. I am not going to fight with him on this.

[*Translation*]

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I have a simple question for my colleague.

The Liberal opposition has proposed an amendment to the bill. I would like my colleague to explain the whys and wherefores of the original bill and to do it in the simplest possible terms so that the public can understand why they want this amendment and what difference it makes to the original bill.

[*English*]

Mr. Brian Murphy: Madam Speaker, the amendment, as I thought I covered in my speech, was an amendment to allow periods without eligibility to be given over to judicial discretion for the choice between 25 years and 50 years. The difference would be that a judge would be given the discretion to choose a period between 25 and 50 years. The bill, as it currently stands, chooses either 25 years or 50 years. The amendment was with regard to that issue.

I would say that the department did not look into this at all and that the government never thought of it at all, but after five years it rushes to the six o'clock news to say it is going to prevent Clifford Olson from getting out when he would never get out anyway.

The government did not do its homework to see if the bill could have this sliding discretion in it because judges, under judicial restraint in Quebec and in the rest of Canada, would choose 25 years instead of 50 years. They might have chosen something in between. It was a good amendment. The government should have crafted it in its bill, and it should do more homework.

Now the government has two parliamentary secretaries for justice. My friend is a very smart and capable man. I suggest that he be allowed to give some advice to the government, which is clearly not very interested in the substance of bills but very much interested in the shiny surface of them.

● (1100)

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, my colleague talked about judicial discretion. My question relates to linking judicial discretion or restraint and rehabilitation. My colleague makes an excellent point with respect to the culture of penitentiary life, imprisonment, and the implications that has on those who are serving us as employees in these penitentiaries. He makes a very good point that under the circumstances they will feel very insecure with respect to their own personal safety.

If the amendment giving discretion to 35 years has been turned down by the committee and is not entrenched in the legislation, what can we do with respect to the issue that he has raised? If it is now only up to judges to apply a 25-year or a 50-year sentence, there still is no resolution to the issue of those who are entrusted with the security in those penitentiaries. Under those circumstances, there is nothing that would assuage their fears. I think the quality of their life and the life of victims needs to be balanced against the issue with respect to this legislation. For me and, I am sure, for those who are following this debate, they will be very concerned about this legislation as it relates to the security in the prisons.

Never mind whether those inmates actually get out or the Parole Board makes a decision with respect to allowing them parole, it is a question of the safety in the penitentiaries. What can be done to address that particular issue?

Mr. Brian Murphy: Madam Speaker, under this legislation, nothing. The cake has been taken out of the oven and it is baked.

However, with respect to other measures, the Conservatives are the government. They can commit money to rehabilitation. What they seem to forget in everything they bring forward is that the incarcerated person is in prison and is facing good Canadian correctional officers. If the incarcerated person gets out, then they are in a community.

The member knows better than most as he was the chairman of the largest city in Canada, metro Toronto, and his father was the mayor of his city. He knows, like most municipal politicians, that issues such as this, offenders in the community, hit first up against municipal governments and the communities. Zoning applications are needed for halfway houses, for instance, enough police officers are needed and ensuring that correctional officials are minding the Parole Board officials to see where these people are. He knows more than most in this chamber about the real impact of offenders released and offenders within the facilities who have had no treatment.

The answer to his question is that not with this legislation and not with anything that I have seen from the government. However, surely it will get the message that people eventually get out of prison and that while they are in prison they better have had some treatment to make them better citizens so that public safety is enhanced. That is the real problem.

● (1105)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, I would like to say right away that we agree. This is a good bill and we will therefore vote in favour of it.

We feel that this is not at all the spirit that motivates the government. It is still motivated by the political benefit that can be derived. It is clear that this bill is being introduced for the second time so that the government can publicly state for the second time that it opposes sentence discounts. That is a disgraceful term to use in regard to our legal system and, besides, there is no truth to it. They want us to think a life sentence comes at a discount. It is not at a discount. Does someone have two lives if there are two victims? It is nonsense. Once again, they are taking their cue from the Americans, who have the ridiculous habit of imposing totally unrealistic sentences, such as 175 years in jail. For example, a lawyer told his client on leaving not to worry, he only had to do what he could.

The Conservatives are still using expressions that are pure propaganda. This title is pure propaganda. It is untrue. There are no sentence discounts for murder in Canada. It is true that there are multiple murders, but usually there is just one murder victim per person.

What we should remember is that, ultimately, this bill will not have much effect on the prison term that offenders serve because that decision—and this is why I think the bill is quite good—is made by the people who were there for the trial, that is to say, the judge and jury. At the end of a trial, the jury is asked whether it thinks the period of ineligibility for parole should be extended, in other words, the time until the offender can apply for it. The judge must take this opinion into account and give his reasons.

It would be better, as the hon. member for Moncton—Riverview—Dieppe suggested, if the judge had a bit more discretionary power to vary the sentence in some cases and did not have to decide between 25 and 50 years, as is currently the case. But it does not matter that much in the end. In any case, if the judge did not do it, the National Parole Board would ultimately take it into account.

We need to recognize that there are multiple murders that are less serious than single murders and there are single murders that are more serious than multiple murders. The existence of multiple victims is certainly one of the most important circumstances to be taken into account when a decision is made whether to grant parole. However, current events offer some glaring examples of this difference.

Members know that the man who was considered to be the leader of the Hells Angels, Maurice "Mom" Boucher, gave his permission to go after prison guards. He encouraged someone to go to prisons and kill two guards who were transporting prisoners. Two people showed up: one drove the motorcycle and the other was on the back. They killed the first prison guard. When they came around to kill the second, the gun jammed. Thus, Maurice "Mom" Boucher was found guilty of complicity in the murder of a single guard.

Consider another case from the news. Members will recall the horrific case in Saint-Jérôme last year of the young surgeon who was well loved in the community and deeply in love with his wife, also a doctor. When she left him, he killed their two children. That was obviously an act of desperation. One has to wonder why.

● (1110)

He absolutely deserves a sentence and should spend a considerable amount of time in prison. And he will, because in this case, he will not be able to apply for parole after 15 years; he will not be able to apply for 25 years because it was a multiple murder. However, it is clear that we do not need to treat the surgeon the same way as the leader of the Hells Angels, "Mom" Boucher.

There is another recent example. A poor, desperate family in Lac-Saint-Jean asked for help, but no one reached out. They eventually came to the horrible conclusion that life was not worth living, either for the parents or their children. They got enough medication to kill four people. They were eventually found in the house, and all of them were unconscious. Doctors were still able to save the woman. She survived and was charged with murdering her husband and two children, which makes sense. She was convicted. That said, there is a difference between this woman and "Mom" Boucher. Clearly, her behaviour was abnormal in psychiatric terms, but that does not justify what she did and did not render her incapable of making decisions. Consequently, it was not an admissible defence against criminal charges. But her actions were still not the same as those of "Mom" Boucher.

Think about the killer in Tucson and imagine if that happened here. In that case as well, there were multiple murders. That is very important. And there is the case of those who planted the bomb that exploded on the Air India flight. Clearly the fact that there are multiple murders will be taken into consideration by those who have to rule on parole. Obviously it is an important factor, but one that has been taken into consideration and always will be, even if this bill is not passed.

However, I see an improvement here. Currently, the decision is left up to the Parole Board concerning multiple murder cases. I think that the fact that, in future, the jury that heard the trial and the judge who will make the decision will be asked for their opinion is an improvement in the law.

Another case of appalling multiple murders is the case of Colonel Williams.

That said, in the language used by the government, a little rigour is needed. The current Minister of Justice is really not of the same calibre as many of his predecessors. He always manages to lower himself to the same level as an alley cat, with his political battles. He is in fact the one who is inspiring all these titles, which are more like propaganda slogans than informative titles for bills. Once again, he continues to show his contempt for judges and for the system. Using an expression like "sentence discounts" is, once again, an expression of his contempt in an effort to gain a slight political advantage, to show just how tough he is on crime. This is becoming a habit of his. I remember another bill the Conservatives loudly applauded that he called the "Ending House Arrest for...Serious and Violent Offenders Act". No judge would ever allow serious and violent offenders to serve their sentences at home. It is already prohibited under existing legislation. The first criterion a judge must consider before allowing an offender to serve his sentence at home is the danger it would present to public safety.

● (1115)

In my opinion, if a serious and violent offender were to serve his sentence at home, that would pose a risk to public safety. So judges to do not impose such sentences.

The title of the bill clearly indicates that it is an insult to the judiciary. The member is laughing at us because we care about titles. Yes, we care about titles that are propaganda. Why does he use false propaganda in his bill titles? In my opinion, this shows once again that he has not achieved the same level of wisdom and excellence that previous justice ministers achieved—people like Guy Favreau, Pierre Elliott Trudeau and Mark MacGuigan, among others. He is not of the same calibre as his predecessors.

However, his bill does include one improvement, that is, the role of the judge and jury that heard the case. That is the only improvement it contains, but few changes were made.

In his arguments in favour of this legislation, the government member spoke of the victims who will have to continue attending National Parole Board hearings and listen to the account of the crimes of which their loved ones were the victims. A victim's family members are not required to attend these hearings. Usually half the victims decide to attend and the other half choose not to. However, there is nothing stopping those who decide not to attend from sharing their thoughts in writing or otherwise.

In that respect, there is a quick fix to all this. In fact, it might already be included in the law, but I am not sure whether this applies to Olson. Currently under the law, when someone sentenced to life in prison applies for parole before the end of his sentence—let us say that person is allowed to apply after serving 15 years—the jury making the decision on the initial application can effectively determine how long the offender will have to wait before he can apply for parole a second time. It seems to me this also applies to Olson, but perhaps not, since he has already served a minimum of 25 years. There simply needs to be a provision similar to the one that already exists under the law for those who apply 15 or 25 years after their prison term begins, in order for the jury to make its decision. In a case like Olson's, it is obvious. If ever Colonel Williams decided after 25 years to apply for parole every two years, all we would need is a provision whereby the jury hearing the initial application could determine how long Mr. Williams would have to wait before making another request. That way, the jury would lift this burden from the victims' families.

When we are dealing with this legislation it is important to remember that for the past 40 years in Canada, murderers have been serving the longest sentences. It is surprising to see that since the death penalty was abolished, murderers are serving much longer sentences than those served by murderers who had been sentenced to death, but whose sentence had been commuted. Before 1968, the average length of sentence served by murderers sentenced to death whose sentence was commuted was seven years. From 1968 to 1974, the average increased to 10 years. Since 1974 and with other reforms, the average has increased to 28.4 years. In civilized countries comparable to Canada—such as the United States—the average is roughly 15 years. For example, the average is 14 years in England and 12 years in Sweden.

● (1120)

When amendments were made in 1976, this information was used to establish that a decision to sentence a person to life in prison without any possibility of parole should potentially be reviewed after 15 years. Fifteen years was slightly longer than the average time frame in other civilized countries.

It is significant that Canada is the country with the longest time frame. It seems that the Conservatives' goal is to also make Canada one of the countries with the most severe sentences. I would like to remind members that we have a way to go before we catch up with the United States, the country that currently incarcerates the highest number of people, per capita, in the world. It used to be Russia, but the Americans now have a higher incarceration rate. The incarceration rate in the United States is currently seven times higher than in Canada.

Members have also spoken about the role and influence of the media. I would like to remind the media that they should perhaps be a bit more careful about criticizing court decisions. For example, the Parole Board of Canada has a gradual release program that involves sending offenders to halfway houses. There is only one difference between offenders' liberty in prison and their liberty in a halfway house: the halfway house does not have any walls, barbed wire or armed guards to ensure that offenders do not leave. However, as in prison, offenders living in a halfway house must eat when they are told, eat what they are given, do what they are told throughout the day, and live with other offenders. They are deprived of most of their freedom. After a time, these offenders may be allowed to have employment, but they have to work during the hours prescribed and they must return to and sleep at the halfway house. Little by little, offenders are given more freedom. It is important to understand that offenders who are released on parole do not have the freedom they had before they went to prison.

Newspapers generally refer to a change in status when an offender is released from prison. They say that the person has gained their freedom. That is false because it is a very limited freedom. This needs to be taken into consideration. The expense is an important consideration because the average cost of keeping an offender in prison is $110,000 compared to $30,000 if they are in a halfway house. It is possible to restrict the freedom of a good number of offenders who are not dangerous enough to be kept in the traditional maximum security setting of a prison.

In committee, we finally managed to impose an amendment on the government. It should be very clear that the opposition members find it an outright insult that judges must provide written or oral reasons for their decision in the event that they refuse to impose the most severe measure. It is customary for judges to provide reasons for their decisions in one way or another, but why impose an additional requirement if a specific measure is not applied?

This is in the same vein as the titles of laws implying that, in Canada, we give sentence discounts, as if there were sales on goodness knows what, or that judges allow serious and violent offenders to serve their sentences in the community, even though this is prohibited by law.

● (1125)

It is always the same story. This is something new for the Conservative Party. I do not believe that former Prime Ministers Joe Clark or Brian Mulroney adopted this habit of scoring political points at the expense of judges or the parole system.

We have had many intelligent discussions in Parliament about the role of parole. The fact remains that the parole system has been of great benefit in dealing with crime.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I would like to hear my colleague expand on what he was saying.

Mr. Serge Ménard: Madam Speaker, the Conservative government decided to score political points by blaming judges and jury rulings, which I think is shameful. But that is not why I am a sovereignist. I am not condemning how things are done in the criminal justice system. I still think that Canada is a civilized country and we inspire many other countries that wish to achieve a level of civilization similar to what we have achieved. The Conservatives should be ashamed of themselves for acting that way.

Mr. Joe Comartin: Madam Speaker, I wonder if my colleague believes that it is possible to introduce a bill that differentiates between murders committed by a family member or friend of the victim and murders committed by people like Mr. Olson, Mr. Pickton or Mr. Bernardo, who all committed multiple murders? Would it be possible to have a bill that stipulates that if someone commits a crime like Mr. Olson's, he will be incarcerated for life, without any possibility of parole?

Mr. Serge Ménard: Madam Speaker, we do not need a bill to obtain such a result. Let us allow the system to work the way it is currently working. People like Clifford Olson and Colonel Williams will not be granted parole. Some American states can render decisions in which there is no possibility of parole, and I do not think that they are achieving better results than we are. These states are driving up the homicide rate in the United States. The overall homicide rate in the United States is three and a half times higher than in Canada, and surely it is even higher than that in the specific states in question.

I do not believe that this bill is necessary but I am not against it either. It is not a bad idea to have the judge and jury who heard the case determine when an offender can apply for parole.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Madam Speaker, in his speech, the Conservative member said that it would be up to the judges to give their reasons for the decision to not give such a sentence to an offender. Does my Bloc colleague think that the judge should be responsible for explaining why such a sentence was not imposed?

● (1130)

Mr. Serge Ménard: Madam Speaker, it makes sense for the judge to give the reasons for making this very important decision on whether to extend the parole ineligibility period. Either way, it is a good thing for the judge to give the reasons because this is an extremely important decision. The Conservatives' attitude sort of blames the judge, who is required to explain why he is not handing down the harshest sentence. Once again, the Conservatives should be ashamed of themselves.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, we are debating Bill C-48 today, which is a short bill thankfully, but the topic is interesting. This legislation deals with what would happen following a conviction for first degree murder for those who are—

The Acting Speaker (Ms. Denise Savoie): I regret to interrupt the hon. member for Scarborough—Rouge River. I erred. The hon. member for Windsor—Tecumseh was standing and he would be in order of priority. I regret that error.

The hon. member for Windsor—Tecumseh has the floor. I apologize.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I am sure my colleague from Scarborough—Rouge River will not mind if I go ahead of him, and I am sure he will stay in the chamber and pay very close attention to all of my comments, as I will to his comments shortly.

Just to be clear about the position of the NDP, we still have grave reservations about the bill. A number of members of our caucus are leaning to support it and a number are leaning to oppose it. Once the debate is completed, we will make a final decision in that regard.

What has happened here is classic example of the way the government, as well as the Conservative Party, approaches the issue of crime. It tends to be obviously ideological in many cases, and in a number of cases, it is emotional, as opposed to an approach based on good public policy, good planning, on how to cope with those people in our society, going all the way to the extreme, who are prepared to commit murder.

The bill is really designed to go after the Clifford Olsons, the Paul Bernardos and the Picktons of the world. That is the way the Conservatives portrayed it. That is the way the Conservatives sold it to the public.

However, we have heard stories today of the multiple murderers who do not fit that pattern at all. We heard in the last few minutes from the Bloc about the situation in Quebec up around Saint-Jérôme, where a well-known, well-respected surgeon killed his two children after his marriage broke up. We heard of another instance from one of the members from Scarborough about a situation that was, in effect, infanticide; but again, it was a multiple murder of two children by a mother.

Under the existing law the faint hope clause does not apply to multiple murders, including the two circumstances I just described, which of course we do not hear from the Conservatives. In those cases, therefore, those murderers will spend 25 years in custody before becoming eligible for parole. Because they cannot apply for parole until the 25th year, they will probably spend another year, maybe more, in custody. On average, even where it is clear they are rehabilitated and clearly not a risk to society at all, they will spend 26 years of their lives behind bars in those fact situations.

They say that maybe there are exceptions, but they still have to be sure to get the Olsons of the world. However, the reality is that roughly 80% of all murders are committed by people in the latter category, not the Olson category, that is, they know the victim and the victim knows them. A lot of it is inter-family or, at the very least, among acquaintances.

What the government is doing with the bill is trying to solve a problem related to Clifford Olson that will, unfortunately, in other cases, cause an injustice.

I will use the reaction we saw in the Latimer case, where we had a repeated battle in the courts over whether there was some way he could be released before the 10 years, the minimum he had to serve, based on the crime he was convicted of at that time, the murder of his daughter. There was a great discussion in the country. It went both ways. I think the country was roughly evenly divided. As much as 50% of the country said that in that circumstance, and I want to be clear that it was not a position I supported, maybe he should be allowed, once convicted, to spend less than the absolute minimum of 10 years.

We have any number of other cases, when the facts are presented to our society as a whole, where they would say the same thing, that 10 years is fine; 15 years is too much; and 25 years definitely too much.

● (1135)

Canadians are basically a fair people. They look for justice and they certainly want it to be clear in our society that there are going to be consequences for whatever crime one commits and, obviously, serious consequences if it is a murder, if someone takes another's life. There is no question about that: they see that as fair, they see that as just. However, from all my experiences and all the reading I have done, I also believe they want everyone to be treated fairly. If the person is Clifford Olson, they want him kept in custody for the rest of his life. It is the same with Paul Bernardo. However, if it is the Latimer case, that certainly would not be the consensus in the country.

Thus the bill is clearly designed for a problem that we recognize exists. The consequences of the bill, though, will create many more problems, and the government is not seeing that.

It really is the difference between multiple or double murders and single murders. Perhaps I should put this statistic on the table. On average, in Canada, every year we have between 14 and 16 multiple murders. The vast majority of them are not of the serial killer type; the vast majority of them are the husband or the partner losing control and killing, almost always, both his partner and the partner's new lover. Those are the majority of cases.

When we look at that, most Canadians would say that the existing system, the faint hope clause, which will disappear if the bill we were debating yesterday is passed, combined with this bill will create very many more problems and injustices, as I think the average Canadian would say, if he or she looked at the individual cases.

We cannot consider this bill just in light of itself. We have to look at Bill S-6, because the Liberals are clearly going to support it, along with the government, and it is going to pass. We are going to end up in a situation where judges are going to be confronted, in the multiple murder situation, with having to make the decision. My colleague from Moncton—Riverview—Dieppe was right about this. There are going to be very few cases where the judges in this country are going to be prepared to use this bill, this law, if it goes through, which obviously appears to be the case. I suppose this is a point one has to make if one is going to support the bill. It will be on the basis that it is probably going to be used properly by our judges.

In spite of the disrespect we constantly hear and see from the government, and we see it in this bill, when it speaks of our judiciary, it is at least equal to the best judiciary in the world, and it arguably is the best judiciary in the world, at both levels, that of provincial appointments and federal appointments. It is not perfect, but it has no superior bench anyplace in the world. It may have a few peers, but it has no superior.

Therefore, those judges, on an individual basis, when confronted with the reality of a multiple murderer before them and a conviction they have registered after a full-blown trial, will have to decide whether they are going to send someone to jail for 50 years for three murders, or 75 years. In the vast majority of cases, as I say, with the exception perhaps of Olson, they are not going to do that.

● (1140)

The evidence in committee from lawyers and people from organizations like the John Howard Society and Elizabeth Fry Society was interesting. It was very clear that at the time of sentencing judges knew that it was impossible to say what would happen 25 years down the road. If it is a multiple murder, they know that the person under our existing law would not be eligible to apply for parole up to 25 years.

The vast majority of judges, very near 100% of them, would say that they do not know, with any degree of certainty, what a person will be like 25 years from now, where psychological and psychiatric treatment will be 25 years from now in terms of the ability to cope with someone like this and be sure the offender goes back into society without being a risk. Judges will say that they will not invoke the provisions of Bill C-48, which will happen in the vast majority of cases.

It may happen occasionally if there is a Pickton or Olson in front of the court. Members who want to support the bill could perhaps assuage their consciences by saying it will rarely be used and based on the trust we have in our judiciary, it will only be used when appropriate.

One other point will be in the minds of the judges but obviously is not in the mind of the government. I say that because there are alternatives, such as the way we could deal with serial killers, and I will come back to that in a few minutes. What is going to be in the mind of the judiciary is the need to be sure that our criminal justice system does not become a point of ridicule, that by sentencing a serial killer in particular to 200, 300 or 400 years, and nobody lives that long, they do not expose the court, the judiciary and the criminal justice system to the kind of ridicule that could produce, as we have seen in the United States.

In some states in the U.S. people can be sentenced to 100 years for each murder. Someone who has committed two or three murders can be sentenced to life in prison with no eligibility for parole for up to 300 or 400 years. That is not uncommon in the United States and it draws ridicule from outside the U.S. on its system.

That will be in the minds of the judges every time they consider this. They will look at whether they know what a person will be like 25 years from now. In the vast majority of cases, they will say no. They will then ask themselves if they should risk the possibility of bringing the system under ridicule and disrepute. Again, they will want to decide on the basis of safety that they do not invoke these provisions.

Another reason for supporting the bill is because there is judicial discretion.

There is another point in the bill, which quite frankly shows the ignorance of the Conservative government. It has put in a provision without understanding how trials work in the country, murder trials in particular. The provision is that judges are required to put to jury, after the conviction, if it wants to make a recommendation as to whether the person should spend multiple periods of time without eligibility for parole. It actually has the wording that the judge must read to the jury.

What the government does not understand is the reality of what jury members have just gone through. They have oftentimes sat through one to several weeks of what can be extremely stressful testimony around murders. They are very tired and stressed out, but right after the conviction judges are required to read this direction to them and inquire as to whether they want to make recommendations. There is no psychological basis for them to be able to do that.

● (1145)

The other point the government does not understand is how this works. There is no evidence given to the jury at that point about this person. The person, in most cases, does not testify, so there is no psychological or psychiatric evidence before the jury as to what is an appropriate way to deal with the person or whether the person can be dealt with at all. In comes down to the fact that the jury has to make this decision completely in the dark.

Then, after saying those two things on the weakness of what the government has proposed for this system, it is only a recommendation and not binding on the judge. The Superior Court judge has the final decision and it is entirely within that person's discretion. As I said earlier, I believe that in the vast majority of cases judges will opt not to invoke the multiple periods of time.

Therefore, what are we doing here? It is obvious that we will pass the bill. The Liberals and the Bloc members have already announced that they will support it, along with the government. However, we are creating a system that is not going to be used very often, but that has a major risk of being used in situations where the average Canadian, knowing the facts, would say that it is not appropriate and further puts us at risk of our system being ridiculed, much as the system in the United States is in some cases.

On the alternatives, we have heard from other members of the House and the evidence at committee about these facts. Our system of dealing with murderers goes back to the mid-1970s when we opted, as a society, to do away with the death penalty. At that point, we said that this was the way we would treat murderers, depending on whether it was manslaughter, second degree or first degree murder. That was when we brought in the faint hope clause. At that time, it was fixed at 25 years spent, without the faint hope clause, for first degree murder.

The faint hope clause allowed application for parole at 15 years if it could be justified first to a judge, then to a judge and jury and then ultimately to the Parole Board. It was a three-step process. That was the system, but we made some changes to it to deal with the multiple murderers in 1997 to exclude them from that process.

In the mid-1970s, and again in 1997, we knew that we were sending people to prison much longer than all the countries to which we were compared, with the exception of some of the states in the U.S. that are close to us. The majority of the states in the U.S. have life sentences that are shorter than ours. Every other jurisdiction, England, all of western Europe, Australia and New Zealand, countries that have societies that are very similar to ours, have much shorter periods of time for people being sent to custody. The average is running around 15 years, but in a number of countries it is less than that. I think in New Zealand it is 12 or 14 years now. Currently, in England it is 14 years. On average, we are at 28.4 years.

There is an alternative as to how we deal with the serial killer, and that is to use the dangerous offender section of the code. It needs to be changed so it is specifically available to our judges, courts, police and prosecutors. If we made that available to them in the serial killer case, it would solve the problem that we are trying to address here, but not doing so very effectively.

● (1150)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Madam Speaker, the hon. member for Windsor—Tecumseh mentioned family murderers and murderers like Olson. There was a particular case in Surrey in the fall of 2007. When Ed Schellenberg was doing his plumbing job, he was innocently caught in a gang-related murder and was murdered. As well, a neighbour, Chris Mohan, was shot when he happened to go out to play hockey.

How would the hon. member like to see that the proper and appropriate punishment has been given to those people who commit murders like this?

Mr. Joe Comartin: Madam Speaker, I know this situation quite well. I have met with family members of two of the victims of that incident.

I was getting into the answer to the question as I was finishing my speech. I will not claim to know all the facts, but in my opinion, and from the facts I have, that is where the dangerous offender provision comes in. I think we have had one conviction, if not two, because there were six perpetrators involved in those murders. In my world, they would clearly meet the test of and be convicted of first degree murder, from what we know up to this point. In addition to that, there would be a hearing on whether they could be declared dangerous offenders.

The provisions of the dangerous offenders are much more effective in keeping people in custody than under our parole system. People convicted of being dangerous offenders are responsible for proving they should get out. By comparison, under the parole system the onus on the convicted murderer is much lighter. Under the dangerous offenders sections, when we have used it, which we cannot use in the murder situation because of legal technicalities, rarely does anybody get out. The last time I looked at it on a 100% basis, I think three people got out although one may not have. Most of them die in prison.

That is the kind of provision at which we need to look. The bottom line is there is nothing we can do to rehabilitate certain members of our society. There is nothing we can do to ensure that when they go back into society they will not reoffend, including violent crime up to murder. We are capable of identifying those individuals and keeping them in custody. The dangerous offenders section is the one to be used.

● (1155)

Mr. Ed Fast (Abbotsford, CPC): Madam Speaker, I would like to challenge my colleague from Windsor—Tecumseh on the statement he has just made. He has suggested that dangerous offender legislation is more appropriate to sentence multiple murderers. In fact, he knows that a sentence for a dangerous offender is actually indeterminate and that applications can be made on an ongoing basis for that offender to be released from prison.

Whereas, if we have consecutive sentencing or consecutive parole eligibility periods, a multiple murderer can not apply for parole for at least 50 years. Therefore, there is a guarantee that for 50 years there will be no applications for early release, and victims are actually asking for that.

I have spoken to Steve Brown the brother-in-law of Mr. Schellenberg who died in the Surrey six slaying. He is very much in support of this kind of legislation. He is in support of mandatory minimum sentences.

I would challenge my colleague from Windsor—Tecumseh to justify why he would suggest using dangerous offender legislation rather than consecutive sentencing for multiple murderers.

Mr. Joe Comartin: Madam Speaker, I thought I had made it clear, but perhaps I did not. I recognize that the dangerous offender provision as we have it now is not able to be used in the murder situation. If a person is convicted of murder in our country and is serving a life sentence, the dangerous offender clause is not allowed to be used in those circumstances.

I am proposing that we look at being able to use it in those circumstances. In addition, to deal with the problem my colleague has just raised of being able to reapply repeatedly, we would be putting very clear restrictions on what that would be, including that the application cannot be made, that the application would come from Correctional Service Canada or from the court.

There are other ways of dealing with the problem, recognizing that we do not want the families of the victims of murder to have to face repeated applications. Families are currently faced with that situation at the 25-year mark for an individual murder case. I am sure there are ways of doing it.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, when there are multiple deaths and a person is convicted in one or two cases but the law does not pursue the other cases, we have situations where the families of the victims are very upset. I wonder if the member has any comment on how the system should deal with that particular scenario.

There are many situations like this where the law is satisfied with one conviction. The person is put away in jail, and the rest of the victims' families are told that he is in jail and cannot get out. Their case is left and not prosecuted. I think it is a question of the resources that have to be put into the cases. The Pickton case is an example of that. There was a conviction on several deaths which is only a fraction of the total number he was accused of.

I am not sure of the direct application here, but I know the member is very experienced in these affairs and I would like to hear his opinion on this particular situation.

Mr. Joe Comartin: Madam Speaker, it is extremely distressing to families of murder victims to be told by the prosecutor that they are not going to proceed with an attempt to convict the person on that particular murder because that person has already been convicted of two, three or more other murders. It obviously does not happen very often. As I said earlier, we have very few multiple murders. They tend to be in the range of two rather than the Pickton type of situation.

The reality is that in most cases where there are multiple murders and the courts have not proceeded with all the cases, it is usually not because of financial resources. That is probably true in the Pickton case, but in most cases it is because the evidence on the other murders, even though the prosecutor is convinced of the person's guilt, leaves serious reservations as to whether there is going to be a conviction. That tends to be the situation. Fortunately for our society it happens rarely.

Let me make one more point about that. I have been doing some work recently on suicide. The psychologist I was working with most closely raised the issue that serial killers are much more common in North America than they are in any other place in the world, which I found interesting. It is not just the United States, although we tend to point the finger at them. North America has more multiple murderers in the form of serial killers than any other continent.

It is one of the issues that I believe we do need to look at more closely, more so in the United States but also in Canada.

● (1200)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, we are continuing debate on Bill C-48, a bill dealing with consecutive periods of parole ineligibility. That sounds fairly clinical. The area we are dealing with is unfortunately circumstances that follow the conviction of individuals for a second or third first degree murder.

Currently, a life sentence is imposed following a conviction of first degree murder. However, there is a fair bit of misconception about that life sentence. To keep it simple, in my view a life sentence is simply that, a sentence for life. The individual will never be out of sentence. There will never be a sentence expiry. There will always be a connection between the state and the individual, whether the person is in a prison, some other location or, in some cases, released under a reporting scenario.

What has muddied the waters on this is the fact that the Criminal Code imposes a parole ineligibility period of 25 years for someone convicted of first degree murder. That means that the person is not eligible to even request parole. Having said that, we have the procedures involving the faint hope clause. Therefore, I must put an asterisk beside that.

However, just in terms of basic sentencing, someone who is convicted of first degree murder has a life sentence. That is essentially forever, so long as the person lives; in other words, the person may not apply and is not eligible for any type of parole before the expiry of the 25 years. That applies whether the person is 20 years old or 50 years old when convicted. The sentence is for life.

The bill deals with the parole ineligibility period of 25 years. In the past there has been some suggestion that the parole ineligibility period should be increased in cases where an individual has committed more than one murder. As I understand it, most people presently working in corrections take the view that once people have been sentenced to life they are on the hook forever. Their considerations are all of the normal sentencing considerations, including deterrents, denunciation, safety to the community and those types of things.

There is no automatic release after 25 years either. For a person who is given a life sentence, 25 years is simply the period for which he or she is ineligible to apply for parole. Therefore, there is no automatic release after 25 years. The phrase “life 25” does not mean that prisoners are released after 25 years. It means they are ineligible to apply for parole within that timeframe. The Parole Board can only consider parole for an individual after the 25 years of imprisonment. Therefore, for many, “life 25” means forever. Offenders will never be released. For some it means 30 years and for others 40 years in prison. That is how it works and it has developed the population inside the prison system. They are referred to as “lifers”. It is actually a fairly stable population group within the prison system. Everyone wishes there were fewer of them. However, they exist and it is a somewhat stable population. Some say the reason it is stable is that prisoners are aware they will remain in prison for a long time and they do not want the prison system upset. They like stability.

● (1205)

These individuals also foresee the possibility, remote for some, zero possibility for others, that they will be released at some point before they die. They appear to like that smooth run up to when that period of potential release is there.

I have had the privilege as a member to visit many prisons across the country. By the time many of those individuals get there, they do not have a lot of incentive to leave. It varies from offender to offender. It is a sad circumstance when someone 70 years old and not considered to be a danger to the public simply does not want to leave and stays incarcerated. Some people would say that is fine, let him or her rot. In terms of the way we run our prisons that is not necessarily in keeping with the standards. However, I am diverging slightly from the bill.

Lest anybody has any doubt, the bill does not deal with individuals already convicted of multiple murders. It only applies to people who are convicted subsequent to its passage. It does not deal with people who have already served 25 years of a life sentence. Those people will continue to be dealt with under the current law, and should they apply for parole, they have the ability to try and convince the Parole Board they should be released on some basis, not that their sentence ends but that they be released on some basis.

The bill does not have anything to do with the procedures related to the faint hope clause. There has also been legislation before the House dealing with that. The faint hope clause does not apply to multiple murders in the first place and the individual has to apply to a judge to be able to get approval to apply to the Parole Board. The individual has to get permission from a judge and from the Parole Board and then he or she has to make an application. This bill does not actually affect the faint hope clause at all.

It is important to note that the bill does not automatically impose a second 25 year period of ineligibility for parole. Right now the parole ineligibility period is 25 years. The bill does not say that if someone commits a second murder, that individual would have an automatic additional 25 year period of ineligibility. The bill does not do that. That is one of the reasons the bill has a chance to pass, and I get the impression that it will pass.

Bill C-48 would impose some discretion. Although my colleague from Windsor—Tecumseh did not find the procedural provision helpful in section 745.21, an explicit instruction is given to the jury in these trials where it is asked to comment. The jury is asked to provide its recommendation if it so wishes as to whether or not the judge should impose a second 25 year ineligibility period. The instruction reads:

> You have found the accused guilty of murder. The law requires that I now pronounce a sentence of imprisonment for life against the accused. Do you wish to make any recommendation with respect to the period without eligibility for parole to be served for this murder consecutively to the period without eligibility for parole imposed for the previous murder? You are not required to make any recommendation, but if you do, your recommendation will be considered by me when I make my determination.

The jury in the second trial is invited to make a recommendation and most people would find that quite reasonable, although as has been stated here, it will be difficult sometimes for a jury to make a recommendation in a circumstance like this when it has not had the benefit of hearing from the accused. In this particular circumstance the accused will have already been convicted, but just. That person may or may not have taken the stand and all of the evidence will have come in from third parties. There will be no psychiatric or other medical evidence pertaining to the individual.

● (1210)

Most juries would find themselves underequipped to make a recommendation but in some cases a jury will make a citizen's judgment, if I can put it that way. We have heard the circumstances of those very sad, tragic killings in Surrey of innocent people who quite innocently came up against a gangland group, and a jury might say that it had heard enough to make a recommendation.

Anyway, the recommendation, if made, is made and then later on the judge must make a decision. The wording there says that a judge may, having regard to the character of the offender, the nature of the offence and the circumstances surrounding its commission and the recommendation, if any, made by the jury, order that the periods without parole eligibility are to be served consecutively.

There is the discretion on the part of a judge and if a judge does not decide to make these periods consecutive, he or she must give reasons. I would have thought that we might have wanted to have reasons either way but I am sure the judge will give reasons either way because in murder convictions there is a high probability of scrutiny of that judgment, potential for appeal, and a judge would not want to be seen making any decision, one way or another, without giving appropriate reasons. I am sure all Canadians agree with that perspective.

There will be a considered and rational decision made by a court about these parole ineligibility periods and it will be based on information brought out at the trial, either in the trial itself or in the sentencing phase.

I am prepared to give the bill guarded support because there is this discretion and not because I believe that the legislation in its execution will make the public any safer. I do not think anybody is seriously suggesting that this is public safety related. I should not say nobody because the bill has a short title where the government says that this bill may be cited as the protecting Canadians by ending sentence discounts for multiple murders act. The government somehow believes that this would make Canadians safer. I actually do not see that.

The second thing is that the judge, in making a decision about a second parole ineligibility period, cannot simply increase it by five, ten or fifteen years. The legislation only allows the judge to double it. I would either be 25 years or 50 years. Many of us think that is kind of dumb. It is actually more likely to make the judge decide not to impose the 50 years. I am speaking from my own experience, but we must keep in mind that this is judicial discretion. While the pretence here is that we are throwing the book at the convicted person, the fact is that there will be a jury, with or without recommendation, and there will be a judge who will be making a discretionary decision. We tried to vary this at the committee but without success, which is too bad.

What is the real effect of this on the street? Fortunately, there are not many of these multiple murders in our society. Regrettably, of course, there are some but there are not many and, because they are so notorious, we know about them all and we remember them. It becomes a litany over a quarter century of all of these terrible killings. They are truly sad but we remember them more than most of the others.

● (1215)

It seems to me that what will happen over time is that after 25 years the same logic and rationale that is currently used by the Parole Board in determining whether a person can be released on parole, whether it is murder or any other conviction, but let us just focus on second degree and first degree murder, the Parole Board will exercise its judgment as to whether the person, having regard to all of the circumstances, the denunciation, the deterrence, the public safety, can be safely released from prison.? That is what the Parole Board does all the time and it makes a whole lot of good decisions.

Is there a mistake once in a while? There could be. Do judges make mistakes? Maybe they do once in a while.

I remember that when I was first elected to this place in the late 1980s there were two separate cases of parole releases where very bad things happened. There were also prison escapes where some very bad things happened. However, the corrections system has improved and I think it is managing things much better.

I think that the same logic that is used by the Parole Board will actually be transmitted over to judges. The judges will begin to think the same way. When it comes time to either impose or not impose the second 25-year period of ineligibility, they will be thinking: Can this person be dealt with via the single parole ineligibility period? In other words, will we see him or her released in some fashion on parole, not end of sentence, after 25, 30 or 35 years? The only other alternative, if they impose the second 25-year period, would be release after 50 years and for many people that will be never. Judges will need to take on the challenge of thinking this way. I have every confidence that they will do it properly within the law and in the public interest and will serve each of the communities they in which they serve.

However, will it make a difference in deterrence? Beyond any shadow of a doubt, and I am not trying to make light of this, I cannot imagine that any prospective killers will pull out their copy of the Criminal Code before they commit the murder to try to determine whether they might or might not have a second period of parole ineligibility. This just will not happen and it is illogical to think that it would happen. Will there be any direct deterrence by this? I suspect not.

I also accept that many people in society like the mathematical simplicity of being able to see what a period of hard time in prison is in relation to the criminal act they have committed. If they rob a bank they will get five years, if they rob two banks they will get ten years and if they rob three banks they will get fifteen years. I can subscribe to the mathematical simplicity of that and a sense of justice, or whatever it is, not retribution. However, in this case we must keep in mind that we are not dealing with the sentence. The sentence is life. It always has been and still is. We are only dealing with a parole ineligibility issue.

While much of this, and some of the other legislation with which we have had to deal, is a sham, is posturing and is pretence, this one has a very small tweak to it. I do not think there is any sense of discount. We just need ask Mr. Olson or Mr. Bernardo if there is a discount there for them. There is no discount. This is a lifetime enterprise for them. They are in jail and I do not think the Parole Board is going to see it any other way.

I regret that we need to deal with 10 or 20 separate Criminal Code bills. The government seems intent on trotting out every little vignette, scenario and bill number with a very sexy title. I think it is a bit of a distortion of how we can work around here.

● (1220)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I thank my colleague, who is on the justice committee, for his intervention on this bill and his cautious support of the legislation that would allow consecutive sentencing for multiple murderers.

He referred to the whole notion that the bill would not lead to deterrence. People do not open up the Criminal Code and say that they were going to commit multiple murders but decided not to because the penalties are more severe than they expected. However, I do know that the purpose of this bill is not primarily deterrence. It is incapacitation and protection of the public and, perhaps even more important, eliminating the re-victimization of the families of victims who are victims themselves.

Once the parole eligibility period starts, inmates can apply time and time again to be released from jail and each time the families of the victims are essentially re-victimized by being forced, by their concern for this person being released, to go to parole hearings. It is that re-victimization that is really the focus of the legislation.

Does my colleague on the justice committee agree with me that the purpose of this bill is to ensure that the families of murder victims are not victimized again and again by repeated parole applications?

Mr. Derek Lee: Mr. Speaker, I do not subscribe to that logic. I understand what the member has said, but if the government truly believed that a parole application constituted a re-victimization of a family member of a victim, it would get rid of all parole applications, every one of them.

This bill only deals with multiple murders. How many do we have? I can probably count them on my two hands. There may be a sense of avoidance of re-victimization for a few families in Canada but what about the other thousands who are, according to the hon. member, re-victimized every time a parole application happens? The problem with that logic is that we cannot accept a parole application as always being a re-victimization. It may be involved at times but not in every case.

Therefore, I do not accept that this bill is the great solution to all re-victimization. It only is for a very few families, as sad as all of that is and as much as I sympathize with the whole issue that the member raised.

● (1225)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, out of the 13,500 people in our federal prisons, we have approximately 4,000 people serving a life sentence. Of the multiple murderers, not people who have committed two murders, even though it is more than one, they are different from what the member for Abbotsford is going after. He is going after serial killers. My friend from Scarborough—Rouge River is right. There are very few of those in Canada currently.

I want to make another point with regard to sentencing offenders to prison for longer periods of time and keeping them there longer that spills over into this bill. Newt Gingrich and Pat Nolan from Texas just said this month that this was tried in the United States and it has been a total failure. The U.S. cannot afford it, number one, but it does not work anyway. The rate of recidivism is going down. In the states that did not go down that route, the crime rate has actually dropped more than in the states that did take that route.

Would my colleague from Scarborough—Rouge River comment on that and on whether he sees any reason for Canada to follow the U.S. model, which is what the Conservative government seems to be absolutely determined to do?

Mr. Derek Lee: Mr. Speaker, I tend to agree with the member for Windsor—Tecumseh.

Although the bill purports to seek some kind of mathematical symmetry in sentencing, this approach totally undermines the approach to sentencing which Canada and all other enlightened countries have had, which is that once the guy is in jail, he is there. He is not on the street. He is not leaving jail until it is safe to let him go. That is why we have dangerous offender legislation and long-term offender legislation built into the Criminal Code, all of which has been added within the last 25 years.

It undermines the sense of justice. Warehousing and sentencing and just getting the guys off the streets undermine the whole balance and rest of the sentencing regime, which is calculated to release an offender when it is safe and appropriate to do so. We have systems in place to do that.

If it is just going to be warehousing and sentencing with mathematical symmetry, there would be no need for a parole board or to teach the inmates anything. They could be kept in jail and when their sentence was up they would be put out on main street where they could get on the same bus as our daughters. This we do not do in Canada.

We have to be careful with this mathematical symmetry and just putting people in jail and the heck with how long or how appropriate the sentence is.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is my pleasure to speak on behalf of the Bloc Québécois to Bill C-48, which deals with the possibility of making periods without eligibility for parole consecutive in the case of multiple murders.

On October 28, 2009, the Minister of Justice introduced Bill C-54, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act, which was intended to protect Canadians by ending sentence discounts for multiple murders. It had been introduced at first reading and died on the order paper at the end of 2009 because the Conservative Party and the Prime Minister decided to prorogue the House, thus putting an end to all bills.

Bill C-54 is therefore the ancestor of Bill C-48. The Conservative Party did not think Bill C-48 was very important, since it waited until October 5, 2010 to introduce it. Even if it had the intention, it was not a major priority of the Conservative Party since prorogation put an end to Bill C-54. In spite of the fact that the House resumed in February-March 2010, the government waited until October 5, 2010 to introduce Bill C-48.

The new provisions would authorize judges to impose consecutive periods without eligibility for parole on individuals convicted of more than one first degree or second degree murder. Under the existing rules, individuals who are sentenced for multiple murders receive simultaneous periods without parole eligibility. I say this to make it clear that judges could now extend the period without eligibility by making the periods consecutive. It would then be longer before the criminal could be eligible for parole than under the present legislation.

Judges would not be required to impose consecutive periods, but they would have to make their decision having regard to the character of the offender, the nature of the offences and the circumstances surrounding their commission, and the recommendation, if any, made by the jury. They would also have to give reasons either orally or in writing for not imposing consecutive periods. Judges are allowed that latitude. That is why the Bloc Québécois supports Bill C-48 in principle, because it is judges who will decide.

Bill C-48 deals with the most serious crime, the one that has the most severe consequences for victims and affects the public most strongly: murder. Its aim is to allow sentencing judges to make periods without eligibility for parole consecutive in multiple murder cases.

First, the most serious crimes deserve the most serious penalties and are therefore subject to imprisonment for life. The Bloc Québécois is firmly opposed to sentences that are too light or parole that is too easy, such as parole after one-sixth of sentence, for example. Twice, our party has introduced bills in the House to have criminals serve their full sentence and not be able to get parole after one-sixth of sentence.

In the news, we saw white collar criminal Vincent Lacroix become eligible for parole last week. He is now in society, in a halfway house in Montreal.

● (1230)

We consider that to be completely and utterly appalling. Criminals like Vincent Lacroix have stigmatized their victims for the rest of their lives. These victims lost all their money, although there was a settlement before the courts thanks to the banks and companies that processed the funds. It was essentially an out-of-court settlement with no evidence presented.

No evidence-based trial was ever contemplated because these companies quite simply did not want to be saddled going forward with a bad corporate image. The companies instead decided to settle for the full amount of the victims' losses. The fact remains, however, that for five years these victims were traumatized. Moreover, Vincent Lacroix, the ringleader, a criminal, is on parole after serving one-sixth of his sentence, because the parole officers quite simply did not consider him to be a criminal who presented a danger to society.

Vincent Lacroix obviously did not murder anyone, but he did commit a very serious crime: he defrauded his fellow man and traumatized the majority of his clients. In the eyes of the Bloc Québécois, this is a crime for which the perpetrator should be forced to serve out his entire sentence with no possibility of parole. In fact, the whole concept of parole and being eligible for release after serving one-sixth of one's sentence undermines the credibility of the entire judicial system and only gives credence to the misguided notion that criminals are treated better than their victims.

There is the rub, particularly in the case of Vincent Lacroix. Once again, a criminal has been handed a sentence and yet does not serve out this complete sentence behind bars. He is rehabilitated and deemed reputable because he has been paroled. He can re-enter society on certain conditions, but the fact is, he is now there, in society. I repeat, these criminals should serve out their full sentence.

Bill C-48 deals only with criminals who have committed the most serious crime, murder. It seems unusual that a second murder would not result in an additional sentence. Logic dictates, however, that it is not possible to serve out two life sentences. Under Bill C–48, the judge would at least have the option of imposing consecutive periods of parole ineligibility.

Under the current legislation, even if someone has been handed one, two or three life sentences, that person is eligible for parole, regardless of whether the parole is associated with the first sentence. It is not possible to impose consecutive parole ineligibility periods by virtue of the fact that a person has been handed several life sentences for his many crimes. The judge is not permitted to make an order that such a person will be ineligible for a specific number of years. Under Bill C-48, it would be possible to increase the period of ineligibility so that the most violent criminals are forced to serve out their complete sentence.

In addition, the Bloc Québécois thinks that punishment cannot be the sole objective of the legal system, to the neglect of rehabilitation and reintegration. Parole, even for murderers, is an important step in the rehabilitation and reintegration process because these people end up returning to society some day. It is very important, therefore, for them to have the best possible treatment to ensure that their reintegration is safe for the rest of society.

There is no question, therefore, of asking for the pure and simple abolition of parole. It is what enables criminals to be treated and reintegrated into society. Life sentences inevitably mean that offenders can be reintegrated into society after 25 years.

● (1235)

The Bloc Québécois is going to support the bill, but not in order to increase the range of penalties at a judge's disposal to punish a crime. Despite what the minister says, we know very well that these measures have no dissuasive effect, especially in cases of recidivism, which are very rare. This is an exceptional measure, therefore, for exceptional cases where the jury provides its opinion and judges keep their discretionary powers. That is why the Bloc Québécois will support this measure: in the end, it is the jury that makes the recommendation and judges keep their discretionary powers.

We want to point out, though, that recidivism is rare and it is very expensive to keep people in prison after they have served long sentences—nearly 30 years on average—even though the recidivism rate is very low. In addition, not all victims feel comforted by extended prison terms. Maybe we could do more for them, rather than looking upon prison as the only solution to crime. We should also be able to look at what the victims go through so that judges can have an array of choices in passing sentence, depending on the consequences of the crime.

According to the legislative summary, the most serious crimes in the Criminal Code can be punished by life sentences. For some crimes, such as treason and murder, life in prison is the only sentence provided and is therefore the minimum sentence.

Homicide is divided into several categories: murder, manslaughter and infanticide. Murder is the most serious kind of homicide. It is an act committed with the intention of killing or mortally wounding someone or an illegal act that the offender knows is likely to cause death. There are two kinds of murder: first degree and second degree.

First degree murder is premeditated and deliberate, a planned murder. Other kinds of murder are automatically equated with first degree murder under the Criminal Code. This applies in particular to the murder of a police officer or a prison guard and murder that occurs in the course of an airplane hijacking, sexual assault, or a hostage taking.

Manslaughter has occurred when there is no intention to kill but there is negligence. For example, it could include firing a gun through a hedge with no concern for whether there is someone on the other side.

When it comes to sentencing, the Criminal Code is clear. Anyone committing murder in the first or second degree is guilty of a crime and must be sentenced to life in prison. Only the parole ineligibility period may vary depending on whether a first or a second degree murder was committed. In the case of first degree murder, parole is not permitted for a minimum of 25 years, as I previously stated. In the case of second degree murder, the judge determines the parole ineligibility period within a 10- to 25-year range.

The maximum sentence for manslaughter is life behind bars, and there is no minimum term of imprisonment, except when a firearm is used. Nor is there any minimum parole ineligibility period. The regular rules therefore apply.

Under the current system, multiple murderers serve out their life sentences simultaneously and are therefore subject to a single 25-year parole ineligibility period. The only exception currently is when a murder is committed in prison by a person who has already being convicted on murder charges. What is important to understand is that if a person were to commit two murders, the judge would be able to extend the ineligibility period beyond the 25-year mark. Such an individual could end up spending the remainder of his days behind bars.

It is important to remember that even inmates who have been given early release are subject to lifelong supervision and may be put back behind bars for any transgression. It is also worth noting that, to date, among the many people who have been granted early release, only one has reoffended, the crime in this case being armed robbery. It should be noted, however, that under the Criminal Code persons sentenced to life in prison with no possibility of parole for over 15 years may ask the court, once they have served a minimum of 15 years of their sentence, to reduce the parole ineligibility period. The government is attempting to scrap this measure by way of separate bill, Bill S-6.

Once in effect, this legislation would enable judges to hand down consecutive periods of parole ineligibility to persons convicted of several first or second degree murders. In other words, if a person were to commit two murders, the judge would be able to order two periods of ineligibility, one 25-year period for the initial sentence and a further 10 years for the second sentence, or two 25-year periods, for example.

● (1240)

Judges would not be required to impose consecutive periods but would make their decision on the basis of the character of the person being tried. All this amounts to saying that judges retain their freedom, that is to say, it is up to them to decide whether to impose successive periods of ineligibility for parole. They do this on the basis of the character of the person being tried, the nature of the crimes committed and the circumstances surrounding them, and any jury recommendation. Judges would also be required to state orally or in writing why they did not impose consecutive periods of ineligibility.

The Minister of Justice said he wanted to ensure that serial killers and recidivists pay the price for their actions. He said the purpose of the bill was to put an end to what he calls "sentence discounts" for multiple murderers. The government should stop using this kind of language, which serves only to discredit our legal system, which he should be defending. We do not think it makes sense to talk of sentence discounts, although it is strange that the sentences for these crimes are regularly served simultaneously.

We also want to take advantage of this opportunity to raise a few more points. In regard to recidivism, between January 1975 and March 2006, 19,210 offenders who had served a sentence for homicide—9,091 for murder and 10,119 for manslaughter—returned to the community, either on parole or on statutory release. Of these 19,210 offenders, 45 were later convicted of another 96 homicides in Canada. The reoffenders therefore amounted to 0.2% of the 19,210 people convicted of homicide who were released into the community over the last 31 years. During this period, police forces in Canada were apprised of more than 18,000 homicides. The criminals who reoffended while on parole by committing another homicide therefore accounted for 0.5% of all the homicides committed in Canada over the last 31 years. The figures show, therefore, that there is no basis for all the exaggerated arguments focused on safety.

Since the last death sentence was carried out in Canada in 1962, the period served by offenders convicted of murder prior to full parole has increased dramatically. Offenders serving life terms for murders committed before January 4, 1968 were paroled after seven years. Offenders serving life terms for murders committed between January 4, 1968 and January 1, 1974 were paroled after 10 years. Thereafter, the period varied between 10 and 25 years, depending on the kind of murder committed.

In addition, the average term of incarceration for offenders sentenced to life for first degree murder shows that the average served in Canada is longer than in all the countries examined, including the United States, except for American offenders serving a life sentence without possibility of parole. In addition to the countries referred to in the legislative summary, we must include Sweden, at 12 years, and England, at 14 years, while the average time spent in custody in Canada is 28 years and four months.

In terms of hope, as we said during debate on Bill S-6, we should encourage inmates serving a life sentence to behave well and seek out rehabilitation programs. That is how we will contribute to improving the safety of guards and other employees in the correctional service. It is therefore important that a parole system remain, so it is in criminals' interests to improve themselves in prison, because without that system it would be difficult for the entire prison system and especially for the employees who work in it.

The government is not standing up for victims. It is using them to push its penitentiaries policy. Some people may in fact support an application for early parole by an inmate who has already served a very long period of incarceration. For example, when the victim and inmate are related or know each other, as was the case in 84 percent of solved homicides in 2007, or when the murderer is very young, the victim's family may approve of parole after a long period of incarceration.

Bill S-6, not the bill that is before us, but another bill introduced in the Senate, would eliminate all possibility of early parole for all inmates, regardless of the circumstances and the views of the victim's family.

● (1245)

In the case of Richard Kowbel, which was heard in the British Columbia Supreme Court, the young man had attacked his family, killing his mother and seriously injuring his father and sister. Both his father and his sister testified in support of his 15-year review application. We think judges should give reasons for their decisions in all cases, whether to make periods without eligibility consecutive or not. It will be understood—

The Deputy Speaker: I must interrupt the hon. member.

The hon. member for Thunder Bay—Rainy River.

[*English*]

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, I support this bill at this stage because it does a couple of things. It maintains the ability of judges to have discretion. I talked about it yesterday in the House. It is very important. Also, it does give the judiciary an extra tool for sentencing.

I wonder if the member feels the same as I do, that a bit of the problem with the bill is what it does not do. It does not help law enforcement reduce crime in any way, nor does it do anything to assist the families of murder victims.

I wonder if my colleague and friend would like to comment on that.

● (1250)

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, my colleague is absolutely correct. The Conservative government is hard to understand. Its platform, from a legislative point of view, is primarily about tougher sentences. The member supported the bill, and we in the Bloc Québécois do as well because it maintains judicial discretion. That is what is important.

The justice system passed down from our ancestors is based on the fact that each case is unique. Judges are the most competent people for this. They are often legal experts who have worked in the criminal field and other areas. The system is based on evidence as well as on the fact that every individual and every crime is different. The sentence must be appropriate to the crime committed. It is fine to pass this bill because it maintains judicial discretion. There is nothing set out in this bill about rehabilitation measures, nothing at all.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the member knows that this law will apply to very few people, but at the end of the day we are going to see sentences similar to those given in the United States. A person could have a sentence of 200 years or 300 years.

I would like to ask the member for his opinion on that. We know that when a person gets a life sentence, the person is in for life; the average in Canada is around 28 years at this point.

Does this not throw the whole justice system into some area of disrepute when there are sentences of 200 years or 300 years?

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, it is all in how you look at it. However, the bill before us addresses the parole ineligibility period. Under the current law, a criminal who commits two or three crimes has only one ineligibility period of 25 years. Since very few criminals reoffend, although there are some exceptions, we sincerely believe that the judge should have the ability to impose consecutive parole ineligibility periods and add 25, 10, 5 or 8 years. Would it go beyond the 28 years that my colleague mentioned? Time will tell. But I think that judges, with a recommendation from the jury in such trials, should be taken into consideration. We feel it is a fair way to address the issue.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, in his remarks the hon. member seemed to be saying, and he may have misread or misspoke or maybe it was an error in translation, that on sentencing for a first degree murder, a judge had some discretion in relation to the parole ineligibility period. The law is very clear that there is no discretion. Conviction for first degree murder brings a life sentence and a parole ineligibility period of 25 years, period. There is no discretion. This bill offers judicial discretion when there is a second first degree murder conviction to double the parole ineligibility period, a second 25 year consecutive parole ineligibility period.

Would my colleague agree that is the case? It is too late, but would it not have been better if the additional parole ineligibility period beyond the first 25 years could have been another number, like 5, 10, 15 or 20 years, rather than a complete doubling of the parole ineligibility period?

● (1255)

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, perhaps I misspoke, but my colleague's correction was right. First degree murder brings 25 years of ineligibility. His interpretation is another way of seeing things.

The trials of repeat offenders are very high-profile, and the judge and the jury are under a lot of pressure. The jury's recommendation to the judge could be the right way to address the issue. The decision to impose two consecutive 25-year periods of ineligibility is at the judge's discretion, upon recommendation from the jury. To us, the process laid out in the bill seems to be fair.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, we do not oppose the bill. We will support it, but it is important to raise certain points about the direction that the Conservatives seem to be taking. According to the Conservatives, we should build more prisons and incarcerate more people. I see a problem with this because instead of investing in an alternative, namely, prevention, it seems that the government is denying that there is a need for prevention services.

[*English*]

Newt Gingrich and Pat Nolan indicated:

> Some people attribute the nation's recent drop in crime to more people being locked up. But the facts show otherwise. While crime fell in nearly every state over the past seven years, some of those with the largest reductions have also lowered their prison population. Over the past seven years, Florida's incarceration rate has increased 16 percent, while New York's decreased 16 percent. Yet the crime rate in New York has fallen twice as much as Florida's. New York spent less on prisons but delivered better public safety.

[*Translation*]

I would like the hon. member to comment on the need to invest in prevention services in order to help people with mental health issues or drug and alcohol addictions. How can we promote real rehabilitation?

Mr. Mario Laframboise: Mr. Speaker, the hon. member makes a good point. I do not by any means oppose a bill that attacks the most serious of crimes—murder—and that opposes parole for repeat offenders.

As for the rest, although the Conservatives talk a great deal about minimum sentences, the Bloc Québécois has always opposed them. The Conservatives believe that, by making statements after a crime becomes high profile, they will make political or electoral gains. However, in Quebec, the solution is rehabilitation, and we have provided evidence of this in the House on a number of occasions.

When you create minimum sentences of eight months, nine months, one year, or two years less a day, the offenders upon whom these sentences are imposed end up in Quebec's or other provinces' prisons. It is not the federal government that pays the bill. It is the provinces that have to deal with it. Because of legislative changes, Quebec is in the process of considering the possibility of doubling the number of prisoners per cell.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Bill C-48, one of the many crime bills the government has introduced over the last five years. The government has introduced these bills on several occasions, only to prorogue Parliament or to call an election earlier than necessary. This brings into question the Conservatives' lack of sincerity about the bills, whether they seriously believe in passing and implementing the bills or whether it is all about planks in their election platform.

For example, when the government prorogued Parliament a year ago, the bill had a different number. One would have thought the government would come back into the House last March and reintroduce this bill along with all of the other ones it had killed when it prorogued Parliament, yet it took the government 216 days to get around to reintroducing this bill. That should be an indicator to people watching today that the government's commitment is a bit lacking in this area.

In the last few days there has been a shifting of political ground in the United States. On January 7 Newt Gingrich, the former Speaker of the House of Representatives and a great power in the Republican Party in the United States for a number of years, teamed up with other top-level Republicans from even the Reagan days, such as Ed Meese and other people like him. They essentially came around to 100% of the NDP position and in many cases the Bloc position, and sometimes the Liberal position, on crime.

If Conservative members of Parliament actually read what Newt Gingrich had to say, they would be quite impressed because when Newt Gingrich talks about crime now, he talks about getting it right on crime, doing what works. That is what we as parliamentarians should be looking at. If members of the Conservative Party were to take a time-out to study what Newt Gingrich had to say on January 7, to look at the situation in North Carolina and in Texas over the last five years, they would recognize there is a brand of conservatism in the United States which is saying, "What we are doing here is not working. We are wasting a lot of tax dollars. There is a way to be smart on crime. Let us do that".

These are the issues the NDP, the Bloc, and the Liberals have been addressing in this House consistently over the last few years.

If I have some time at the end of my speech, I will deal with more of the issues of what Newt Gingrich had to say. If anybody would like a copy of this article, I would be very pleased to provide it. I am particularly interested in members from the Conservative Party who might be interested in reading this article because they are obviously going to hear more about this in the future. It is dated January 7. It is a very recent publication by Newt Gingrich.

This bill is one that is getting pretty much unanimous support in the House. All of the parties will be supporting it, even though we all have observations, reservations and suspicions about why the government wants to push it through at this time.

Bill C-48, as I indicated, has had previous incarnations and numbers. It is an act to amend the Criminal Code and to make consequential amendments to the National Defence Act. The short title, which has been a subject of debate here and at committee, is "Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act". The debate rages in the House about the appropriateness of that title and having that type of short title for these bills. I believe that over time the government will see the folly of this strategy and will come back to the old way of doing things, which is to simply call it what it is.

● (1300)

I note that it is not just the Conservative government here that is doing things like that. The NDP government in Manitoba has resorted to putting short titles on specific bills, I guess to make them more palatable for the press to report on.

Nevertheless, this bill was given first reading in the House on October 5, 2010. As I indicated, clearly 216 days went by before this tough on crime government actually started to get tough on crime. It let that time go by. The Conservatives could have called an election last September and this bill would not have been reintroduced. That shows their commitment.

The bill amends the Criminal Code with respect to the parole admissibility period for offenders convicted of multiple murders. This is done by affording judges the opportunity to make the parole ineligibility periods for multiple murders consecutive rather than concurrent. The bill also makes consequential amendments to the National Defence Act.

One of the reasons this bill is getting support from the Bloc and other sources in the House is that it does leave the judge with discretion. That is reasonably important. However, it was mentioned by speakers earlier today that an amendment was introduced but it was defeated. Now a judge will have a choice between 25 years or 50 years, where in fact, the judge's discretion perhaps should be somewhere in between. If the judge is only given an option of 25 years or 50 years, that may not be workable in the long run. As I mentioned, there are very few cases to which this would apply. I have statistics, which I will get to later, that indicate the actual number of cases that would be involved.

Consecutive parole ineligibility periods for multiple murderers will not be mandatory under the provisions of Bill C-48. Judges will be left with the discretion to consider the character of the offender, the nature and circumstances of the offence and any jury recommendations before deciding on whether consecutive parole ineligibility periods are appropriate. The bill will also require that judges state orally or in writing the basis for any decision not to impose consecutive parole ineligibility periods on multiple murderers.

I want to get into some of the provisions of the current law, how it came about and demonstrate that this is not a simple process. We get a false impression, thanks to the simplicity of media reports and the concentration on only those exceptions, the few cases that are extreme rather than the norm. The public gets the impression it is a revolving-door system. I hear that when I go door to door. We had coffee parties in my riding in the last few weeks and people told me that was their impression from listening to the media. The reality in dealing with the system is that it is quite different. That is why I want to get into the mechanics and requirements for moving through the system.

In 1976 Parliament repealed the death penalty and imposed a mandatory life sentence for the offence of murder. Offenders who were convicted of first degree murder serve a minimum life sentence with no eligibility for parole before they have served 25 years.

I have indicated the average amount of time spent in prison by murderers in Canada is 28 years, which makes the average in Canada pretty much the highest in the world. There are statistics to show that in other countries that we are very familiar with and actually admire the average is much less, and they are not considered unsafe countries by any means.

● (1305)

For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed, with the judge setting the parole eligibility to a point between 10 and 25 years. Those serving a life sentence can only be released from prison if granted parole by the National Parole Board.

Unlike most inmates who are serving a sentence of a fixed length, for example, 2, 10 or 20 years, lifers are not entitled to statutory release. If granted parole they will, for the rest of their lives, remain subject to the conditions of parole and the supervision of a Correctional Service Canada parole officer.

Once again, people like Clifford Olson will never get out of prison, nor will Robert Pickton or any other person in this situation. For us to pretend otherwise is doing a disservice to the public.

Parole may be revoked and offenders returned to prison any time they violate the conditions of parole or commit any new offence. Not all lifers will be granted parole. Some may never be released on parole because they continue to represent too great a risk to reoffend.

The one exception to the 25 year parole ineligibility period for first degree murder or to the 15 to 25 year parole ineligibility period for second degree murder is the so-called faint hope clause. We discussed that yesterday.

During the years following its initial introduction in 1976, the faint hope provision underwent a number of amendments. I will mention the criteria for the possible release on parole of someone serving a life sentence.

The inmate must have served at least 15 years of the sentence. The inmate who has been convicted of more than one murder, or at least one of the murders was committed after January 9, 1997 when certain amendments came into force, will not apply for a review of his or her parole ineligibility period. These were amendments brought in under the Chrétien government. They basically disallowed multiple murderers from involving themselves with the faint hope clause. That is not the impression the government likes to leave with the public, but multiple murderers cannot apply anyway.

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

This is not a simple process. It is not a revolving door at all. It is very involved, which is why, at the end of the day, while there are 13,000 people in prison, we are looking at very small numbers of people to whom this act would apply.

The criteria that the assessment is based on are: the character of the applicant; the applicant's conduct while serving the sentence, for example, he or she is not involved in prison riots and other altercations within the system; the nature of the offence for which the applicant was convicted; any information provided by the victims; the victims' input is taken at the time of the imposition of the sentence or the time of the hearing under this section; and any other matters the judge considers relevant to the circumstances.

If the application is dismissed for lack of reasonable prospect of success, the chief justice may set a time for another application, and once again, not earlier than two years after the dismissal, or he or she may declare that the inmate will not be entitled to make another application at all, and that would be the end of it. If the chief justice or judge determines that the application has a reasonable prospect of success, a judge will be assigned to hear the matter with a jury. In determining whether the period of parole ineligibility should be reduced, the jury should consider the five criteria that I outlined above. The jury's determination to reduce the parole ineligibility period must be unanimous. It cannot be split. It has to be a unanimous decision .

The victims of the offender's crime may provide information, either orally or in writing or in any other manner the judge considers appropriate. If the application is dismissed, the jury may, by a two-thirds majority, either set a time not earlier than two years after the determination when the inmate may make another application, or it may decide that the inmate will not be entitled to make any further applications.

● (1310)

If a jury determines that the number of years of imprisonment without eligibility for parole ought to be reduced, a two-thirds majority of the jury may substitute a lesser number of years of imprisonment without eligibility for parole than the number then applicable. The number of years without eligibility for parole that it may assign could range from 15 to 24 years.

Once permission to apply for early parole has been granted, the inmate must apply to the National Parole Board to obtain parole. Whether the inmate is released and when is the sole decision of the National Parole Board. It is based on a risk assessment, with the protection of the public as its foremost consideration. Board members must also be satisfied that the offender would follow specific conditions, which may include a restriction of movement, participation in treatment programs, which, once again, even Newt Gingrich is now sold on as a way to deal with issues like this in the United States, and prohibitions on associating with certain people such as victims, children, convicted criminals, whatever the particulars are of that case.

The faint hope clause review is not a forum for a retrial of the original offence, nor is it a parole hearing. A favourable decision by the judge and the jury simply advances the date at which the offender may apply for parole.

The Criminal Code implicitly provides that all sentences should be served concurrently unless the sentencing judge directs that a sentence is to be served consecutively or legislation requires that it is to be served consecutively. For example, section 85(4) of the Criminal Code requires that a sentence for using a firearm in the commission of an offence shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events.

Section 83.26 mandates, once again, consecutive sentences, exactly what the government is talking about. We have consecutive sentences for the sentence for use of a firearm in the commission of a crime, plus consecutive sentences for terrorist activity. It is not as if we do not have those applications elsewhere other than the case of a life sentence. Section 467.1(4) requires consecutive sentences for organized crime. Those are the three exceptions.

One example of when a consecutive sentence may be imposed by a sentencing judge is when the offender is already under sentence of imprisonment. In cases where more than one murder has been committed, and I had indicated the numbers are rather small, the offender serves his or her sentences concurrently. A sentence of a term of years imposed consecutive to a sentence of life imprisonment is not valid in law. Life imprisonment means imprisonment for life, notwithstanding any release on parole.

We get into this whole issue that if someone is already sentenced for life, how many lives can that person serve? If a person is in prison for life and lives to be 100 years old, what is the point of having two or three life sentences, because that person is not going to have more than one life at the end of the day. That is the point.

The consequence of this is that a consecutive life sentence could not take effect until the offender has actually died. The courts have held that Parliament cannot have contemplated this physical impossibility, which would tend to bring the law into disrepute, nor is the faint hope clause available so long as at least one of the murders was committed after January 9, 1997.

I want to deal with an issue that has been mentioned by a number of other people, which is that in 1999 an international comparison of the average time served in custody by an offender with a life sentence for first degree murder showed Canada exceeds the average time served in all countries surveyed, including the United States, with the exception of U.S. offenders serving life sentences without parole. The estimated average time that a Canadian convicted for first degree murder spent in prison was 28.4 years.

● (1315)

I just wanted to advise as to what some of the other countries do, countries that we look up to, that we—

The Deputy Speaker: Order. Questions and comments. The hon. member for Newton—North Delta.

● (1320)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, one of the things on which I will agree with the hon. member for Elmwood—Transcona is that the Conservative government is always playing politics when it comes to crime bills because it wants to play with victims' lives. It drags the bills even when there is unanimous support from the opposition parties.

I am concerned with respect to this bill because of a particular case in Surrey where there were multiple murders. Innocent victims, Ed Schellenberg and Chris Mohan, were killed. The hon. member for Mississauga East—Cooksville brought in a private member's bill, and I was proud to second it. The reason being is when I was visiting the people in Newton—North Delta they made it quite clear that they wanted to abolish concurrent sentencing and replace it with consecutive sentencing so that the families of people like Ed Schellenberg and Chris Mohan would feel that justice had been served.

Does the hon. member for Elmwood—Transcona agree that in cases such as this the bill is justified?

Mr. Jim Maloway: Mr. Speaker, of course that is one of the arguments for supporting the bill.

As I have indicated, when a person receives a life sentence that is in fact what a life sentence is. There is satisfaction on the part of the victims knowing that the criminal receives multiple sentences and serves them concurrently. However, there is a conflict in how the law currently operates because, in fact, criminals will not be released any sooner and there are some contradictions regarding how the law is presently structured.

I do want to point out the time offenders spend in custody in other countries. For example, in New Zealand it is roughly 11 years, in Scotland 11.2 years, in Sweden 12 years, in Belgium 12.7 years, in England 14.4 years, in Australia 14.8 years, and in the United States, life with parole, 18.5 years. Presently in Canada we have people serving 28.4 years on average. Therefore, we are doing the job.

Having said that, the member is absolutely right. Optics are everything. People want the satisfaction of knowing in their own minds that the second sentence the repeat offender receives will be served on top of whatever the offender received for the first murder. However, the member knows the reality is that an offender is not going to live 200 years or 300 years. So that issue has to be resolved in our own minds.

Having said that, we know that the bill is going to pass.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I greatly appreciate the comments that my colleague has put forth on this issue. He is absolutely right that the bill will do nothing to help law enforcement reduce crime. That is what we have seen the government continuously fail to put forward. I am going to ask him at some point, after I have given a little more information here, if he has ever seen a private member's bill or a government bill go forward from the government side with respect to crime prevention and rehabilitation.

I have a couple of comments with respect to the article by Newt Gingrich and Pat Nolan. It is quite clear that the United States has recognized that providing rehabilitative services is what lowers crime rates, not keeping criminals in jails. Let us look at Texas, for example, which is known to be tough on crime.

The article states:

> Conservative Republicans joined with Democrats in adopting incentive-based funding to strengthen the state's probation system in 2005.

I come from probation and parole services and we have been saying for a long time that we need to make more investments in probation and parole services.

The article continues:

> Then in 2007, they decided against building more prisons and instead opted to enhance proven community corrections approaches such as drug courts. The reforms are forecast to save $2 billion in prison costs over five years.
>
> The Lone Star State has already redirected much of the money saved into community treatment for the mentally ill—

In large part, that is what we must ensure the government thinks about when it is putting forward private member's bills or government bills with respect to crime prevention.

The article continues:

> —and low-level drug addicts. Not only have these reforms reduced Texas' prison population—helping to close the budget gap—but for the first time there is no waiting list for drug treatment in the state. And crime has dropped 10 percent from 2004, the year before the reforms, through 2009, according to the latest figures available, reaching its lowest annual rate since 1973.

Across Canada we hear over and over again how people are waiting for mental health and drug rehabilitation services. Perhaps my colleague could comment on that.

● (1325)

Mr. Jim Maloway: Mr. Speaker, I, too, was taken aback and floored when I returned to Ottawa yesterday and I read Newt Gingrich's article of Friday, January 7. I would recommend it to anybody in the House or in the country to read. His article reflects what has actually been going on.

In Texas, Republican and Democrat politicians, both right wing and left wing, got together as far back as five years ago and decided to be smart on crime, to do what worked. They could not sustain the increasing costs to the system because the crime rates were not going in the right direction. There were two things that did not work right. In the case of, I believe, North Carolina the same issue has been going on, with the Republicans and Democrats getting together and saying that it is not working.

That is why we have called on the government to set up a multi-party committee of the House and do a complete revamp of our Criminal Code, which is 100 years old. It should not be reformed on a piecemeal basis. It should be done in a concerted way.

Maybe the government should proceed with an all party committee and have people go to North Carolina and Texas to see what works there, so we can try to avoid some of the problems the government wants to take us into. It is behind the times. It is still following Ronald Reagan. Americans gave up on the Ronald Reagan approach a long time ago.

Mrs. Carol Hughes: Mr. Speaker, once again, it is important to highlight the rehabilitative process in which we need to invest. I know the bill will pass, as long as the government decides that and does not call an election or prorogue Parliament again.

It is important to put the emphasis on treatment and probation, where those resources should actually be spent. For example, the Oaks Centre in Elliot Lake has indicated that it needs funding and support. It needs to make sure that those moneys get redirected to such programs. The Salvation Army has programs as well and it has indicated it needs some support with those. The mental health aspect is one of the most important.

Could my colleague once again talk about the article and how important it is to recognize the differences we can actually make within our communities?

Mr. Jim Maloway: Mr. Speaker, the member is absolutely right. The article written by Newt Gingrich deals with issues like that. It recognizes the importance of rehabilitation in prisons and getting people involved in drug programs. He talks about drug courts. We have had several drug courts in Canada. We have a history of doing that, although probably not to as great a degree as we should. He is recommending it in the United States and, in fact, I believe it has done that in a number of areas right now. It is a very cost-effective approach to crime.

The announcement of putting $9 billion into new prisons so we can dump people in there at a cost of $300,000 a year and simply warehouse them, as was the case under "three strikes" of Ronald Reagan, is all yesterday's story. I do not know where the government has been. Why does it not have its crime experts out talking to conservatives in the United States? I know it talks to Republicans every once in awhile. Why does the government not just phone Newt? I am sure he will tell it—

● (1330)

The Deputy Speaker: The hon. member for Winnipeg North.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, here we go again. This is yet another bill where the government is likely more concerned with how it will be perceived by the public for bringing this bill forward and trying to portray an image of getting tough on crime. If the government really wanted to get tough on crime, it would show it in the types of expenditures and programming that would ensure fewer crimes would be committed.

Bill C-48 has appeared before the House in the past, in a different form of course. That was prior to the time when the Prime Minister and government House leader saw fit to prorogue the session, ultimately killing everything on the order paper at that time.

Following caucus, cabinet or, more specifically, the Prime Minister's office discussions, the determination was made that the government could still get more points on this bill by reintroducing it in the form we see today, Bill C-48.

To make matters worse, the government often tries to give the impression that the Liberal Party is causing problems with the bill not passing. Nothing could be further from the truth. The Liberal Party has gone out of its way to try to accommodate the government in regard to coming up with legislation and supporting legislation that would be of benefit.

The members for Newton—North Delta and Mississauga East—Cooksville had championed a private member's bill that dealt with concurrent versus consecutive sentencing. We only wish the Conservative government would give the same sort of attention to that bill such as it gives to its own bills. The private member's bill had a great deal of merit and ultimately could have been brought before a committee.

Instead of doing that, because it did not necessarily fit its agenda, the government felt it was in its best interest to reintroduce a bill that previously failed because the it decided to prorogue the session, killing a number of bills that were on the order paper.

Today we find ourselves, once again, at second reading, with the government asking members of the opposition to allow the bill to pass. The bill is pretty straightforward. I suspect there is a sense of co-operation in wanting this bill to go to the next stage to see if there is the possibility of the government being willing to accept friendly amendments that would give it that much more appeal and would ultimately allow it to receive passage in the House.

Opposition members look forward to the government having an open mind as this bill goes through the stages. We are a little bit skeptical in terms the government's willingness to acknowledge ideas that come from the opposition.

In terms of the actual need for the legislation, one of the things we need to take a look at is some statistical information in regard to homicide. In terms of public response to different types of homicide, there are very few that are viewed as horrific as those involving more than one victim. There are examples.

Canadian history shows we have had some fairly horrific cases involving a number of victims where one individual took a toll on social justice. These individuals did so much damage or caused so much concern when in fact something could have been done if more programming, services and supports were in place to prevent some of these horrific acts.

● (1335)

I understand we are at third reading stage of the bill. I recognize there is always the opportunity for changes. I look forward to the bill ultimately going through its final stage in the House of Commons.

I want to focus my attention on some of the statistics. The information the legislative library provides us with is great. In 1999 the number of cases involving 2 victims was 26, 3 victims were 2 and 4 and more victims was 1. The number of victims has been relatively consistent through the years. In 1999 there was one multiple homicide case involving four or more victims. In 2001 there were two. In 2002 there was one. There were no convictions in 2003-04. There was one case in 2005. In 2006 there were three. In 2007 there were three. In 2008 there was one. Fourteen cases involved four or more victims. This bill would apply to them.

If we canvass the different stakeholders, some would ultimately argue to what degree individuals have been convicted of four or more murders and have been released before serving 25 years. This question has been posed to me, but I did not know the answer. I am not sure if the government provided that information. However, it is relevant to know to what degree individuals within our system who have been convicted of four or more murders are provided with the opportunity to be released prior to serving 25 years. I suspect, and I could be wrong, that we would not find any at that level. I look to the government to please inform me if I am wrong.

In regard to three victims or less in that same period of time, we are talking somewhere in the neighbourhood of 31 cases. Where the increases get significant is the multiple factor of 2 where the number jumps up to 210 cases between 1999 and 2008.

The issue of multiple murders is something that gets a great deal of attention from the media as the public responds hastily toward individuals who commit these types of crimes. The public wants to know that punishment is taken into consideration when someone commits a horrendous crime such as murder.

A number of different cases in the history of Canada clearly highlight the need for us to look at the difference in the wording of consecutive versus concurrent based on different reports, whether it is through the media, or stakeholders, or individuals or discussions with constituents over the years.

● (1340)

As a justice critic at the provincial level, I often have to meet and consult with a wide variety of individuals at that grassroots level. Over the years I have heard from literally hundreds of victims of crime; there is that sense of helplessness, a sense that the government is not listening to what is being done or what is happening in the communities, and they do have a high expectation that the justice system will in fact work for them.

When I look at the legislation as it is, in third reading and in these final stages, I am interested in seeing how it fits in with what the expectation of the public really is. What I find is that generally speaking, the public as a whole will support it. They support it, I believe, because they want to feel comfortable in knowing that there is a significant consequence to some of these horrific crimes that are being committed in our society.

I have looked at the government over the last couple of weeks in particular. I started off my comments by saying, "Here we go again". What I was referring to is that the bill before us today would have very little, if any, impact in preventing crimes from occurring. Having this piece of legislation is not going to stop a multiple murder from occurring—at least, I do not believe that to be the case—yet the government seems to want to put its priorities in terms of bringing in legislation of this nature, while at the same time—and maybe I would not be as offended if it were not doing it at the same time—it is cutting back on what I believe are some programs that would go a long way in protecting society.

Ultimately I would make reference to the cutbacks happening in Winnipeg, in particular in the Winnipeg North-Winnipeg Centre area, which I believe is most affected. These cutbacks will ultimately prevent organizations from being able to keep kids out of gangs and gang activities. I say that because in reviewing some of those statistics that I referenced, we will find that a number of those individual cases are in fact gang-related. There are gangs that do commit multiple murders. That is nothing new to the House of Commons. I am sure that the House has heard that on numerous occasions. However, the point is that by cutting back funding or by not allowing the funding to continue for these anti-gang measures in Winnipeg, we are causing potential harm going forward.

We can look again at some of the statistics that have been provided. We will find that in most cases multiple murders are family-based or relation-based situations, but there are areas where on numerous occasions it has come from a stranger, and quite often strangers or unknowns involve, in essence, elements such as gang activities. In Manitoba we have had some gang incidents involving murder, and the government, I believe, could have played a role in being able to address those types of crimes going forward.

● (1345)

It is nice to see a government respond to the issue of multiple murders and consecutive versus concurrent sentencing. This is nothing new per se. It has been talked about for a while; I made reference that some of my Liberal colleagues have introduced a private member's bill dealing with that particular issue. It is nice to see some action being taken on it, but the real concern for me is that we take advantage of opportunities such as this to say to the government that there is so much more it could be doing that would make a difference.

I am very disappointed that the government has chosen not to make the commitment for the funds necessary to keep kids out of gangs. Some of the programs the government is effectively saying "no more" to include things such as O.A.S.I.S. in Manitoba, which has helped refugees to not slip into potential gang-type activities by ensuring that there are skill sets programs, English as a second language, and other similar programs. There are intense mentorship programs engaging high-risk youth. These programs will be disappearing unless alternative funding is found, because this government is pulling the money away from these groups. As a result, we are putting those kids at risk.

I believe it is dishonest to do that and think that the issue of crime is being dealt with. To deal with crime, we need to provide support. We have to start dealing with the issue of what is causing crime to take place. It is great that we are able to deal with legislation for crime after the fact, but at the end of the day I am just as interested in trying to prevent some of those crimes from happening in the future.

When we look at this bill and at some of the murders that take place, we may find that some could have been prevented if we had better programming at the other end. I suggest that it would be far more cost-efficient to invest at that end than to have to store individuals who have committed these types of crimes in jails for 25-30 years and beyond, especially when we get into the area of multiple murders.

At the end of the day, with the information provided to us, there is a strong argument that the bill will be passing in the House of Commons and ultimately become law if we believe, as we do, that at this point the government is prepared to see the bill carry its way through. We see that as a positive thing.

However, yesterday we talked about the faint hope clause. In dealing with issues such as this, involving concurrent versus consecutive sentences or the faint hope clause, what we are really talking about is longer periods of time of incarceration. Many would argue that having consecutive sentences or getting rid of the faint hope clause may cause other issues within the system that would need to be dealt with.

● (1350)

Those issues are related in good part to behaviour. Typically an inmate will review many different things in terms of how their behaviour might impact—

The Deputy Speaker: The member has run out of time for his speech, but we have time for questions and comments.

Resuming debate. Is the House ready for the question?

I see the member for Vancouver Kingsway may wish to speak to the bill. I will give the floor to the hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is an honour for me to speak to this important bill, Bill C-48, which deals with the issue of the desirability or undesirability of concurrent or consecutive sentences when dealing with multiple murderers.

The bill, by way of background, would amend the Criminal Code and make consequential amendments to the National Defence Act, and was given first reading in the House in October of last year.

The bill specifically amends the Criminal Code with respect to the parole inadmissibility period for offenders convicted of multiple murders. This is done by affording judges the opportunity to make the parole ineligibility period for multiple murderers consecutive rather than concurrent.

Consecutive parole ineligibility periods for multiple murderers would not be mandatory under the bill. Instead, judges would be left with the discretion to consider the character of the offender, the nature and circumstances of the offence and any jury recommendations before deciding upon whether consecutive parole ineligibility periods were appropriate or not. The bill would require that judges state orally or in writing the basis for their decision not to impose consecutive parole ineligibility periods on multiple murderers.

The current law is this: in 1976, when Parliament repealed the death penalty, it imposed a mandatory life sentence for the offence of murder. Offenders convicted of first degree murder serve life as a minimum sentence, with no eligibility for parole for at least 25 years. For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed, with the judge setting the parole eligibility at some point between 10 and 25 years, depending on the circumstances.

Those serving a life sentence can only be released from prison if they are granted parole by the National Parole Board. Unlike most inmates who are serving a sentence of a fixed length—for instance, two, five or 10 years—people who have received a life sentence are not entitled to statutory release. If granted parole, however, they will, for the rest of their lives, remain subject to the conditions of parole and under the supervision of the Correctional Service of Canada and the parole officers who would be assigned to them.

It is important to understand that parole may be revoked and offenders returned to prison at any time if they violate the conditions of parole or if they commit a new offence. Of course, it is important to understand that not all people who have life sentences will be granted parole. Some—in fact, many—may never be released on parole, because they continue to represent too great a risk to reoffend.

We talked yesterday about the faint hope clause, which gives people who have been given a life sentence and who have not committed more than one murder the opportunity to apply for parole earlier than 25 years. In the House yesterday we went over the many stringent conditions that would have to occur before that would be allowed to happen.

I think it is important to understand that what we are talking about here is something different, which is what the appropriate sentence would be for someone who has murdered two or more people. The Criminal Code typically provides that all sentences shall be served concurrently unless a sentencing judge directs sentences to be served consecutively or legislation requires that they be served consecutively. For example, subsection 85(4) of the Criminal Code requires that a sentence for using a firearm in the commission of an offence shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events. Section 83.26, which mandates consecutive sentences for terrorist activities, is an example other than in the case of a life sentence, and section 467.14 requires consecutive sentences for organized crime offences. One example of when a consecutive sentence may be imposed by a sentencing judge occurs when the offender is already under a sentence of imprisonment.

We see that in our criminal law we have situations in which consecutive sentences are specifically provided for automatically, and in some cases we have situations in which a judge has the discretion to impose sentences to be served consecutively, as opposed to concurrently or at the same time.

In cases in which more than one murder has been committed, at present the offender serves his or her life sentences concurrently. A sentence of a term of years imposed consecutive to a sentence of life imprisonment is not, under the present law, valid.

● (1355)

Life imprisonment means imprisonment for life, notwithstanding any release on parole. The consequence of this is that a consecutive life sentence cannot take effect until the offender has died. The courts have held that Parliament cannot have contemplated this physical impossibility, which would tend to bring the law into disrepute. Nor is the faint hope clause available, so long as at least one of the murders was committed after January 9, 1997.

What we are dealing with today is a legislative proposal that would give judges in this country the discretion, in the case of a person convicted of multiple murders, two or more murders, to consider the advisability of levying consecutive life sentences, which would mean 25 years for one conviction and then a further 25 years for the second.

The New Democrats are supporting this bill at this stage and I want to go through some of the reasons we are supporting it.

Hon. James Moore: It's the best thing you have done so far this year.

Mr. Don Davies: I hear some welcome applause from members on the opposite side.

One of the major reasons we are supporting this bill is that it enshrines in law a concept that we New Democrats have been championing and pushing for consistently for decades, and that is the concept of judicial discretion.

One of the cornerstones of our justice system is the notion that we have an independent judiciary and that within that judiciary, judges have the ability to exercise their discretion to fashion the appropriate remedies in the appropriate cases. That is a hallmark of the western judicial system, and that is because no two cases are alike. It does not matter how many cases we read: each individual has some unique circumstance present in his or her case that requires the judge, or judgment, to reflect.

Our country is based very strongly on what, of course, are sometimes two competing values. One is the concept of collective rights and the other is the concept of individual rights. In a modern democratic society, respect for the rights of the individual is something that is very important as a bulwark against the excesses of the state.

We are seeing right now in Egypt a people rising up against an oppressive autocratic regime that has not respected the democratic rights of people. We see what happens when people join together and say that is enough. It is important to build into any respectful society strong respect for the rights of an individual.

The Deputy Speaker: The hon. member for Vancouver Kingsway will have 12 minutes remaining to conclude his remarks after question period.

STATEMENTS BY MEMBERS

[*English*]

ELIZABETH BUHLER

Ms. Candice Hoeppner (Portage—Lisgar, CPC): Mr. Speaker, on January 23 of this year, Manitobans and Canadians alike mourned the loss of their oldest living citizen. Elizabeth Buhler died just two weeks short of her 112th birthday, in her long-time home of Winkler, Manitoba.

Elizabeth was a pillar of the community and active until the very end. When asked the secret to her incredible longevity, Elizabeth, a regular participant in Winkler's fundraising walkathons, simply answered, “It takes much walking”.

Elizabeth lived a rich life, extraordinary not just for its length but also its content. Her incredible strength and kindness were firmly rooted in her faith in God. She was a mother of six who also worked on the family farm, helped in her local church, and opened her home to new Canadians.

In her last days, Elizabeth was surrounded by her loving family, her three daughters, 23 grandchildren, 55 great-grandchildren, and 40 great-great-grandchildren.

Elizabeth Buhler was an amazing woman who will be remembered fondly by the residents of Winkler and all Canadians.

* * *

● (1400)

VETERANS

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, I rise today to pay tribute to all Canadian veterans, but in particular to those who have fallen on hard times since leaving the Canadian Forces.

In early 2009, the Veterans Affairs ombudsman noted the serious constraints the government faces when trying to help homeless veterans, who often require urgent assistance but lack the required proof of identification to obtain it.

More recently, a study conducted by the University of Western Ontario drew attention to the plight of some Canadian homeless veterans. Often afflicted with addiction or mental health problems developed during their military careers, the study found that many of these once-decorated Canadians now find themselves in grave need. While this study identified only a few dozen homeless veterans in two Ontario cities, there is no doubt that countless others need help in cities from Victoria to St. John's.

For this reason, I encourage all members of this House to make great efforts to identify and assist the homeless heroes in their communities, and I ask all of them to rise to pay tribute to these brave men and women.

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[*Translation*]

LUCIEN MESSIER

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, today I would like to inform the House of the death in January of Lucien Messier, the mayor of Stanbridge Station, at the venerable age of 91.

Mr. Messier was the dean of Quebec mayors when he retired before the last municipal elections in November 2009.

Mr. Messier devoted his life to his municipality. He worked as a municipal inspector before being elected councillor. He was subsequently elected mayor 14 times, from 1971 to 2009. He served as mayor of this municipality for a total of 38 years.

The Bloc Québécois and I extend our deepest condolences to the people of Stanbridge Station, his family and his friends.

* * *

[*English*]

FOOD LABELLING

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, currently the ingredient labels on pre-packaged foods sold in Canada are not sufficiently clear or comprehensive enough to protect the health of Canadians living with food allergies or celiac disease. Consequently, organizations like Anaphylaxis Canada and the Canadian Celiac Association have been advocating for improved labelling for over a decade.

In 2008, the government announced that it had drafted regulations to update these labels. However, here we are two and a half years later, and the government continues to stall the introduction new regulations, possibly because of last-minute lobbying by industry groups. In December, the health minister wrote that the new regulations would be ready in early 2011. However, a week ago the department spokesperson stated that it was still in the consultation phase.

These regulations are long overdue and the health of millions of Canadians is being jeopardized by the delay, putting them at risk of eating or drinking something that could have serious consequences. When will the government introduce these critical regulations to help ensure the good health of Canadians?

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[*Translation*]

MULTIPLE SCLEROSIS

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, I am pleased to rise today to congratulate a team of extraordinary adventurers who climbed Mount Kilimanjaro in Africa in January to raise money for multiple sclerosis. Cindy and Mélanie Simard, Patrice Gagnon and Denis Lafrance—who has multiple sclerosis—rose to the challenge and, together with other participants, raised more than $600,000 for the cause.

I am extremely proud to recognize the dedication of people from my riding to a cause that touches thousands of people in Quebec and Canada.

Congratulations to the entire team. You are shining examples of commitment.

Statements by Members

BLACK HISTORY MONTH

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, before being officially recognized by Parliament in 1995, the celebration of African-Canadian history and culture was just a modest community-based movement.

February is Black History Month and an excellent opportunity to pay tribute to the efforts and accomplishments of the African community in Canada. Whether we are talking about athletes, politicians, artists or businesspeople, the contribution by this community over the years has been truly outstanding.

I know first-hand that through their perseverance, determination and courage, they have proven to us that dreams can come true, that we can overcome obstacles and succeed at anything we do.

I am very proud to join Canadians in thanking Canada's black community for contributing its rich African heritage to our multicultural society.

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● (1405)

[*English*]

LONDON MILITARY FAMILY RESOURCE CENTRE

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, this past weekend I had the privilege of supporting the Elmira Sugar Kings junior hockey club, as it raised funds for the London Military Family Resource Centre.

Our brave women and men in uniform risk their lives in service of this great country. They leave their spouses and children for extended periods of time. While our troops miss their loved ones, their families are left hoping and praying that mommy, daddy, son or daughter will make it home alive and well.

The Military Family Resource Centre provides support to the military families in Waterloo region. I was honoured to be asked to support its event, and I am humbled to announce that 1,200 fans joined the Elmira Sugar Kings to raise over $4,000.

Waterloo region is known as a community of neighbours helping neighbours.

On behalf of this government and the people of Kitchener—Conestoga, who I am privileged to represent, I thank the people of Woolwich and the entire Sugar Kings organization for continuing this tradition and supporting our troops.

Go Kings go.

* * *

[*Translation*]

BLACK HISTORY MONTH

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, my Bloc Québécois colleagues and I would like to highlight today's launch of Black History Month.

Quebec has celebrated Black History Month for the past 20 years. This year's celebration is about reclaiming back history and values and is an opportunity to remind ourselves of the significant contribution that people of black heritage have made to the development and advancement of Quebec. It is important to reflect on their history and celebrate all that they have brought to our culture, no matter where they have come from.

Events will be taking place all over Quebec, and particularly in Montreal, throughout the month of February, to teach us more about black heritage and to ensure that Quebec society remains a place where everyone is equal and we all enjoy the same rights, no matter what colour our skin.

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[*English*]

RICK HANSEN 25TH ANNIVERSARY RELAY

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, I am proud to pay tribute to one of Canada's most inspiring citizens, my fellow British Columbian, Mr. Rick Hansen.

Despite a terrible car accident that left him paralyzed from the waist down, Rick was able to accomplish the impossible by wheeling across Canada and 33 other countries, covering enough distance literally to circle the globe.

Since that amazing journey, Rick's momentum has not slowed a bit. Canadians watched with pride as Rick became an Olympic hero, both as a gold medal athlete and more recently for his contributions to the Vancouver Olympics and Paralympics.

It has been 25 years since Rick's round-the-world tour, and for this year's special anniversary he has decided to celebrate by repeating his Canadian tour. Following his original 12,000 kilometre path from coast to coast, he will raise awareness, engage communities, celebrate heroes, and leave behind a Canada that is more inclusive and accessible.

I invite all members of the House to join me in paying tribute to this incredible Canadian hero. He has done amazing work for spinal research and shown us all that the human spirit knows no bounds.

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BLACK HISTORY MONTH

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, as we all know, February 1 marks the beginning of Black History Month, recognizing the innumerable achievements and contributions of black Canadians who have helped build our country from its earliest days into the culturally diverse, compassionate and prosperous Canada we are today.

In celebrating Black History Month today, 90 members from the Children's Breakfast Club are visiting Parliament Hill. The breakfast club is a registered charity that serves a warm, nutritious meal to over 5,000 children a day in the greater Toronto area to start their day.

The group is accompanied by five prominent members from our community who have made valuable contributions to Toronto, Ontario, and Canada, including our former colleague, the Hon. Jean Augustine, Ontario's Fairness Commissioner; and Richard Gosling, the president and founder of the Children's Breakfast Club.

Following question period, a reception is being held in honour of Black History Month in the Centre Block, room 238-S, to recognize this important component of our culture and history. I know that all members will want to join with my constituents in celebrating Canada's Black History Month.

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RCMP HERITAGE CENTRE

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, the RCMP Heritage Centre is a treasure to all Canadians and one of Saskatchewan's foremost tourism and historical attractions. It educates and inspires Canadians about the historical role of the brave men and women in the RCMP.

However, the previous Liberal government and the member of Parliament for Wascana failed to support the Heritage Centre in preparing a long-term plan to stabilize its operation.

That is why today the Minister of State for Western Economic Diversification announced one-time support that will help provide the Heritage Centre with the time it needs to develop a business plan based on sound business practices. This will ensure that the Heritage Centre can remain a strong part of Regina's cultural landscape and a proud symbol of the RCMP.

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● (1410)

BLACK HISTORY MONTH

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I am proud to rise on behalf of New Democrats in the House of Commons and from coast to coast to coast to recognize Black History Month.

As members know, people of African descent have helped build this country. In my great riding of Sackville—Eastern Shore, I have the privilege of representing the Preston area. The folks who live in the Preston area can trace their roots back all the way to Mathieu da Costa. It is the largest indigenous black population in Canada.

As well, the Black Cultural Centre in my riding is a tribute to all black Canadians throughout the country. It is an amazing museum of historical facts on what black people have done for our country.

On behalf of all of us in the House of Commons, we wish a special tribute to all African Canadians. We encourage all other Canadians to learn their history and to celebrate Black History Month.

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[*Translation*]

THE ECONOMY

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, our main priority is still the economy. The economic recovery remains fragile, and we must focus on job creation and economic growth. This plan, which translates into low taxes, helps more than 110,000 companies that create jobs throughout the country.

The results of this plan are clear: close to 400,000 jobs have been created since July 2009 and the Canadian economy has steadily improved over the past five quarters.

Increasing taxes would be very risky for our economy.

Given that the economic recovery is still fragile, the Canadian Chamber of Commerce is cautioning that the coalition's plan to increase taxes is a disastrous idea. On this side of the House, we are working to strengthen our economy rather than to trigger an unnecessary and costly election.

* * *

ELECTRICITY

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, Newfoundland and Labrador's efforts to build an underwater cable, using taxpayers' money, in order to sell electricity to the Americans are going full steam ahead. An agreement has been reached with partners from Nova Scotia and a request for as much as $375 million in federal funding has been submitted.

Prince Edward Island would also like to obtain federal funding to build a third underwater cable that would allow electricity to travel between the island and the mainland.

It would be completely unacceptable for the federal government to agree to pay for any of that using Quebec taxpayers' money, when the underwater cable project would mean competition for Hydro-Québec, which pays for its electricity distribution network entirely on its own and has not received a dime from Ottawa.

The Minister of Natural Resources must stop hiding behind PPP Canada to conceal the federal government's intention to fund these projects and ensure that Quebeckers' money is not used to compete unfairly with Quebec.

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[*English*]

SENATE APPOINTMENT

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, Larry Smith's appointment to the Senate of Canada after announcing he would run to become a Conservative MP makes a mockery of the Prime Minister's pledge to eliminate Senate patronage and only appoint elected senators.

At the same time the Prime Minister is threatening to eliminate the level playing field for political parties, the Prime Minister is using Canadian tax dollars to pay for the office, telephone and staff of a candidate for the Progressive Conservative Party. This is the most egregious example yet of the government's hypocrisy and abuse of taxpayer dollars.

If Mr. Smith has any idea of fair play or any respect for the taxpayers of Canada, he will choose between the Senate or running for MP in the next federal election, but not both. He must either give up his seat in the Senate or give up on his campaign in Quebec.

The core Canadian value is fairness and what Canadians expect is for Mr. Smith to play fair.

Oral Questions

ANIMAL CRUELTY

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, Canadians are shocked by reports of the sled dog massacre in British Columbia. I know that my colleagues across the floor will join me in condemning this senseless act.

Our government supports the fight against animal cruelty and the need to send a strong and clear message that it is totally unacceptable in our society. That is why our government helped pass Bill S-203 into law during the last Parliament, a bill that increased the maximum penalty to five years for these terrible acts.

The bill also granted judges the discretion to order, as part of a sentence, that a convicted offender be prohibited from owning or residing with an animal for any length of time considered appropriate, up from the previous maximum of two years.

Our government believes that Bill S-203 delivered an added measure of protection for all animals but remains open to future initiatives to combat animal cruelty.

ORAL QUESTIONS

● (1415)

[*English*]

POST-SECONDARY EDUCATION

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, nearly 80% of Canadian families say that they are not sure whether they will be able to afford post-secondary education for their kids. The government has done nothing to help those middle-class Canadian families. Instead, it borrowed $6 billion on top of a $56 billion deficit to lower taxes for the most profitable corporations in the country.

Will the Prime Minister explain why he is borrowing from our kids instead of investing in their education?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government has made unprecedented investments in Canadian families, including tax reductions for those families because we care about the future of Canadian families and we understand on this side of the House that a $6 billion tax hike on employers would hurt job creation and hurt Canadian families.

[*Translation*]

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, 16% of our low-income students have to abandon their post-secondary education because of debt. Instead of helping these young people, this government is going to cut the taxes of the largest, most profitable corporations.

Why is it doing this instead of helping young people who would like to attend CEGEP, college or university?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the former Liberal government reduced transfers to the provinces for post-secondary education by 25%. This government reduced them by 15%. That is the major difference between our two parties and our two governments.

[*English*]

CANADA-U.S. RELATIONS

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister has announced that he will be going to Washington on Friday to talk to the Americans about something he does not seem to want to talk to Canadians about, and that is a secret perimeter security deal with the United States.

Will he confirm that these negotiations are under way? Will he confirm that is what he will be talking to President Obama about? Will he commit to the House to bring this deal back to the House for an open debate before he surrenders Canadian sovereignty?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government will do no such thing. On this side of the House, we are Canadians first and only.

Our relationship with the United States is obviously our most important relationship in the world. It is our closest friend and neighbour. We have a good and productive relationship with the Obama administration and I look forward to having a discussion on a range of issues with President Obama.

* * *

TAXATION

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, on corporate tax cuts the government is both bullheaded and wrong, but there is Conservative precedent for flexibility.

Let us look at when the finance minister was in the government of Ontario. In 2001, he announced provincial corporate tax cuts to come into effect two years later. However, in the face of intervening economic difficulty, his government put those tax cuts on hold. The minister applauded that delay, defended that delay and voted for that delay.

Why will he not do the same thing today and invest instead in families?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, actually, if the member opposite checks the record he will see that I was not there for that vote. However, he will want to check that.

We have a low tax plan. On the other side, the self-described leader of the Liberal Party, a tax and spend Liberal, says that he will raise taxes. Why will he raise taxes? So he can spend money on big new programs.

We have a low tax agenda for Canadian families. The average saving for Canadian families so far has been $3,000 over the course of the five years of this government.

● (1420)

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, specifically on the corporate tax cuts, the job creation is not there, so says the Bank of Canada. Corporate tax cuts are the least effective way to get immediate growth, so says the Department of Finance. The benefits of these corporate tax cuts are trivial, so says the chief analyst of Statistics Canada.

Why do Conservatives waste $6 billion on imprudent, ineffective extra corporate tax cuts, mostly for big business, while imposing higher EI payroll taxes, mostly hurting small business and killing jobs?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, here is what John Manley, a former Liberal deputy prime minister said: "Canada needs a significant tax advantage....I do not think we should underestimate" the benefits of lowering taxes on businesses. "We are transforming how Canada is seen by investors....Reforming the tax system...is a hugely positive move".

Those are the words of John Manley, the former Liberal deputy prime minister. The member for Wascana ought to listen to him.

* * *

[*Translation*]

HARMONIZATION OF SALES TAXES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday I questioned the Prime Minister as to why Quebec has still not received compensation for the harmonization of its sales tax. The response received was not very enlightening. Nevertheless, it seems that almost everything has been resolved with regard to this issue: Quebec is collecting a single tax and tax on tax has been eliminated.

Are products that are taxed by Ottawa but not by Quebec, for example, books, the problem here? Can the Prime Minister provide us with a clear answer?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government is in favour of harmonizing sales taxes with the provinces. We have reached agreements with a number of provinces. To date, Quebec has decided to do things differently, namely, by signing an administration agreement rather than a harmonization agreement. However, Quebec has expressed interest in actually harmonizing its taxes and we are negotiating in good faith to resolve the problem.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Diapers and nursing products are other examples of products that are taxed by Ottawa but not by Quebec. Is the problem with the harmonization agreement a result of the fact that Ottawa wants to make Quebec apply sales tax to diapers and nursing products? Does the Conservative government not want to help Quebec families?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, to harmonize taxes, we must have only one tax. We cannot have two. That is what we are negotiating with the Province of Quebec. Frankly, I appreciate the discussions and I am certain that Mr. Charest does as well. He does not expect us to conduct negotiations with the Bloc Québécois in the House of Commons.

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, the leader of the Bloc Québécois does not need anyone's permission to defend the interests of Quebec, and certainly not that of Jean Charest.

There is a difference between managing a tax and having the power to impose a tax. Quebec does not tax books because we want to support a cultural policy. Quebec does not tax diapers in order to support our family policy. That is what it means to exercise fiscal independence. It seems that some of our social choices are being questioned in the negotiations. Can the Minister of Finance confirm that the negotiations with Quebec broke down over that? Otherwise, what is the holdup?

Hon. Jim Flaherty (Minister of Finance, CPC): On the contrary, Mr. Speaker, negotiations between Quebec and the Government of Canada are going very well. We have had some good discussions with the Government of Quebec on the matter, but a lot of work remains. We hope to continue our discussions and make some progress.

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, Quebec's policy of not taxing diapers and books stems from its political choices. The federal government has nothing to do with that. Minister Bachand has asked the Prime Minister to intervene to get negotiations moving.

Since we cannot trust the federal finance minister, who gives Ontario preferential treatment, will the Prime Minister step in and get negotiations moving right away?

● (1425)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I said, we have a list of items we are discussing with the Government of Quebec. Discussions are continuing.

* * *

HEALTH

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, throughout the country, pharmacists are finding it more and more difficult to obtain medications like penicillin and tetracycline. The situation is very serious and worse than ever. This shortage is making doctors' and pharmacists' jobs more difficult, and patients are worried. The budget must include solutions to this problem. Will the budget take into account the need to end this shortage of drugs?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, I met with the Canadian Pharmacists Association. I also asked my department to look into effective ways of predicting possible shortages.

As a regulator of prescription drugs, we are responsible for assessing the safety and efficacy of the quality of drugs and products that are sold in Canada. We are continuing to look at this very issue with the department and the association.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, 90% of pharmacies are now facing prescription drug shortages, yet Health Canada has no plan to deal with the crisis, no system even for accounting for the shortages. We are flying blind here. Pharmacists, doctors and hospitals are left to scramble. Canadians are having trouble finding even basic medications.

When will the government finally wake up to this problem and go to the provinces with a real plan to deal with the prescription drug shortages, one that would deliver drugs to Canadians when they need them and at affordable prices? Are we going to see this in the budget?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government works with the provinces and the territories to improve the management of pharmaceuticals, recognizing that they are responsible for the delivery of health care systems to their residents. At the same time they are also responsible for making the decisions for what would fall into their provincial formula. Our government will continue to work with the provinces and territories.

In past years, since we formed government, we have increased the transfers to the provinces and the territories by 30%. We will continue to work with the jurisdictions to address this issue.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the minister is completely abdicating her responsibilities to make sure there are adequate medications available to Canadians across this country, working with the provinces. A shortage of doctors, a shortage of medicines, and frankly, a shortage of leadership on health care; that is what we are facing from the government. The budget has to address these issues so that communities can deliver the health care that Canadians need.

The Prime Minister can send a signal in the budget. He can work with the provinces and territories to train more doctors and nurses and do something about the shortage of drugs.

Will he respond to the NDP prescription on this one at least?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government continues to make health care a priority. During the Liberal decade of darkness, health care transfers to the provinces and territories were cut. Instead, our government has maintained funding for the provinces and territories. Since our government was formed, we have increased transfers to the provinces and territories by over 30%.

Let me read a quote from a member of the former Liberal government:

> I think, in hindsight, the Chrétien government—even though I'm a Liberal—cut perhaps too deeply, too much offloading, with the benefit of hindsight. And there were some negative effects.

Who said that? It was the member for Markham—Unionville.

* * *

FINANCE

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, an International Monetary Fund report confirms what the Parliamentary Budget Officer has been saying, that the Conservative deficit projections are all wrong. Both the IMF and the PBO say the country will be in deficit for the next five years.

Every single deficit projection of the finance minister has been wrong. Government departments have not even planned to achieve the announced spending freeze in the budget. Is the minister just crossing his fingers?

How can Canadians believe anything he says about the deficit or the finances of this country?

● (1430)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, in fact, the hon. member may want to check the report to which I think she is making reference. She will see that the report refers to all governments in Canada, not just the federal government. She will see also that the IMF says that this federal government is on track—

Hon. Ralph Goodale: That you're fudging the deficit, Jim.

Hon. Jim Flaherty: Mr. Speaker, I know the member for Wascana does not want to wait his turn, but I will answer the other member's question first.

As the IMF says, this government is on track. We will balance the budget in the medium term.

* * *

PUBLIC SERVICE OF CANADA

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the government is on the wrong track. Conservatives have said that allowing some 11,000 public servants to retire each year without replacing them is their deficit plan.

However, the PBO survey of 10 departments, which account for half of all operating expenses, says the Conservatives are way off. In fact, those departments expect to reduce employment by approximately 1,000 full-time staff.

Again, we cannot count on a government that simply cannot count. Why is the government not telling Canadians the truth? Where is the plan and what is the impact of those cuts?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I see the observation today from the Parliamentary Budget Officer saying that approximately 1,100 employees will be the attrition number for this year. He could not be more wrong. It is more than 11,000. As a matter of fact, last year I think it was 11,463. If he is off by 1,000% on that number which is very easily proven, what is he off on all the other numbers he is talking about?

* * *

TELECOMMUNICATIONS INDUSTRY

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, Canadian consumers and businesses are facing new and significant Internet fees and independent service providers will be forced out of the market if the CRTC's decision on usage based billing is permitted. Consumers and small businesses will have Internet usage capped at 25 gigabytes and pay more if that limit is exceeded.

Why will the Minister of Industry and indeed the Prime Minister not act now and instruct the CRTC to overturn, not just review, this regressive, anti-competitive and very costly decision to Canadians?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I welcome the hon. member and the rest of his caucus to this ongoing debate. I would like to bring him up to date on this.

I have expressed, on behalf of our government, the concerns of our government with respect to the CRTC ruling, with respect to what it does to consumers, with respect to what it does to entrepreneurs and small business people and to Canadians generally.

The hon. member knows that the CRTC is an independent body, but we have the power to review and we have the power to turn back. Certainly, we will be reviewing this decision very quickly.

[*Translation*]

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, consumers should never have to worry that each click or each video will cost them an arm and a leg. Canadians need the Internet in order to prosper in today's digital economy. Limiting bandwidth will also eliminate competition.

The CRTC should defend the concept of open, affordable and unlimited access to the Internet for all Canadians.

Will the Minister of Industry now order the CRTC to reverse this costly decision?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as I said, this is a very important issue for consumers, small businesses and innovators, and I will consider it as soon as possible.

[*English*]

The hon. member is now dealing with this issue. I notice, though, that the Liberals are really concerned about this issue because they are trying to raise money from their donors on this issue. The Liberals do not really care about the public policy. They just want to raise more dough for Liberal coffers for an election that nobody wants.

* * *

[*Translation*]

EMPLOYMENT

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, contrary to the Conservatives' claims, we are still short 30,000 jobs to get back to the level we were at before the crisis. For example, the Quebec forestry industry, which has lost 18,000 jobs since 2005, is struggling to get out of this difficult situation.

Will the government understand that the crisis is far from over in the forestry industry and that it needs a comprehensive policy to support and modernize the industry, as was the case with the auto industry in Ontario?

● (1435)

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, all of the forestry experts in the country agree that it is a matter of markets. Unfortunately, the only ones who do not get it are the members opposite. They are playing politics with these people's jobs. The markets are difficult. Our workers are among the best in the world and we will continue to support them. Billions of dollars have been put into improving green practices through the community adjustment fund, and we will continue to support the forestry industry with research and development.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, another industry in Quebec, the aerospace industry, is being threatened by Conservative policies. Even though Quebec represents 55% of the industry, it received only 40% of the spinoffs from the latest military contracts. All the other regions are receiving more than their share.

Will the government get its head out of the sand and guarantee Quebec its fair share of the spinoffs of these contracts?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, obviously, this program, like any other military program and like the F-35s, generates spinoffs. The Canadian industry told me that this program was important because Quebec companies are expected to receive a number of contracts in the future.

[*English*]

This program works for Canadian business and for Quebec business, and that is why we are going ahead with it, along with the military reasons the hon. Minister of National Defence has made.

* * *

[*Translation*]

SHORELINE PROTECTION

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, when Rivière-au-Renard was flooded in 2007, Canada Economic Development helped affected entrepreneurs, businesses and non-profits that were not eligible for Quebec emergency programs.

The Bloc Québécois is calling for this measure to be applied to the victims of the high tides in eastern Quebec. Will the government finally take action?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, as my colleague knows, our agreement with the Government of Quebec gives it the capacity to take action and implement programs, which it intends to do, based on need.

We added small businesses in the last review, which took place in 2008. The minister responsible in Quebec is currently working on it. He has said that the current program met most needs. We will base our response on Quebec's requests.

Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Mr. Speaker, two months after the high tides that devastated eastern Quebec, there is still uncertainty about federal assistance for the victims. The federal government could quickly contribute to reconstruction by establishing a tax credit for repairs required as a result of the damage caused by the disaster. This credit could be modelled after the home renovation tax credit.

Does the government plan to implement the Bloc proposal or will it let the victims fend for themselves?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, it is quite interesting that the Bloc is asking us to not respect our agreements with the province of Quebec. That is very interesting.

We will respect the agreements we have with the province of Quebec, which is currently evaluating the overall damage. We know that the people in these regions have been seriously affected. I had the privilege of visiting the area, meeting the people and seeing the damage first-hand. We will respect Quebec and honour our agreements with it.

Oral Questions

PUBLIC SAFETY

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the megaprison strategy almost ruined California. Such a strategy steals money from health care, education and infrastructure. It makes prisons into criminal factories.

If the father of this strategy, ultra-Republican Newt Gingrich, now understands the disastrous consequences of such policies, why can the Prime Minister not understand them as well? Why is the Prime Minister taking a more extreme position than Newt Gingrich?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, yesterday, the member for Ajax—Pickering toured a correctional institution. What was he concerned about? It was not offender accountability nor the health and safety of our correctional guards. No, the Liberal public safety critic was concerned about low morale among prisoners. He was concerned about our tough on crime policy.

Why will that member not express the same concern for victims that he does for prisoners?

● (1440)

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, unlike the minister, I go to the prisons. I take a look at the programs. I see what works and I know that the focus has to be on rehabilitation.

The fact is that party is now to the right of Newt Gingrich. Newt Gingrich has to moderate the Prime Minister. It is time the Conservative Party of Canada upgraded its ideology.

While the churches across Canada, the Anglican, Baptist, Presbyterian, Catholic, Lutheran, United and every other church say that these policies are wrong and will not work, the Conservatives forge forward. Why? Why are they bent on trying to repeat the disaster of California?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, Canadians know our Conservative government will continue to work hard to get results for law-abiding Canadians and victims, such as our bill that would prevent those who commit sexual crimes against children from ever receiving a pardon.

Unlike the Liberal member for Ajax—Pickering who wants to stand up for inmate morale, we stand with the victims. We stand with those children who have been abused. Why will that member not do the same and get those bills passed?

* * *

FOREIGN AFFAIRS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have a question for the minister about Canada's response to the crisis in Egypt.

I wonder if the minister could explain why it is that there are more diplomats posted to the Ottawa River than there are posted overseas? How can he explain the exaggerated and bloated size of the staff in the Prime Minister's office reviewing things like media clippings and other things and a complete absence of serious consular services available on the ground for Canadians in some of the most difficult and troublesome places in the world?

Why this remarkable contrast?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, my hon. colleague should get his facts straight. The Liberals, once again, are all over the place. The Liberal opposition has not taken the time to view the tremendous work that has been done by the DFAIT officials in helping Canadians get back here on a voluntary basis.

We have been working night and day to accommodate Canadians and we have been working with our allies. As a matter of fact, we have been getting great congratulations from all of our allies, as well as all of the Canadians who were involved.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, we completely support the work of our diplomatic services, which is why we think that it would be better for them to be in Lebanon, Mexico or Egypt rather than by the river in Ottawa. The government is in the process of increasing the number of people who work for the Prime Minister's bureaucracy but the necessary services are not available in the field where Canadians are. This is a problem. They do not have the support of the government, but we support them.

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, I would be more than happy to appear before the parliamentary committee to report on the deployment of our staff to different parts of the globe and explain how these people are serving the interests of Canada throughout the world. If the hon. member would like to invite me to appear before the committee, I would be happy to do so.

* * *

[*English*]

PUBLIC SAFETY

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, our Conservative government has put forward a legislative agenda that is smart on crime and tough on criminals. We have introduced bills that put the rights of victims and law-abiding Canadians first. For example, last year we referred Bill C-23B to the public safety committee but, thanks to the delays from the Liberal-led coalition, the bill has been waiting nearly nine months.

Would the Minister of Public Safety please update the House on the progress of this important bill?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, currently, criminals who commit sexual offences against children are eligible for a pardon. Nearly nine months ago, our Conservative government introduced legislation to put an end to this. Our pardons bill remains before the public safety committee and I urge opposition parties to work to get this important bill through committee and back into the House.

Even though the Liberal member for Ajax—Pickering disagrees, I think victims have waited long enough.

● (1445)

[*Translation*]

TELECOMMUNICATIONS INDUSTRY

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, Canada was once a leader in terms of Internet access, but it has been moving backward for a few years now. The CRTC's decision to allow usage-based Internet billing will send Canada back to the digital stone age.

Will the minister show some leadership and ask the CRTC to review this decision in order to protect consumers?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I agree with the member: this is a very important issue for consumers, for small and medium-sized businesses and for our society's innovators. I will look at this issue as soon as possible.

[*English*]

I will be considering this issue very quickly. I would agree with the hon. member that some very serious issues have been raised.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, here is the problem. Canada used to be a world leader when it came to Internet access and speed, but under the Tories we have become a digital backwater. It is their record on cellphones, on cable and on the Internet that we get higher prices and less access, more restrictions and less choice.

The CRTC decision was clearly aimed at squeezing out the small ISP competitors, but families have been getting squeezed for months and months.

Will the minister send clear instructions to the CRTC that the caps must come off, not just off the small competitors out there but also off every family, business and consumer in Canada so we can make full use of the innovation agenda, the Internet?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the hon. member raises a very important issue and that is why, in our policy-making on this side of the House, we have been for the consumer, for the small businessperson, for the entrepreneur, for the innovator and for the creator. That is what we have done on this side of the House.

What does the hon. member do on the other side of the House? He raises the issue and the spectre of an iPod tax. That is how he protects consumers.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the European Union recently decided to freeze the assets of the family of former Tunisian dictator Ben Ali. That was a wise decision, given that the family unscrupulously amassed wealth on the backs of the Tunisian people for decades.

Does the government intend to follow the European Union's example and freeze the Canadian assets of the former Tunisian dictator's family, or will it give the dictator enough time to safely tuck these assets away in a tax haven?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, as I was saying yesterday, the Government of Canada is working closely with the Tunisian government to ensure that all options for freezing the assets of the former Tunisian regime are considered. Several options are currently on the table, and as soon as we receive confirmation we will move forward.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the opposition parties have spoken out against the decision by the Minister of Foreign Affairs to renew the terms of Jacques Gauthier and Elliot Tepper, two board members who have wreaked havoc at Rights & Democracy.

Does the minister realize that as long as these Conservative appointees sit on the board of Rights & Democracy, it will be impossible for the agency to function?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, Rights & Democracy is an independent organization funded by the government and mandated to promote human rights. We have been able to provide this organization with new leadership. We would like the opposition to join us in fully supporting this new leadership so that it can continue the excellent work it does on foreign relations.

* * *

[*English*]

SENATE APPOINTMENT

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, during the 2006 election, the Prime Minister promised over and over that he would never appoint unelected senators. Today, with his 38th appointment, his abuse of public funds has reached new heights by swearing in Larry Smith as a senator for no other reason than to bankroll his election campaign. He is not even joining cabinet.

Given that Mr. Smith has ungratefully called this arrangement "a dramatic, catastrophic pay cut", why will the Prime Minister not just rescind the appointment?

● (1450)

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, I would like to reflect on the curious case of Bernie Boudreau who, in 1999, was appointed to the Senate by the then prime minister, Jean Chrétien, with the intention to run. Not only was he appointed to the Senate but he was appointed to cabinet.

The Liberals are very fond of revisionist history but before they start throwing stones they should reflect on their own history.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, during the 2006 election campaign, the Prime Minister promised, swore up and down and kept saying that he would never, ever appoint unelected senators. The Prime Minister appointed Larry Smith to the Senate just to bankroll his next election campaign. He is not even in cabinet, contrary to what my colleague would have us believe.

Poor Mr. Smith. As he pointed out, he will have to make do with a paltry senator's salary.

Will the Prime Minister get his hands out of taxpayers' pockets and tell Mr. Smith to finance his campaign himself?

[*English*]

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, it seems that the Liberal member has Senate appointment envy.

The Conservative Party has appointed outstanding Canadians to the Senate. Because they happen to be Conservative does not make them unqualified to be in the Senate, unlike what the Liberal member is suggesting. The Liberal Party has in the past appointed members to the Senate and to cabinet in order for them to run in the next federal election.

If those members were serious about democratic reform, they would support our Senate reform agenda.

* * *

FORESTRY INDUSTRY

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, northern Ontario's forestry industry continues to bleed up to 1,000 jobs a month under the Conservative government. Over five years the black liquor subsidy in the U.S. has shovelled more than $12 billion directly into the pockets of American mill operators. Now a new subsidy has taken its place and is set to last another 13 years.

Staggering job losses are devastating small rural communities throughout northern Ontario. The government has failed to defend our forestry sector. Why is it refusing to negotiate an end to these unfair U.S. subsidies?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, the government is making unprecedented investments to support the renewal of Canada's forestry sector. In fact, in the last two years our government has put more resources towards Canada's forestry sector than the previous government spent in five years.

Our economic action plan funding has created real results, with more than 13,500 more jobs in the forestry sector, a 600% increase of softwood lumber exports to China and new and innovative plans like the one I was happy to announce in Windsor and Quebec.

* * *

SOFTWOOD LUMBER

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, in 2006 the Conservatives hung out the "mission accomplished" banner after signing the softwood lumber agreement, yet Canada's softwood industry has been under assault ever since. The sellout has cost Canadians over $125 million in penalties and thousands of jobs. The latest attack has been hundreds of millions of dollars more against B.C. forestry communities.

When the sellout was signed, Canada had more than one-third of the U.S. market. Now it has around one-quarter. It expires in two years. Is the government planning to renew the agreement and continue the sellout of our softwood lumber communities, or will it stand up for Canadian softwood communities right across this country?

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, we are very pleased with the progress of the softwood lumber agreement. In fact, we just recently had a decision where the U.S. contested some programs in Quebec and Ontario and the arbitration ruled that 97% of those American claims were rejected.

I do not know about the member, but when I was a lawyer, any client I had who won 97% of the cases was pretty darn happy. That is because of the softwood lumber agreement, which is providing stability, jobs and certainty for our Canadian industry.

* * *

[*Translation*]

THE ECONOMY OF QUEBEC'S REGIONS

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, while the Conservative government is focusing on the economy—the real priority of Quebeckers and Canadians—and is continuing to address crime and illegal immigration, the leader of the Bloc Québécois is giving in to pressure from his Plateau Mont-Royal friends and is entering into election mode before having even read the budget.

Could the Minister of Natural Resources tell the House what the Conservative government has done for the economy of Quebec's regions?

● (1455)

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, our Conservative government, under the leadership of this Prime Minister, is defending the values and interests of all the regions of Quebec. We firmly believe that Quebeckers in the regions should have the same opportunities as those in large cities. That is why we are investing in the forestry industry, the mining industry, the aerospace industry and infrastructure projects across Quebec.

The Bloc's opposition will not keep our Conservative government from generating economic opportunities for families all across Quebec.

* * *

[*English*]

PUBLIC SAFETY

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, while the Prime Minister and the Conservative Party give billions of dollars of corporate tax breaks, they have decided to stop financing programs that help keep kids out of gangs. This prevents crimes from happening. If the government were serious about preventing crimes from happening, it would invest in these types of programs.

My question is for the Prime Minister. Why is the government not committed to fighting crime by getting tough on what causes crime?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I know the member opposite likes to talk about crime prevention measures, unlike his colleague from Winnipeg South Centre who consistently votes against those measures.

Our Conservative government has created the national crime prevention strategy and the youth gang prevention fund. I hope the members opposite will stop the double-talk and talking out of both sides of their mouths and get serious about supporting these programs rather than joining their coalition partners to force a needless and opportunistic election. If that member is really interested, let him support it.

* * *

[*Translation*]

TELECOMMUNICATIONS INDUSTRY

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, the proliferation of telecommunications antennas and the cavalier attitude of certain telecommunications carriers are frustrating some cities and towns. That is certainly true in Châteauguay. For two years now, we have been trying to stop Rogers from installing a tower just 35 metres from residences.

Does the government agree that Industry Canada should respect the wishes of residents at all times before allowing the construction of any telecommunications towers?

[*English*]

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as I understand it, there is a process of public consultation with municipalities that all providers must go through. We do not pass any opinion about where the right tower should be. We leave that to the local municipality in consultation with the provider. That is what should be done throughout the country.

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FOREIGN AFFAIRS

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, last week gay rights activist David Kato was murdered in his own home. He was one of 100 Ugandan GLBTT activists targeted by a hateful newspaper campaign inciting vigilantes to "hang them".

How has Canada responded? Has the Minister of Foreign Affairs called in the Ugandan high commissioner to express our outrage? Have Canada's diplomats in Kampala called for respect for human rights and protection for gay, lesbian, bi and trans Ugandans?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, as a government, we have called upon the Ugandan government to conduct a thorough investigation into the death and to increase the human rights protection of all Ugandans.

Members will recall we passed a unanimous motion in the House and have been very forceful in our determination to ensure that we do protects the rights of all these individuals.

* * *

NATURAL RESOURCES

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, last November an academic from Australia came to Port Hope to conduct a drive-by smear of our community. She raised irrational fears and, incredibly, suggested that everybody pack up and leave town. Her comments are attempting to undo all of the good work of local officials to show that Port Hope is a safe, thriving and proud community. Everyone knows that Health Canada has conducted eight health studies in Port Hope in the past 20 years.

Could the minister tell us what the government is doing for Port Hope and why everyone in the House should stand up in support of Port Hope?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, as the president of the CNSC, this individual's reckless comments are not credible and not founded. I applaud the community for standing up to her.

Thanks to the work of the member for Northumberland—Quinte West, great things are happening in Port Hope. The government is committed to achieving a sound, long-term solution for the residents of the area. We are working with local officials to build the safe and prosperous community they want to see.

* * *

● (1500)

GOVERNMENT PRIORITIES

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the need for food banks goes beyond Winnipeg's poorer areas. It includes areas like Winnipeg south and Saint Boniface. Over 29,000 children need to go to food banks in the province of Manitoba on a monthly basis.

Why is the government giving up on the children of Canada in favour of giving huge corporate tax breaks into the billions of dollars?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we care deeply about the plight of all Canadian families. That is why we have brought in significant tax reductions for families. That is why we have increased transfers to municipalities to support important social services.

The very best thing we can do is help get these parents jobs, help them get employment. That is what our economic agenda is all about. Raising taxes will hurt job creation and the economy. That is the last thing we would want to do in these difficult times.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Honourable Kathy Dunderdale, Premier of Newfoundland and Labrador.

Some hon. members: Hear, hear!

POINTS OF ORDER

ORAL QUESTIONS

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, my point of order is in respect to comments made by the Minister of Finance, emanating from an answer he gave during question period to our colleague, the member for Wascana.

I want to seek unanimous consent in the House to table several documents related to the minister's previous time in the Ontario legislature, which he addressed himself in answers this afternoon. I want to clarify for the record a few things and then seek the consent of the House.

In fact, on June 17, 2002, a vote passed on division at Queen's Park in the legislative assembly, with photographs in all major dailies showing the Minister of Finance being in the assembly at the important time. On June 26, 2002, time allocation was in fact passed on the budget and the Minister of Finance was recorded as being there, despite his claims to the contrary this afternoon.

I would like to now get the approval of the House to table a few documents, including headlines where the Minister of Finance is shown in photographs with the former minister of finance for Ontario, Janet Ecker, where she is revelling in applause from the Minister of Finance, who was side by side with her as that budget passed.

I would also like to table the Ontario *Hansard* report from June 17, 2002, recording the vote. I would ask permission to table the Ontario *Hansard* of June 26, 2002 containing the listing of members who were present and who affirmed, by expressing "aye", their support for the measures in that budget, including the Minister of Finance.

Finally, I would like to table several comments by the media reporting on the then minister of finance's views on that budget in Queen's Park when in fact corporate tax cuts were delayed, including two quotes.

One is from the *Globe and Mail*, which states, "Enterprise Minister [at the time] sat smiling beside Ms. Ecker on Monday as she disowned many of the tax-cut promises contained in his budget last year".

In the other quote from the *Globe and Mail* the Minister of Finance defended the corporate tax freeze again during the 2003 provincial election. He said, "The delay was created by a financial downturn related to the 'extraordinary circumstances' of the terrorist attacks in the United States—

● (1505)

The Speaker: Order, please. Does the hon. member have the unanimous consent of the House to table the documents he has been referring to or reading?

Some hon. members: Agreed.

Some hon. members: No.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I was there. In fact, the now Minister of Finance was not the minister of finance in Ontario. I was the chief government whip in Ontario and, try as I might, the now minister of finance, the member for Whitby—Oshawa, would not come into the House to raise taxes.

The Minister of Finance, when it came to raising taxes, was a conscientious objector. He met with the new premier. The new premier said, "I want to raise taxes", and the man said he would have no part of it.

The Speaker: While the debate I am sure is of great interest to all hon. members, I do not think this is a point of order.

We will move on to orders of the day.

GOVERNMENT ORDERS

[*English*]

PROTECTING CANADIANS BY ENDING SENTENCE DISCOUNTS FOR MULTIPLE MURDERS ACT

The House resumed consideration of the motion that Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act, be read the third time and passed.

The Speaker: Order, please.

When the matter was last before the House, the hon. member for Vancouver Kingsway had the floor. There are 12 minutes remaining in the time allotted for his remarks. I therefore call upon the hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is wonderful to see you back in the chair after the break.

Before the break I was talking about Bill C-48, a bill that would give judges of this land the discretion to consider consecutive life sentences in the case of people who murder two or more victims. I was talking about the importance of discretion in the Canadian judicial system. The reason I was talking about discretion is that justice, in order to be fair, in order to be defensible in a free and democratic society, must be tailored to meet the individual needs of every case. I was talking about how in Canada there is a very healthy balance between our collective interests as a body and the strong foundation of individual rights.

In my riding of Vancouver Kingsway I have many new Canadians. I had a new citizens party this last weekend where we welcomed people who had taken the important step of becoming Canadian citizens in the past two years. From speaking to these people, I know they were attracted to Canada for many reasons, including things like our respect for individual rights, for example, the right to privacy, an individual's rights to religion and an individual's right to his or her own political beliefs. Essentially, what they are really attracted to in Canada is the enshrinement in Canadian life of their right to choose to live their lives as they wish while not, of course, infringing upon the rights of others.

In our justice system, perhaps there is no more important place than that to respect individual rights. We need our judges in a healthy justice system to listen to all of the evidence, to consider all of the circumstances, to look at all of the facts and to render a judgment that is crafted to be appropriate to the circumstances of a particular case.

In the case before us, the bill would enhance judges' discretion by giving them another sentencing tool. It would allow them in an appropriate case, and I am thinking of cases perhaps like Clifford Olson, Paul Bernardo, or Russell Williams, or the case that happened in my province recently of Mr. Pickton, in which many lives were taken by these people, to impose a consecutive life sentence on these people, as opposed to having them serve it concurrently.

It is hard to argue with that proposal in some cases. Where we have someone who has murdered two or more people, it is very difficult to think of a situation where a person who has committed those murders might not, in an appropriate circumstance, be required to be locked up for the rest of their lives.

In addition, there is an important principle, which is that Canadian law at present really makes no distinction in the sentence given to someone who murders one person and someone who murders 5, 10, 15 or 20 people. The bill would give our judges the discretion to do that.

There are arguments on the other side, of course. I think it is important that we respond to and respect them. At present our sentencing system in this country for murder allows judges to give a life sentence. We had very painful, very exhaustive debates in this country in the 1960s and 1970s over capital punishment, when this country made the very mature, thoughtful and, I think, civilized decision to abolish the death penalty and replace it with a system that not only is more humane but that is also just. That system allows a judge in this country to impose a life sentence on someone who has been convicted of first degree or second degree murder.

Life in this country does mean life. The person who is given a life sentence will have that life sentence for the rest of their life. For the rest of their natural lives, these people will be subject to the supervision of the Correctional Service of Canada. The only question is whether that will be done within a correctional institution or supervised outside in the community.

After 25 years in the case of a first degree murder, a person is eligible to apply for parole, provided that person satisfies a wide battery of appropriate tests to make sure they are no longer a threat to society and have actually conducted themselves appropriately. They may indeed possibly be allowed to re-enter society, but again, under supervision for the rest of their lives.

● (1510)

Life does mean life under the present system and people will argue about why there will be consecutive sentences if there are already life sentences. As my colleague points out, people cannot live 300 years.

What does matter is when a person may be eligible for parole. By bringing this legislation in an appropriate case, such as Clifford Olson's, were that crime to occur today, a judge would have the ability to order consecutive life sentences so that eligibility for parole for someone like Mr. Olson would not be 25 years but may in fact be 50 years or even 75 years, effectively meaning that at the point of sentencing, Mr. Olson would never have the opportunity to get out of jail. I think many Canadians would agree with that principle.

I want to go over a few statistics. I think it is important to bring some facts to bear whenever we are talking about the criminal justice system in this country. In terms of the prevalence of multiple murders in Canada, Statistics Canada has compiled some facts showing the number of homicides in a year in Canada compared with the number of victims in those incidents.

As the charts reveal, between 1998 and 2008, the most recent period, 95% of homicides involved a single victim. Out of a total 587 victims in that time period, there were 26 cases of two or more victims.

Interestingly, the relationship between the accused and the victims in cases of multiple and single victim homicides has also been studied. Statistics Canada reveals that in the case of multiple victim homicides, the target group that would likely be affected by this bill, the largest single category of relationships was that of family. In the case of single victim homicides, the largest single category of relationships was that of acquaintance.

What that tells us is that the vast majority of cases of multiple murders in this country involve someone who has committed murder against their family.

Murder rates and sentences have also been studied vis-à-vis Canada and other countries. In its publication, “Homicide in Canada, 2009,” Statistics Canada has tracked the rate of homicide in Canada from 1961 to 2009. This, of course, is yet another area that shows where the Conservatives' desperate attempt to try to persuade the Canadian public that crime is going up is once again belied by the facts.

It has been found that between the mid-1960s and the mid-1970s, Canada experienced a sharp rise in its homicide rate. The rate more than doubled over that period, from 1.25 homicides per 100,000 population in 1966 to 3.03 in 1975. That is 35 years ago.

The homicide rate generally declined over the next 25 years, dropping 42% between 1975 and 1999. Since 1999, despite some minor annual fluctuations, the rate has remained relatively stable.

What we do know is that the murder rate in this country over the last 35 years has actually been dropping or remained stable.

Interestingly, when we are talking about the length of sentences, which this bill brings to the forefront, a 1999 comparison of international approaches of the average time served in custody by an offender with a life sentence for first degree murder showed that Canada exceeds the average time served in all countries surveyed, including the United States, with the exception of U.S. offenders serving life sentences without parole.

The estimated average time that a Canadian convicted of first degree murder spent in prison was 28.4 years. To give a comparison, in New Zealand it is 11 years; Scotland, 11.2 years; Sweden, 12 years; Belgium, 12.7 years; England, 14.4 years; Australia, 14.8 years. In the United States, for those who have been given a murder sentence of life with parole, it is 18.5 years. Again, in Canada a person convicted of first degree murder will serve an average of 28.4 years.

In the United States, in the case of life sentences with the possibility of parole, the range of time that must be served prior to eligibility for release varies greatly, from under 10 years in Utah and California to 40 to 50 years in Colorado and Kansas. The median time served prior to parole eligibility nationally in the United States is in the range of 25 years.

What this tells us is that there is a wide range of sentencing options and practices around the world.

The issue before the House today is the appropriate length of time for someone who may be convicted of the murder of two or more people.

● (1515)

I can speak on my own behalf and that of the people of Vancouver Kingsway. I will be supporting this bill for two key reasons.

First, there are appropriate circumstances for its use. Again I will use the cases of William Pickton, Clifford Olson, and Paul Bernardo, where it is appropriate that there be some measure in law to distinguish the heinousness of their crimes and reflect that in sentences. A person like any of them maybe ought to have consecutive sentences to reflect society's view that he or she committed a crime so heinous, so awful, so deranged that they ought never to have an opportunity to apply for parole.

There are cases of multiple murder, which, as I have read, most often involve families. There could be cases where there are extenuating circumstances and where it may be appropriate to have a concurrent sentence. I am thinking of the classic case of a spouse, perhaps, who comes home and finds their spouse in flagrante delicto with another person and, in a crime of passion, kills them both.

Nobody could ever justify such a terrible, awful, heinous response, but it shows there is a range even in the case of multiple murders for framing this debate and whether or not someone should get a concurrent or consecutive sentence.

Given the fact this bill does build in judicial discretion and that New Democrats do trust the judges of this land and the prosecutors and the defence counsel of this land to do their jobs and craft appropriate sentences with appropriate appellate review, we will be supporting this bill. We trust them to have that discretion. I will be voting for this bill so that murderers who kill more than two people do, in appropriate circumstances, have concurrent and consecutive sentences.

● (1520)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, obviously, I listened to the last few minutes of my colleague's speech and I am still a bit ambivalent. We have examined this bill, and I will discuss it in a few moments during my speech. Pursuant to the sections of the Criminal Code that this bill would amend, the judge is not currently required to impose a consecutive sentence, but will have to provide a justification and so on.

I have a question for my colleague. Maybe I missed something but I did not fully understand the NDP's position. Does it support the bill because judges are given the discretion to impose a consecutive sentence, or does it agree that judges should always impose consecutive sentences if there is more than one murder? I would like him to explain the difference between the two. Maybe I misunderstood. I do not want to misunderstand what my colleague is saying.

[*English*]

Mr. Don Davies: Mr. Speaker, I would be happy to try to clarify my position for the hon. member.

At present in Canada, it is impossible for a judge in the case of a conviction for multiple murders to impose consecutive life sentences. The judge must impose sentences that are concurrent.

This bill would allow a judge the discretion in a case where there is a conviction for multiple murders, the murder of two or more people, to impose consecutive life sentences. However, a judge would not have to do that by this bill. In the case of multiple murders, the judge could still impose concurrent life sentences.

But in an appropriate case, and I would expect it to be rather unusual, this bill would allow our law to reflect the fact that those sentences should be served consecutively. Again I think of the case of William Pickton who was responsible for the murder of at least a dozen women, and probably two dozen women. Under this bill, Mr. Pickton could not apply for parole after 25 years, as is the case today, but rather, he would not be able to apply for parole until the expiry of his life sentence, which in the case of a consecutive sentence would perhaps be 50 years down the road.

That makes some sense when we pass the smell test of most Canadians, wherein the present legal system does not permit judges to distinguish between someone who murdered one person versus someone else who murdered 30 people. They get the same sentence. They get a life sentence, but served concurrently. This bill would rectify that and assist in making our system more responsive and just.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank the member for Vancouver Kingsway for yet another very thoughtful presentation on one of the bills to do with the Criminal Code of Canada. He always offers a sober second thought on these proposals.

I can understand why the government might be bringing forward these bills, particularly in light of the Pickton case and so forth.

However, I wonder if the member could speak to the issue of what is often more frustrating for families of victims in multiple murder cases, that is, whether or not their family member's case is actually brought forward for prosecution. It is important to understand the limitations of the judiciary, that it can clearly only sentence based on the cases that, in the discretion of the crown, it brings forward.

Mr. Don Davies: Mr. Speaker, my hon. colleague from Edmonton —Strathcona works harder than anybody I have seen in the House. She brings to all debates a sensitive and thoughtful perspective on everything. I would also like the record to reflect that I am sober during this debate. It is an excellent question.

In my home province of British Columbia, many families of victims of Willie Pickton had to observe the spectre of seeing the crown proceed with the first set of charges related to the murder of approximately a dozen women and yet there were approximately another dozen or maybe even two dozen missing or murdered women whose cases were not brought to court. The crown made the decision after obtaining convictions on the first set of cases where Mr. Pickton was convicted of second degree murder and received a life sentence with no possibility of parole for 25 years. Families had to face the spectre of never having their day in court and never having the closure and accountability that comes with having the particular case of the murder of their loved one heard in open court where they could get closure, and justice rendered, a verdict rendered, so that they could hold the perpetrator responsible, in this case alleged to be Mr. Pickton. That is an important point to recognize.

Right now in British Columbia there is an inquiry, led by former attorney general Wally Oppal, looking into how that case has been proceeded with. I am hoping that those victims will get some answers and some peace out of that process. It makes us remember, of course, that the justice system deals with real people and that there is no one more important than the victims and victims' families. We must keep those at the forefront.

In the House we may disagree on the best way to support victims, but one thing all members on all sides of the House agree on is that we all feel deep empathy for victims of crime and their families. We all seek to find ways in which we can support those people and ensure that we can lessen the harm they have suffered and also try to ensure that justice is ultimately obtained for the victims and for the perpetrators.

● (1525)

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I have another question for my colleague. The fundamental clause of Bill C-48, which we are discussing today, concerns the potential addition of section 745.51 to the Criminal Code. I have a question about the judge's decision about whether to impose an additional period, if the sentence will be served consecutively.

Section 745.51 states, "The judge shall give, either orally or in writing, reasons for the decision to make or not to make an order under subsection (1)." The "order" refers to the decision about whether a consecutive sentence will be imposed.

Does my colleague think that the judge should give reasons for his decision, whether or not he is making an order? This decision could be appealed.

[*English*]

Mr. Don Davies: Mr. Speaker, the new section 745.21 would require the judge, in the case of multiple murders, to ask the jury if it would recommend whether the parole ineligibility period should be served consecutively to the parole ineligibility period for the previous murder.

With the current section 745.2, the jury is not required to make a recommendation. However, if it does, this will be taken into consideration by the judge. It is important to note that this new section will not be applied retroactively, but rather to murders committed on a day after the day on which Bill C-48 would come into force, if in fact it does.

In answer to my colleague's specific question, I always think that judges should have to give reasons for their decisions, particularly when they are making a decision on such an important issue as to whether or not a life sentence will be served concurrently or consecutively. If my hon. friend is concerned that reasons be given, he has my full support in that. It is critical that be done in case there is any appeal as there inevitably, often and properly is in convictions for murder cases.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I did not do that because I wanted to be in contempt of the House. It is difficult for me to stand up, because my leg is giving me a little trouble. I did not want to miss my turn.

Have no fear; I did indeed intend to speak to this bill, which I too believe is very important and which fills a gap in the Criminal Code. We who argue and have argued murder cases know that this gap has existed for many years, ever since the Criminal Code was amended in 1976 to abolish the death penalty. At the time, the faint hope clause was brought in, and that is the topic of Bill S-6, which we debated yesterday.

There is a difference between Bill C-48, which we are examining today, and the bill we examined yesterday, Bill S-6. Bill S-6 closes the door on nearly every possibility that someone convicted of murder will ever return to society. Conversely, Bill C-48 is worthwhile because it will close a door that was left half-open when the faint hope clause was introduced under section 745 of the Criminal Code. Let me explain.

When the death penalty was abolished in Canada in 1976, the Criminal Code was amended and it stated—without quoting the Criminal Code—more or less the following: anyone convicted of murder shall be sentenced to life imprisonment. That is clear. It forgot to mention that an individual can be convicted of multiple murders. Section 745 refers only to an individual who is convicted of murder, in the singular, and no one thought any differently. I was not here in 1976 and I do not believe that anyone currently in this House was here then, but the priority at the time was to put an end to the death penalty. It is clear from the work done at the time that legislators wanted to put an end to the possibility that anyone convicted of murder would be hanged, since the death penalty still existed in Canada. However, they forgot to close that door, and now nearly 25 years later, we are going to close it with Bill C-48.

When a bill is intelligent and serves an important purpose—and we believe it does—the Bloc Québécois supports it. In terms of criminal law, we believe that this is an important bill, because we must make a distinction—while being careful not to trivialize—between an individual who commits one murder and an individual who commits two or three. My colleagues will understand that they are completely different. In examining the figures provided, I realize that, in Canada, we can count the number of multiple murderers on one hand. That is straightforward.

The government is shutting doors because of a few multiple murderers. I would like to share with you the most recent figures from 2008. We asked for the most recent figures, but we could not wait for them because the bill had to be passed.

● (1530)

In 2008, 553 people were convicted on 1 count of murder; 18 people were convicted on 2 counts of murder; 6 people were convicted on 3 counts of murder; and 1 person was convicted on at least 4 counts of murder. We know how to count: 18 plus 6 plus 1 equals 25 people convicted of multiple murders. We should take a closer look at this.

Let us look at the type of criminal we are dealing with. I will be careful so as not to be misquoted. The majority are murderers. Murder is still the most serious crime in the Criminal Code. All the murder cases we looked at—except five, and I will come back to that momentarily—were multiple murders: someone killed his wife and three children, someone else killed her husband and two children. This happens a lot in families. In Canada, there are currently five multiple murderers in prison. In order not to violate the seal of confession, I will not name those murderers except for maybe Olson and Pickton, and more recently Colonel Williams. The others were hitmen for the Hells Angels. These are very specific cases.

The example that springs to mind is incredibly sad, and that is the case of Cathie Gauthier. Following a suicide pact she had made, she killed her husband and two children—and in a few moments I will come back to section 745, which is why we are voting in favour. This woman and her husband had left Abitibi to work in Chicoutimi in the Saguenay—Lac-Saint-Jean area, and they had made a suicide pact. Unfortunately, the husband and two children died, but she survived. She was supposed to die, but she survived. She was convicted of triple murder. These are very specific cases.

This is what section 745.51 of the Criminal Code would do. In Canada, in Quebec and in this part of the world, there are few criminals, few mass murderers—God willing it will stay that way. All the better for all of us. However, they had the same rights as someone who committed one murder. Members may think that I am trying to trivialize the situation, but I have no intention of trivializing murder. It is very clear that it is the most serious and most horrific of crimes. However, someone who killed his wife's lover was treated the same way as someone who killed five people to settle the score for the mafia. They were treated the same, meaning that after 25 years they could apply for parole. An individual was granted parole even though he was a criminal and a mafia hitman. He was released under this section of the Criminal Code. I checked and I can tell you that this person did not reoffend. I could speak at length about this. No individual who has been released since 1987 has reoffended by committing murder. The law was amended in 1976, but the first cases occurred in 1987. Two individuals reoffended and committed violent crimes, namely assault with a weapon and robbery.

● (1535)

These two individuals had their parole revoked and are back in custody.

I would like to emphasize the fundamental principle that the Conservatives do not understand. Someone who is convicted of murder is sentenced to life in prison. For the rest of his days, for the rest of his life, he will be under the control and supervision of the Correctional Service of Canada, period.

There is a major difference between Bill C-48 and Bill S-6, which we examined yesterday and which the Bloc will vehemently oppose. I hope that our Liberal friends will come around and also vote against it. Bill S-6 would abolish the faint hope clause, which would mean that any murderer, even if he was completely rehabilitated, would remain in prison. That makes absolutely no sense.

That is why yesterday I said that there was a difference between the faint hope clause, which enables an individual to reintegrate into society, and Bill C-48, which we are currently studying and which states that when an individual commits more than one murder, the judge will address the jury. That is what will be in the Criminal Code, which will be amended. I will quote what will be said to the jury, which can be found in the proposed section 745.21. It will not be the judge, the Conservatives or the police who will make the decision. It will be the jury that convicted the individual.

Before discharging the jury, the judge shall put to them the following question:

> You have found the accused guilty of murder. The law requires that I now pronounce a sentence of imprisonment for life against the accused. Do you wish to make any recommendation with respect to the period without eligibility for parole to be served for this murder consecutively to the period without eligibility for parole imposed for the previous murder? You are not required to make any recommendation, but if you do, your recommendation will be considered by me when I make my determination.

Here is an explanation for the listening public. This means that, from now on, a jury will be consulted in cases involving offenders who have been found guilty of two murders. I will use the example of Cathie Gauthier, who was found guilty of triple murder. The judge will consult the jury to determine whether, given what it heard, it thinks that this woman should not be eligible for parole before serving three consecutive sentences of 25 years or a total of 75 years.

Of course, in the case of a person who killed someone in a moment of pure insanity the jury will likely tell the judge that such a sentence does not really make sense. However, in cases such as those of Olson, Pickton, Bernardo or a mafia hitman, I do not think that the jury would hesitate for long before saying that such individuals should not be released until they have served 25, 50 or 75 years.

That is the fundamental difference between Bill S-6, which will be voted on tomorrow—I hope that the Liberals will vote against it—and Bill C-48, which we will likely vote on within the next few days. I hope that the Liberals will vote, like us, in favour of Bill C-48 because it closes an open door.

But there is more. As a criminal lawyer, I admit that this idea is quite intelligent. It is rare that I compliment the Conservatives, but I am doing so now.

● (1540)

Surely it could not have been the Minister of Justice who came up with this. It must have been someone who works for the Department of Justice. Section 745.51 was added, under which it will be determined whether a person is guilty of a single, double or triple murder when they are sentenced under section 745.

The judge presiding over the trial of an individual found guilty of murder asks the jury for a verdict. This is where it gets interesting. Having regard to the character of the offender, the nature of the offence and the circumstances surrounding its commission, and all the recommendations made by the jury that I was talking about 10 minutes ago, the judge can order that the period of ineligibility for parole for each murder conviction be served consecutively. In other words, once the jury has found the individual guilty, the judge asks the jury the question and takes the answer into account. For example, the jury says not to impose a consecutive sentence. As a criminal lawyer, I would appeal that the next morning. I cannot see a judge disregarding a recommendation by the jury. If the jury says to impose a consecutive sentence, then the judge has discretionary power and has to give a reason orally or in writing for not making the order. What does that mean? It is quite good because once again discretionary power will be given to the court judging the individual.

I want to go back to the example of Cathie Gauthier, who made a suicide pact, as everyone knows. She gave drugs to her husband and her two children and took some herself. Unfortunately for her, she survived. She was convicted of triple murder. In her case, it is likely that the judge, having regard to the character of the offender, the nature of the offence and the circumstances surrounding its commission, would say that the sentence is already enough, that the woman is serving life in prison and will be there for at least 25 years, and to leave it at that.

However, without denigrating these individuals, in the case of Olson, Bernardo or Colonel Williams, I think the judge would not hesitate to say that they deserve a consecutive sentence and before being eligible for parole, they will have to serve 25, 50, even 75 years. In other words, there is no way they are returning to society. I think that would be a wise decision. I admit there are criminals who are so hopeless they could never return to society. Unfortunately that is true.

There are also individuals who are not criminals by nature, but who, because of the events surrounding the murder, became criminals. The case of Cathie Gauthier is an excellent example. How will the appeal court respond? I do not know; I only know that the case is being appealed. But with what we have before us today and the studies we have done, we believe this is a good bill. This bill will close a door that was unfortunately left half-open when the death penalty was abolished.

As a final point, I will say that when we see a good bill, especially in the area of criminal law, the Bloc will support it. That is true of Bill C-48. However, when a bill is bad, as is the case with what Bill S-6 is trying to do, we cannot support it.

● (1545)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, one question I have not heard an answer to is regarding the amendment the committee made once the bill passed at second reading. The amendment was to section 745.51(2). Initially, it stated that the judge shall give, either orally or in writing, reasons for the decision not to make an order under subsection (1)

It has been amended to read, "The judge shall give, either orally or in writing, reasons for the decision to make or not to make an order under subsection (1)". In my view, this change is helpful because it highlights the need for judicial discretion and the need for the public to understand the character of the judicial discretion that is being used in applying the law.

Is the member aware of other concerns the committee may have made in that same regard? This issue of judicial discretion has been downplayed, ignored or suppressed by the government many times before. This seems to be a move toward acknowledging the importance of judicial discretion sentencing.

I hope the member has some comments.

● (1550)

[*Translation*]

Mr. Marc Lemay: Madam Speaker, I thank my hon. colleague for his question.

Indeed, I was a member of the Standing Committee on Justice and Human Rights, and he is right. I forgot to mention it, but we are in favour of the amendment. We believe it is important that the court explain its decision, whatever that may be, especially since we are talking about people's lives. We thought it was important to support that. We are talking about people's lives and the possibility that they will one day be able to return to society. We therefore think it is important that those decisions be explained.

When an individual receives a prison sentence, judges generally hand down their decisions saying that they are imposing a sentence of 12 years, for instance, and give their reasons. I agree with my colleague: a judge in such a case should have to explain the decision to hand down or not hand down a ruling, since that decision can be appealed before the appeal court. Thus, the reasons must be explained.

Mr. Daniel Paillé (Hochelaga, BQ): Madam Speaker, I very much appreciate our colleague's ability to keep things simple. Twice he spoke about the section of the code and then explained it in words we could understand. I am not a criminal lawyer, I am a humble banker, and he helped me to understand things better.

I would like him to use his ability to keep things simple and tell us, in two words, what the differences are between Bill S-6, which we studied yesterday, and Bill C-48, which we are looking at today.

Mr. Marc Lemay: Madam Speaker, the member for Hochelaga says he is a banker, and I will take his word on that; however, the lawyer in me stands up and says no to his request to describe the differences in just two words. I need a little more time than that, particularly since criminal law is involved. I will be brief since I know my time is limited.

First, Bill C-48, which we are examining today, closes a door for offenders who have committed multiple murders and who could be eligible for early release to which we believe they are not entitled. That is Bill C-48.

On the other hand, Bill S-6 is a bill that I hope will cause the Liberals to wake up. We should not vote in favour of this bill. The Liberals are the ones who abolished the death penalty and introduced the faint hope clause to allow offenders to return to society. We must continue to provide this option. I could name two of my clients but I will not because I did not call them. They committed murder and today they are making a positive contribution to society. They served their sentences but benefited from the faint hope clause. I want to emphasize that this clause works very well.

The Correctional Service of Canada came to prove to us, with supporting data, that it has complete control over rehabilitated offenders in society, and that they become productive citizens. Of the 141 individuals who were returned to society, only two have been convicted of violent crimes: one for assault causing bodily harm and the other for robbery. That is a phenomenal success. If Bill S-6 were to be enacted, there would be more crime in prisons tomorrow morning. I am convinced of it because the inmate will have no other options. He will know that he can never return to society. And that is unacceptable.

● (1555)

[*English*]

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Madam Speaker, I am curious. I noticed that the member said that out of about 140 people who were paroled and released into the community, only two had re-offended or at least reoffended with violence against society. Aggravated assault and robbery, in my mind as a criminal lawyer, are very serious indeed and are some of the more serious offences contained within the Criminal Code.

I wonder if the member has checked with the victims who were robbed and subjected to aggravated assault or with the families of victims on how they would feel about those people being put back into the community.

I wonder how the member justifies the fact that these people may misbehave in jail as a reason they should be allowed out. It just does not seem to make sense. I mean, if they are misbehaving in jail, they certainly will misbehave in society and should never be let out. Some people cannot be rehabilitated.

Finally, what does that have to do with the death penalty? The member raised the issue a couple of times. I do not know what he is talking about as far as the bill having any relevance to that issue. We are not even discussing that right now.

[*Translation*]

Mr. Marc Lemay: Madam Speaker, my colleague has just opened a dangerous door and I would need more time to answer. First, he has not understood anything. Second, he does not want to understand anything. Third, and worst of all, if Bill S-6 were to pass tomorrow, it would be the first step towards reinstating capital punishment in Canada. That is very clear and I stand behind my opinion.

Here is the worst part. What will an inmate do if he has no other options and must remain in prison for the rest of his life? He will commit murders for gangs. If my colleague needs some examples, I will give him three, outside the House. I invite him to go to the Sainte-Anne-des-Plaines, Kingston and Port-Cartier institutions. That is the problem posed by Bill S-6.

I am not saying that an inmate with bad behaviour in prison must be paroled. I have never said that. On the contrary, an individual who wants to return to society must be ready, rehabilitated and capable of being an asset to society. Otherwise, he will remain in prison. I hope that it is clear this time. That is not what Bill S-6 is all about. I invite my colleague to reread the bill. If necessary, I will give him a free course on criminal law in the next few days.

[*English*]

The Acting Speaker (Ms. Denise Savoie): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cape Breton—Canso, Employment Insurance; the hon. member for Nanaimo—Cowichan, Rail Transportation; the hon. member for Edmonton—Strathcona, The Environment.

● (1600)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Madam Speaker, I am pleased to stand once again to speak to Bill C-48, which has now reached third reading and is close to realizing the vision of the member for Mississauga East—Cooksville whose private member's bill inspired its content.

As I have spoken about many times over my five years in this House, my colleague and I have been pushing for an end to automatic concurrent sentences for multiple murderers and rapists. I was proud to be the seconder to this important bill when it was brought forward in 2007.

Having spoken to many victims of crime and their families over the years, I became aware of how much of an insult and travesty the notion of volume discounts was within our justice system. The ability to serve penalties simultaneously is a slap in the face to those who have any sort of respect for human life. The murder of victim number two, three, four or five is just as significant, just as impactful and just as heinous as the murder of victim number one. The order in which the crimes were committed should have absolutely no bearing on the way in which a perpetrator is sentenced.

This House is no doubt aware of the stories of Ed Schellenberg and Chris Mohan, because I have taken every opportunity to share them with my fellow members. For my family, including my daughter, Keerat, who is in Ottawa today, and for the residents of Surrey and Delta, the tragic end to the lives of those two gentlemen was very personal and emotional because they were innocent bystanders caught in the crossfire of the most callous of criminals. Today I will once again share their story so their names are at the forefront of the mind of every one of my colleagues when they vote on this bill.

It was the fall of 2007 when plumber Ed Schellenberg was repairing a fireplace in a 15th floor apartment. At the same time, in a neighbouring suite to the one in which Mr. Schellenberg was working, Chris Mohan was on his way out to play hockey. The nefarious activities that were taking place on that 15th floor in another suite meant that both Mr. Schellenberg and Mr. Mohan became collateral damage for a group of criminals whose regard for anyone besides themselves was non-existent. Gang activity in support of the drug trade took the lives of two men who had absolutely nothing to do with the situation.

Canadians should not have to live in fear of conducting their daily lives in places where they have every right to be. The fact that these terrible murders took place in a residential building in the middle of a quiet neighbourhood makes this incident that much more frightening to contemplate.

Now, thanks to the tireless work of the Surrey RCMP and the integrated homicide investigation team, those individuals who were responsible for this brutality are now in custody and at various stages of the justice process. Our front-line defenders have done their job and have made residents of my riding of Newton—North Delta and those living across Surrey that much more safe and secure in their own communities.

However, now it is time for us as legislators to do our job because, as things currently stand, the courts are helpless because of current laws. The perpetrators of the Surrey Six slayings are counting their lucky stars that current laws allow for no additional punishment for the murders of Ed Schellenberg and Chris Mohan.

● (1605)

There was no deterrent to these criminals before they took lives and there is certainly no fear now that they are about to face the consequences of their actions. I say that it is about time that we, as representatives of the people, close this loophole.

There must be a difference for those who commit a single act of sexual assault or murder and those who go on a spree and impact many victims. Our laws must reflect the sanctity and respect for human life that is missing in these murderers. There can no longer be any delays due to parliamentary procedure or posturing of a government more concerned with politics than real change.

In 1999, a similar bill was passed in the House of Commons, but due to a general election being called, it died in the Senate. Since the member for Mississauga East—Cooksville reintroduced her private member's bill in 2007, the government has taken every opportunity to create manufactured obstacles to its passage.

I call on members of the government to stop the political games. No more proroguing Parliament, no more political filibustering and no more false accusations against members of my party, who are willing to work together to truly get tough and smart on crime. It does not matter that it was first a Liberal idea. All that matters is that we, as members of the House of Commons, are guided by the constituents we represent and the victims and families who have fallen through the cracks.

I know for a fact that over the years there have been many sentences imposed by judges who were pained to do so. They wanted to lay down stiffer sentences but were completely handcuffed by the parameters of the law. Bill C-48 is going to change all of that.

Before I conclude, I want to recognize the fantastic amendment made to the bill at the committee stage by the member for Notre-Dame-de-Grâce—Lachine, who has suggested that all decisions, whether with or without a consecutive sentence, should include a verbal or written explanation. It is always useful to know reasons for the important decisions and judges would not mind this requirement.

I encourage all of my colleagues from all parties to finally pass the bill and ensure that another victim is never again taken for granted by our laws.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I remember very well the private member's bill on consecutive versus concurrent sentencing. That bill was in fact gutted in committee at that time and I know the member worked very hard to try to get it reinstated.

The debate that has occurred so far has to do in great part with whether Bill C-48 provides the right balance in terms of dealing with multiple murders considering the situation we have with Bill S-6, the faint hope clause. Would the member care to comment on how justice is served and the public safety objectives of the criminal justice would be better served by Bill C-48?

● (1610)

Mr. Sukh Dhaliwal: Madam Speaker, the bill is in fact very balanced. On one side it gives powers and resources to judges to make decisions on multiple murders and whether they should be giving sentences as consecutive or concurrent. By including consecutive sentences as part of our law through this bill it would provide a balance to the system.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Madam Speaker, I am pleased to speak on behalf of the Bloc Québécois about Bill C-48, which has to do with parole and cumulative sentences. This bill offers an option. It is not often that we see a crime bill introduced by the Conservatives that gives judges options. In this case, it gives them the option of imposing additional periods of parole ineligibility in cases of multiple murders. It gives judges the choice of adding them. The Bloc always likes putting things in the hands of judges for obvious reasons.

In a murder case, the judge and the jury can very quickly make recommendations on parole. There is a prison in my riding and I know people who have committed crimes, who are in this prison and who will one day have their sentences reduced or be released on parole and thus return to society. These people are all prepared to do so, and I do not see why we would keep someone in prison who had one moment of weakness, a momentary lapse, or simply a lack of understanding of our society's values. I do not see why we would never give them the possibility of living a normal life.

The Bloc Québécois is in favour of the principle of Bill C-48. I think it will be interesting, in committee, to ensure that the basic principles that give freedom to judges are conserved. This bill has to do with murder, the worst crime, which has the most significant consequences for victims and which affects the public the most. Bill C-48 would enable judges to increase parole the ineligibility period when they are pronouncing a sentence—not after, of course—in cases of multiple murders.

As my hon. colleague said earlier, multiple murders are very rare. In fact, only 0.2% of all murders in Canada in the last 35 years were multiple murders. These are major offences, I agree, but they are also extremely rare. What that means is that a good number of the bills now before the House deal with extremely rare incidents, probably because the government cannot find more general issues to address and, as we know too well, the government likes to say it is tough on crime and to put a good spin on it.

We all agree that the most serious crimes deserve the most serious penalties and are therefore subject to imprisonment for life. Sentences that are too light or parole that is too easy, such as parole after one-sixth of sentence—and we introduced a bill to do away with that—undermine the judicial system and only give credence to the misguided notion that criminals are treated better than their victims.

By the way, this bill does not improve the lot of the victims. The government keeps saying that we must focus on the victims of crime, but it has not done so in this bill. This bill is all about the criminals.

● (1615)

It seems unusual that a second murder would not result in an additional sentence. We all agree on that. Under Bill C-48, the judge would at least have the option of imposing consecutive periods of parole ineligibility. It would be up to him to decide.

But the Bloc Québécois thinks that punishment cannot be the sole objective of the legal system, to the detriment of rehabilitation and reintegration. We still believe in that, and we do not expect to change our minds soon. In fact, we are not the only ones who believe that parole, rehabilitation and reintegration are important. Last week, there was an article in the paper from a coalition of eleven Christian churches in Canada that said: "According to the Church Council on Justice and Corrections, the criminal justice policy of the Conservative government is not helping the victims or the offenders." That rather confirms what I was saying earlier. Bills are always drafted to deal with criminals, not to assist the victims.

This article listed what the eleven churches want people to know. It asked what Jesus would do with modern-day criminals. It asked if he would let them languish behind bars even longer or if he would try to reintroduce them into society. It is an interesting question because the Conservatives often fall back on the religious view of punishment. They have built their preconceived notions of crime on a that foundation. And now the religious are reminding them of that.

That is how the eleven churches stated their position. It comes at the moment when the government, with bills like Bill C-48 and all of the other bills it is introducing, is already seeing it will need to build more and bigger prisons. In my riding as well, apparently the prison will be expanded to add 192 beds. Yet, for 10 or 15 years, the number of inmates in that prison has decreased on a regular basis. Why? Because there has been an increase in rehabilitation—more people on parole who have been rehabilitated. However, it seems that they will succeed in having more laws that will lengthen sentences and so, we will need more prisons.

What is interesting, and Bill C-48 would lead to this as well, is that 192 prison beds will cost $45 million. Simple division reveals that each concrete bed will cost $248,000. This amount represents two social housing units for prisoners, two units out in our society. The Conservatives prefer to build jails and take people out of society at the attractive price of $248,000 per prisoner. You must agree that this money would allow us to do other things on the outside.

The interesting part that I would like to share is where all of the churches of Canada are listed, be they Catholic, Protestant, Lutheran, etc. This is what it says:

● (1620)

> This group believes that incarcerating criminals for longer and longer periods, which is what the Conservative government in Ottawa is proposing, does not benefit either victims or offenders.

This is quite basic. I will continue:

> I am most concerned that you and the Government of Canada are prepared to significantly increase investment in the building of new prisons.

These are religious leaders saying this. They went on to say:

> Proposed new federal laws will ensure that more Canadians are sent to prison for longer periods, a strategy that has been repeatedly proven neither to reduce crime nor to assist victims.

If I understand correctly, Bill C-48 would put people in prison for longer periods of time to ensure that they do not reoffend. People are beginning to realize that it is not the length of time spent in prison that matters, but rather it is the money that is invested in rehabilitation. Offenders need to be re-educated, to be taught the moral values of society, to learn a trade, and they need to be looked after when they are released. Instead of simply giving them a cell in a prison, they must be given a place to live, a job, and a chance to return to society. Those are the ones who will not reoffend. We have a long way to go. We seem to be forgetting about victims.

I will continue quoting these religious leaders, because what they are saying is interesting:

> These offenders are disproportionately poor, ill-equipped to learn, from the most disadvantaged and marginalized groups.

This is how religious leaders, who are also part of society, describe criminals.

> They require treatment, health services, educational, employment and housing interventions, all less expensive and more humane than incarceration.

That is far from what is happening in Bill C-48, even though, in reality, there is nothing shocking about it. The principle is fine, but we can see that it is leading down the same path. They want to be able to incarcerate an increasing number of people.

The bishops continue:

> We are called to be a people in relationship with each other through our conflicts and sins, with the ingenious creativity of God's Spirit to find our way back into covenant community.

They did not mean a community of Alliance members. What surprises me is that the Conservatives, who are so respectful of religion, do not listen to messages as important as this one and continue to think that the only way to make criminals disappear is to put them in prison.

Coming back to the quote:

> How can that be if we automatically exclude and cut ourselves off from all those we label "criminal"?

There is a lot of wisdom in that. It is a pleasure for me to say so here in the House because I do not talk about religion very often. Sometimes I do, though, because I think these people have good things to say, as can be seen here. Their message is worth repeating. That is why they said it, so that it would be repeated and we could try to make the Conservatives understand that being tough on crime is not the only path but there are also rehabilitation paths.

In my riding, when the Conservatives came to power in 2006, before the second election they won, they eliminated one streetworker job.

● (1625)

I will not mention the town because that would be giving away too much. This streetworker made $40,000 a year. The Conservative government saved $40,000 a year even though this worker could have been out helping youths who were having difficulties and giving them advice to keep them out of jail. He could get them interested in other things such as learning a trade. He could encourage them to show more respect and give them some concept of morality, which they had not necessarily acquired in broken homes. The $40,000 that the federal government saved is not even a drop in its budget, hardly even one electron.

The opposition maintains, quite rightly, that there should be fewer crime bills. We have the impression that the government mostly just wants to make political hay by being tough on crime, as my colleague said. There were only about 45 recidivists among the 2,900 murderers in Canada over 35 years. We are talking, therefore, about an infinitesimal number. So why rework so many laws? Why not pass a general act instead of acts with such a narrow focus each time?

Here is a quote from some church members on their view of human dignity:

> Our Church supports restorative justice...Both for moral and practical reasons, society should be concerned not only with how long prisoners are incarcerated for, but with their character when they leave prison. Every person is made in God's image and has received the gift of dignity...Our goal is not to be for or against a government, but to explain that there are alternatives to prison.

The Bloc Québécois also supports this type of restorative justice. These words should linger and influence current legislation.

They are not trying to engage in politics. They are trying to make the government understand that we cannot invest in prisons indefinitely. It is not a solution. The solution is to come back to rehabilitation.

● (1630)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I appreciate the member's frankness in talking about the broader dimension of our human responsibilities and the fact that the role of the criminal justice system is not simply to punish. Prevention is part of it, certainly punishment is an element, but then we have rehabilitation and reintegration.

It seems to me that an easy solution is Bill C-48, having more and more people stay in jail for longer periods of time and then we would not have to worry about whether they would be a problem. That is the important element of Bill C-48. We demonstrate a confidence level in judicial discretion. Public safety is extremely important and we should always show respect for the public safety issue. However, eventually people get out, even when they do bad things, and we want to be absolutely sure.

I appreciate the member's comments and acknowledge his openness with the House.

Perhaps the member would comment on whether Bill S-6 on the faint hope clause is consistent with the idea that there are people who are not Clifford Olson, that public safety is not at risk and that maybe there are good public service and safety reasons for early parole in certain circumstances.

[*Translation*]

Mr. Christian Ouellet: Madam Speaker, I thank my colleague for the very interesting question. I also thank him for appreciating the fact that I spoke about moral values.

The value of this bill lies in the fact that it gives judges the discretion to assess people who have committed such horrible crimes as murder and consider whether their culpability, depending on the circumstances, is greater if they have committed two murders at the same time, or if they have committed two murders, one after the other. Is a person a greater danger to society if he has killed three of his children at the same time or if he has killed only one of his children? That is what must be determined.

It is fortunate that judges can consider this because there is no neat mathematical formula for culpability. Moral values must always be the values on which decisions are based. There are serial killers, but they are already subject to a life sentence without possibility of parole. We are not talking about them, but about a few people who are not necessarily a danger in the long term, but who had a moment of great weakness.

[*English*]

The Acting Speaker (Ms. Denise Savoie): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

STRENGTHENING AVIATION SECURITY ACT

The House proceeded to the consideration of Bill C-42, An Act to amend the Aeronautics Act, as reported (with amendment) from the committee.

● (1635)

SPEAKER'S RULING

The Acting Speaker (Ms. Denise Savoie): There are three motions in amendment standing on the notice paper for the report stage of Bill C-42. Motion No. 2 has been withdrawn by its sponsor. Motions Nos. 1 and 3 will be grouped for debate and voted upon according to the voting pattern available at the table.

I will now put Motions Nos. 1 and 3 to the House.

MOTIONS IN AMENDMENT

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC) moved:

Motion No, 1

That Bill C-42, in Clause 2, be amended by replacing lines 7 to 15 on page 2 with the following:

"(4) The Committee of the House of Commons responsible for transport matters must,

(a) within three years after the day on which this subsection comes into force and every five years thereafter, commence a comprehensive review of the provisions and operation of this section, and complete the review within two years; and

(b) within three months after the day on which the review is completed, submit a report to the House of Commons setting out its findings."

Motion No. 3

That Bill C-42, in Clause 2, be amended by replacing line 12 on page 2 with the following:

"the provisions and operation of this section; and"

Hon. John McCallum (Markham—Unionville, Lib.): Madam Speaker, I am glad that the government has finally brought this bill back to the House for report stage debate. During the second reading debate and during committee stage, the government made it clear that the bill was a matter of national urgency. That is why I was dismayed that the government waited until the final sitting day before the recess last summer to table this legislation.

Last fall when the House returned, the government waited until October 19 to bring the bill forward for debate and again waited until October 26 to complete debate at second reading. The transport committee held six days of hearings on the bill and then amended and passed the bill on December 7, and it was reported to the House on December 8. Again, instead of taking up this important matter, the government let it sit idle. Now, here we are in February finally discussing the bill again in the House.

I lay out this timetable in some detail for a specific reason. The element of the U.S. secure flight program which would require the transfer of data for flights flying over the U.S. was set to become live at the end of 2010. There was significant pressure from both the government and the U.S. to ensure that our airlines were legally able to perform this data transfer. However, it is clear from the government's lack of action that this was never truly a priority.

The secure flight program, which was rolled out in three stages, has put Canada in a tough spot. Our government has always strived to protect the privacy of Canadians, but the U.S. has the sovereign right to control its airspace. That is why committee members heard from a wide range of witnesses.

[*Translation*]

We heard from many witnesses, including the governments of the United States and Canada, the aviation industry, the Privacy Commissioner and many civil rights groups. It became rather clear that we really had no choice: we had to allow this information to be transferred.

[*English*]

It also became clear that the bill was woefully inadequate in providing protections to the privacy of Canadians. The members of the transport committee worked to build protections into the law. Now, as amended, the law will require airlines to notify passengers before they purchase their tickets that their personal information will be transferred to the United States.

The second change is that the committee reduced the scope of these provisions. Previously the governor in council had the power, without parliamentary approval, to add other countries to the list of those authorized to receive this information. Thanks to amendments made at committee, this authorization has been limited in legislation to the United States. This means that should another country request this passenger information, the government will have to return to Parliament, and members of both the House and the Senate will have the power to review and approve their addition.

The third amendment is also important. It requires that the House of Commons committee charged with transport issues must periodically review the provisions of this act and report to the House on their findings. This will give parliamentarians the opportunity to bring back witnesses, like the Privacy Commissioner, before the transport committee so that they can follow up on how the privacy of Canadians is being respected or not.

As will be seen in the notice paper, it is this provision of the bill that is subject to report stage amendments. I will touch on these amendments in due course, but first I want to comment on the committee hearings themselves.

I think it is fair to say that all the opposition parties shared the concern about the U.S. government's request to receive this information. However, I was dismayed by the tone that some of the government members took. Some Conservative members of the committee did not seem to take this seriously. They asked, rhetorically of course, if Canadians' right to privacy "trumped" the Americans' right to security and safety.

As the Privacy Commissioner indicated, this is a serious issue for Canadians. She raised the case of Maher Arar, who was rendered to Syria and tortured on the basis of information transferred by the Canadian government to the U.S. This is a serious issue. I want to emphasize that for the members opposite.

Now I will turn to the amendments currently before the House.

Motion No. 3, under the name of the Parliamentary Secretary to the Minister of Transport, is a previously agreed to technical amendment that will restrict the committee's review to the provisions of the bill rather than the entire Aeronautics Act. This was the original intention of the committee.

The other amendment, also standing in the name of the parliamentary secretary, is more contentious. Currently, Bill C-42 requires that the transport committee must commence a review of the bill within two years of its coming into force and every five years thereafter. The committee must report its findings to the House within three months of completing the report. The government's amendment would allow the committee an extra year to begin the study, but would require the study to be completed within two years. That means the government would require the review to be completed within five years of the passage of the bill.

I do not believe the government's amendment fully appreciates the seriousness of the issue. The first review should be completed in less than five years. I will be proposing an amendment to government Motion No. 1, the effect of which will be to say that the review of this legislation should be complete within three years of the passage of the legislation rather than five years.

I know, having spoken to my colleague in the NDP, the member for Western Arctic, that he agrees with me to reduce the length of time from five years to three years.

● (1640)

[*Translation*]

I have not yet had a chance to talk to my colleague from the Bloc about this, but I will do so as soon as possible.

[*English*]

I also spoke to the parliamentary secretary and he indicated he was not sure whether or not the government would support that. We shall find out. It may be a friendly amendment having the support of all parties, or it may not be. That remains to be seen.

Let me conclude by reading the text of the Liberal amendment to government Motion No. 1. I move:

> That Motion No. 1 be amended by deleting all the words in subsection (a) and replacing them with "within two years after the day on which this subsection comes into force and every five years thereafter, commence a comprehensive review of the provisions and operation of this section, and complete the review within one year; and"

It is a very simple matter. We on this side believe that these privacy concerns are very important and that we need not wait five years before reviewing the bill to make sure that Canadians' privacy rights have been respected. The government is proposing five years. The effect of our amendment is that this review be complete within three years of passage of the bill.

● (1645)

The Acting Speaker (Ms. Denise Savoie): This motion proposed by the member for Markham—Unionville is receivable.

Questions and comments.

Mr. Dennis Bevington (Western Arctic, NDP): Madam Speaker, this issue and the bill which had such urgency for the government before Christmas have since changed somewhat in direction.

My colleague mentioned that the U.S. government presented evidence to us. While we did have a letter from the ambassador to clarify certain points, we never had a real opportunity in the committee to actually question the Government of the United States on this particular issue.

We did have the Liberty Coalition, a U.S.-based civil liberties group, speak to us. Michael Chertoff is on public record saying that he believed that no-fly decisions should not be subject to judicial review. Within the United States, those who are impacted by no-fly regulations are not subject to judicial review.

Where does that leave Canadian citizens who may find themselves, under U.S. law, prohibited from flying over the U.S. and on a list that they have no judicial ability to access?

Hon. John McCallum: Madam Speaker, as I said in my remarks, this is a difficult situation for us because we do not want to risk Canadians' privacy by requiring them to give this information to the United States. However, it is indisputable that the United States has jurisdiction over its own airspace. Unless we want our flights not to go over the United States, which would be devastating for the airlines and for travellers, we really have no option but to agree to give this information.

As I said in my remarks, we made several amendments to mitigate the negatives out of this bill. In direct answer to my colleague, I do not think we can expect that Canadian citizens would have stronger rights than American citizens, vis-à-vis the U.S. government. I think the Americans with whom I spoke said that Canadians would have the same rights as American citizens.

This is one reason that a review is needed. We have received certain engagements from the U.S. government. One reason we would need a review, and sooner rather than later, not waiting a whole five years, is so that we can bring witnesses before the committee to hear how this bill has operated and whether, indeed, there have been infringements of Canadians' privacy rights or other issues.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Madam Speaker, I thank my friend across the way for his comments and insightful work on the committee. It certainly took all members of all parties on the committee to get the job done in order for Canadians to be able to fly across the United States, even to fly from one Canadian city to another.

I wonder if the member could make it more clear and concise in relation to the amendments he is proposing. I understand there are two particular issues to shorten the timeframe. I am wondering if he has taken into account the long period of time it has taken to get bills passed through this place and to get studies done. Of course we are in a minority government and the Liberals continuously hold us up, and if it is not them, it is the Bloc or the NDP.

I am just wondering if the member has considered all of that, or does this mean the Liberals are going to take a new step forward and actually work co-operatively with the government to get the best interests of Canadians to the forefront?

● (1650)

Hon. John McCallum: Madam Speaker, perhaps it means this is not a friendly amendment, although I would like clarification from my colleague.

The dates I gave in my speech indicate it was not the opposition that was responsible for delays in the bill. It was that the government brought the bill forward on the very last day of the summer sitting. The other dates indicate that if anyone is responsible for the delay, it is the government.

I do not think, even in a minority Parliament, it is too much to ask that within two years of the passage of the bill, which is quite a long time, the government begins a review of the bill and that it is given a whole year, 12 months, to complete that review. The review is not super complicated. It might take five or six days of hearings, much like in the lead-up to the bill. The Conservatives may have trouble fitting in five two-hour committee meetings in the space of 12 months, but for the Liberals and opposition parties in general that should not be a problem.

I do not understand why the government is refusing to go along with the three-year review period, which is ample time to get the work done. Is it because it is downplaying the importance of the risk to the privacy of Canadians and for that reason it is going all the way out to five years before it even considers it necessary to have a review?

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, it is certainly a pleasure for me to rise in support of Bill C-42 and against the subamendment that has been put before the House.

Bill C-42 would amend the Aeronautics Act to ensure that Canadian air carriers comply with the United States' secure flight program and maintain Canadians' access to southern destinations via continental U.S. airspace. The legislation before us today would also strengthen the North American air transportation system against terrorist attacks and enhance the protection of all air travellers.

All hon. members understand the importance of achieving both goals, which will be easier if we are all clear on what Bill C-42 will and will not do. Some comments I have heard during debate and have seen in newspaper editorials would suggest that if Bill C-42 is passed then all domestic flights will have to comply with the secure flight program. That is absolutely false.

The truth of the matter is that our government has worked very hard with the U.S. administration to gain an exemption to the secure flight rules for domestic flights between Canadian cities which overfly U.S. airspace. That is an important distinction and an important exemption since many flights between Canadian cities do in fact travel through U.S. airspace.

Such flights under the provisions of Bill C-42 and the secure flight rule will not, and I repeat will not, be subject to the secure flight requirements. Neither U.S. law nor Bill C-42 will require that information related to passengers on those flights be shared with the U.S. government.

I have heard it said that the secure flight rule will apply to all Canadian domestic flights, which I previously mentioned is completely and absolutely wrong. I have also heard testimony at committee hearings implying that Bill C-42 might require that passenger information be sent to countries such as Russia or China for flights between Vancouver and Hong Kong, for example, or to Latin American countries for flights to Colombia or Brazil originating in Canada, and to European and Middle Eastern countries for flights from Canada to Dubai.

I want all members in the House to be absolutely clear on this point. Bill C-42 amends section 4.83 of the Aeronautics Act so that Canadian airline companies can only provide the United States government with passenger information for all flights which overfly continental U.S. airspace.

I also want to highlight measures taken by the government to address concerns raised by opposition members and by the Privacy Commissioner, Ms. Jennifer Stoddart, when the bill was before the transport committee. There were some concerns related to what Canadians were being told in relation to the secure flight regulations and whether they would be made fully aware of what information would be shared and with whom.

To address these concerns, we introduced a government amendment at committee stage that will require an operator of an aircraft that is due to fly over but not land in the U.S. to notify all persons who are on board or expected to be on board that information relating to them may be provided to a competent authority in the United States. This measure will ensure that Canadians are aware that their information will be shared with the U.S. government for flights overflying U.S. airspace to a third country. The amendment addresses concerns raised by the opposition and other witnesses during committee testimony and it does significantly improve the bill.

I would now like to shift gears and talk about some of the testimony that was heard at committee from the airline companies as well as from the tourism industry in general.

What was said at committee is relevant and very important, that is that the economic costs of not passing Bill C-42 would be severe.

The Canadian Tourism Industry Association noted, "Use of alternative routes will mean longer travel times, higher costs, and increased environmental impact" for flights not in compliance with the final rule of U.S. security plans. It went on to add, "Consequently, these travellers are likely to choose other destinations that would not require them to make stopovers or long flyovers". That would undoubtedly have a negative and severe impact on the tourism association's 8,000 direct and affiliate members across the country who in turn represent some 1.6 million Canadians whose jobs depend on the economic impact of tourism in Canada.

● (1655)

The airline industry has been absolutely clear with the government in that it supports and requires Bill C-42 to be passed to remain competitive in the North American aviation industry. The Canadian Tourism Association similarly is clear and unequivocal in its support of Bill C-42.

Bill C-42 will ensure that Canadians can access travel destinations in a safe, quick and cost-effective manner while also protecting their privacy and individual rights. Amendments to the Aeronautics Act will enable Canadian air carriers to provide limited passenger information to the U.S. Transportation Security Administration 72 hours prior to departure for destinations requiring entry into U.S. airspace, such as Caribbean and Latin American destinations. Passenger data will be collected by the U.S. Transportation Security Administration for the purpose of passenger watch list matching.

Canadian air carriers are currently required to match passenger information against the U.S. no-fly and selectee terrorist watch list for flights destined for the U.S. Privacy concerns and false matches have been raised and our government is acutely aware of the importance of protecting privacy and individual rights.

By transferring responsibility for watch list matching from air carriers to the U.S. Transportation Security Administration, secure flight is expected to reduce false matches. Only information necessary to conduct watch list matching will be gathered. All personal data will be collected, used, distributed, stored and disposed of in accordance with U.S. guidelines and applicable U.S. privacy laws and regulations. In fact, the vast majority of travel records collected by the secure flight program will be destroyed shortly after the completion of the individual's travel.

The Canadian government is focused on ensuring that the privacy of Canadians is protected and has expressed this concern to the U.S. In compliance with its secure flight program, Canadian air carriers will transmit each passenger's full name, date of birth and gender. If available, the passenger's redress number, passport information and itinerary details will also be transmitted. Passenger data will only be compared against the U.S. no-fly and selectee lists unless specific security considerations warrant further action.

By amending the Aeronautics Act, the Government of Canada is taking the necessary steps to ensure that Canadian air carriers can comply with the U.S. secure flight program, which requires U.S. and international air carriers to share passenger information with the U.S. government for flights that fly into and overfly the continental U.S. en route to a third country.

The Convention on International Civil Aviation, also known as the 1944 Chicago Convention, stipulates that all air carriers are obliged to operate under the legislation of another country once they enter its airspace. There is no alternative in meeting U.S. secure flight requirements. As I have mentioned, non-compliance by Canadian air carriers would result in lengthy and costly delays, as the U.S. has the legal right under international law to determine who enters its airspace and could legally deny overflight rights to Canadian air carriers destined for third country destinations.

Canadians flying from, for example, Winnipeg to Puerto Vallarta, Mexico, would have to travel around the continental U.S. rather than take a direct route across U.S. airspace if the information is not shared and provided to U.S. authorities. This detour would result in additional expense incurred by Canadian travellers in addition to unnecessary inconvenience and added travel time. The effects on Canadian tourists and airline industries would be significant and negative.

Canadian air carriers would be faced with significant additional operational costs that would reduce their competitiveness in an already competitive market.

As the minister has said, Bill C-42 is not a long or complicated piece of legislation, but it is an important piece of legislation. It is vitally important for the Canadian public who wish to continue accessing southern destinations in the most efficient and cost-effective way possible. It is vitally important for our airline and tourism industries which directly and indirectly provide over one million jobs to Canadian workers. It is also vitally important to our safety and security interests which require that we continue to work with all of our international partners to improve and enhance aviation security.

Therefore, I will be voting to support the passage of Bill C-42 and against the subamendment recently put on the floor of the House. I urge all hon. members to do likewise.

● (1700)

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, I congratulate my colleague for his speech. I heard him say many times how important this was, so my question is the following: if the bill is so important and urgent to the government, and since the government has known for years the schedule on which these changes in the U.S. requirements would be introduced, why did it introduce the bill at the very last minute, on the last day of summer, when it could have introduced it many months or even a year earlier?

I do not understand why the urgency coincides with the very slow speed of introducing the bill. Is it simply incompetence, or did the government have some other motive for waiting until the last minute?

Mr. Brent Rathgeber: Mr. Speaker, it was neither. Certainly the government has many priorities. The hon. member listened to my comments, and I believe he sits on the transport committee, so he will know that important negotiations were made and ultimately consummated with the U.S. authorities on a very important exemption regarding flights originating in Canada and also landing in Canada that might happen to fly over U.S. airspace between those two destinations. Some time and some significant negotiations were involved in negotiating that exemption. There were a number of issues that contributed to the timing of the introduction of this piece of legislation. They had nothing to do with what the hon. member might suggest, and they were certainly in conformity with the importance that the government places on this legislation.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my information is that there are approximately 100 flights from Canada going over United States territory per day, but there are approximately 2,000 American flights going over Canadian territory per day.

I would like to ask the member whether the government made any attempt at reciprocity here. If the Americans are asking us for information, did we say that we would provide them with the information provided that they would provide us with the information on all of their passengers? If that is the case, I would like to see the effect that demand would have on the American carriers, because it would not be long before there would be a lot of pressure on United States legislators from American airlines and American passengers who might be equally upset about this issue.

I would like to ask the member if the government made any effort to get any—

● (1705)

The Deputy Speaker: Order, please. I am just going to stop the member there to allow the hon. member for Edmonton—St. Albert a chance to respond.

Mr. Brent Rathgeber: Mr. Speaker, I am not exactly sure what the relevance of reciprocity is.

What is relevant about this piece of legislation and what this piece of legislation attempts to remedy is the problem—or the reality, let me say—that Canadian carriers would have to circumvent the entirety of U.S. airspace if they were travelling to a third country such as Mexico or Cuba or any of the Caribbean countries. They would have to take an indirect flight route so that they could avoid the entirety of American air space, because the tenets of international law make it quite clear that the U.S. authorities can require this information or prevent Canadian airlines from entering that space.

So the purpose of this legislation is to correct that and to provide the Canadian travelling public with a safe but also cost-effective and direct route to its ultimate destination and to comply with the requirements of the U.S. secure flight program.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, I heard the member for Edmonton—St. Albert mention the exemption for flights originating and ending in Canada. However, my constituents of Newton—North Delta and I are deeply disappointed that the current Conservative government was unable to secure an exemption for all Canadian flights in its negotiations with the Americans.

Through you, Mr. Speaker, why could the government not convince them that Canadian security clearance standards already ensure the safety of our flights?

Mr. Brent Rathgeber: Mr. Speaker, I am not privy to the reasons that the U.S. transportation department was not satisfied. What I do know is that this is what it required. I also understand the realities of international law. International law says that the U.S. can ask for these lists.

The reality is quite simple. If this bill is not passed, Canadian carriers flying to, for example, Caribbean destinations will have to circumvent U.S. air space, at great cost, at great inconvenience and at a huge waste of fuel. Nobody wants to see that, and there is no reason to do it.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I too am pleased to have a chance to speak to Bill C-42, which was portrayed by the government with such urgency to us on the Standing Committee on Transport, Infrastructure and Communities in the fall when we had witnesses in front of the committee with many unanswered questions about it.

On the face of it, this bill seems pretty simple. It seems it is just changing a couple of lines in the Aeronautics Act. However, this bill has many more ramifications. What we have seen from the government is a failure to address the ramifications prior to putting the bill forward. I am glad we have managed to insert a review clause into the bill for this legislation, because we are entering completely uncharted territory with the release of this information to the United States in the form we are taking. We are asking Canadians who are not visiting the United States, who are not setting foot on United States soil, to give up their information to a foreign country. That is what we are doing with this bill.

Canadians will give up their information, but they will give up more than their information. They will give up the opportunity for the United States to take on more information about them.

How does that work? We heard testimony about the passenger name record. Most of the information accessible to Canadians will be transferred. It will not simply be names and passport numbers and dates of birth; we will be giving the United States the opportunity to examine the full passenger name record. This is a very serious business, because it brings in much more information. We have heard many examples in the media over the past months of individuals whose information has been used in a manner that has caused them to have difficulty when trying to enter the United States. We have set up a system that can create much discord among passengers who are travelling over the United States.

I am not going to speak a lot about the human rights issues. I will leave that to my colleagues, who are pretty confident and pleased to take on that task, because all Canadians should understand what has happened. However, I would like to speak to some of the aspects of the bill that we dealt with at committee in trying to mitigate the issues that have surrounded this bill.

My colleague from Edmonton—St. Albert talked about the great exemption that was given to Canadians over the issue of domestic-to-domestic flights. It is an exemption that on the face of it seems rather odd: the U.S., very concerned about its airspace, is allowing an exemption for passengers who are going to undergo fewer security proceedings than they would on an international flight. A Canadian getting on a flight in Halifax is certainly subject to a lot less scrutiny and procedure under aviation regulations than one flying from Halifax to Puerto Vallarta. Why would the U.S. give this exemption?

I think we heard the answer later on, towards Christmas, when it was revealed that the government is planning a perimeter security deal with the United States. If we have a perimeter security deal with the United States such that we are passing all information at all times to the United States, it does not matter to the U.S. whether the information is collected for domestic-to-domestic flights, because with the perimeter security deal we can be sure the U.S. will get all the information it requires on all the flights in Canada. That is something that I think was not very well laid out, but we are still waiting for the results of it.

We see that the Prime Minister is heading off to the United States at the end of this week to speak with President Obama about the perimeter security arrangements, so I am sure that some of these aspects will come to light. Is it an exemption? No, it is part of the U.S. plan to extend the perimeter security arrangement.

● (1710)

Even with the perimeter security arrangement, the U.S. needs to have the information on international flights coming into Canada because they are flights coming across a common perimeter between the two countries. If we follow the logic of the United States, it still needs this deal.

What is the aspect of perimeter security that we are supposed to deal with in this particular bill? It is pretty straightforward: if a plane is flying into Canada or the U.S. from another country, information is going to be given to the U.S. government.

What does the U.S. government do with that information? We heard testimony in committee that the U.S. is not stopped from sharing that information with any other country. When that information is given to the U.S., it is its business to deal with as it sees fit. There is no indication from the Conservative government that it put any restrictions on that information.

When the NDP tried to move an amendment as a last-ditch effort, it was ruled out of order. The amendment was to try to understand how we could save information on passenger name records so that information that is really no one's business would be kept in Canada. Because most of the servers that contain the information are in the United States, once the U.S. has the passenger name records, it will have full access to all of that information under its laws.

Regardless of what Canada gives the U.S., as long as the passenger name records are provided, all the information is open. That was given in testimony. Once again, the government did nothing to limit access by the United States to information about Canadians.

My colleagues on the government side talk about the time restriction of seven days for the U.S. to have the information. In this modern computer age, seven days is quite a long time to deal with information. It can do with it as it sees fit. If it destroys the particular information that comes from the Canadian source within the United States, that information will certainly be recorded in other fashions over that time, and within the seven days it could be shared with every other country in the world. Once again, because Canada did not put restrictions on the sharing of information, once this information is let out of the bag, it is gone. It is out there and available to everyone if the United States so chooses.

Why did the European Union stand up on this particular issue? Why did the European Union say it had trouble with these arrangements made for overflights? Why did it say that? Did it say that for no apparent reason? No. It was because the EU does not suffer the overflight issue as much as we do. It is not as big an issue to the EU because the EU does not have as many flights. However, it certainly has concerns in terms of the information, personal liberty and privacy rules in those countries, and we should have the same in Canada.

Because the bill was presented in such a simple and naive form in the committee, the number of issues not dealt with in this bill is astounding. The government negotiated for years and years on this issue; could it not come up with a better bill than this? It is disgraceful. It is disgraceful that the government could put that much effort into its negotiations and come up with a bill like this, with no protection for Canadians and no limitations on any of the issues. The issues were quite clear and should have been very clear to anyone involved in any negotiation with any other country on this type of issue, and they were.

The government's plan for a perimeter security arrangement with the United States is going to open up more information than perhaps any Canadian would want. Canada is still a sovereign country. After any more years of Conservative government, I hope that we will remain as sovereign as we are, that Canadians will have some redress and that they will be respected by the government.

NDP members are supporting this amendment because there will be a review of this bill, but supporting this bill goes against the very nature of my party's desire to protect the rights of Canadians.

● (1715)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, there are still some significant concerns about this bill that can only be addressed through diplomacy.

The passenger data transferred will be subject to the United States patriot act. This has been confirmed by the Privacy Commissioner. This means that this information can be used and shared for purposes other than aviation security, such as immigration law enforcement authorities at home and abroad.

Does the hon. member or his constituents have concerns about this issue?

Mr. Dennis Bevington: Mr. Speaker, my colleague's question raises another point that was debated quite a bit in committee. The government and the Minister of Public Safety, who presented in front of us, said, quite dramatically, that this information would be used for no other purpose. Then we get letters and information from the United States itself saying that it will use it for whatever purposes it deems necessary.

This bill would do nothing to protect the privacy rights of Canadians. It would do nothing to limit the use of this information in another country. It would do nothing at all in that regard. The government has failed in its mission and in its responsibility to protect the rights of Canadians.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, when I asked the government why it did not try to negotiate with the United States and demand reciprocity given that 2,000 American flights fly over Canadian airspace per day and only 100 Canadian flights fly over American airspace, the answer I received was that the Americans would take the information from our 100 flights a day and store it all in a multi-million dollar computer system. However, for us to take the information from the Americans on 2,000 flights a day would create a huge cost to our government for a similar computer system.

It sounds to me as though the government has decided that the cost is the issue here. The government is prepared to give the Americans the information because they are prepared to pay for the computer system but we do not think the information is important enough for us to fund a computer system to handle the information.

It seems to me that we just have very poor negotiators on the government side. They seem to simply be rolling over for the Americans in this situation. All they had to do was try for reciprocity and the Americans would have conceded issues because there would be a lot of pressure coming from American passengers, American airline workers and American airlines themselves. If they had to provide all of this information to Canadians there would be a revolt going on in the United States right now and a lot of pressure would be put on elected officials down there to back off on this demand. The government is clearly not negotiating in a very effective way.

I wonder if the member would like to comment on that.

● (1720)

Mr. Dennis Bevington: Mr. Speaker, the government's negotiation tactics were remiss because it went into this without taking that stand.

The government had the opportunity as well, under the U.S. legislation, to stand up to the U.S. and tell it that we were doing a good enough job with security on those flights and that we were doing enough analysis of the passengers that we are able match up to what it is doing, and, within the U.S. legislation, if that were the case, an exemption would be granted.

We heard various comments from government members at committee that this would cost billions of dollars. I rejected that. What we are doing with aviation security now can match up to the United States and can provide it with the surety that what we are doing is adequate.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, it is a privilege to speak to Bill C-42, Strengthening Aviation Security Act. I worked on this bill as a member of the Standing Committee on Transport, Infrastructure and Communities last fall.

Everyone recognizes that the world changed forever on September 11, 2001. Security procedures across the board have tightened from an unprecedented commitment to prevent such terrorism from ever happening again. Yet we must not sacrifice our freedom or our privacy in this battle. The previous Liberal government ensured that we maintained this balance as we must today.

One response in the United States was the secure flight program, which requires airlines to submit passenger information to the U.S. government prior to boarding. The information could include: name, date of birth and gender, passport data and flight information. It is then run against a watch list and passengers are approved or rejected for boarding or receive additional screening.

Secure flight has been in effect for all U.S. bound flights for some time now and the American government is now seeking to extend it to overflights, such as when a flight goes from Vancouver to Mexico by flying over the U.S. Bill C-42 would allow airlines to transmit the information required to comply with secure flight to the United States government.

I am deeply disappointed that the Conservative government was unable to secure an exemption for Canadian flights in its negotiations with the Americans. Why could the government not convince them that the Canadian security screening standards already ensure the safety of our flights? It is not as if we are a lawless nation that is unknown to our American cousins.

Nevertheless, there is a hard truth about this debate. The crux of the issue is that the American government has jurisdiction over its own airspace. If it requests this information, it is within its rights under international law.

However, that does not mean that we roll over. Our duty as Canadian parliamentarians is to ensure that Canadian interests are protected. In committee, we did just that and introduced key amendments to defend Canadian travellers.

First, we required that travellers be notified that their personal information will be transmitted to the U.S. government. Strangely, the only thing requiring passenger notification in the first draft of the bill was an American law. That simply was not good enough for Canadians.

Second, we required that this bill be reviewed in two years and every five years thereafter. Times change and priorities change. We should not lock in these rules without recourse. Perhaps a different government will be better able to give the Americans confidence in our own security screening procedures.

Third, we have restricted the transmission of passenger data to the United States alone. The Conservatives wanted to open the doors willy-nilly for any other country to receive Canadians' private data in the first draft of this bill. We will not give legislative consent to sharing of our personal information to third world despots.

Those amendments would ensure that the legislation is able to secure Canadians' privacy, at least within Canadian legislation.

● (1725)

The real challenge is not in our laws but in the practices of the American government. There are still significant concerns that can only be addressed to diplomacy.

Earlier, the hon. member for Western Arctic said that this bill would do nothing to protect the privacy of Canadian passengers. First, the passenger data transmitted will be subject to the United States patriot act. This has been confirmed by our Privacy Commissioner. This means that this information can be used and shared for other purposes than the aviation security, such as immigration and law enforcement authorities at home and abroad. That was a key concern for some of the witnesses who came before the committee.

The Privacy Commissioner also confirmed that non-residents would have very little protection or recourse with respect to their personal information. In other words, it is American rules and policies that remain a serious cause for concern. In particular, they must strengthen the procedures for the management of passengers and improve the redress program for passengers who wrongly end up on the no-fly list.

The Conservative government rode into power five years ago claiming that it would bring our relationship with the Americans—

● (1730)

The Deputy Speaker: Order, please. I will inform the hon. member that he will have three minutes left to conclude his speech the next time the bill is before the House.

It being 5:30 p.m., the House will proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

NATIONAL PHILANTHROPY DAY ACT

The House resumed from October 21, 2010, consideration of the motion that Bill S-203, An Act respecting a National Philanthropy Day, be read the second time and referred to a committee.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, I am delighted to rise today to contribute to the debate on Bill S-203, the National Philanthropy Day bill. I supported my hon. colleague from Dartmouth—Cole Harbour in the previous incarnation of this bill as Bill S-217, introduced by retired Senator Grafstein, but sadly it died on the order paper when Parliament was prorogued.

Bill S-203 is not a new bill. It has been on the order paper in the Senate since 2005 and I have followed its fate with great interest. I am pleased to see it finally make its way through the parliamentary process once again.

Under the bill, November 15 would be established as a special day for philanthropic associations across Canada. National philanthropy days are already held in every region of Canada, involving thousands of citizens every year. This day was initiated at the grassroots level, and continues to grow, led by individual charities and organizations such as the Association of Fundraising Professionals. Canada will lead the world if Parliament adopts the bill and recognizes National Philanthropy Day on November 15.

Barely a facet of Canadian society has not been touched by philanthropy in some way, from children's causes, health care, the arts, et cetera.

According to Imagine Canada, Canadians collectively donated $10 billion to charitable causes in 2007, and that number has grown today. In the spirit of philanthropy, over two billion volunteer hours were donated. Sixty-five per cent of teenagers volunteer as a result of the requirement of high school service hours, representing the highest level of involvement of any age group, and immigrant groups also give larger annual donations on average. Twenty-five per cent of Canadians provide 80% of the value of all donations.

Philanthropy, however, is more than donating money. It is also about the gift of time through volunteerism, passion, selflessness and spirit. It is about what is in our hearts, not necessarily what is in our bank accounts. Many philanthropists are not donors in the tradition sense, but are champions, advocates and volunteers. Philanthropy, as a whole, helps build strong communities and active civic participation by bringing people together to serve a common goal.

Imagine Canada's research, in its “Philanthropic Success Stories in Canada”, describes philanthropy as that which: one, is risky and does not back a sure winner; two, tackles an unpopular issue, such as HIV-AIDS, homelessness, or mental illness; three, is not done for personal glory or for recognition; four, does not have any strings attached; five, is pioneering, innovative and often ahead of the curve; six, addresses the root cause or causes of a problem; seven, draws on the expertise of those who are working in the field; eight, engages and inspires the wider community; nine, demonstrates a long-term commitment; and ten, acts as a spark or a catalyst for lasting social change.

In my career, prior to being elected as the member Mississauga—Streetsville, I was a passionate community activist and fundraiser. I believed in the merits of philanthropy and its ability to make a change and an impact in our society. I have raised money for many worthy charities, organizations and causes, all of which were unable to meet the growing demands of their budgets through government grants or subsidies and had to turn to individuals and corporate donors for support. These included my children's schools when school boards and provincial governments could not adequately meet the need for sports equipment, new technology, or textbooks and also Arts Umbrella, a visual and performing arts institute on Granville Island in Vancouver. I also worked for the Ontario Brain Injury Association, the Brain Injury Association of Canada and Mississauga's Credit Valley Hospital, where we helped build a regional cancer centre, an ambulatory care centre and a new maternal care centre.

I continue to assist causes I believe in, because it is the right thing to do, and I derive a great personal satisfaction from contributing to causes which help friends and help build a stronger and healthier community at large.

Nationally, the achievements of philanthropy are diverse, spanning all aspects of society such as health, housing, education, social services, the environment, and international issues, including aid and development, which demonstrates the widespread impact that philanthropy has both in Canada and abroad.

Let me illustrate some of the examples of how philanthropy has helped our community in some very profound ways.

● (1735)

Both individual philanthropists and foundations are active in fostering innovation. For example, philanthropist and businessman, Alan Broadbent, has been recognized for many of the organizations that he has helped found, including the Maytree Foundation and the Caledon Institute of Social Policy. Both of these organizations were mentioned for their influential work in finding innovative and efficient means of addressing emerging social problems.

One of the victories that Caledon had achieved in the implementation was the national child benefit, a significant step toward addressing child poverty in Canada. Some consider this initiative to be the most promising reform since medicare.

Through the work of community foundations, philanthropy has had a significant role in building strong and vibrant communities. Established in 2001, the Community Foundation of Mississauga is one of more than 155 community foundations in Canada. It serves Mississauga and offers people a variety of ways to make a difference in their community. A record year, 2010 had grants totalling over $700,000. A few areas that were supported include children and youth at risk, the environment, heritage preservation and community building. Because community foundations are attuned to the needs of the community, they are capable of addressing local issues in creative ways.

Further, philanthropy has had an important influence in the development of Canada's health care system, including its hospitals, community-based health services and even in medical breakthroughs. Philanthropy often creates organizations for populations that are not adequately serviced by traditional programs and services of the health care system, such as Mississauga's Yee Hong Centre for Geriatric Care, founded by Dr. Joseph Wong. The Yee Hong Centre provides care that is culturally and linguistically appropriate for Chinese seniors.

In addition to creating and sustaining hospitals and various specialized health care services, philanthropy raises awareness of a number of health care issues and generates funds for research. Perhaps the most recognizable achievement of this kind is Terry Fox's unforgettable Marathon of Hope, which taught Canadians about cancer and continues to raise significant funds for cancer research, some $23 million plus to date.

Many medical advances depended on philanthropic funding, such as the discovery of the gene that caused cystic fibrosis, found thanks to financial support of donors to help charities like the Cystic Fibrosis Foundation of Canada. One of the most famous Canadian contributions to medicine, Banting's discovery of insulin, had philanthropic roots.

In education and in the arts, philanthropy has aided public education, literacy efforts, funded university programs, supported university work in research and development, financed buildings, research chairs and scholarships, built unique cultural institutions and supported artists. We have philanthropy to thank for Canada's wealth of first-class universities and a vibrant arts community.

Before the depression, social assistance was provided predominantly by the church. One of the earliest social services umbrella organizations in Canada was the Community Chest. It was a product of various religious charities banding together. This organization later became known as the United Way of Canada. Today, and for many years, philanthropy is heavily involved in providing social assistance.

A shiny example of social assistance only a philanthropic organization can provide is Habitat for Humanity, which prides itself on not receiving any government funding. In fact, I had the pleasure of cutting the ribbon on the first Habitat for Humanity home built in Mississauga by the community for a worthy family that otherwise would never have had a home.

The most highly regarded philanthropists are not those who donate vast sums of money. Rather, it is those who take on risk and tackle unpopular issues, give selflessly of themselves, their time, money and spirit, make a long-term commitment to the cause and have no expectation of recognition or return on their investment. Sometimes philanthropists are wealthy benefactors, but there are also volunteers and advocates who champion it. It is difficult to imagine a part of society that has not been touched in some way by philanthropy.

The reason people volunteer is obvious: they want to help others by giving back to their community while making connections and gaining experience. I speak personally when I say that they gain a sense of personal satisfaction and fulfillment when they learn new skills, meet new people and feel appreciated or recognized in doing so. For others it is about leaving a lasting legacy. Active citizenship is the bedrock of our healthy democracy and creates resilient communities. Charitable giving and volunteering are crucial to our society and all aspects of Canadian living.

● (1740)

National Philanthropy Day has the support of many volunteer organizations, including Imagine Canada, the Philanthropic Foundations Canada, Community Foundations of Canada, the Voluntary Sector Forum, the Canadian Association of Gift Planners and the Canadian Bar Association. That is why I support this private member's bill and call on all parliamentarians to support it as well.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise today in support of the National Philanthropy Day act. My riding of New Westminster—Coquitlam and Port Moody had benefited greatly from all forms of philanthropy. Lester M. Salaman, a leading author and professor on civil society says philanthropy is "the private giving of time or valuables…for public purposes".

Canadians are generous with their time and money. The Canada Survey of Giving, Volunteering and Participating reports that a majority of Canadians give. The reports says 23 million Canadians or 84% of the population over the age of 15 made a financial donation to a charity or non-profit in 2007. The common reasons for donating include a feeling of compassion for those in need, wanting to help a cause or wishing to assist the community.

The report also indicates that 12.5 million Canadians or 46% of the population donate their time through volunteering. In 2007 Canadians volunteered 2.1 billion hours, the equivalent of 1.1 million full-time jobs.

I will now highlight some of the good work of people and organizations in my riding. A personal hero of mine and an inspiration to many, Terry Fox, exemplified philanthropy. In 1980, after losing his leg to cancer, Terry, a Tri-Cities resident, began his cross-Canada marathon to raise awareness and money for cancer research. His legacy has resonated with millions of people around the world for over 30 years. Over 300,000 people took part in the first Terry Fox Run, which raised $3.5 million. Today the Terry Fox Run is the largest single day fundraiser for cancer research in the world. The Terry Fox Foundation has raised over $500 million to date.

The Coquitlam Foundation in my riding supports creative targeted philanthropy aimed at building a vibrant, sustainable and healthy community. I attended its gala fundraiser last October and was proud to give to an organization that has contributed so much to our community.

In 2009-10 the Coquitlam Foundation provided grants to numerous local organizations, including the Place des Arts Society and the ArtsConnect Tri-Cities Arts Council. The Coquitlam Foundation is a wonderful example of what can be accomplished through philanthropy.

For decades the rotary clubs have played a major role in raising money for community organizations and groups, such as Meals on Wheels and PoCoMo Youth Services Society. This past year, the rotary clubs of Port Moody, Coquitlam, Port Coquitlam and Coquitlam Sunrise collected 11,740 pounds of food and $2,300 for SHARE community food bank. They also volunteered their time for Operation Red Nose.

In 1946 the New Westminster Lions Club was founded. Since then, it has donated over $2 million to the community. Some projects it has contributed to include the first renal dialysis for the Royal Columbian Hospital, a grand piano for Massey Theatre and scholarships to New Westminster Secondary School students.

Faith organizations have always been an important part of charity and raising funds. Our Lady of Fatima in Coquitlam held a dinner fundraiser to help those affected by the earthquake in Haiti. St. Barnabas Anglican Church in New Westminster offers several programs for those in need, including a community lunch every Thursday. Queens Avenue United Church and Holy Trinity Cathedral also participate in free weekly meal programs. The Khalsa Diwan Society organizes food drives to serve people in my riding, as well as the downtown east side of Vancouver.

It is always inspiring to see children and young adults raise money or items for important causes. We see it every year, especially at Christmas. This past year, Port Moody Secondary students donated over 2,000 pounds of food for the SHARE food bank in the Tri-Cities. Baker Drive Elementary in Coquitlam participates in a hamper drive every year.

Mundy Road Elementary, also in Coquitlam, held a Christmas craft fair, donating all funds to sponsor a family over the holidays. When Haiti experienced its devastating earthquake, the grade 6-7 students at École Glenbrook Middle School and Herbert Spencer Elementary School in New Westminster organized a fresh carnation and cookie fundraiser to help the people of Haiti.

The generosity of students helping those in need is truly inspiring.

● (1745)

People often associate philanthropy with people like Bill and Melinda Gates, who have donated millions to global health initiatives, or Bono, who raises money to help fight AIDS in Africa. These are very noble initiatives and should be applauded. However, philanthropy also occurs in every corner of our communities through donations of time and energy, which can often be the greatest gift one can give.

I would also like to recognize those who donate their time and energy working to help people in need. Individuals commit themselves to causes and organizations and provide such a valuable service. I would like to mention my friend and New Westminster resident, Judy Ross. This past year she was named the hardest working volunteer in the *New Westminster NewsLeader*'s A-list for her work with the Fraser River Discovery Centre and the Royal City Farmers' Market.

I think of the volunteers with the Senior Services Society in New Westminster, those who willingly give of their time to grocery shop for seniors who cannot do for themselves any longer, volunteer drivers who assist the elderly with their doctors appointments, et cetera.

I have referenced SHARE Family & Community Services a number of times in my remarks. SHARE, a non-profit community based organization, assists thousands of families and individuals in the Tri-Cities. It operates a food bank, addiction services, English practice groups and family resource centres for new parents. While it receives some government funding, it relies heavily on the generosity of individuals and local businesses. Many of SHARE's programs depend on dedicated volunteers.

Fraserside Community Services in New Westminster plays a key role in building community. Through funding from provincial and federal governments and generous donations from companies, labour groups and individuals, Fraserside provides opportunities to many Royal City residents. It run first step, a program designed to increase the level of self-reliance to people with multiple barriers. It also operates one of the few emergency shelters geared toward families, as well as provide housing for those with developmental disabilities and mental health issues. It is always looking for volunteers who play a critical role in day to day operations at Fraserside.

There are countless volunteers who care for our environment, such as the Como, Coquitlam River and the Hoy/Scott Watershed Society, our waterways, our local creeks and rivers, and the flora and fauna they support. Volunteers run salmon enhancement programs and many community events that raise awareness of the importance of stewardship in our community.

Another hard-working volunteer organization is the Burke Mountain Naturalists, which promotes the awareness of natural beauty in the Tri-Cities and has been instrumental in the preservation of much of the green space we enjoy in the northeast sector. I know the work that those volunteers perform to keep our community healthy and sustainable.

There are so many organizations in my community performing great work. From the Gogos who raise money for African grandmothers and the children in their care, to organizations that care for our local youth, such as KidSport and the Children of the Street Society. There are people who volunteer their time with the Special Olympics. There are those who help the homeless, such as the Tri-City homelessness task group and the New West homelessness coalition. There are several organizations that promote local heritage, like the Port Moody Station Museum, the Coquitlam Heritage Society, the Mackin House Museum and the SPARC organization that is dedicated to the preservation of antique radios in Canada.

We have important community organizations that host large-scale community events like the Golden Spike Days Society, the Société francophone de Maillardville and the Hyack Festival Association.

Philanthropy comes in many forms and is such an important part of our Canadian fabric. Whether it is donating money or time, Canadians are generous and often want nothing more than a good feeling in return.

Today I spoke of philanthropy in my community and I know it occurs throughout our country. The bill is about recognizing the work, compassion and generosity of countless Canadians who make our communities a better place to live.

I support Bill S-203 and I hope all members of the House will as well.

● (1750)

Ms. Candice Hoeppner (Portage—Lisgar, CPC): Mr. Speaker, I rise today to address Bill S-203, An Act respecting a National Philanthropy Day.

It was very encouraging to hear speeches from my hon. colleagues from across the way. It appears that everyone in the House supports the spirit in which this bill was introduced and supports the bill.

In today's society, we need the efforts of all Canadians, businesses, governments and individuals, in order to build a Canada that we want and to foster the values that Canadians hold dear. Canada would not be the country it is today without the efforts of millions of Canadians who, by their generosity and selflessness, have helped to build our country's reputation as a caring, giving nation on the world stage. For those reasons, I support Bill S-203.

As some members of Parliament know, the idea of a national philanthropy day is one that has been circulating for quite some time. It first appeared in 1986. The U.S. president at the time, Ronald Reagan, actually issued a proclamation to recognize the day. However, it should be noted that the day has never been formally recognized by the U.S. Congress. In fact, no other government has permanently recognized this day.

This is the time for our government to officially recognize the merits of such a day for the very people who work so tirelessly and selflessly to reach out to help those in need day after day.

According to the 2007 Canada survey of giving, volunteering and participating, Canadians are very generous. Over 23 million Canadians made a monetary donation to charitable and non-profit organizations in the preceding year. Just as an example, 84% of Canadians aged 15 and over made combined donations of $10 billion. This represents an average gift of $437 per person, an increase of 12% over the 2004 survey.

The generosity of Canadians is found across the age ranges. In 2007, those aged 15 to 24 donated an average of $142 per person. It is so heartening to think that despite the fact that some of these young people are just starting out in life, they still find the means to give to their fellow citizens.

The average amount donated does increase with age until it reaches a high of $611 per person for those aged 65 and over. That is heartening as well to see seniors, who sometimes are also in difficult situations, donating and giving so generously.

Generosity is evident across all income groups. Although in 2007 Canadians with a higher household income had the highest average donation of $686 per person, it is interesting to note that those Canadians with annual household incomes of less than $20,000 gave the highest percentage of their household income.

I am very proud to say that in December it was reported by the Fraser Institute that for the 12th year in a row Manitoba was once again ranked as Canada's most generous province. Manitoba led all provinces with the highest percentage of total income donated to registered charities.

Manitoba leads the country in part to people like businessman John Buhler, an extremely generous individual who lived down the street from me in Morden, Manitoba where I grew up. John and his wife, Bonnie, regularly donate large amounts of money to a wide variety of community organizations, including health care projects, educational institutions and museums and centres associated with human rights. John Buhler and the donations that he has made have been instrumental in contributing to the growth and prosperity of Manitoba.

I am also very proud to say that Winkler, which is the city in which I now live and which I am very proud to represent, is home to the second largest group of charitable donors in the entire country. That is a great honour for a group of people who are extremely generous and continually give of their time and finances.

The generosity of Canadians is also expressed in time, with billions of hours donated to causes in which Canadians believe. By contributing their skills and experience, these generous Canadians are also learning new skills and increasing their knowledge.

In 2007, 46% of Canadians aged 15 and over volunteered to an organization and 84% provided direct help to others outside of their home, sometimes just by helping their friend or neighbour or someone in need.

● (1755)

Canadians are extremely generous people. Our citizens have shown their generosity time and again in many ways. In every community, Canadians help those in need. They help their neighbours by setting up a trust fund for families who have lost their house in a fire. They help Canadians in other provinces when floods have taken away their homes or livelihood. They help people across the world in times of disaster or famine, as reflected in the outpouring of support following the recent earthquake in Haiti, as well as Chile.

A legislated national philanthropy day will officially recognize the efforts and selflessness of these Canadians. It will magnify the importance of special events already organized by entities and non-government organizations.

The calendar is already punctuated with special days, weeks and months aimed at increasing awareness among Canadian people to causes that deserve support and special recognition. An example celebrated recently is the International Day of Peace on September 21, which was first celebrated in 1982 and officially declared permanent by the United Nations General Assembly in 2002. This day gives an opportunity to individuals, organizations and nations to create practical acts of peace.

Other examples include Child Abuse Awareness Month, National Family Week and the YWCA Week Without Violence, all in October. Then there is Canadian Hockey Week in November. All of those special days, weeks and months represent occasions to reflect on important issues. They have been and will continue to be observed.

An act respecting a national philanthropy day would recognize the efforts of thousands of volunteers and the value of in-kind and financial donations that have supported a myriad of causes. In fact, the Association of Fundraising Professionals created the first national philanthropy day on November 15, 1986, to recognize the contribution that philanthropy makes to our communities.

So far in my remarks I have focused on why designating November 15 each year as national philanthropy day by means of legislation is necessary. I would like to finish by mentioning that legislating a national philanthropy day would contribute to the recognition of the huge contribution of the philanthropy sector to Canadian communities and to many worthy causes around the world. It also would recognize the tremendous positive difference that Canadians, along with non-profit organizations, companies and governments make. I think it is safe to say that legislating a national philanthropy day could help promote and enhance the activities surrounding philanthropy in Canada.

As we can see, there are numerous advantages associated with this bill. The government certainly sees merit in the idea of celebrating philanthropy. Indeed, it encourages Canadians to make charitable donations using income tax incentives. Legislating a national philanthropy day is an appropriate mechanism for advancing this government's agenda.

For all of those reasons, I encourage and urge all of my fellow colleagues and hon. members of this House to support this important bill.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, as with my other colleagues in the House I am rising in support of Bill S-203, An Act respecting a National Philanthropy Day.

I am sure all my colleagues in the House share my support for the sentiments set forth in the preamble to the bill to recognize the Canadian spirit of giving and volunteerism.

Volunteerism builds strong communities. Encouraging and rewarding civic participation is important. We need to ensure that the incentives are fair and effective though for voluntary participation. Considerable time and energy is gifted daily by ordinary Canadians but not just to registered charities.

Let me share with the House a study conducted jointly by a number of government agencies, Statistics Canada and Volunteer Canada. The study was called Canada Survey of Giving, Volunteering and Participating in 2007. The study found that almost 23 million Canadians, or 84% of the population aged 15 and over, made a financial donation to a charitable or non-profit organization in that year. During that same time, 12.5 million Canadians, or 46% of the population, volunteered their time through a group or organization.

Sad to say a more recent study has shown that since 2007 the donations by Canadians has dropped to 23% of the population. Apparently in 2007 Canadians donated a total of $10 billion, yet since 2007 a more recent study shows that the figure has dropped by $1 billion. It shows a concern in the populace. It shows that people are suffering in the economic recession but still being as generous as they possibly can.

Canadians volunteer to flood and clear community rinks, to coach children's soccer and hockey. Individuals freely volunteer their time fundraising for community facilities, for sports programs, for outings for the disabled and the elderly, for food banks, for breast cancer, multiple sclerosis, cancer treatments and support, and organizations such as Grandmothers to Grandmothers Campaign in Africa

There is a broad array of organizations supporting work and a broad array of Canadians giving their voluntary time and effort to support those who may be suffering or struggling, both in this country and abroad, and that is to be commended.

I am proud of my constituency of Edmonton—Strathcona's countless volunteer hours donated to deliver programs and to maintain community league facilities and programs. This is something unique about Alberta. We have for many decades had communities maintaining community leagues for the service of the children and families in the neighbourhoods. To their credit, volunteers with numerous community leagues have tackled fundraising and hands-on efforts to make their facilities more energy efficient and accessible.

Countless hours are donated by literally thousands of volunteers in my riding to deliver successful festivals such as the Edmonton Fringe Theatre Festival and the Edmonton Folk Music Festival. The Silver Skate Festival, which is coming up soon and I welcome members to come to that activity, and the Ice on Whyte Festival, both festivals to try to make our winters liveable.

Philanthropy includes both the gifts of money or work for the benefit of others. There are numerous local, regional and national awards recognizing these philanthropic acts.

Just this past year, many members may have participated. CBC ran a competition to recognize and profile Canadian volunteer efforts at home and abroad. We can be very proud of the individuals who were focused in that program, both the ones that ultimately won and the ones who were showcased and nominated.

In Alberta, non-government organizations, including small groups and youth groups, are yearly honoured for their work for the environment by Emerald Awards. Among the highest accolades in this country are the Governor General Order of Canada Awards.

Rather than just a designated day however we should be taking concrete actions to encourage and reward these important contributions to society. As I noted earlier, unfortunately the amount of money donated and the time and effort put into volunteering is declining in the country for a variety of reasons. These kinds of efforts are critical, particularly in hard economic times and particularly when a lot of programs are being downloaded to municipalities and onward to volunteer organizations.

A number of proposals have been tabled recommending expanded tax credits, including donations in kind for services, materials or property. These donations are important and consideration should be given to recognizing, rewarding and encouraging this kind of generosity.

● (1800)

Those with charitable status obviously have a clear advantage over other volunteer organizations in raising funds. As it has become increasingly difficult to obtain this status, consideration should be given to offering other measures to reward donors to non-profit organizations that do not have the charitable status.

This is particularly critical as an increasing number of community services are being downloaded to volunteer groups. Concerns were raised this week in the House about cuts to federal support to small organizations helping immigrants. Last fall we heard continued pleas to restore federal support to aboriginal healing centres. Both of these organizations depend on a lot of volunteer effort but require basic resources to maintain and run their programs, to coordinate volunteers and to deliver those services.

In closing, it is important to keep front of mind that the majority who donate their time and resources to causes that are important to them do so out of an interest in helping those in need. They are not doing it to seek a tax deduction or any form of reward.

It is noteworthy that a recent study, and I notice that a colleague across the way mentioned this as well, shows increasingly it is Canadians with lower incomes who are donating more. As we look to the cutting of corporate taxes, perhaps we should be looking to corporations to make larger donations to the causes that many Canadians feel it is important to contribute to.

I support the passage of this bill intended to recognize the contribution by volunteering Canadians. However we can and must do more to incent and recognize this contribution to our economy, to safe, liveable communities and to quality of life for all Canadians.

● (1805)

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, I welcome the opportunity to speak today to Bill S-203, which seeks to declare, through legislation, that each and every November 15 be known in Canada as National Philanthropy Day.

The proposal goes to the root of what philanthropy is today and how it impacts the lives of Canadians, both those who are philanthropic and those who benefit from it.

Our notion of philanthropy has evolved as Canada has evolved, reflecting good times and bad. Today it is a concept that is deeply ingrained in the very nature of who we are as a nation.

In the English language, we date the word "philanthropy" to the early 1600s when it was coined from the Greek *philanthropos* meaning love for mankind. Early usage of the word related to the concept of altruistic concern for human welfare. Over time we came to think of how philanthropy manifested itself in society, usually related to large donations of money, property, voluntary labour to good causes or of individuals providing direct help to others.

From the North American perspective, we especially think of philanthropy as it relates to the endowment of major institutions, universities, hospitals and libraries. Indeed the word "philanthropist" often conjures images of the early giants of industry like Andrew Carnegie or Alexander Graham Bell. In fact, in Canada's early years as a nation, the concept of philanthropy was almost always connected to religious organizations.

Prior to the onset of the Great Depression, most charitable works in Canada flowed through the church. The stock market crash changed all of that.

In the 1930s we saw the rise of service clubs and community-based organizations that channelled donations and volunteer hours to help those less fortunate, or to raise money and increase awareness around specific causes. Prime among these was Community Chest, which had its roots in church charities but later evolved into the United Way of Canada. The United Way plays a critical role in helping us understand the philosophy of community leadership and building through targeted giving.

Today, in a very real way, we have returned to the original 17th century interpretation of philanthropy. It has spread deeply into the core of who we are as Canadians and it truly expresses a love for mankind.

Other early philanthropic actions established institutions such as Toronto's Hospital for Sick Children, founded in 1875 in response to Elizabeth McMaster's concern over the high death rate among the city's children.

In 1909, in accordance with the Geneva Convention, the Canadian Red Cross Society Act was established. Since then, the Canadian Red Cross has improved the living conditions of some of the most vulnerable people in Canada and around the world.

Numerous examples of other well-established institutions can be named to reflect the tremendous historic contribution of the philanthropic sector such as the Canadian National Institute for the Blind established in 1918.

More recent generosity has been responsible for fuelling modern research into illnesses like tuberculosis, heart disease, cancer and HIV-AIDS and for raising awareness of the need for this funding.

On a local level I am proud to represent Red Deer, which is a very giving community. Central Albertans take pride in giving countless hours and donating their hard-earned money to the causes they believe in. The Red Deer & District Community Foundation is a great example of how local philanthropy can have a profound effect on a community. It started as a gesture of generosity from one individual but is now a community institution. It is a steward of donors' gifts and can serve donors beyond their lifetime. It is also a locally based grant maker providing much needed resources to charitable organizations in central Alberta.

Red Deer is also home to Jack and Joan Donald, co-founders of the Parkland Income Fund. They are well known in our community for their generous spirit. The Donald School of Business at Red Deer College was recently named in recognition of their contribution. Their commitment to central Alberta was recognized in 2005 with a generosity of spirit award from the Association of Fundraising Professionals. They have also both individually been named as Red Deer citizens of the year.

As a former teacher, I am also proud of how literacy campaigns and public education programs have benefited from a groundswell of volunteerism. Thousands of Canadians benefit from different literacy programs across Canada. LEARN was Canada's first national literacy campaign. More recently Raise a Reader has raised $12.7 million across Canada since 2002.

● (1810)

Just how broad philanthropy's reach has become is addressed in a research document produced by Imagine Canada, a leading organization among Canada's charities and non-profit organizations. Its research paints a picture of philanthropy in Canada that touches different facets of our lives. The study depicts meaningful success stories in the areas of amateur sports, education, the environment and international development, as well as health care, hospitals and population-specific health issues.

Experts point to the role that philanthropy has played in helping to fulfill our national concept of multiculturalism. Many newcomers to Canada are encouraged and given tangible help through volunteerism. The research cited some specific examples of the outpouring of assistance provided to the so-called "boat people" of Vietnam. So great was Canada's support for these 34,000 refugees that the country received the prestigious Nansen Medal for humanitarianism.

One inspiring act of Canadian altruism and philanthropy dates back to 1921 when Sir Frederick Grant Banting worked a miracle in a University of Toronto laboratory. As there were no research grants for medicine at the time, Banting sold his own car to finance his ground-breaking research, which led to the discovery of insulin. Beyond that initial donation, Banting also gave up any income he would have received from his discovery by selling the rights to insulin for one dollar in order to ensure that the drug would be affordable to those who needed it. This is a truly inspiring tale of philanthropy.

Looking across the scope and breadth of philanthropy in Canada, experts note that philanthropy goes beyond donating money and includes gifts of time and spirit. I especially like the sentiment that philanthropy is about what is in our heart and our spirit, not about what is in our bank account.

Contemporary philanthropy is as much about innovation and vision as it is having the good fortune of having deep pockets and the spirit to give generously. The ability to take risks and make long-term commitments to causes that are not necessarily popular or in fashion is recognized as the mark of a modern philanthropist.

As we look at the good work done by people across Canada and across our history, it is interesting to consider what moves us to philanthropic gestures, what makes us give of our time, our hard-earned money or the sweat of our brow for the future that we believe we can make a little brighter.

Some of us are motivated by individual situations. We may be sitting at home watching the news on television and be touched by a famine, flood or earthquake. It may be something happening now, perhaps on the other side of the world to people whom we have never met, may never meet, that sometimes touches us and moves us to action. We reach for our cheque book or the telephone. We are engaged and it moves us to action. For that moment, however long, we are philanthropists. Tomorrow may see us return to life as before, but we have acted today and may act again when another event touches us in that way.

For others, philanthropy is a regular habit, part of their lives and intertwined with some activity or some organization that makes community giving a part of their raison d'être.

As we look across the country, we realize that philanthropy has many faces. It shows itself in grand gestures and in small intimate ways. It is both personal and collective, both public and very private. That brings us to the question of how we recognize these many and varied contributions of time, money and energy.

I admire the aims of this proposed legislation and ask members to join me in supporting November 15 as National Philanthropy Day. Let us celebrate and support the actions of so many Canadians who have given so much to so many.

● (1815)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to support Bill S-203, sponsored by the member for Peace River. I note that this bill has had a torturous route from the beginnings in the Senate. It was introduced as Bill S-217, then Bill S-210, then Bill S-204 and then Bill S-46, all introduced since October of 2004 by Senator Jerry Grafstein. Therefore, it should be an inspiration to all of us that if we embark on a good idea and a good bill, it might take six years and we might not even be around by the time it ends up passing through the House. However, we should not give up hope because there is proof that patience is a virtue and this bill will make it through after all these iterations and all these years.

The bill is very straightforward. It is only a page long. There were some excellent speeches today indicating a number of different forms philanthropy can take in our society. We tend to think of the rich people who get their names in the paper donating millions of dollars and we do not necessarily think of all the volunteer work that is done and has been dealt with and covered rather well in the speeches in the House this hour today and the hour before.

I want to make note of a constituent of mine who grew up in my constituency, one Clara Hughes, whom we see on national television every night in ads for depression. She is a six-time medal holder in both summer and winter Olympics, and I think she is the only athlete in that class. However, at an earlier point in time she donated 100% of her entire winnings from the Olympics, which was only $10,000, to the Right to Play organization doing work in Africa. That speaks volumes to her dedication to charity. Also, her mother, Maureen Hughes, and Dodie Lester are also still constituents of mine. I want to give Clara credit, and I have wanted to for a long time now, for her very thoughtful donation to Right to Play.

Also, the role of Habitat for Humanity was mentioned by one of the other members. It plays an important role in my community as well. In fact, it has just developed a very large development of houses for people.

The member for Edmonton—Strathcona indicated that while $10 billion was raised in charitable donations in Canada in 2007, donations dropped off substantially during the recession to the tune of perhaps $1 billion. That is very serious in any sort of activity. A $1 billion drop is a 10% drop in a recession, which is very serious.

A number of years ago, probably in the 1970s, there was recognition that somehow governments should expand their involvement and their role in social services and that people should not have to rely on the good will of churches and charitable organizations.

Manitoba expanded social services greatly under the Schreyer government in 1969 to 1977. There was this feeling that charities had somehow outlived their usefulness, that it was the state's responsibility to provide for the social good of its citizens. However, over time there is a recognition that no matter how many programs the state developed, no matter how much money it spent, the needs were still there. In fact, charities actually expanded their role, both in numbers and involvement, over those years. Therefore, there is no possible way we could fulfill all of the demands and needs in society without charitable giving.

● (1820)

I definitely want to talk about something I see is very positive, and that is the move by Bill Gates and Warren Buffett to commit half of their fortunes to charities and have it be given away while they are still alive.

I have read a number of articles on this topic. It was initiated by Warren Buffett and Bill Gates. They have called fellow billionaires together in the United States and coaxed them, cajoled them and shamed them into joining their group. They have done quite well. They have a huge number. I do not know what percentage of billionaires in the states are members of this organization, but it is expanding. The organization is gaining converts every day. It holds private parties to get people involved. It is not without a certain amount of uncertainty because there are disagreements among families, among spouses and it is actively working to pull these people together. It will be a tremendous help because the Gates Foundation and Buffett Foundation are doing tremendous work in Africa on AIDS. Those two have shown some very positive direction.

There are others as well. I believe Mr. Zuckerberg has recently donated $100 million to the state of New Jersey for education. Ted Turner has donated $1 billion.

People who have made a lot of money over the years recognize they will not take it with them. Warren Buffett is a great example. I had the experience of driving by his house in Omaha about a year and a half ago. He is a regular guy. The local folks know him very well. He has no address on his house, by the way. However, he has concluded that his children do not need the $50 billion. He said that he would take care of his children, maybe a few million here and there, but that is it. He has said that it is time for him to take his billions and make the commitment while he is still alive rather than have people deal with his estate after he is gone. It is groundbreaking that he is prepared to do that. This man does not live the lavish lifestyle by any means. He still has the same wife for 40 years. His income is $100,000 a year. He works in the same office. He is just a regular person.

This is the type of direction and leadership that we should be promoting. I would like to know where the Canadian billionaires are. In the first hours of debate I asked the member for Peace River if people were approaching Canadian billionaires about involving themselves. Maybe Warren Buffett will come across the border and make his approach to them and get them involved.

Warren Buffett started something and we should encourage it and try to get as much movement in this as possible. It only takes one or two people to get the ball rolling. The worst thing that can happen is it gets bogged down and comes to a standstill. Anything the government can do to encourage Canadian billionaires to do the same thing would be positive.

The Bill and Melinda Gates Foundation has been involved with the Manitoba government over the last several years on a number of different projects. The Gates are certainly approachable. They are not hard to get hold of. Nor is it hard to deal with them. I would encourage the government to do more than just pass bills, which is good, but we should be a little more proactive in encouraging our Canadian billionaires to follow the lead of Warren Buffett and Bill Gates in the United States.

● (1825)

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.

Accordingly, the bill stands referred to the Standing Committee on Canadian Heritage.

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

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

EMPLOYMENT INSURANCE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, a month and a half ago or so the Minister of Finance circulated a letter to all members of the House asking for input on the upcoming budget.

In my correspondence to the minister, I identified two areas in particular. Certainly I know that we are not going to sway the government much on some of the hard-held ideological items such as child care, but I was hoping to at least bring to his attention two issues that I think would make a considerable amount of difference, especially in rural communities and in households in which families are struggling to make ends meet.

The first one I talked about was an income increase for seniors in this country. Many seniors are faced with the choice between trying to fill their prescriptions or fill their oil tanks or fill their cupboards, so certainly that money would make it right back into the economy if we were able to increase the incomes of the seniors in this country.

The other one was with regard to EI. For workers and for those in industries that are seasonal in nature, under a past Liberal government a pilot project was established. The best 14 weeks had been established, and I know that the current government has supported it and has rolled it over to June. There should be evidence within this that this program, this initiative, is worthwhile. It means a great deal to people who work in the industry. It means a great deal to those who run businesses and drive the economies of rural communities across the country. It is an important initiative.

Back on the day that I asked the Minister for Human Resources and Skills Development the question, in her response she said they will make a decision on this and will make the decision on what is best for Canadian workers and Canadian job creators.

It is the small business operators in this country who create the jobs—the guys who run the fish plants, the tourism operators who have a small window of opportunity to really make their season. If they do not have access to a pool of labour, then those industries just do not operate. If we take that pool of labour away, those businesses dry up, so it is important that we be able to support the workers in those communities. In doing so, we support those businesses, and that is good for everybody. As long as we continue to do this, it benefits the entire country.

My question for the parliamentary secretary is this: is the minister willing to make the commitment to go beyond the June deadline to ensure that the best-14-weeks pilot project is made permanent, so that we can give some degree of certainty to these industries and these workers?

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, we have been focused on taking action to address the needs of Canadian families and the Canadian economy.

We will continue to act in those interests. We are focused on job growth, expanding the economy, investing in skills training and helping those who were hardest hit by the global recession.

The economy has responded since July 2009. Over 400,000 new jobs have been created. Unfortunately, if the opposition and the coalition had their way, their proposed actions would very well destroy those hundreds of thousands of jobs and throw our economy into reverse by raising taxes. That is something we will not do.

When we go back to the question that was asked by this hon. member of the minister, he said that the Conservatives were looking at cancelling the best 14 weeks and the working while on claim programs. The member said these programs have helped those in need during these tough economic times. They have benefited the most vulnerable, the youth, women, low-skilled workers, and low-income families.

In fact, with respect to the EI pilot projects, months ago, on October 12, we announced that we were extending the two EI pilot projects for 8 months, namely the best 14 weeks pilot and the working while on claim pilot. We also announced that we were reintroducing the extended EI benefits pilot for up to two years.

In light of that, one would think this member would get up today in the House and say, "Well, thank you very much. I said you were cancelling the program. You did not cancel the program. Thankfully you extended the program as I wanted you to do. In fact, you have extended three of the EI programs that help those who are most vulnerable."

I would think he would get up in the House to thank the government for doing that instead of not doing it. Quite frankly, we have taken many actions that have helped hundreds of thousands of Canadians, through our improvement to the EI system. Long-tenured workers have received extra help through extra weeks of EI. Career transition assistance is also helping tens of thousands of long-tenured workers who need additional support for retraining to find a new job.

Over 265,000 jobs have been protected through our enhancements to the work-sharing program. That's another thing one would think this member would stand up in the House to thank the government for preserving those jobs. I do not hear him doing that.

We are focused on helping Canadians get back to work. We have made unprecedented investments in training. In fact in 2009-2010, we invested more than $4 billion in training, helping over 1.2 million Canadians.

We have also introduced tax cuts and premium freezes to ensure that Canadians have more money in their pockets to take care of themselves and their families and to spend on their priorities.

All of this is to say that we have taken significant action. We have acted strongly to help Canadians through the global recession, and we have done so in a reasonable and responsible way. We have invested where investment counts. We have ensured that people have jobs. One would think this member would get up in the House to thank the government for doing these things and get behind these things and support them.

Shamefully, the Liberals voted against many of these initiatives. These initiatives are helping the Canadians who need help the most.

● (1830)

Mr. Rodger Cuzner: Mr. Speaker, if the parliamentary secretary is holding his breath waiting for me to congratulate him on the measures, I assure him we will see a member of the House turning blue, because what the government did was not even a half-measure. It extended the program to June. These seasonal industries usually start up in June. That is when the tourist season begins in these rural communities. That is when the fisheries begin in these rural communities.

The business owners are saying that people are making a decision now about whether they will stay with that industry or move out of those communities. That pool of talent, that pool of labour, will be lost. They will be gone from those communities.

Many of these operators will not be able to start their businesses up, because the best 14 weeks project will lapse in June. That is the sad part, because it has been proven that the best 14 weeks takes the disincentives out of the program—

The Deputy Speaker: The hon. parliamentary secretary.

Mr. Ed Komarnicki: Mr. Speaker, this member indicated that we have cancelled the programs. Of course, we have not cancelled it; we have extended the programs.

The member's Liberal Party has a shameful record when it comes to voting against help for Canadians. It voted against up to 20 additional weeks' of EI for long-tenured workers, extending the enhanced work-sharing program, additional funding to help youth gain valuable work experience, and the apprenticeship incentive grant and tool tax credit. The Liberals voted against all of that.

Something the government will not do is to balance our books on the backs of the most vulnerable, those who need our help the most, the low skilled and the low income families, by cutting transfer payments to the provinces by $25 billion, like the Liberal Party did; nor will we raid the EI account as the Liberals did to the tune of $50-plus billion. If we had that money there, we could probably do a lot of the things this member is asking for today, that is, if the Liberals had not raided those accounts and used them for pet political projects at that time. We will not do that.

● (1835)

RAIL TRANSPORTATION

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, last October, I drew my colleague's attention to the situation of a feed mill in my riding of Nanaimo—Cowichan. Top Shelf Feeds in Duncan is facing a staggering 27% increase in the cost to haul its product on the Vancouver Island rail line. As the only feed mill on Vancouver Island, Top Shelf provides most of the feed available to island farmers. Without it, the price of farming would increase dramatically since all feed would have to come over from the mainland.

The Island Corridor Foundation is working hard to ensure that there is a viable commuter rail service on the island. One crucial part of its plan is to improve rail freight service on the line so it is cost effective and can cover some of the costs of maintenance for the line. Unless the government takes action to ensure rail freight costs are fair, the future of rail transportation on the island and across the country is pretty dim.

Vancouver Island is not alone in its fight for fairer railways. This quote is from the latest National Farmers Union newsletter, the *Union Farmer Quarterly*. It states:

> An immediate railway costing review is needed to address obvious over-charging by the railways. Farmers are once again being taken advantage of by the railway monopolies. According to the recent Travacon study commissioned by the Canadian Wheat Board, farmers are currently being over-charged by the rail companies for shipping their grain. Over the last two years farmers were charged an average of $199 million over-and-above what they would have had to pay under previous legislation. That converts to an average over-charge of $6.87 per tonne. The federal government has stated that it will not consider any further action [until] the current service review, which is well behind schedule, is completed. Participants argued that the service review and costing review should be undertaken simultaneously.

Since that newsletter came out, the government finally completed the long-awaited service review and it was no surprise that costing was not included. Now farmers are waiting to hear when the government will commit to a full railway costing review.

Along with the National Farmers Union, the Canadian Federation of Agriculture, Keystone Agricultural Producers, the Agriculture Producers Association of Saskatchewan, Wild Rose Agricultural Producers and the Canadian Wheat Board are all demanding a cost review of railway grain transportation. This is an example of what is happening on the Prairies with grain, but I need to point out that on Vancouver Island we are very concerned about keeping the farmers in business there.

Many people know there have been several reviews about Vancouver Island's ability to supply its own food in the event of a disaster, whether it is a snowfall, high winds or an earthquake, and there is only a two-day food supply on the island. It is essential that we support our local farmers and one of the ways we can support local farmers is to ensure their suppliers can supply their feed at a reasonable cost.

I am wondering how long the government will make farmers wait to find out if they will have access to fair, cost effective and reasonable rail transportation.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I appreciate the member for Nanaimo—Cowichan educating me on her riding. I am from northern Alberta. I have a lot of farmers, ranchers, cow-calf producers, a lot of agriculture in my riding. I was quite surprised to hear her get up today and speak on agriculture because in just about every rural area of Canada where farmers are found, Conservatives represent them and represent them well.

We recognize there is a balance between farmers and railways in order for farmers to be successful and for railways to have some ability to continue to operate successfully in a business environment or quite frankly they will not be there.

Railways, just like farmers, play a key role in Canada's economic prosperity. This Conservative government will help ensure the railways and the customers who depend on them are well positioned to meet the challenges of the global marketplace in the future. Their competition is in different places around the world. One part of Canada is not competing against another. We are competing as a global power against other agricultural powers.

Over the past 27 years we have seen real changes in Canada, positive changes. Western grain transport, for instance, has shifted from a regime of rate controls and heavy government subsidies toward a progressively more commercial framework.

I appreciate the fact that the member is a hard worker and is very intelligent. The difficulty I have is that NDP members talk the talk but when it comes to voting, they vote against our initiatives for farmers. That is what disturbs me constantly. The NDP members get up on these late show questions and talk about how they want to help farmers and how they want to balance what they need to do, but I wish they would do exactly the same thing when it came to voting.

The revenue cap regime was introduced in 2000 based on over a century of evidence of the shortcomings of cost-based regulations, including massive government subsidies and lack of incentives for railways to invest in infrastructure. As a result, our railways were in very poor condition.

Under previous approaches that kept rates artificially low for farmers, the railways incurred significant losses and were unable to invest in grain cars or rail lines. As a result of those heavy losses, how could they invest in those rail lines? How could farmers rely on them to be able to ship their products by this transportation method?

Substantial government subsidies were required to keep western grain transport viable, including almost $540 million for the purchase of hopper cars, $4.8 billion from 1967 to 1983 to subsidize railway losses on grain, another $1.3 billion from 1986 to 1990 to rehabilitate branch lines, and $7.9 billion to subsidize freight rates between 1982 and 1996. Who paid for this? The Canadian people paid for it.

That is why this new method is working so much better. The current revenue cap regime creates incentives for the railways to operate efficiently and to invest in their infrastructure. Rail efficiencies in recent years have actually allowed grain to be moved more quickly and smoothly than during periods of previous governments, and that includes government regulation of course.

Railways have also used efficiency gains to modernize their fleets with larger capacity grain cars, which gives a competitive advantage, and to invest in their own infrastructure and railway cars.

This Conservative government stands up for farmers. We are not going to take any lessons from the NDP.

● (1840)

Ms. Jean Crowder: Mr. Speaker, that answer is not what we are hearing from farmers. I will give an example that reflects the ongoing struggle of suppliers and farmers.

The two big railway companies, CN and CP, earn far more from handling grain than they should according to the decisions made by the Canadian Transportation Agency under the Western Grain Transportation Act.

Western farmers have no alternative to moving their grain by rail and we do not have an alternative on Vancouver Island. It is clear that the rail companies are taking advantage of this lack of competition.

The rail revenue cap on grain freight is the only remaining regulatory discipline to ensure fairness for farmers, but it is based on outdated cost figures from 1992, which is nearly 20 years ago. Things are very different today.

More important, more than 1,000 grain elevators have closed since 1992. Railway companies have benefited from such consolidation to reduce their own operating costs, but the savings have not been passed along to farmers.

When will the government order an immediate costing review to ensure that the railway freight rates are decided fairly and accurately using today's actual cost? This should not only apply to prairie farmers but also to farmers on Vancouver Island. Companies should not be able to gouge suppliers and farmers. They have to have fair rates. We need these farmers to stay in business.

Mr. Brian Jean: Mr. Speaker, absolutely. I agree 100%. We need these farmers to stay in business. That is why we have to make sure the NDP never comes to power in this country because that will not happen under its kind of leadership.

Grain farmers in western Canada, and all farmers, have been well served by the revenue cap regime for almost 10 years. Grain freight rates have stayed at or below the level of inflation over that period of time. The railways have actually shared productivity gains with grain shippers through lower rates. Since their introduction in 2000, the revenue caps of both railways have been actually reduced by 26%. I hope the member was listening to that. This gives grain farmers lower freight rates than for any other commodity.

Finally, I should also note that shipper provisions that this government brought in, in the Canada Transportation Act, provided grain shippers with tools to challenge the service rates and charges of the railways. This is a real tool for them and it is—

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

THE ENVIRONMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, on October 22, 2010 I put a question to the government. The question was to ask whether, during Small Business Week, the government would give consideration to restoring its home energy retrofit program to help small businesses in Edmonton and across the country. Consistent with the throne speech which was delivered in March of last year, the response by the minister was that the government was reviewing the entire suite of programs and would get back to Canadians.

Again today my question is: Why did the government kill the home energy retrofit program? This has harmed small businesses right across Canada. Will the government respond to our calls, and the calls of many across the country, to restore and extend this program? We have been waiting a year and we are looking for the answer, possibly today and hopefully in the budget.

The eco-energy retrofit program provided in the past, and could again provide: reduced energy consumption; energy cost savings including on home heating bills; reduced pollution and greenhouse gas emissions through reduced energy demand and generation; and reduced peak power needs, often the excuse for continued operation and permitting of outdated and polluting generators. It would provide reduced downloading of the rising energy generation and transmission costs to consumers, often the greatest cost.

People are concerned about the rising costs which they are attributing to expansion of renewable power. In fact, much larger costs can be attributed to the development of large generation facilities, such as coal-fired power and nuclear, and the massive transmission lines to ship that electricity across jurisdictions and into the United States. They would provide support to aboriginal communities living in substandard housing, often reliant on expensive energy sources such as oil.

A healthy sustainable economy requires supporting and incentivizing business opportunities in a wide array of sectors, not just the fossil fuel sector. Billions of dollars have been given in tax cuts and subsidies to the fossil fuel sector while the government has cut programs which have incentivized and triggered the expansion of energy efficiency businesses across the country, as has occurred around the world. Any kind of sound program for a healthy sustainable economy should include the emerging clean energy and energy efficient sectors, and must recognize the contributions these sectors can play and are playing in our economy.

As I had previously informed the House, I am proud of the burgeoning energy efficiency sector in my own riding of Edmonton—Strathcona for energy audits, energy retrofits on lighting and insulation, businesses manufacturing energy efficient equipment, businesses selling that equipment, consulting firms for retrofitting green construction, and energy efficiency financing. I am equally proud of the efforts taken by constituents, in the absence of federal action, to reduce their energy and environmental footprints. I laud particularly the efforts of my constituency and Edmonton-wide community leagues to reduce their costs to citizens by reducing their footprint and being energy efficient.

When can we expect action by the government to expedite funding for energy efficiency and to revise the national building code, one of the main measures that people are waiting for, and to put a price on carbon to trigger investment? We need equity for Canadian families and small business. There is $144 billion for corporate tax cuts, but nothing this year for energy retrofit companies.

In the vacuum of government action to deliver consultation on a clean energy future, as committed to in Cancun, I will be sponsoring a dialogue myself in my—

● (1845)

The Deputy Speaker: Order. The hon. Parliamentary Secretary to the Minister of Natural Resources.

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I do not know if others are as annoyed as I am with the NDP members when they oppose programs time after time and then tell us how good our programs are and that they want them to continue.

This is another example of where this government led the way, the NDP members fought it at every point and then later decided that they really liked what it is that we would do.

The Government of Canada has taken significant steps to advance the clean energy technologies that the member is speaking of and to create jobs for Canadians. Our clean energy initiatives are part of a comprehensive long-term approach to improve Canada's competitiveness and to ensure that we will continue to be a clean energy superpower and a leader in green job creation.

Since 2006 our government has committed more than $10 billion to reduce greenhouse gas emissions and build a more sustainable environment. We have invested in green infrastructure, energy efficiency, clean energy technologies and the production of cleaner energy and cleaner fuels.

We are extremely pleased with the success of our eco-energy initiatives, including the home energy retrofit program. After launching the eco-energy retrofit homes program in 2007, we expanded the program's budget under the economic action plan to a total of $745 million.

As of January 2011 over 639,000 homeowners have undertaken pre-retrofit evaluations with over 440,000 grant applications received in support of energy efficiency upgrades. This program has paid out almost $600 million to homeowners, with the average homeowner receiving a grant of more than $1,300.

Not only do these retrofits reduce greenhouse gas emissions, they have saved homeowners money by reducing power bills. In the middle of a global economic downturn, it helped create good well-paying jobs for hard-working Canadians.

This program is part of the focus of the responsible economic action plan, an overall plan that has created almost 450,000 jobs and has helped Canada weather the global economic downturn better than any country in the G7. Our wider eco-energy and clean energy initiatives are part of that plan. I am proud of Canada's energy sectors helping to lead the recovery of the Canadian economy.

However, as members know, in the last speech from the throne we committed to review our energy efficiency and emissions reductions programs just as everyone else reviews their programs. We want to make sure our programs continue to be an effective and efficient use of Canadian taxpayer dollars. In this economic climate I think we should all be on the same side when it comes to efforts to ensure the effectiveness of federal government programs.

It is important that members understand that while this review is under way, money for the eco-energy initiatives, including the home energy retrofit, continues to flow. The funding will continue until the end of this fiscal year, paying out a total of $300 million to homeowners currently in the program and it is continuing to support the home renovation industry. It is not just in the riding of the member for Edmonton—Strathcona, but across Canada that we are delivering economic and environmental benefits.

● (1850)

Ms. Linda Duncan: Mr. Speaker, as I have said on a number of occasions, I am strongly at odds with the Government of Canada and its position of what it has defined as a clean energy superpower. Worldwide, including the International Energy Agency, countries are called upon to take a two-pronged path out of the recession and address climate change, and that is to move toward cleaner and more renewable sources of power and to energy efficiency.

Clearly this government thinks that the pathway to an energy superpower is to continue to subsidize fossil fuels. Yes, it has invested billions of dollars in what it defines as clean energy, but that has been nuclear and coal-fired power. The billions of dollars the government has put into this were to subsidize coal-fired power plants so that they could potentially meet their standards and at the same time not continue the programs for home energy retrofits.

There was a bit of a stretching of the truth. Yes, the government continues to put forward money, but as of a year ago no new families could apply to participate in this program. In fact, the program essentially ended a year ago for most of the families in Canada.

Mr. David Anderson: Mr. Speaker, the real stretching is done by the member opposite who opposes basically every good initiative that we take and then later supports them.

It does not have to be that way for the citizens of Edmonton—Strathcona. If they really want an effective MP and they want to protect the small businesses in Edmonton, there is an option. There is a young guy out knocking on doors and working very hard. I want to congratulate Ryan and Lianne Hastman. They had their first baby on January 22, 2011, a little guy named Henry. I also want to acknowledge the tremendous work that Ryan has been doing in Edmonton—Strathcona. He has been out knocking on doors trying to convince people it is important for them to have a government member to represent them. He will, I am sure, be delivering the appropriate policies in the House of Commons after the next election both for energy efficiency and otherwise.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:54 p.m.)

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